Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

March 23rd, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 29th March 2017** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: **Councillor W Clarke**

Vice Chair: **Councillor J Macauley**

Members:

Councillor C Casey	**Councillor G Craig**
Councillor L Devlin	**Councillor G Hanna**
Councillor V Harte	**Councillor M Larkin**
Councillor K Loughran	**Councillor D McAteer**
Councillor M Murnin	**Councillor M Ruane**

Agenda

1. Apologies.

2. Declarations of Interest.

Minutes for Adoption

3. Minutes of Planning Committee Meeting held on Wednesday 15 March 2017. (To follow).

For Discussion/Decision

4. Addendum list - planning applications with no representations received and no requests for speaking rights. (Attached).

Addendum list - 29-03-2017.pdf ***Page 1***

Development Management - Planning Applications for determination

5. LA07/2015/0510/F - Tollymore United FC - erection of new 2-storey sports hub and demolition of existing single storey pavilion - Donard Park, Newcastle. (Case Officer report attached).

Rec: APPROVAL

LA07-2015-0510-F Andy Hall.pdf ***Page 2***

6. LA07/2016/0130/F - Niall and Frances Deery - dwelling house - land adjacent to 10 Ballydonnell Road, Tyrella, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

LA07-2016-0130-F Niall and Frances Deery.pdf ***Page 6***

7. LA07/2016/0699/F - Colin Kane - Proposed 2no broiler poultry sheds with 4no feed bins, 2no gas tanks, office and changing building (to contain in total 74,000 broilers) - Land at 123 Magherahamlet Road Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Patrick Clarke, on behalf of Mary McCann, objecting to the application. **(Submission attached - medical information to follow under separate cover)**.
- A request for speaking rights has been received from Gavin McGill, Clyde Shanks, Planning Consultants, in support of the application. Mr McGill will attend to advocate their support for the recommendation made by the Council and to answer any questions that may be directed towards the agent as a result of the presentation from objectors.

LA07-2016-0699-F Colin Kane.pdf ***Page 16***

Item 7 - submission of objection (Colin Kane Poultry sheds).pdf ***Page 30***

8. LA07/2016/0740/A - Rachael McKibben - flat plate sign to front elevation, painted sign to gable elevation - 30 Main Street, Saintfield Park, Saintfield. (Case Officer report attached).

Rec: REFUSAL

LA07-2016-0740-A Rachael McKibben.pdf ***Page 34***

9. LA07/2016/0874/F - Cedar Integrated Primary School - Erection of security fence to partial perimeter of school grounds - Cedar Integrated Primary School 29 Kilmore Road Crossgar. (Case Officer report attached).

Rec: REFUSAL

LA07-2016-0874-F Cedar Integrated P.S.pdf ***Page 40***

10. LA07/2016/1211/F - Dermot Quinn - Proposed stable block, tack room and fodder store to replace existing wooden stables - Adjacent to 11 Cuttyshane Road Killyleagh. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gerry Tumelty, agent, in support of the application. **(Submission attached).**

LA07-2016-1211-F Dermot Quinn.pdf ***Page 46***

Item 10 - submission of support (Dermot Quinn).pdf ***Page 53***

11. LA07/2016/1359/F - Mr C Ward - proposed off site replacement

dwelling and garage - 6 Magheratimpany Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Raymond McPeake, Planning Consultant, in support of the application. **(Submission attached).**

LA07-2016-1359-F Mr C Ward.pdf ***Page 57***

Item 11 - submission of support (C Ward).pdf ***Page 64***

12. LA07/2016/1381/0 - Mr & Mrs Reilly - proposed infill site for detached dwelling and garage - lands between 115 and 117 Shore Road, Kilclief. (Case Officer report attached).

Rec: APPROVAL

LA07-2016-1381-O Mr and Mrs O'Reilly.pdf ***Page 67***

13. LA07/2016/1479/F - Ciaran O'Hare - proposed dwellilng - adj to 125 Ballylough Road, Ballywillwill, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, in support of the application. **(Submission attached).**

LA07-2016-1479-F Ciaran O'Hare.pdf ***Page 75***

Item 13 - submission of support (Ciaran O'Hare).pdf ***Page 85***

14. LA07/2016/1582/LBC - Down County Museum - Temporary erection of a 1900's army hut from Ballykinler to the courtyard in Down County Museum in Downpatrick - The Mall English Street Downpatrick. (Case Officer report attached).

Rec: CONSENT

LA07-2016-1582-LBC Down County Museum.pdf ***Page 93***

15. LA07/2017/0202/F - Down County Museum - reconstruction of circa 1900's period hut - Down County Museum, The Mall, English Street, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

LA07-2017-0202-F Down County Museum.pdf *Page 97*

16. R/2015/0068/F - John Crea - Erection of single wind turbine on 30m hub,associated access and 2 No electricity cabinets. (Amended red line received) - Approx. 365 metres North West of 53 Castleward Road Downpatrick. (Case Officer report attached).

Rec: REFUSAL

R-2015-0068F John Crea.pdf *Page 101*

17. P/2015/0191/0 - D O'Hare - site for dwelling and detached garage with new access onto public road - 20 metres north east of 61 Tullyframe Road Atticall Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application. **(Submission attached).**

P-2015-0191-O D O'Hare.pdf *Page 115*

Item 17 - submission of support (D O'Hare).pdf *Page 121*

18. LA07/2015/0896/0 - Aileen Quinn - dwelling and detached garage on a farm - 150m NW of 12 Old Town Road, Cullyhanna. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Stephen O'Kane, applicant, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor T Hearty in support of the application on the grounds of personal circumstances and that he does not agree with the reasons of refusal and believes they can be overcome.

LA07-2015-0896-O Aileen Quinn.pdf *Page 135*

Item 18 - submission of support (Aileen Quinn).pdf *Page 139*

19. LA07/2016/0107/F - Aidan Strain - single storey side extension

to be used as a sun-lounge and detached garage to rear - 40 Maphoner Road, Mullaghbawn, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Seamus Murphy, agent, in support of the application. **(Submission attached).**

LA07-2016-0107-F Aidan Strain.pdf ***Page 146***

Item 19 - submission of support (Aidan Strain).pdf ***Page 151***

20. LA07/2016/1718/F - Thomas McKenna - new dwelling house and garage on infill site - site between No. 69 and 71 Cullaville Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Seamus Murphy, agent, in support of the application. **(Submission attached).**

LA07-2016-1718-F Thomas McKenna.pdf ***Page 157***

Item 20 - submission of support (T McKenna).pdf ***Page 160***

21. LA07/2016/0307/0 - Paul Ward Shelbourne Motors Ltd - Erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining showrooms. Grounds of building to make provision for vehicle display areas and customer parking - Cluain Mhuire Armagh Road Newry. Existing entrance opposite 132 Armagh Road Glassdrummond Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Seamus Fay, Planning Consultant, Paul Ward and/or Caroline Willis, Director, Shelbourne Motors Limited, in support of the application. **(Submission attached).**

LA07-2016-0307-O Paul Ward Shelbourne Motors.pdf ***Page 162***

Item 21 - submission of support (Shelbourne Motors).pdf ***Page 171***

22. LA07/2016/0501/F - Newry, Mourne and Down District Council - Road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line, Newry. (Case Officer report attached).

Rec: APPROVAL

LA07-2016-0501-F NMDDC.pdf *Page 176*

23. LA07/2016/1156/F - Ruairi McKeown - erection of dwelling and detached garage with associated site works - Lands approximately 70m North of No. 11 Carrowbane Road Belleek Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, in support of the application. **(Submission attached).**

LA07-2016-1156-F Ruairi McKeown.pdf *Page 183*

Item 23 - submission of support (R McKeown).pdf *Page 188*

24. LA07/2016/1654/F - Mr & Mrs Patrick Carr - proposed infill dwelling and domestic garage - 40m NW of 8 Trasna Road Ballintemple Killeavy Newry. (Case Officer report attached).

Rec: REFUSAL

LA07-2016-1654-F Patrick carr.pdf *Page 195*

25. LA07/2016/1659/F - Newry, Mourne and Down District Council - New modular building community centre. Accommodation to include: main hall, offices, kitchen, toilets, store, changing rooms - Land to the rear of Nos 45-51 Drumalane Park Newry. (Case Officer report attached).

Rec: APPROVAL

LA07-2016-1659-F NMDDC.pdf *Page 199*

26. LA07/2016/0429/F - Mr & Mrs D McAneany - Proposed new dwelling and garage to change from that approved under reference number P/2007/0374/RM - 50 metres north of 43

Clontigora Road Killeen. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, in support of the application. (**Submission attached).**

LA07-2016-0429-F Mr and Mrs McAneany.pdf ***Page 206***

Item 26 - submission of support (Mr & Mrs D McAneany).pdf ***Page 211***

27. P/2013/0242/F - Lotus Group and KPMG (new owner/applicant is Mr Brian McConville) - Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works - Lands at Watson Road/Dorans Hill Newry inclu

Rec: APPROVAL

- **N.B. The agent, Colin O'Callaghan, has provided written confirmation that the new applicant/owner is Mr Brian McConville of MJM Group.**
- A request for speaking rights has been received from Mr Sean Hanley, Brannock Close Residents; a representative from the Watson's Road Residents Group and a representative from Barcroft Community Association objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, on the basis that his presentation will be confined to the applicant's responses to third party concerns and a reiteration of the reasons why the Planning Department is content to approve the application.

P-2013-0242-F Lotus Group.pdf ***Page 214***

Item 27 - submission of objection (Watson's Road).pdf ***Page 233***

Item 27 - second submission of objection (Watson's Road).pdf ***Page 235***

Item 28 - third submission of objection (Watsons Road).pdf ***Page 241***

28. P/2013/0632-F - Carncastle Properties - Retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans

and description) - Lands adjacent to 20 and 25 Mullach Allann Carnagat Road Newry. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Bridget Smyth, Private Residents Association Mullach Alainn, objecting to the application. **(Submission attached).**

P-2013-0632-F Carncastle Properties.pdf ***Page 242***

Item 28 and 29 - submission of objection (Carncastle Properties).pdf ***Page 251***

29. P/2014/0286/F - Carncastle Properties - Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. (Amended plans and description) - Adjacent to 2

Rec: APPROVAL

- A request for speaking rights has been received from Bridget Smyth, Private Residents Association Mullach Alainn, objecting to the application. **(Submission as above - item 28).**

P-2014-0286-F Carncastle Properties.pdf ***Page 265***

30. LA07/2015/0443/0 - Martin McConville - site for dwelling and detached garage - 25m SE of 16 Wrack Road, Ballymartin, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application. **(Submission to follow under separate cover).**
- **N.B. This item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business.**

LA07-2015-0443-O Martin McConville.pdf ***Page 274***

For Noting

31. Local Development Plan: Preparatory Studies - Paper 10: Open Space, Recreation and Leisure.

Planning Report re LDP Paper 10 - Open Space etc.pdf *Page 287*

32. Local Development Plan: Preparatory Studies - Paper 12 (Part 1): Countryside - Landscape Character Assessment.

Planning Report re LDP Paper 12 (Part 1) - Countryside - LCA.pdf *Page 342*

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
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Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
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Cllr Michael Ruane	michael.ruane@nmandd.org
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Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 29 March 2017

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below they will be deferred to the next Committee Meeting for a full presentation:-

- **Item 5 -** LA07/2015/0510/F - Tollymore United FC - erection of new 2-storey sports hub and demolition of existing single storey pavilion - Donard Park, Newcastle. **APPROVAL**
- **Item 6 -** LA07/2016/0130/F - Niall and Frances Deery - dwelling house - land adjacent to 10 Ballydonnell Road, Tyrella, Downpatrick. **REFUSAL**
- **Item 8 -** LA07/2016/0740/A - Rachael McKibben - flat plate sign to front elevation, painted sign to gable elevation - 30 Main Street, Saintfield Park, Saintfield. **REFUSAL**
- **Item 9 -** LA07/2016/0874/F - Cedar Integrated Primary School - Erection of security fence to partial perimeter of school grounds - Cedar Integrated Primary School 29 Kilmore Road Crossgar. **REFUSAL**
- **Item 12 -** LA07/2016/1381/0 - Mr & Mrs Reilly - proposed infill site for detached dwelling and garage - lands between 115 and 117 Shore Road, Kilclief. **APPROVAL**
- **Item 14 -** LA07/2016/1582/LBC - Down County Museum - Temporary erection of a 1900's army hut from Ballykinler to the courtyard in Down County Museum in Downpatrick - The Mall English Street Downpatrick. **CONSENT**
- **Item 15 -** LA07/2017/0202/F - Down County Museum - reconstruction of circa 1900's period hut - Down County Museum, The Mall, English Street, Downpatrick. **APPROVAL**
- **Item 16 -** R/2015/0068/F - John Crea - Erection of single wind turbine on 30m hub,associated access and 2 No electricity cabinets. (Amended red line received) - Approx. 365 metres North West of 53 Castleward Road Downpatrick. **REFUSAL**
- **Item 22 -** LA07/2016/0501/F - Newry, Mourne and Down District Council - Road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line, Newry. **APPROVAL**
- **Item 24 -** LA07/2016/1654/F - Mr & Mrs Patrick Carr - proposed infill dwelling and domestic garage - 40m NW of 8 Trasna Road Ballintemple Killeavy Newry. **REFUSAL**
- **Item 25 -** LA07/2016/1659/F - Newry, Mourne and Down District Council - New modular building community centre. Accommodation to include: main hall, offices, kitchen, toilets, store, changing rooms - Land to the rear of Nos 45-51 Drumalane Park Newry. **APPROVAL**

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**2**			
APPLIC NO	LA07/2015/0510/F	Full	**DATE VALID**	19/06/2015
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Andy Hall - Secretary Tollymore United FC 7 Slievecoole Park Newcastle BT33 0JB		**AGENT**	Tracey Architects 29 Clarendon Street Derry BT48 7ER 02871364202
LOCATION	Donard Park Newcastle Co Down BT30 6SR			
PROPOSAL	Erection of new 2-storey sports hub & demolition of existing single storey pavilion			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	1	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

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Application Reference: LA07/2015/0510/F

Date Received: 19th June 2015

Proposal: Erection of new two storey sports hub and demolition of existing single storey pavilion.

Location: Donard Park, Newcastle Co Down.

Site Characteristics & Area Characteristics:

The site in question is located to the rear of existing development on existing playing fields on flat lands at the foot of the Mourne Mountains. There is an existing small building on the site functioning as a changing room and the site is fenced off. To the NE of the site is an apartment block.

The area is located within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015. The area is within the development settlement limits of Newcastle as defined in the Ards and Down Area Plan 2015 and is in close proximity to the main retail core of Newcastle. The site is also within the Mourne AONB and is also lands zoned as existing recreation and open space as defined in the Ards and Down Area Plan 2015.

Site History:
LA07/2015/1043/F – 111 Central Promenade, Newcastle – conversion of existing building to 5 apartments (including retention of existing ground floor apartment and parking for 3 cars to the rear – pending

R/2010/0488/F – Donard Car Park, Newcastle – Provision of reinforced grass to existing area of open space and entrance feature and interpretation boards – 31-05-2011 – granted.
R/2006/1100/F – Proposed new 2 storey sports pavilion including demolition of existing single storey pavilion and creation of new vehicular access and service route – 6-02-2007- granted.
R/2009/0056/F – Proposed new 2 storey sports pavilion including demolition of existing single storey and creation of new vehicular service access route – application withdrawn.
R/2007/0936/TPO – Donard Park, Newcastle – TPO confirmed
R/2005/0070/F – 24-26 Bryansford Road, Newcastle – Residential development (12 apartments and 3 dwellings with associated car parking and amenity – granted – 23-06-2006

Planning Policies & Material Considerations:
Ards and Down Area Plan 2014, PPS 3 Access, Movement and Parking, PPS 8 Open space, sport and outdoor recreation and SPPS.

Consultations:

- Rivers Agency – initially responded requesting the previous Flood Risk Assessment that was submitted previously. This was submitted and a further response was received with advice for the applicant. Following several requests for the appropriate submission information was received and Rivers Agency responded 25th February 2017 with no objections.
- NIEA – Archaeology and Built Heritage responded with no objections.
  Coastal Development also had no objections
  Natural Heritage and Conservation Areas – no object
- NI Water – No objections
- Transport NI – No objections

Objections & Representations
74 neighbour notification letters have been sent with one objection being received. The application was advertised 08-07-2015 which expired 22-07-2015.
The 2 letters of objection have been received one was from the owner/occupier of 12 Roslyn Place and one from the owner/occupier of 7 Roslyn Place and was on the following basis:

- concern with the scale of the new building in comparison to the apartment block.
- The proposal may impact on light on the apartment block and there is ample land to allocate the building further away.

Consideration and Assessment:
This application is the same as the previously approved scheme previously approved under R/2006/1100/F which was approved on 6th February 2007. The 2 storey sports hub proposed is located in the same position and is to be constructed to the same design as previously approved. The apartment block located to the NE of the site was approved 2006 and therefore would have previously been considered in relation to the previous approval in 2007.

It is noted that the red line of the application site has been amended to include the access point, not previously included within the red line.
The application is in keeping with policy, it does not identify clearly with any one policy in PPS 8 however is in keeping with SPPS.
It is also noted that the proposal will not have any demonstrable impacts on the surrounding developments, and in particular the apartments Roslyn Place occupy. It is noted that while the proposed stadium is a greater scale than the existing it is located further from the development and while there may be an element of impact on light at particular times it is not likely to be demonstrable and would not be so great as to require the moving of the block or a refusal of planning permission.

Previously the building has been noted as red brick, on this application the finish has been noted as facing brick with the bottom plinth highlighted as red brick. The facing brick can be conditioned to be red if necessary.

Consultations carried out have satisfactory responses. NIEA had indicated that if there was the possibility of Bats roosting on the building to be demolished then a bat survey would be required, there have been no reports of Bats being active at the building and no physical indication of bats present and using the building. Given that the building is located adjacent to lit grounds with limited planting and corridors it is not considered necessary to carry out any additional works in relation to Bat activity. The onus would be on the developer to ensure that if bats were discovered during demolition that the relevant actions are taken to ensure a priority species is not impacted upon.
There has been no significant policy change or physical change on the ground and therefore this application can be approved. The introduction of SPPS does not impact negatively on the application outcome.

Recommendation:
Approval

Conditions:

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

- The existing pavilion coloured green on plan LA07/2015/0510/01 date stamped 19th June 2015 shall be demolished within 6 weeks of the building hereby approved becoming operational.

Reason: To preserve the amenity of the area.

Case officer:

Authorised by:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**5**			
APPLIC NO	LA07/2016/0130/F	Full	**DATE VALID**	28/01/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Niall and Frances Deery Deep Well Farm 63 Killynure Road West Carryduff BT8 8EA		**AGENT**	Niall Deery RIBA MRIAI Chartered Architect Deep Well Farm 63 Killynure Road West Carryduff BT8 8EA NA
LOCATION	Land adjacent to 10 Ballydonnell Road Tyrella Downpatrick			
PROPOSAL	Dwelling house			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

3 The application is unacceptable as insufficient information has been submitted regarding a flood risk assessment of the site to enable the Authority to make an informed decision on the proposal.

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Application Reference: LA07/2016/0130/F

Date Received: 28.01.2016

Proposal: The application is for full planning permission for a dwelling at land adjacent to 10 Ballydonnell Road, Tyrella.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.

Site location plan

Site Characteristics & Area Characteristics:

The site is located off the Ballydonnell Road and is accessed via an existing field gate. The proposed access cuts through an existing agricultural field. The proposed dwelling is situated approx. 150m back from the Ballydonnell Road. The land gradually falls to the rear of the site where the dwelling is proposed. The field boundaries consist of native hawthorn hedging and the dwelling is cut from the larger agricultural field where the remaining boundaries are undefined. The area is rural in character with a dispersed settlement pattern exists.

Site History:

R/1998/6139 Ballydonnell Road Development Of Land Ballydonnell Road Tyrella

R/1998/1074 10 Ballydonnell Road Tyrella
Extension To Dwelling And Conversion Of Outbuilding To Form Additional Family Accommodation With Alterations Permission Granted

R/1999/0127 Lands Adjacent To Former Rectory At 10 Ballydonnell Road Tyrella Dwelling Permission Granted

R/2004/0242/F 10 Ballydonnell Road, Glovet, Downpatrick, Northern Ireland, Bt30 8en Garage Permission Granted 30.07.2004

R/2005/1605 - Land Adjacent To 10 Ballydonnell Road, Tyrella, Downpatrick Dwelling – Appeal Dismissed 2006/A0621 2006/A0654

R/2009/0346/F Farm Dwelling At Site 40m North Of 14 Ballydonnell Road, Downpatrick, Co Down, Bt30 8en. (Amended Site Address). Farm Dwelling With Garages And Stables. (Amended Plans) Permission Granted 21.09.2011

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21. The application site is hydrologically connected to Murlough SAC/ASSI (hereafter referred to as designated site) which is of international and national importance and is protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Consultations:

NI water – No objections
Transport NI – No objections subject to conditions
NIEA Water management – No objections
NIEA Archaeology and Built Heritage – no objections
NIEA – Natural Heritage -
Shared Environmental Services - Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

DAERA – Yes the business No has been in existence for more than 6 years. New Orgainic Farm Payment 2010,2011,2012, SFP - 2015, 2016

Objections & Representations

In line with statutory requirements six neighbours have been notified on 09.02.2016. The application was advertised in the Mourne Observer and the Down Recorder on 17.02.2016.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals.
Other than an update in the definition of what constitutes "*agricultural activity*" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: *'Sustainable Development in the Countryside'* (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form and farm maps, site location plan, site plan, and proposed floorplans and elevations have been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (previously known)) business ID number along with other evidence to prove active farming over the required period.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and the applicant has had a business ID number for more than 6 years, however, single farm payment or similar has not been claimed within the last 6 years DAERA New Orgainic Farm Payment 2010,2011,2012. However, further consultation with DAERA after further information had been submitted by the applicant that SFP has been claimed in 2015 and 2016.

The policy, however, allows for other evidence to prove active farming over the required period. The onus therefore lies with the applicant to demonstrate that the farm business is both active and established, the submission of tax returns one in 2008/2009 and one for 2013/2014 and the 3 years of Organic farm payments would not be sufficient. The applicant was therefore afforded another opportunity to demonstate that the farm is both active and established. The applicant sent in the remaining tax returns for the 6 year period and two acknowledgement letters from DARD that SFP was claimed in 2014/15 and 2015/16. The farming activity over the last 8 years was summarised as follows:

Horse livery (keeping of animals for farming purposes, maintaining area suitable for grazing), goat grazing rearing and milking, rearing chickens for organic free-range egg production, growing agricultural products – organic herbs, providing herbal treatments to clients. No other evidence in terms of receipts/invoices etc were presented.

The total area of land is 7.48 ha. The majority of this land is at Killynure and Ouley, Carryduff with 2.82ha at the Tyrella site. On the P1C form the applicant states that this portion of land had been let out in conacre but now they want to farm the land themselves. By virtue of land let in conacre, it has not been actively farmed by the applicant's farm business.

On the basis of the above information it has not been demonstrated that the farm business has been active and established for 6 years.

In addition, there are buildings at 63 Killynure Road West, Carryduff which is the registered address for the Deep Well Farm. The applicant states that they now want to farm that land at Tyrella. There are no buildings on the land at Tyrella where the site is proposed to be located, therefore the proposal offends PPS 21 CTY 10 (c). The applicant has stated in this supporting statement that the land at Tyrella has been let in conacre since it was purchased in 2009 and this conacre agreement continued with the local farmer Mr Rea. While this land at Tyrella may be currently actively farmed (it is being done so on the basis of being part of Mr Rea's farm business and not the applicants farm business.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Having undertaken a history search of the land owned on the submitted DARD farm maps I am satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10.

Criterion (c) of CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. It goes on to say that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)". There are buildings associated with this farm business and these are located at Killynure Road West, Carryduff. There are no buildings at Tyrella where the proposed dwelling is to be sited, therefore it offends part © of CTY 10.

. Therefore there are no buildings to visually link or cluster with which is contrary to CTY 10.
Accordingly on the basis of the information provided to date for the application site and adjoining fields, this proposal does not appear to comply with point a) and point (c) of CTY10.

Design and Scale

Policy CTY 13 - Integration and Design of buildings in the Countryside

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.

The dwelling is set back from the Ballydonnell Road approx. 150 -160m and due to the natural contours of the site, there would be minimal views of the dwelling from the public road.

Design: The dwelling has a ridge which measures 6m in height which would be acceptable. Finishes to the dwelling include the roof to be finished with natural slates, external walls to be finished with rendered walls, these would all be deemed suitable for the rural locality. The site makes good use of the existing contours of the site. The design of the dwelling is appropriate of the site and its locality.

In consideration of the proposal, consideration will be given to CTY 13 of PPS 21 which is applicable. Paragraphs 5.71 to 5.74 of the amplification text deals specifically with proposed accesses and other ancillary works. In particular paragraph 5.72 requires that a new access drive should as far as practicable, run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures. Access driveways should respect site contours and cross them gently. Sweeping driveways which create a suburban emphasis and access arrangements, will not be acceptable. The access laneway serving the dwelling would cut right through the field and would not run unobtrusively along the existing field boundaries. This issue was raised with the applicant and he has submitted a sketch drawing showing the access running closer to the northern boundary and accessing at the same field gate point. The driveway is indicated as being loosely stoned in local granite pebbles. The hawthorn hedgerows are to be re-instated to the back of the sightlines. No formal garden is shown to front the road. This proposed driveway would be more acceptable and would comply with CTY 13.

Landscaping: The site plan indicates woodland planting to the east and northern boundaries with a woodland mix to the west of the site. Planting is also proposed in the agricultural field to the south of the site, outside the red line and therefore outside of the proposed curtilage.

There are no buildings to cluster the dwelling with as per CTY 10, however, notwithstanding this, a dwelling on the site would be integrated into the landscape given its set back off the road, low ridge height, and the topography of the land as per CTY 13.

Access, Movement and Parking

Transport NI have offered no objections to this proposal. It is also considered that sufficient provision has been made parking and turning within the site.

Impact on Residential Amenity

The dwelling is considered to be sited a sufficient distance from the adjacent dwelling at No 10 to prevent any unacceptable impacts.

Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. In this case the dwelling on the site would be not unduly prominent in the landscape. A new building sited will not have a detrimental impact to the rural character of the area.

Policy CTY 16 - Sewerage

The proposal will be served by a septic tank and soakaway system within the red line.

PPS 15 – Planning and Flood Risk

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

The Strategic Flood Map (NI) indicates that the site lies within the 1 in 100 year fluvial flood plain. A Flood Risk Assessment would be required by Rivers Agency that will verify the more accurate extent of the floodplain. Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy, under PPS 15, Annex D, paragraph D4. Since the application was being refused on principle, it was deemed not to put the applicant to the expense of providing this. The applicant is however, aware of the issue and feels that he can address this if required if the principle of a dwelling was acceptable. However, at present, insufficient information has been presented in order to make an informed decision on the application.

Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal is not acceptable in this countryside location for the attached reasons

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

3. The application is unacceptable as insufficient information has been submitted regarding a flood risk assessment of the site to enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

Reconsideration following applicant's submission of further information on 31/10/2016 and 22/12/2016

The latest further information submitted by the applicant was discussed again at an internal group meeting with the same opinion to refuse the application. The information that was submitted would still not demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years and therefore would still not demonstrate that the farm is currently active and established for the required period. Thus the previous reasons for refusal still stand this is based on the application being contrary to SPPS, PPS 21 namely CTY 1 and CTY 10. In addition as the issues regarding PPS 15 cannot be resolved it would also be contrary to PPS 15 - FLD 1.

C Moane

10/03/2017

ITEM NO	**9**			
APPLIC NO	LA07/2016/0699/F	Full	**DATE VALID**	23/05/2016
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Mr Colin Kane 101 Ballymacarn Road Ballynahinch BT24 8JS		**AGENT**	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN 02886763515
LOCATION	Land at 123 Magherahamlet Road Ballynahinch BT24 8LA			
PROPOSAL	Proposed 2no broiler poultry sheds with 4no feed bins, 2no gas tanks, office and changing building (to contain in total 74,000 broilers)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	20	0	1		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			80	80	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0699/F

Date Received: 23.05.2016

Proposal: The application is for full planning permission for Proposed 2no broiler poultry sheds with 4no feed bins, 2no gas tanks, office and changing building (to contain in total 74,000 broilers) at land at 123 Magherahamlet Road Ballynahinch.

Location: The application site is located outside the settlements in the open countryside as designated in the Banbridge/Newry and Mourne Area Plan 2015. Part of the access lies within the AONB.

Site location plan

Site Characteristics & Area Characteristics:
The application site is located just off the Magherahamlet Road, down an existing laneway where there is an existing cluster of agricultural buildings there at present. The site as outlined in red, extends to include the area surrounding the existing sheds. The laneway is at present treelined with a number of trees at the northern part of the laneway. There is a hedgerow which extends in SE direction encompassing another smaller outbuilding to the east of the cluster. The agricultural field is quite open at this point. The land falls gently when coming from the Dundrum Road towards the Magherahamlet Road in a SE direction. The site also falls slightly when moving from a west to east direction and from the site towards the roadside moving in a north to south direction. There is currently a mature roadside boundary which helps screen the site.

Site History:
LA07/2016/0317 – land at 123 magherahamlet Road – 4 broiler sheds – returned as invalid
Q/2010/0042/F Adjacent to 123 Magherahamlet Road, Ballynahinch Erection of farm dwelling and garage PERMISSION GRANTED 20.04.2010

Q/2009/0328/O 123 Magherahamlet Road, Dunbeg Upper, Ballynahinch Site for replacement dwelling and garage PERMISSION GRANTED 20.11.2009

Q/2009/0327/O Opposite No 64 Magherahamlet Road Ballynahinch
Site for replacement dwelling and garage PERMISSION GRANTED 18.11.2009

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Banbridge/Newry and Mourne Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

Policy CTY 1 Development in the Countryside

Policy CTY 12 Agricultural and Forestry Development.

Policy CTY 13 Integration and Design of Buildings in the Countryside

Policy CTY 14 Rural Character

Consultations:

NI water – No objections
Transport NI – No objections subject to conditions
NIEA Water management – No objections
NIEA – NED – no objections
DAERA – no objections subject to PPC licence
DAERA Veterinary Service Animal By-Products – no objections
DAERA Veterinary Service – no objections
Rivers Agency – no objections
Environmental Health – no objections as subject to NIEA PPC licence

Objections & Representations
In line with statutory requirements 2 neighbours were initially notified on 05.07.2016 and following amended plans on 26.10.2016. The application was advertised in the Mourne Observer and the Down Recorder on 15.06.2016. Twenty one letters of objection (some from which were from the same address) and a petition with 80 signatures on it have been received to date. One letter has been received following the receipt of amended plans with no further objections.

Consideration and Assessment:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

Environmental Impact Assessment
The application falls within Schedule 2 1c - The carrying out of development to provide for intensive livestock installations (unless included in Schedule 1). It is considered that the impact of the proposal can be fully assessed via the normal planning and consultative process and subject to meeting the relevant policies, that any necessary mitigating measures can be agreed during the assessment of the application to ensure that there are no adverse impacts on the environment and local population. The likely environmental effects are not considered so significant to warrant and Environmental Statement.

PPS 21 – Sustainable development in the Countryside

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is agricultural development in accordance with PPS 21 policy CTY 12. The latter indicates that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. CTY 12 refers to development on an active and established holding. The Justification and Amplification section states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY10.

Policy CTY10 advises that

-the farm business is currently active and has been established for at least 6 years;

The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding.

Details of this farm business accompany this application including form P1C which has details of the farm business number and maps to accompany the farm business. DARD (Now DAERA) has confirmed that the business is active and has been established for at least 6 years. Therefore the applicant has an active and established farm business. The applicant has provided additional information that this proposal is in line with 'Going for Growth' strategic plan prepared by the NI Agri - Food Strategy Board and Moy Park farm expansion programme. Moy Park has embarked on the broiler expansion programme. This opportunity is open to existing poultry growers whereby they can avail of an Agri-Food Loan Scheme available to broiler producers in NI. The applicant is an existing Moy Park grower.

b) It is appropriate to the location in terms of character and scale.

The proposal is for two proposed poultry sheds which are linked together via a covered metal link (which allows pedestrian access to both sheds without having to walk outside) which are accommodated in an existing agricultural field adjacent to a number of agricultural outbuildings. The proposal also includes 4No. feeder bins, 2No gas tanks and an office and changing building. The office and changing building measures approx. 4.3 x 7.9m. There is an area of hardstanding which allows a turning area for larger HVG type vehicles. The proposal involves widening of the existing laneway. The poultry shed is long in nature, with each unit measuring approx. 85.7m in length by 8m in width. It is of low profile measuring 2.9m to the eaves and an overall height of 5.6m. Given the nature of this building, and the fact that it is typical of the rural area and to be built adjacent to the existing farm buildings, the proposed development is considered appropriate to the location. The materials and finishes include smooth render blockwork, juniper green cladding and brick facing blockwork on the plinth, these materials are sympathetic to the rural area. The prevalence of these types of poultry sheds in the rural is becoming more and more widespread, and it would not be unusual to find this type of building in the rural area.

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

The views of the site would be limited to the immediate road network from Magherahamlet road and along Drumkeeragh Road. When approaching the proposed development from the west, the existing hedgerows do help to screen the proposal along with the existing cluster of buildings and the treelined laneway on the west side. Passing the frontage of the site, the proposed buildings will have a greater visual impact in the landscape than the smaller scale agricultural buildings that are there at present. The proposal will also see the removal of some mature

trees within the site. The existing mature trees along the laneway are to be retained and would help aid the integration of the proposal when approaching from the west. No additional planting along the new proposed boundaries of the poultry has been proposed. In some cases, planting may be essential to the acceptability of a development proposal. The setback of the existing sheds in order to protect the existing field boundary would also be a consideration, however, it would mean that the proposed sheds are further removed from the existing cluster of sheds, it would however, be outside the remit of this application given the extent of the red line and therefore the application proposal as it stands has to be fully considered in its current form.

On balance, however, with additional planting along the boundary of the site on land controlled or owned by the applicant this would enhance integration, as there would be limited backdrop. This can be controlled by condition. As mentioned the proposal will have a greater visually impact on the landscape. However, given the low profile nature of the building , it is considered that the form of, and finishes to, the building are not out of keeping or incongruous in the rural area, this combined with its set back from the road and the fact that these types of buildings are now typical in the rural area, the impact would not be so detrimental as to warrant a refusal of the proposal. A landscaping condition requiring full planting would therefore need to be used in this case.

The application site is within 7.5 km of Black Lough (Down) ASSI and Slieve Croob ASSI (referred as designated sites) which are of national importance and are protected by The Environment (Northern Ireland) Order 2002.

The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. Therefore, NIEA has no concerns about the proposed development on designated sites provided a condition is imposed on any decision notice.

The application was also considered by water management unit who are content with the proposal subject to a condition regarding all mitigation and disposal methods for poultry litter.

Due to the size of the poultry housing which has capacity to house 74,000 birds, the applicant will require a permit under the Pollution Prevention and Control (Industrial

Emissions) Regulations (NI) 2013 (The PPC(IE) Regulations). This would have to be obtained prior to first operating the instalment at a capacity over 40,000 bird places and can be conditioned as such. NED (Natural Heritage Division) recommended that the applicant complete the NI Biodiversity Checklist particularly in relation to protected species as the development will involve the removal of a hedgerow and the potential impact to a building for bat roosting potential. The biodiversity checklist was submitted along with additional supporting information by way of an ecology report which concluded that the proposal will not involve the loss of NI priority habitat. NED have no further objections to the proposal in terms of this aspect.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

In the case where a new building is proposed the following points should be met:

There are no suitable existing buildings as poultry units need to be a particular size and shape.

The design and materials are sympathetic to the locality.

The poultry houses are of a simple design and buildings of this style are characteristic of the rural area.

The nearest residential properties are approx. 155m (No 64 Magherahamlet Road) and 180metres (No 82 Drumkeeragh Road) and of the proposed development.

A number of objection letters have been received in relation to the proposal. Twenty one letters of objection (some from which were from the same address) and a petition with 80 signatures on it have been received to date. One letter has been received following the receipt of amended plans with no further objections.

The objections raised in the letters of objection vary from each objection but the following is a general analysis of the issues involved and the concerns highlighted by the objectors.

-Road safety – infrastructure not sufficient to deal with the traffic associated with this proposal. The haulage route goes into another Council area.

- Health issues and associated dust – airborne dust generated from this intensive poultry rearing which would be hazardous to human health. Consideration should be given to adequate management of waste products – litter etc

- Odour – impact on air quality and odour likely to be experienced by nearby residential receptors, will vary dependent on a wide range of variable factors such as weather conditions (wind direction, temperature, atmospheric pressure, humidity, precipitation), number of birds on site, life stage of birds, length of time doors are opened, cleaning of units, volume of litter requiring removing

-pollutants – chicken farms produce pollutants, manure and wastewater which are all produced on chicken farms

- Noise – including traffic generated, deliveries, ventilation fans

- Outbreaks of Disease – potential threat of diseases associated with large scale poultry rearing

- Residential Amenity – proposal would have significant adverse effects on the residential amenity of neighbouring properties in terms of dust, odour, noise and vermin/pest disturbances

- Visual Impact – large scale proposal which is out of keeping with the local rural landscape. Proposal on edge of AONB and overall scale, mass and design fails to respect the area. Unduly prominent, does not respect traditional pattern of settlement in the area, impact of ancillary works would damage rural character.

- Environmental Concerns - Destruction of long established boundaries and the impact on loss of habitat.

- Cumulative impact – in association with other nearby intensive livestock units approved under R/2014/0317/F and other alleged unauthorised units.

- Absence of EIA determination

- 'red line' does not include swales and soakaway for the septic tank

- absence of waste plan for the demolition and removal of the existing buildings

- Not sustainable development- restricted job creation –economic benefits do not outweigh the environmental concerns

-Animal welfare – the keeping of these broilers is not a humane way of rearing poultry

- proposal not necessary for the efficient use of the farm holding

- No overriding reasons why this development is essential at this rural location.

- Lack of Community input and engagement

A Transport Assessment has been submitted with the proposal. Transport NI have been consulted regarding the proposal, they have been made aware of the letters of objection received and have no objections to the proposal. The adjoining Council area were also consulted with regard to the haulage route going through their Council area. Having considered the issues, they also had no objections to the proposal.

Environmental Health, who are normally the body responsible for the investigation of any noise or odour complaint, have indicated that in this case because of the type of proposal, it is the Northern Ireland Environment Agency (NIEA) who are responsible

for permitting this process under the current Pollution Prevention and Control (PPC) regime; therefore conditions for the control of odour and noise should be contained within any such permit granted by the NIEA.

An Air Quality Impact Assessment (16th May 2016) was submitted with the application which assessed the potential impact of ammonia emissions on the following designated sites within 7.5km of the proposed poultry sheds; Black Lough (Down) ASSI, Ardglass ASSI, Slieve Croob ASSI. Ardglass ASSI and Slieve Croob ASSI have been designated for their earth science features. It is considered due to the nature of the features that they are unlikely to be affected by ammonia emissions from the proposed farm. The Process Contribution has been calculated as <1% for Black Lough (Down) ASSI. Concentrations below 1% are viewed as unlikely to have a significant effect on sensitive environmental receptors. NED recognises that planning application (R/2014/0317/F) was approved in 2014 and has been considered in the cumulative assessment for Black Lough (Down) ASSI. The other two poultry sheds highlighted within several objection letters were constructed pre-2009 and therefore would have been accounted for in the pre-2012 background levels.

Litter utilisation information was also submitted with the application stating 'this application is for two broiler houses that will hold 74,000 birds. The volume of litter produced would be 1.2 tonnes per thousand birds per crop and the houses would produce 6.5 crops per annum. Total litter produced annually calculated as 577.2 tonnes for the site. This will be deducted from Moy Park's total outlet capacity of 80,818 tonnes of litter which is made up of landspreading in the Republic of Ireland, combustion for energy production and disposal via Anaeroblic Digestion. No litter is to be landspread in Northern Ireland. This litter will be utilised according to the Moy Park's updated Litter Utilisation Strategy as agreed with NIEA on 4 November 2015. Should this arrangement alter in future, a more suitable alternative arrangement will be agreed with NIEA. Furthermore, NIEA will be informed of any changes to the agreed outlets and made aware of any new outlets and their associated capacities (tonnes). Litter will be cleared from the site at the de-population stage and immediately transported to the relevant end user.'

A farm Management Plan has also been submitted with the application in terms of dealing with odour and noise complaints. The control of our and noise would therefore be contained within any permit which would be granted by NIEA.

With the measures in place it is considered that this proposal will not have a detrimental impact on the amenity of nearby residential dwellings.

Other considerations

Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As mentioned above under point, the retention of existing vegetation boundaries and the planting of bands of specimen trees and beech hedging (one of each side of the

proposed shed) will help the proposal to visually integrate into the surrounding landscape and is an appropriate design.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

Views of the poultry house will be restricted to a few residential properties near the site. The character of this area will still remain rural and the proposal will not cause a detrimental change to the rural character of this area.

Having considered the above policy and weighed up all the material considerations, it is my opinion that this application should now be recommended as approval, subject to necessary conditions.

Recommendation:
Approval

Conditions:

1. As required by Section 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. LA06/2016/0699/02 bearing the date stamp 23 May 2016, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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 to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, 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. The applicant must adhere to all mitigation and disposal methods for poultry litter generated by this proposal as detailed in Moy Park's updated Litter Utilisation Strategy as agreed with the Northern Ireland Environment Agency (NIEA) on 4th November 2015. Should this arrangement alter in future, a suitable alternative arrangement will be agreed with the NIEA.

Reason: To ensure that the poultry litter arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment.

5. Twenty four hours prior to demolition, the existing buildings on the site shall be checked for bat presence and all demolition works shall be monitored by a recognised bat expert. A report shall be submitted to the Planning Authority within 2 weeks.

Reason: To ensure protection to bats and their roosts.

6. The existing natural screening of the site as indicated on drawing No LA07/2016/0699/02 bearing the date stamp 23 May 2016, shall be retained unless necessary to prevent danger to the public in which a full explanation shall be given to the Council in writing within 21 days.

Reason: To ensure the maintenance of screening of the site.

7. During the first available planting season after the occupation of the building for its permitted use, native species hedgerow and trees shall be planted along the boundaries of the site as indicated A-B, B-C, C-D on drawing No LA07/2016/0699/02 bearing the date stamp 23 May 2016. Trees and shrubs dying, removed or becoming seriously damaged within 5 years of being planted shall be replaced the next plantings season with others of similar size and species unless the Council gives written consent to any variation.

Reason: In the interests of visual amenity.

Case Officer Signature

Date

Appointed Officer Signature

Date

Fw: Poultry Houses - Magherahamlet Road - LA07/2016/0699/F

P CLARKE to Collette McAteer, Collette McAteer, democratic_services@newryandmourne.g

Cc Patrick Clarke, Mary McCann

I have been contacted by Mary McCann who expressly wishes me to speak on her behalf at the forthcoming planning meeting next Wednesday 29th March due to my prior involvement as a former Councillor on this planning application which I have also strenuously opposed . The contents of the email below from Mary McCann to me will be used in my remarks to the planning committee.

Please advise me accordingly

Patrick Clarke. LL.B
Mobile 07716258943

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, March 17, 2017, 5:03 pm, Mary McCann <marymccann82@hotmail.co.uk> wrote:

Dear Patrick,

Further to my telephone call this morning, the Planning Application Ref is: LA07/2016/0699/F.

Ultimately my objective is to exhaust every possible avenue in order to get planning permission for this development refused.

Myself nor none my neighbours support this proposal in any way.

Mine and my neighbours concerns have previously been outlined and submitted to the Council as letters of objections - but ultimately the letters have had little to no influence upon the Planners decision to recommend approval.

When initial objections made by myself and my husband were submitted to the Council on 23rd June 2016 they were accompanied by two letters from separate GP's (please see attached). These letters were never made available on the NI Planning Portal. I am aware the Council often redact such personal information, however it is unclear if the significant content of these letters were considered by the Planner in reaching their decision.

In comparison to other proposals to be discussed at the meeting on the 29th March it is difficult to understand why so many low risk, unoffensive developments with no objections - such as single domestic dwellings are routinely been refused by the Council, yet such large scale developments with numerous significant risks and objections such as this intensive poultry unit are been approved.

The overall nature and scale of this development is unacceptable. It is worth noting that previous planning permission was granted on this site for a domestic dwelling - the planning permission has now expired. Myself nor my neighbours had no issues or reasons to object to the proposal of a dwelling on the land as in all accounts it was 'acceptable/reasonable development' for which we had no concerns with. There is no relative comparison between a dwelling and two poultry houses for 74,000 birds.

Surely potential sound planning reasons for refusing this application include;

1. In March 2016 an initial planning application LA07/2016/0317/F was made at 'Land at 123 Magherahamlet Road Ballynahinch BT24 8LA' for 'Proposed 4no broiler poultry sheds with 8no feed bins, 2 no gas tanks, and an office and changing building. (To contain in total 148000 broilers)'. Neighbour notification letters were issued and myself and neighbours submitted letters of objections. LA07/2016/0317/F was then 'withdrew' as it was found the scale of this development resulted in the application being classified as 'major development' and required a Preplanning Application Notice and a 12 week public consultation. The P1 form for LA07/2016/0699/F makes no mention or reference to LA07/2016/0317/F.

I firmly believe this current planning application LA07/2016/0699/F is a half measure of LA07/2016/0317/F and a fundamental loophole were two 'half sized' applications for 2 sheds each containing 74,000 birds will ultimately allow the applicant two planning applications to achieve the 4 sheds and space for the 148,000 birds that were originally applied for - while avoiding the need for any Preplanning Application Notice and public consultation. Surely this is undemocratic, morally wrong and not the sort of thing Newry, Mourne and Down Council want to be promoting and actively encouraging as a clear loophole towards obtaining planning permission.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the proposal, if permitted, would be unduly prominent in the landscape and cause a detrimental change to the rural character of the area in that:

-the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
-the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
- and would therefore result in a detrimental change to further erode the rural character of the countryside.

3. The development would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 (b) of the Departments Planning Policy Statement 18, in that the development will have an unacceptable adverse impact on the visual amenity or landscape character of the area.

5. The proposed building is a prominent feature in the landscape.

6 . The ancillary works do not integrate with their surroundings; the proposed building fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop.

7. The development does not respect the existing development pattern along the frontage in terms of size, scale, siting.

8. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

9. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. The applicant has numerous existing poultry sheds located on the Ballymacarn Road - there is no reason why additional sheds could not be located at the Ballymacarn Road site.

10. The development includes the removal of significant areas of mature trees and established hedgerows. No mitigation measures have been proposed to compensate for or replace destruction to natural habitats.

Best regards,

Mary McCann

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO **10**

APPLIC NO LA07/2016/0740/A Advertiseme **DATE VALID** 07/06/2016

COUNCIL OPINION **REFUSAL**

APPLICANT Rachael McKibben 30 Main Street
Saintfield
BT24 7AB

AGENT William Shannon
Architect Studio
27
Middle Road
Saintfield
BT24 7ID

NA

LOCATION 30 Main Street
Saintfield Park
Saintfield
BT24 7AB

PROPOSAL
flat plate sign to front elevation, painted sign to gable elevation

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

1 The advertising proposed under this application relates to a business that is operating with unauthorised use and therefore cannot be granted consent.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0740/A

Date Received: 07.06.16

Date of site visit: 13.06.16

Proposal:
The Council has received an Application for Consent to Display an Advertisement namely three signs permanently fixed to the external façade of number 30 Main Street, Saintfield.

Location: 30 Main Street Saintfield

Characteristics of site:
The site is located at No.30 Main Street which is a large end terrace building on a corner site at junction of Main Street and Downpatrick Street. This site is quite prominent at a busy road intersection in the centre of Saintfield. The building has three storey front elevation fronting onto Main Street and three storey gable elevation, stepping down to two storey and then one storey fronting onto Downpatrick Street. This terrace is sited in a mainly commercial area with some residential dwellings nearby.

Characteristics of area:
The site is located within the settlement limit of Saintfield and in the town centre. This site is within an Area of Archaeological Potential and Conservation Area. It is located alongside a protected route and near Local Landscape Policy Area 6 as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/015a.

Site History:
R/1996/0658/ 28 Main Street, Saintfield
Change of use from dwelling and yard to retail/commercial premises
Permission granted – 07.06.2004
R/1996/0657/ 28 Main Street, Saintfield
Change of use from dwelling and yard to retail/commercial premises
Permission granted.

LA07/2015/1151/A 24 Main Street Saintfield BT24 7AA
Proposed mounted shop sign
Permission granted - 23.12.2015
R/2014/0132/A First Saintfield Presbyterain Church
21 Main Street Saintfield
Free Standing Post mounted Sign
Permission granted - 04.06.2014
R/2014/0450/F 8 Downpatrick Street Saintfield Ballynahinch
Fit out existing vacant retail unit to facilitate its new
function as a pizza take away (Amended/Corrected Address).
Permission granted - 05.02.2015
R/2006/0674/A 32 Main Street, Saintfield, BT24 7AB
2x Shop signs and 1x Projecting sign
Permission granted - 11.09.2006
R/2005/1354/A 32 Main Street, Saintfield Parks,
Saintfield, Northern Ireland, BT24 7AB
2 shop signs & 1 projecting sign.
Permission refused - 14.01.2006
R/2004/0672/A 32 Main Street, Saintfield Parks,
Saintfield, Northern Ireland, BT24 7AB
Shop sign and projecting sign.
Permission granted - 14.01.2005
R/2003/1248/F 32 Main Street, Saintfield Parks,
Saintfield, Northern Ireland, BT24 7AB
Disabled Access Ramp
Permission refused - 02.06.2004
R/2000/0259/A 26 Main Street, Saintfield
Projecting sign
Permission granted - 21.04.2000

Planning Policies & Material Considerations:
The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland
This policy provides overall context under which the Council will determine planning applications.

PPS3 Access, Movement and Parking

PPS- 6 Planning, Archaeology and the Built Heritage, Policies BH9 and BH13.
Policy BH 9 sets out the main considerations that the Council will take into account in assessing proposals for the display of advertisements or signs on a listed building.
Policy BH 13 sets out the main considerations that the Council will take into account in assessing proposals for the display of advertisements in, or which impact on the setting of, a designated conservation area.

PPS17 Control of Outdoor Advertisements
Planning Policy Statement 17; Control of Outdoor Advertisements - Policy AD 1 Amenity and Public Safety sets out the main considerations that the Council will take into account in assessing proposals for outdoor advertisements. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Consultations:
Historic Environment Division were consulted in respect of this proposal due to it's potential to impact upon this building (30 Main Street) which is a Grade B2 listed building of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. HED were consulted on 09.06.16 and responded on 16.06.16 advising that this application is contrary to Policy BH9 of PPS6, in that it detracts from the simplistic architectural form and detailing of the building. HED made a number of recommendations regarding this proposal.

This consultation response was relayed to the agent and amended plans were subsequently received by the Council on 05.07.16. These amended plans showed the relocation of flat plate sign from between the ground floor door and first floor window to new location to the right hand side of door and the proposed banner type sign to R.H.S gable reduced in size (to match size of adjacent window openings) and this sign is now to be hand painted as per HED's recommendations.

Objections & Representations:
12 No. neighbouring properties within proximity to this site were notified on 15.06.16. This application was not advertised in the local press and to date no objections or representations have been received.

Consideration of the proposal:
This submitted application for consent to display an advertisement relates to three individual signs permanently fixed to the external façade of this large listed building situated at a prominent corner site of busy road intersection.

Sign number one is to be fixed to the R.H.S of main entrance door, between this door and large shop window. The bottom of this sign will be 1.8m above ground level and it will be 0.9m high x 500mm wide and finishing 2.7m above ground level. This is to be a flat plate aluminium sign fixed to the wall. This sign is to have a black background with white lettering stating 'Manor House of Beauty' above smaller lettering stating telephone number and website address.

Sign number two was to be a projecting type sign fixed to the centre of front elevation at first floor level between two windows. This sign was to be 0.5m wide x 1.2m high and project 550mm from the front elevation. This sign was considered to be contrary to Policy BH 9 – The Control of Advertisements on a Listed Building of PPS 6 Planning, Archaeology and the Built Heritage. As such the agent was requested to remove this sign from this application and amended plans showing this sign omitted from the proposal were subsequently received on 05.07.16.

Sign number three was to be a large aluminium banner type sign on timber frame and fixed to the R.H.S (Downpatrick Street) elevation at first floor level. This sign was considered to be unduly prominent and HED advised that this sign should be no larger than adjacent windows and hand painted. The amended plans show this sign to be reduced in size to 1.85m high by 1.0m wide and hand painted as per HED's recommendations. This sign is to have a black background with white lettering stating 'Manor House of Beauty Est. 2014'

The purpose of these advertising signs is to announce the presence of the business/service in the street and direct customers/clients to that location. With regard to policy AD 1 set out in PPS 17 Control of Outdoor Advertisements the Council is satisfied that this proposal as amended will not prejudice public safety and is respectful of the general characteristics of the area, nor will it detract from the quality and character of the locality. With regard to PPS3 – Access, Movement and Parking it is considered that this proposal will cause no risk or hazard to vehicular or pedestrian traffic.

With regard to Policies BH9 and BH13 as set out in PPS- 6 Planning, Archaeology and the Built Heritage the Council is satisfied that these proposed signs (as amended) have been designed and located to respect and complement the architectural form and detailing of this listed building. Furthermore it is considered that the design and scale of these proposed advertising signs will not adversely affect the character, appearance or setting of this designated conservation area.

However having conducted the requisite site history search the Council Planning Department is not satisfied that the current use/operation as Beauty Salon has planning permission. The current approved use for this building is Class A1 Shops and Class A2 Financial, professional and other services. The current use does not fall within the activities specified as falling within A1 Shops, the closest being A1(e) which refers to hairdressing. As a Beauty Salon is listed it cannot fall within A1. Use as a beauty salon is classed as 'Sui Generis' and would therefore require a change of use application. The agent was informed by letter on the 24.08.16 that he or applicant or landlord provide any evidence in their possession of approved permission for current use.

Correspondence was received from the agent on 21st of October 2016 in which Bill McKelvey Estate Agents provided a list of the current and previous tenants of this property and the agent stated his belief that the predominant use over the last 10 years being a Beauty Salon negated the requirement for a change of use application. This Department considers that the current use does not fall within the activities specified as falling within A1 Shops, the closest being A1(e) which refers to hairdressing. As a Beauty Salon is listed it cannot fall within A1. Use as a beauty salon is classed as 'Sui Generis' and having not been established continuously for a period of more than five years would therefore require a change of use application.

A letter was sent to the agent on 16.11.16 whereby the agent was informed of our assertion in this regard and reiterated the Planning Department's position that the current use at the property does not benefit from planning permission and as such that a change of use application would need to be submitted and decided before any decision could be made with regard to this application.
To date no change of use application has been received and no indication has been provided from the agent that the submission of such is imminent. Therefore the Planning Department are unable to issue an approval on this application and advertising consent cannot be granted.

Recommendation:
After consideration of all relevant planning policy and other material considerations this amended proposal is deemed to satisfy the requirements of the policy, however the advertising/signage as proposed relates to a business that is operating with unauthorised use and it is therefore recommended that consent be refused.

Signed: _____ **Date:**

Signed: _____ **Date:**

Refusal Reasons:

1. The advertising proposed under this application relates to a business that is operating with unauthorised use and therefore cannot be granted consent.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**11**			
APPLIC NO	LA07/2016/0874/F	Full	**DATE VALID**	30/06/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Cedar Integrated Primary School 29 Kilmore Road Crossgar BT30 9HJ		**AGENT**	Education Authority 16 Grahamsbridge Road Dundonald BT16 2HS 02890566200
LOCATION	Cedar Integrated Primary School 29 Kilmore Road Crossgar			
PROPOSAL	Erection of security fence to partial perimeter of school grounds			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	1	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

1 Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Flood Risk Assessment) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

2 The Proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 in that the required Flood Risk Assessment has not been submitted.

3 The Proposal is contrary to Policy FLD 2 of Planning Policy Statement 15 in that if approved this development would impede the operational effectiveness of flood defence and drainage infrastructure and hinder access to enable any necessary maintenance work.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

Application Reference: LA07/2016/0874/F

Date Received: 30.06.16

Date of site visit: 08.08.16

Proposal:
The Council has received an application seeking planning permission to erect a 2.4m high security fence to the partial perimeter of the school grounds for security purposes.

Location: Cedar Integrated Primary School, 29 Kilmore Road, Crossgar

Characteristics of site:
The site is comprised of the partial perimeter of grounds to a medium sized local Primary School. The large grounds of this primary school contain the school itself, access road and associated pre-fabricated classrooms and hard and soft play areas. The Glasswater River runs the entire length of the Western site boundary and between this river and service road within the grounds of the school is extensively and densely planted with semi-mature trees, shrubs and other vegetation. The rear gardens of two private residences (No's. 25 and 27 Kilmore Road) back onto the north eastern corner of the site. The eastern site boundary is directly adjacent to the public footpath alongside the Kilmore Road and the southern boundary is adjacent to an access road to Council owned playing fields. The perimeter of site is defined by various types of fencing, mature hedging all interspersed with mature trees and new sapling plantations.

Characteristics of area:
The majority of the site is located on the western edge but just within the settlement limit and partly (mainly the length along the river bank) lies just outside of the settlement limit of Crossgar. The river itself and strip of land to each side of river bank forms a Local Landscape Policy Area (Glasswater River Corridor) as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/010 - Crossgar. It is located in an area of educational facilities and associated large grounds and Council owned playing fields.

Site History:
R/2005/1326/F Cedar Integrated Primary School,29 Kilmore Road,Crossgar.Erection of perimeter security fencing and gates.
Permission granted - 14.01.2006

R/1995/0379 Land Between 27 Kilmore Road Crossgar and Track To Crossgar Playing Fields
New Primary School including new mini treatment works.
Permission granted.

R/2002/1749/F 21 Kilmore Road, Crossgar, Crossgar, Northern Ireland.
Construction of new vehicular access to public road, turning and parking area
and new boundary fence 1.5 M high.
Permission granted - 08.03.2003
R/1986/0523 Rear of 45 Kilmore Road, Crossgar.
New Playing Fields.
Permission granted.

Planning Policies & Material Considerations:
The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland
This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 2 – Natural Heritage (July 2013)
Policy NH 5 – Habitats, Species or Features of Natural Heritage Importance sets out the main considerations that the Council will take into account in assessing proposals likely to have an impact on the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as "the diversity of our habitats, species, landscapes and earth science features".

Planning Policy Statement 15 – Planning and Flood Risk (Revised September 2014)
Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains and Policy FLD 2 – protection of Flood Defence and Drainage Infrastructure set out the main considerations that the Council will take into account in assessing proposals for development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere or any development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

Planning Policy Statement 21 – Sustainable Development in the Countryside (June 2010)
Policy CTY 1 – Development in the Countryside and Policy CTY 14 – Rural Character set out the main considerations that the Council will take into account in assessing proposals for development in the countryside. The countryside being defined as land lying outside of any settlement limit as identified in development plans. The provisions of this document apply to all areas of Northern Ireland's countryside.

The provisions of these policies will prevail unless there are any other overriding policies or material considerations that outweigh them and justify a contrary decision.

Consultations:
The Rivers Agency were consulted in regard to this application on 14.07.16 and responded on 01.08.16 stating that as the site lies within the 1 in 100 year fluvial flood plain such development is contrary to PPS 15, Planning and Flood Risk, FLD 1 and but for it being deemed an exception or Overriding Regional importance by the Planning Authority, Rivers Agency would object to any such development taking place.

If the Planning Authority deem this application to be an exception or overriding regional importance, then to allow proper consideration of flood risk to the site Rivers Agency would recommend that a Flood Risk Assessment (appropriate to the scale of the development) is undertaken by the applicant.

The Rivers Agency also stated that it is essential that a working strip of minimum width 5m is retained to enable Rivers Agency to fulfil their statutory obligations/responsibilities unless the watercourse can be maintained from the opposite bank by agreement with the landowner. The applicant/agent should contact the local Rivers Agency area staff to establish their needs.

Objections & Representations:
13 No. neighbouring properties within proximity to this site were notified on 18.07.16. This application was advertised in the local press on 20.07.16 and to date no objections have been received. Two representations have been made in support of this application from Margaret Ritchie MP and Councillor Terry Andrews.

Consideration of the proposal:
This submitted application involves the erection of a new security fence around the partial perimeter of large grounds to existing primary school. This new fence is to be erected 275m in length along part of the eastern boundary of site (to the rear of neighbouring properties No's 19, 25 & 27 Kilmore Road) 65m in length along the entire northern boundary and 280m in length along the entire western boundary (adjacent to the Glasswater River). Total length of new fencing is to be 625m. There is an existing 2.45m high matching security fence erected along the southern boundary and part of eastern boundary adjacent to the Kilmore Road. This new fencing is to replace existing 1.2m fencing and hedging at these locations and will connect to, complement and augment existing 2.45m high boundary fence to the rest of the site.

There is currently good mature hedge planting, mature trees and some new saplings planting along the boundary and these are to be retained where possible. This new fence will be 2.45m high 'NK Ibex' sports type fencing with rigid mesh panels fixed to 60x60mm posts. Both fencing panels and posts are to be galvanised and polyester powder coated green. The locations of any gates are not indicated on the submitted drawings.

The Council is satisfied that this proposal is in keeping with the existing primary school facilities, no unacceptable damage will be caused to the local character and environmental quality of this area. The proposal is not considered to offer any negative impact to surrounding properties or any nearby archaeological site or monument. With regard to policy NH 5 as set out in PPS 2 Natural Heritage (July 2013) it is considered that this proposal is not likely to have any significant adverse impact on any priority species and/or habitat contained along the adjacent river bank. It is considered that this

new fence will visually integrate with the existing landscape and will have a minimal impact on the critical views of and from the site.

With regard to Policy CTY 1 – Development in the Countryside and Policy CTY 14 – Rural Character as set out in Planning Policy Statement 21 – Sustainable Development in the Countryside (June 2010) it is considered that this proposal will cause no adverse impact on features of importance to nature conservation, archaeology or built heritage. There is not considered to be any potential adverse impact on the visual amenity or the character of the local landscape. It is further considered that this proposed boundary fence can be readily absorbed into the landscape by taking advantage of the existing vegetation and topography.

In reference to the consultation response from Rivers Agency the agent was asked (on the 18.08.16) to provide a flood risk assessment and amend the proposal to ensure that the line of proposed fence was set back a minimum of 5.0m from the edge of the river and suitable (upon discussion with local Rivers Agency staff) gates/access arrangements be provided within fence. The applicant was again contacted by this Department on 26.09.16 and reminded that as the proposal is in the Flood Plain it requires the submission of a Flood Risk Assessment as required by Planning Policy and Rivers Agency. Also a 5m maintenance strip is required between the fence and the river to allow Rivers Agency to maintain the River.

The applicant submitted amended plans on 06.01.17 changing the route of proposed fence and changing the type of fence along the river bank to 1.2m high timber post and sheep wire fence. The Rivers Agency were re-consulted on 11.01.17 due to amended plans being received and responded on 01.02.17 stating that fence type A is unsuitable for placement within the flood plain and under 6.32 of FLD2 – Protection of Flood Defence and Drainage Infrastructure, PPS 15, it is essential that a working strip of minimum width 5m is retained to enable Rivers Agency to fulfil their statutory obligations/responsibilities unless the watercourse can be maintained from the opposite bank by agreement with the landowner. Rivers Agency have confirmed that the revised location of fence type B is outside of the flood plain and therefore complies with PPS 15 FLD 1.

An email was sent to the applicant on 03.02.17 requesting that fence type B is changed to a more suitable type of fence and be offset 5.0m min from the river bank and that suitable gates are provided in the fence to allow for maintenance and that a suitable Flood Risk Assessment is submitted. The applicant was requested to submit the required amended plans and additional information within a time-scale of four weeks.

To date no amended plans or a Flood Risk Assessment have been received and no indication has been provided from the agent that the submission of requested material is imminent.

With regard to Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains of Planning Policy Statement 15 – Planning and Flood Risk (Revised September 2014) The Council considers that this proposal is classed as Minor Development. The Policy FLD 1 states that minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment being carried out. The required Flood Risk Assessment has been requested but to date has not been submitted.

With regard to Planning Policy Statement 15, Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure the justification and amplification of this policy states that *'Where a new development proposal is located beside a flood defence, control structure or watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. The retention of a working strip along watercourses will have added benefits, including general amenity, enhanced biodiversity and increased control over water pollution, the latter assisting in the implementation of the Water Framework Directive'.*

The agent was requested on 18.08.16, 26.09.16 and again on 03.02.17 to amend the line of proposed fence where adjacent to river bank to be a min of 5.0m set back from the edge of the river and show the size and location of gates providing access necessary for maintenance and submit a suitable Flood Risk Assessment appropriate to the scale and nature of this proposal. To date no such amendments have been received. As such this current proposal is contrary to Policy FLD 1 and FLD 2 of PPS 15.

Recommendation:
After consideration of all relevant planning policies and other material considerations this proposal fails to satisfy the requirements of the policies (specifically Policies FLD 1 and FLD 2 of Planning Policy Statement 15 – Planning and Flood Risk, Revised September 2014) and it is therefore recommended that this application be refused due to absence of requested information (Flood Risk Assessment) and amended design (fence to be offset min 5.0m from river bank and suitable gates provided to allow access for maintenance purposes).

Signed: _____ **Date:**

Signed: _____ **Date:**

Refusal Reasons:

1. Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Flood Risk Assessment) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

2. The Proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 in that the required Flood Risk Assessment has not been submitted.

3. The Proposal is contrary to Policy FLD 2 of Planning Policy Statement 15 in that if approved this development would impede the operational effectiveness of flood defence and drainage infrastructure and hinder access to enable any necessary maintenance work.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**13**			
APPLIC NO	LA07/2016/1211/F	Full	**DATE VALID**	13/09/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr Dermot Quinn 11 Cuttyshane Road Killyleagh BT30 9SL		**AGENT**	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
				NA
LOCATION	Adjacent to 11 Cuttyshane Road Killyleagh BT30 9SL			
PROPOSAL	Proposed stable block, tack room and fodder store to replace existing wooden stables			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development and SPPS in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy OS3 of PPS 8, Open Space, Sport and Outdoor Recreation in that the development by virtue of its scale, mass and siting cannot be readily absorbed into the landscape.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1211/F

Date Received: 13th September 2016

Proposal: proposed stable block, tack room, and fodder store to replace existing wooden stables.

Location: Adjacent to 11 Cuttyshane Road, Killyleagh

Site Characteristics & Area Characteristics:
The site in question is located to the rear of no 11 and no 15 Cuttyshane Road, however it is noted that no 11 is also included within the red line. The site is located in an agricultural field that rises in a north eastern direction and has limited flat sections. The site is bounded to the south and west with mature field boundaries and the remainder of the site has no boundary as the site is part of a larger agricultural field. The site is accessed via a separate agricultural lane that runs adjacent to the

eastern boundary of no 11 Cuttyshane Road. On part of the site at present is a wooden stable block and a sand school.

The area is a rural area not located within any settlement limits as defined in the Ards and Down Area Plan 2015. The area is a drumlin type topography, hilly in nature. There are no site specific constraints.

Site History:
LA07/2016/0598/F – Retention of existing stables and sand school for private use – granted – 29/07/2016

LA07/2015/0441/F – Adjacent to 11 Cuttyshane Road, Barn for stabling horses – application withdrawn – 23/03/2016

R/2012/0574/F – 11 Cuttyshane Road, Killyleagh – garage with integral stables – permission granted – 30-04-2013.

Planning Policies & Material Considerations:
The application is considered against the Ards and Down Area Plan 2015, SPPS, PPS 21 Sustainable Development in the Countryside and PPS 8 Open Space, Sport and Outdoor Recreation.

Consultations:
Transport NI – no objections
NI Water – no objections
Environmental Health – no objections, comment made in relation to flood lighting however flood lighting has not been included as part of the application.

Objections & Representations
The application was advertised 28th September 2016 which expired 12th October 2016. Neighbours were notified of the application 21st September 2016 and expires 5th October 2016. To date no objections have been received.

Consideration and Assessment:

The proposed building is a shed like structure, measuring 24.3m long and 12.2m wide and is 5.5m in height with a 2.4m block wall base and the remainder tin clad, green in colour.

The SPPS offers the same requirements as existing policy does in respect of the application however the aim of the SPPS with regard the Countryside is to manage development in a manner which strikes a balance between protecting the environment from inappropriate development while sustaining rural communities.

As this development is outside settlement development limits the application is initially considered under SPPS and PPS 21 Sustainable Development in the Countryside.

CTY 1 – Development in the Countryside states that permission can be granted for non-residential development in the countryside and in the case of outdoor sport and recreation uses they must be in accordance with PPS 8 Open Space, Sport and Outdoor Recreation.

Policy OS 3 Outdoor Recreation in the Countryside is considered where a number of policy requirements are set out.

The application would not appear to offer any adverse impact on features of importance to archaeology or built heritage, there are no constraints identified on the site. The shed is however proposed in extremely close proximity to an existing hedgerow where there could be potential for bats, this hedgerow would require a condition to be retained should development proceed.

There will be no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities. The land the building is to be located on slopes and given the size and scale of the plot the proposal will not lead to a loss in the best, most versatile agricultural land or hinder agricultural activity.

The proposal is for a large, agricultural style shed located on lands to the rear of dwelling nos 11 and 15 Cuttyshane Road, currently there are no agricultural buildings or agricultural setting here and this proposal will introduce a new scale of development that is not considered acceptable in terms of visual amenity in the area. The site can take advantage of existing planting and vegetation however the site will likely need excavated in order to provide a flat plateau for a building of this size to be accommodated on. The agent has not provided detailed drawings to demonstrate how this shed will be accommodated into the existing topography.
It is not considered that this proposal can be readily absorbed into the landscape and would not be characteristic of the nature of the rural area in general given it is a building proposed to serve a domestic hobby.

The closest dwelling to the proposal is that of the applicant at no 11 Cuttyshane Road, there is also a dwelling no 15 in close proximity however while there may be an impact on amenity it is not considered there will be an unacceptable impact on the amenities of people living nearby. Environmental Health was consulted on the application and responded with no objections to the application.

Consideration is given to the proximity of the shed to no 15 Cuttyshane Road. It is noted that the shed would be in the region of 35m from dwelling no 15 Cuttyshane Road. It would normally be recommended that a separation distance of 75m is established between sheds and dwellings not associated with the shed. It is noted however that this shed is not for agricultural purposes as commonly known and is for the domestic stabling of horses which will be conditioned. Given what exists at present and for the scale of the operation in terms of this being a private domestic activity it is not considered there will be any demonstrable harm as a result of the application.

Public safety is not prejudiced and the development is considered acceptable in terms of nature, and frequency however it is considered that the scale and extent of the building provided to facilitate the domestic outdoor activity in the countryside is excessive and inappropriate in the rural location serving a domestic activity, to which there have previously been two other approvals to serve the same activity. Given that the overall activity proposed is for domestic stables to serve a domestic use of sand school which has previously been approved under LA07/2016/0598/F the size and scale of the shed is far beyond what would be required to serve this use.

Policy also states that ancillary buildings are designed to a high standard and are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
As previously discussed the scale of the building is not considered appropriate for the rural location serving the use of domestic stables. The structure is not of a domestic scale and the overall design is inappropriate for the location, set back from domestic scale residential dwellings away from any existing farm setting. The overall design of the building has had little regard for its setting or context and does not represent what one would consider to be domestic stables.
It is noted that the lowest point of the existing field has been chosen with a back drop of the hill to the rear however this will not overcome the other concerns with the application.
No information was submitted to demonstrate how the building would be accommodated into the existing landscape.

While the shed is not located within the existing curtilage and this application does not include the extension of a curtilage it is noted that the shed is read in conjunction with a domestic property to serve a domestic use. The scale, size and overall design of this building is not in keeping with what is considered a domestic building providing an ancillary use to a private dwelling. The level of accommodation provided by this building would be considered excessive, even more so given that there has already been two applications approved for the stabling of horses, one of which allowed for a very generous in curtilage extension for the stabling of horses and while this has been constructed it does not appear to be being used for stabling horses.
This application is to replace existing stables that were approved in retrospect in the field adjacent to the dwelling. This however would not be considered to be a like for like replacement. The previously approved stables provided in the region of 50m2 floor space, this application is for the provision of 297m floor space therefore is not a like for like replacement and will have a much greater visual impact than the building it is to replace. The shed is not of a domestic scale, and while policy does not require that the need for the amount of accommodation applied for is provided there have been no exceptional circumstances or justification put forward to allow for the additional floor space and a building of an inappropriate size and scale.

The building is not considered an appropriate size and scale for the nature of the use as private domestic stables, nor is it considered appropriate in this rural location in close proximity to dwelling houses.

As this proposal is for a private domestic facility the proposal would not be required to provide facilities to accommodate disabled people.

Transport NI was consulted on the application and responded with no objections, the proposal, used for domestic purposes is not likely to have any difficulties in terms of access, parking etc.

The application is also considered in terms of PPS 21 CTY 13 Integration and Design of Buildings in the Countryside.

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

Having considered the building under OS3 of PPS 8 it has already been established that the building is not of an appropriate design.

The building would be a prominent feature in the landscape as the size and scale of the building set to the rear of the residential properties would be prominent when viewed within the existing context.

The site has the benefit of some existing boundaries however the rear of the site has no boundary, nor has one been proposed however the back drop of the land would help enclose the building.

There are limited ancillary works associated with the building and therefore there should be no detriment as a result.

As commented upon already the design of the building is not appropriate for the site and the locality as the size, scale and design of the building is not appropriate for a domestic activity, serving a domestic residence and while a building of this nature may be acceptable on an agricultural holding, this is a domestic property and is in close proximity to a separate residential dwelling therefore the design of the building is not considered appropriate.

The building will use the hilly lands to the rear of the site as a back drop and the existing planting to the boundary of the site will help screen the building in summer months, in winter months the site will remain more exposed, however a sufficient backdrop exists to the rear of the development.

The application is also considered against CTY 14 Rural Character permission will not be granted for a building in the countryside where it would cause detrimental change to, or further erode the rural character of the area. This building is not characteristic of a domestic ancillary building which is on the basis for which it has been applied for to stable horses. The level of accommodation is well above and beyond what is required for the stabling of domestic horses. It is of a much greater size and scale of the building it intends to replace and would erode the character of the area with the introduction of what appears to be an unnecessary structure in a rural location not associated with any agricultural activity. While the building will be afforded a back drop given the lands to the rear rising to form a back drop, the building will cause a detrimental change in character of the area and introduce a new scale of development adjacent to residential properties. The application fails CTY 14 of PPS 21.

Recommendation:
Refusal

Refusal Reasons

- The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy OS3 of PPS 8, Open Space, Sport and Outdoor Recreation in that the development by virtue of its scale, mass and siting cannot be readily absorbed into the landscape.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

Case officer:

Authorised by:

Date:

Tumelty Planning Services

Planning Committee Schedule of 29 March 2017

Planning reference: **LA07/2016/1211/F**

Proposal: **Proposed stable block, tack room and fodder store to replace existing wooden stables**

Applicant: **Dermot Quinn**

Location **Adjacent to 11 Cuttyshane Road, Killyleigh, BT30 SL**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development and SPPS in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to Policy OS3 of PPS 8, Open Space, Sport and Outdoor Recreation in that the development by virtue of its scale, mass and siting cannot be readily absorbed into the landscape.

3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.

4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

Site Description

The proposed stable block is located to rear of No11 Cuttyshane Road, Killyleigh, a property in the ownership of the applicant and his family, with access gained to the proposed site area via an existing laneway which services the existing manage and existing wooden stable blocks which benefit from planning approval

Planning Policies & Considerations
PPS 21
SPPS
PPS8
Ards & Down Area Plan 2015
DCAN 15

Assessment of reason for Refusal

1
The overriding reason for choosing this site is that the location is adjacent to the applicants home and on land in his ownership and the proposal is to construct a building capable of providing accommodation for the 6 family owned horses which are cared for and which compete in competition in local and country wide equine activities which take place in the countryside ie show jumping, eventing and cross-country.
The applicant wishes to replace a wooden stable block which benefits from planning approval in an attempt to provide a structure which is typical of what is located in the countryside and is necessary for safe housing of the animals thus the principal of this type of development exists on the site.
2
The Planning Department argue that the proposal is contrary to Policy OS3 of PPS8 as the development by virtue of its scale, massing and siting cannot be readily absorbed into the landscape, it has to be argued that this argument is not sustainable as the scale , massing and siting allow the building to be absorbed as the scale and massing of the proposal are what one expects of such a structure to provide a healthy environment for the animals to allow for the best possible welfare of the horses.
The scale and massing are similar to other such building approve for this use, so this only leaves siting as an argument, the applicant has taken into account the proposed siting to the rear of his home and the site avails of the mature planting which exists to screen the proposal.
The proposal is compliant with paragraph 5.26 of the justification of Policy OS3 and it must be noted that the principal of this type of **Personal Recreation** has been established by the grant of a sand school and wooden stables.
Paragraph 5.33 of justification Policy OS3 refers specifically to Equestrian Use, but it must be said that this approved activity are not commercial, the activities are for the sole use of the applicant and his family who are in ownership of

some six horses which the family use to partake in equine activities all across the North of Ireland.

3

The proposed building is clearly not contrary to Policy CTY13 and the design of this building is in compliance with similar type of structures which are used for the same use elsewhere in the countryside.

The design is an acceptable design for such a location and is ideal for providing the necessary accommodation which the applicant requires to keep the family's horses for recreational activity.

My client has spoken to people who are experienced in providing accommodation for horses and has based the design of the building on advice given by these people. The design is based on typical buildings found for similar uses in the countryside and it is wrong to say it is inappropriate for this site and the locality as the building will not be visible from critical view points along Cuttyshane Road and thus will not be inappropriate.

4

The proposal is not considered contrary to Policy CTY14, the proposed building is a typical building which is found in the open countryside for the purpose of housing animals including horses which are generally housed and homed in what is commonly known as the open countryside thus the need to locate such a development in a site such as it is adjacent to the approved facilities which exist on the site.

The proposal is located to the rear of existing development some 60m from the county road and is screened by existing vegetation and existing built form.

The proposal will not damage the rural character and will not change the character as it is widely accepted that buildings of this design, character and finish are acceptable in the countryside.

Overview

The current proposal is for a purpose built stable block which together with existing stables near the site are to be used to provide accommodation for the family's six horses and the associated storage required for fodder, medicines and vehicles required to transport the animals to organised events.

The proposal is to replace substandard wooden structures which benefit from a planning approval but are no longer suitable for the wellbeing of the horses due to their temporary nature.

The applicants family have over a number of years developed love of all things equine and living in the countryside they decided to purchase a horse for their eldest daughter who soon developed a great interest in equine activities and this quickly spread to the rest of the family and soon all 4 girls were participating at various shows and events across the country.

These events vary from show-jumping, cross-country to eventing and have become the main recreational activity of the family and with six animals facilities were required to house and exercise the horses

The applicant constructed temporary stables and also has constructed a sand-school on land that he acquired to the rear of his family home.

It must be noted that this is not a commercial venture rather it is a domestic recreational activity which the whole family partake in and the applicant has explained to me that he has made a substantial financial commitment to his family's sporting endeavours and he now find the need to construct a purpose built building which will provide for the welfare needs of the animals, the required fodder and equipment necessary to allow his family to continue to enjoy country sports in a safe environment adjacent to their home.

It must be emphasised that this is a domestic activity and not a commercial one.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the replacement stable block and allow the applicant to provide the necessary structures to complement the existing recreational activities which exist on the site.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**14**			
APPLIC NO	LA07/2016/1359/F	Full	**DATE VALID**	11/10/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr C Ward 106 Crockanboy Road Rousky Gortin BT79 7RS		**AGENT**	Design And Detail 5 Ballylame Road Garvagh Coleraine BT51 5PH
				NA
LOCATION	6 Magheratimpany Road Ballynahinch BT28 8NZ			
PROPOSAL	Proposed off site replacement dwelling and garage			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

1 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

2

• The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
• the proposed site lacks long established natural boundaries .
• the proposed building relies primarily on the use of new landscaping for integration.
• the ancillary works do not integrate with their surroundings;
• the proposed building fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop.

and therefore would not visually integrate into the surrounding landscape.

3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore further erode the rural character of the countryside.

4 The proposal is contrary to Policy NH 5 of PPS 2 Natural Heritage in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on or damage to priority habitats or priority species.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1359/F

Date Received: 11th October 2016

Proposal: Proposed off site replacement dwelling and garage.

Location: 6 Magheratimpany Road, Ballynahinch.

Site Characteristics & Area Characteristics:
The site in question is located off the Magheratimpany Road and is a derelict two storey dwelling with no roof and damage to the building. The existing building sits on a plot of land within what is the perceived curtilage also in the plot of land is a linear single storey out building. The site is rough and overgrown, there are mature trees scattered along the boundaries of the site with hedging. Neither the site nor the boundaries are maintained. The site abuts an agricultural field.

The area is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There are no site specific constraints on the land. The site is accessed via an existing gate directly off the Magheratimpany Road which is a narrow road.

Site History:
R/2005/0249/O – 65m SE of no 6 Magheratimpany Road, Ballynahinch – Private Dwelling – Refused.

R/1995/0122 – 8 Magheratimpany Road, Drumaness – Extension of dwelling – application withdrawn.

Planning Policies & Material Considerations:
The application is considered against Ards and Down Area Plan 2015, PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS along with relevant design guidance.

Consultations:
NI Water – No objections
Transport NI – No objections, conditions attached
NIEA, Drainage and Water – No objections
NIEA, Natural Heritage and Conservation Areas – indicated that the mature trees and hedge row would be a priority habitat for birds, bats and badgers and potential impacts on such require consideration. This will be commented upon later in the report.

Objections & Representations
The application was advertised 26th October 2016 which expired 9th November 2016. No neighbour notification was required. To date there have been no representations received in relation to the application.

Consideration and Assessment:
The Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development is more prescriptive than existing policy CTY 3 in that it states that replacement dwellings must be located within the curtilage of the original dwelling rather than should be as indicated in CTY 3. An alternative siting nearby would be acceptable where there are demonstrable benefits in doing so.

The site location plan submitted shows the existing boundary of the site and identifies the existing southern site boundary by a black line. It is clear from the site location plan the larger part of the site is not located within the existing boundary. The site visit identified that what would be perceived as the natural and original curtilage of the dwelling has not all been included within in the red line of the application, namely lands to the N NW which contains a liner out building which is partially attached to the dwelling itself. There is an established curtilage identified in the site location, the proposal intends to extend the curtilage to accommodate a new dwelling.

The application is initially considered against PPS 21, CTY 3 Replacement Dwellings.

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. All structural walls of the building in question are intact.

In all replacement cases policy states that the dwelling should be within the established curtilage of the existing building unless the curtilage is so restricted that it could not accommodate a modest size dwelling or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
No justification has been submitted along with the application explaining the choice of site. The red line submitted as part of this application does not reflect the established curtilage of the dwelling which is a long plot fronting the road with the out buildings sitting adjacent to the existing dwelling. The proposed dwelling has not been sited entirely within the existing curtilage and given the size of dwelling already occupying this curtilage and no justification given it is not considered that the curtilage is so restricted as to not be able to accommodate a dwelling.

It is also noted that there are no clear landscape, heritage or access or amenity benefits in the extended, alternative curtilage, in fact given the proposal intends to remove existing mature trees and hedgerow that NIEA have identified as potential priority habitat the proposal would be more detrimental. The extended curtilage would also allow for greater visual intrusion into the open countryside which is contrary to CTY 13 and CTY 14 of PPS 21.

The overall size of the new dwelling is slightly greater than what exists at present, the proposed dwelling is 16.7m long at the main section with an overall length of 21.5m and 8.8m in height and depth of 8.1m. The overall size of the dwelling could be accommodated on the existing site; the dwelling while greater will not have a visual impact significantly greater than what exists at present. The design of the dwelling is reflective of what it is to replace and is considered to be acceptable.

The garage has been positioned to the front of the dwelling, in close proximity to the road and is 6.5m in height, 8.6m wide and 9.8m in length. Ancillary buildings should be sub ordinate to the main dwelling and set back from the main dwelling. It is not considered acceptable that this building is set forward of the main dwelling and is highly visible on approach and would have the potential to appear dominating to traffic using the Maghertimpany Road, given how narrow the road is. It is also noted that the existing pattern of development with the out buildings set to the side of the dwelling is more successful and reflects traditional rural layouts. It is noted that the existing 'out shed' is noted on the plan to be retained however it is not included within the red line of the application site. It is also unreasonable to position ancillary buildings in close proximity to the road and also front of the principle elevation when such an extension of the curtilage is requested.

Transport NI has been consulted on the application and has responded with no objections subject to conditions. The access proposed is positioned further south than the existing access which is currently disused.
The application is also considered against CTY 13 Integration and design of buildings in the countryside.

The proposed building will not be a prominent feature in the landscape. The building is located in a similar relationship to the road than the existing dwelling. While the garage is not considered acceptable in its proposed location it could be amended to meet with policy.

The site lacks long established natural boundaries and as the majority of planting that surrounds the site from the remainder of the agricultural lands and countryside is to be removed to accommodate the new dwelling, extension of the residential curtilage and new access arrangements the degree of enclosure that is currently afforded to the site will be lost and as a result of this the site will rely on new planting and provision of boundaries in order for the proposals to integrate. This new planting will obviously take a number of years to mature to achieve integration.

As previously commented upon the ancillary works do not integrate with the surroundings, the position of the garage is not acceptable and could be better positioned to the side of the dwelling in line with the current arrangement on site. The extended curtilage is likely to lead to a greater visual impact overall by reason of its intrusion into the countryside. The overall extension of the curtilage and all that is generally associated with a large curtilage does offer greater potential to create a negative visual impact.

The design of the dwelling itself is considered to be acceptable and therefore this section of CTY 13 has been met.

The site fails to blend with the existing landform, the lands to the rear of the site which are currently agricultural lands sit higher than the existing site itself, this land is proposed to be re graded with levels showing a reduction in height to the lands to the rear of the proposed dwelling. The existing trees and boundary are to be removed and the lands to the rear altered, this natural back drop removed will create a greater visual impact than what exists and does not respect the natural features of the site.

The application is also considered against CTY 14 Rural Character

The building will not be unduly prominent in the landscape; the proposed garage siting is not acceptable however it could be repositioned to a more acceptable location away from the front building line and away from the road.

This proposal will not result in a suburban style build up as it is a replacement of an existing building, the proposed garage does however introduce a more urban type feel with the garage set forward of the dwelling creating a front courtyard type approach to the dwelling.

The proposal will not add to ribbon development, the proposal will not alter the current potential for ribboning along this section of road.

The ancillary works proposed would have the potential to damage rural character as the large extension of curtilage creates a greater visual impact than what exists with no justifiable reason given as to why the existing curtilage physical on the ground to the north west of the site cannot be utilised. It is also noted that the rural character would be further exposed by the removal of existing planting and lands to the rear being incorporated into the residential curtilage of the resulting dwelling. This proposal further erodes the rural character of the area.

Consideration is given to the NIEA response which highlights the fact that there are records of mature hedgerow and habitat occurring within or adjacent to the application site.

It has already been noted that by removing the existing site boundaries would result in damage as they are a known priority habitat. It is also noted that there is the potential for a range of species on site and in particular bats. As this proposal is not considered acceptable in principle it would not be considered suitable to request a bat survey, however, the applicant has failed to demonstrate that priority species or priority habitat will not suffer as a result of the application and such a refusal reason would be included if refused as a protective measure. The proposal is contrary to NH 5, Habitats, Species, or features of natural heritage importance of PPS 2 as priority habitat is to be removed which has the potential to harm priority habitats and it has not been demonstrated that the proposals will not harm priority species such as bats.

Recommendation:
Refusal.

Refusal Reasons:

- The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed site lacks long established natural boundaries .
  - the proposed building relies primarily on the use of new landscaping for integration.
  - the ancillary works do not integrate with their surroundings;

- the proposed building fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop.

and therefore would not visually integrate into the surrounding landscape.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore further erode the rural character of the countryside.

- The proposal is contrary to Policy NH 5 of PPS 2 Natural Heritage in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on or damage to priority habitats or priority species.

Case officer:

Authorised by:

Date:

LA01/2016/1359/F

raymond to democratic.services@nmandd.org

Planning committee meeting Wednesday 29th March 2017

Item No: 14

Application No: LA07/2016/1359/F

Proposal: Proposed off-site replacement dwelling and garage at 6 Magheratimpany Road, Ballynahinch, BT28 8NZ.

Please see written statement in rebuttal to the refusal reasons below along with a revised site plan drawing in pdf format. I believe that (if possible) an office meeting to discuss this application would be most beneficial in order to amend/agree a revised layout. I have reviewed the case officer report and I am confident that a number of minor tweaks to the proposal will be sufficient in order to comply with the planning policies requirements.

Refusal reason 1

The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The existing site has a number of restrictions. Firstly it is attached an existing farm building and is adjacent to an existing working farm yard. Secondly the existing site is only 20m wide, therefore the option of building the proposed new dwelling on this location is unviable for the following reasons:

- Unsafe in terms of health and safety (as close proximity to the farm yard)
- Unhygienic (as close proximity to the farm yard)
- It would be virtually impossible to gain any sort of mortgage for the new property due to its proximity to the farm yard
- Restrict possible farm expansion
- Personal modern day family needs in terms of providing an adequate family home, garage and garden area

The proposed new loaction is only located 20m (centre to centre) from the existing location, and as highlighted above this new nearby location provides a number of benefits as per allowance within the planning policy.

Refusal reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- ***The proposed site lacks long established natural boundaries.***
- ***The proposed building relies primarily on the use of new landscaping for integration.***
- ***The ancillary works do not integrate with their surroundings;***
- ***the proposed building fails to blend with the landform, existing trees, slopes and other natural features which provide a backdrop, and therefore would not visually integrate into the surrounding landscape.***

The new location proposes to use the existing steep landscape to the west/rear as a natural backdrop to integrate into the surrounding landscape. The attached revised site plan shows the garage made smaller and relocated which will help address the ancillary works issue as highlighted in the case officer report. The main reason why there is a need for new landscaping along the front of the site is the new access point. The existing access is unsafe and does not meet Transportni requirements; therefore a new access which meets these requirements involves tree/hedge removal which we have proposed to replace. New additional landscaping will be introduced in order to provide additional privacy and softness where possible.

Refusal reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore further erode the rural character of the countryside.

As mentioned above, the attached revised site plan shows the garage made smaller and relocated as suggested in the case officer report.

Refusal reason 4

The proposal is contrary to Policy NH 5 of PPS 2 Natural Heritage in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on or damage to priority habitats or priority species.

I believe that a completed bio-diversity checklist would resolve this matter; this can be provided if required.

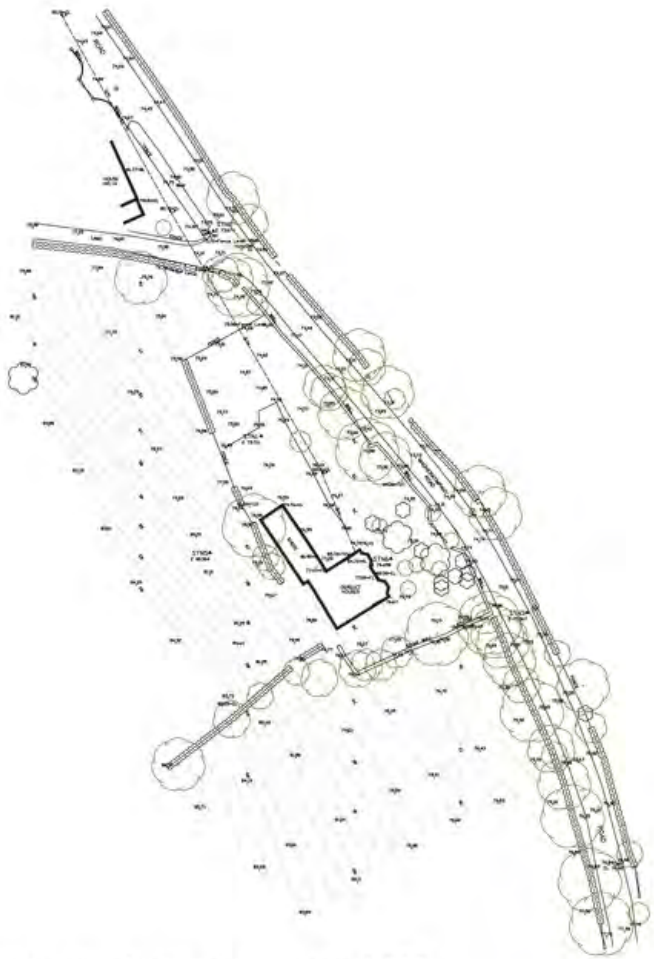
Regards

Raymond Mc Peake

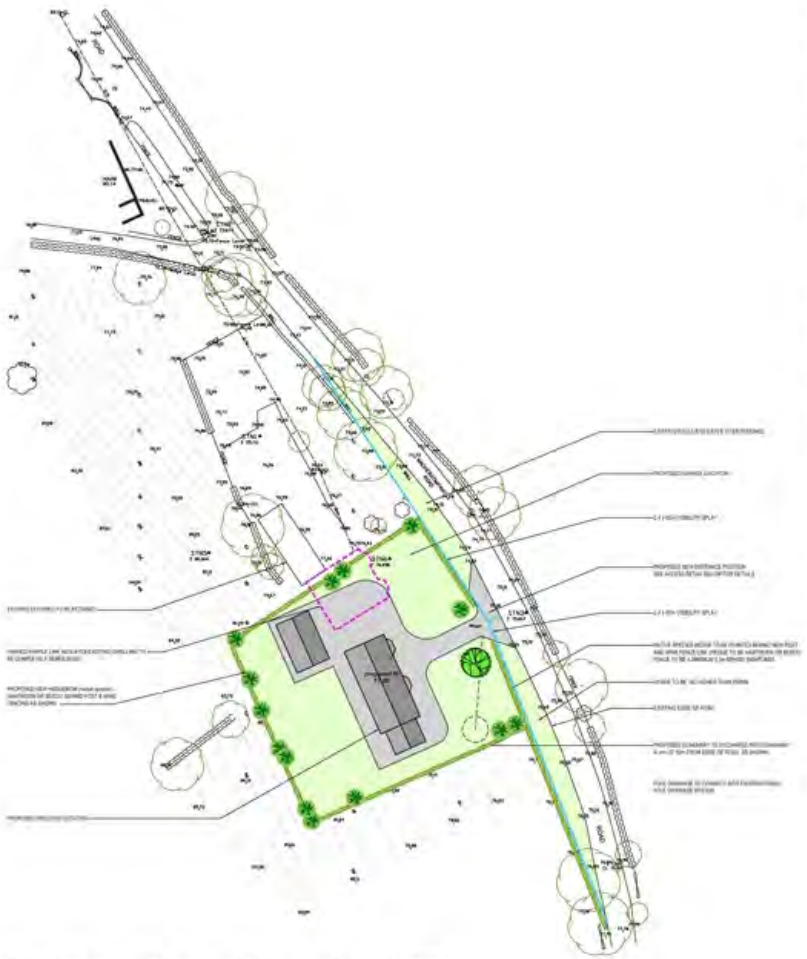
Raymond Mc Peake
MCIAT
BSc Hons

designanddetail
residential & commercial architecture

5 Ballylame Road, Garvagh, Coleraine, BT51 5PH

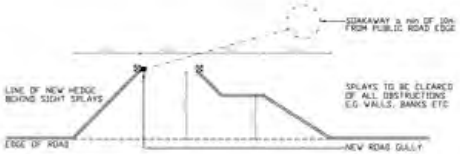


existing site plan layout scale 1:500



proposed site plan layout scale 1:500

Transportni Notes



site access detail scale 1:200

SCHEME DESIGN DISCLAIMER

THE PROJECT IS TO BE EXECUTED IN ACCORDANCE WITH THE DCE PLANNING AND ROAD SERVICE STAMPED APPROVED DRAWINGS AND ASSOCIATED DOCUMENTATION. ANY WORKS CARRIED OUT CONTRARY TO THESE APPROVALS MAY BE DEEMED AS UNAUTHORISED DEVELOPMENT/ BREACH OF PLANNING LAW AND AS SUCH MAY BE SUBJECT TO ENFORCEMENT ACTION. REVISIONS TO THESE DRAWINGS CARRIED OUT CONTRARY TO THE STAMPED APPROVED PLANNING DOCUMENTATION / DRAWINGS ARE DONE SO UNDER THE EXPRESS INSTRUCTION OF THE CLIENT. THE CLIENT HAS BEEN MADE FULLY AWARE OF THE IMPLICATIONS THAT THESE CHANGES CONSTITUTE A BREACH IN PLANNING LAW AND MAY BE SUBJECT TO ENFORCEMENT ACTION.

THESE PROPOSALS HAVE BEEN PREPARED IN THE ABSENCE OF TITLE DOCUMENTS AND/ OR LAND REGISTRY MAPS AND NO ACCOUNT HAS BEEN TAKEN OF POTENTIAL RIGHTS OF WAY, RESTRICTIVE COVENANTS, EASEMENTS ETC THAT MAY OR MAY NOT AFFECT THE SITE. REFERENCE SHOULD BE MADE TO YOUR LEGAL REPRESENTATIVE FOR CLARIFICATION OF THESE MATTERS.

Revision	Description	Date	By
A	AMENDED PLAN	21.03.17	AMR

designanddetail
residential & commercial architecture

5 Ballylarne Road, Garvagh, Coleraine, BT51 5PH
info@designanddetail.co.uk www.designanddetail.co.uk
Tel: 077 9346 5382

Client: Mr C. Ward

Project: Proposed 1st site development dwelling & garage at Magheramoney Road, Ballymoney, Co. Down, BT53 6NH

Drawing Title: Proposed site plan

Job no.	Drawing no.	Scale/Size	Drawn by	Date	Revision
1561	1.03	1:500 A1	AMR	March 17	A

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**15**			
APPLIC NO	LA07/2016/1381/O	Outline	**DATE VALID**	14/10/2016
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Mr & Mrs R Reilly 115 Shore Road Kilclief BT30 7NP		**AGENT**	Gary Patterson Architects 10 Castleward Road Strangford BT30 7LY 02844881863
LOCATION	Lands between 115 and 117 Shore Road Kilclief BT30 7NP			
PROPOSAL	Proposed infill site for detached dwelling and garage			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1381/O

Date Received: 14.10.2016

Proposal: Proposed infill site for detached dwelling and garage

Location: Lands between 115 and 117 Shore Road, Kilclief.
The site is and a short distance east of Kilclief, a small settlement and approx. 3 miles south of Strangford Village. The site is within the Strangford Ward of the Council District.

Site Characteristics & Area Characteristics
This roadside site has an established hedge and 0.5m high rendered wall, painted white, along the Shore Road. It is cut out of a larger garden associated with detached single storey dwelling of 115 Shore Road. There is a vehicle access gated within the south east of the site which provides access to a small garage and hard standing area. The site has a steady increase in ground level within the mid section of the site which creates a significant difference in height between the higher western portion of the site and the lower eastern portion of the site ie Shore Road. The site lacks boundari1es along the north and south however the western boundary is shred with an agricultural field to the rear and is defined by a mature hedge that provides boundary definition for the south and north boundaries of the larger garden. To the south of the site is a 2 storey detached dwelling and detached garage at 117 Shore Road.
The site is within the designated Lecale Area of Outstanding Natural Beauty (AONB) and is a short distance to the south of Local Landscape Policy Area 1 (LLPA1) and an Area of Archaeological Potential as defined within the Ards and Down Area Plan 2015.

Site History:
R/1978/0693 REFUSED (Contrary to Downpatrick Area Plan, and Impact on Rural Character) 07.03.1979
Dwelling
115 Shore Road, Strangford

R/1980/0406 GRANTED 28.07.1980
Improvements and extension to dwelling
115 Shore Road, Kilclief

North of the site:
R/2000/1045/O WITHDRAWN
Site for dwelling
Adjacent to 115 Shore Road, Kilclief, Strangford

South of the site:
R/1997/0866 GRANTED
Replacement dwelling
117 Shore Road, Kilclief, Co Down

R/1999/1063/F
Garage and shed
117 Shore Road, Kilclief, Co Down

Planning Policies & Material Considerations:
The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS6 Planning Archaeology and the Built Environment, PPS2 Natural Heritage, PPS3 Access, Movement and Parking as well as Department

Guides Building on Tradition, Parking Standards and DCAN 15 Vehicle Access Standards.
The site is within the Lecale AONB however there is no design Guide specific for this AONB.

Consultations:
NI Water Ltd
Standard information for applicant returned.

Department for Communities – Historic Environment Division (HED)
- Historic Monuments
14.11.2016 assessed the application and returned comments on the 14th of November that the proposal is satisfactory to SPPS and PPS6 archaeology and Policy Requirements.
- Historic Monuments
29.11.2016 radvising of previous response
- Historic Buildings
7.12.2016 responded to advised they are unable to determine whether the proposal would have an adverse impact on the setting of the Church as information submitted is insufficiently detailed and there is no massing study provided. The response refers to Parish Church, Ardglass Road, Kilclief a Grade B Listed Building of special architectural and historic interest, protected under Section 80 of Planning Act (NI) 2011. Requesting detailed information on the scale and massing of the proposal to include contextual massing elevations and site sections and referencing policy BH 11 of PPS6.

Due to distance of the Listed Church from site and the immediate development adjacent to the Church Council discussed the comments from Historic Buildings Unit and re-consulted

-Historic Buildings
22.12.2016 responded to state that the impact on the setting of the Listed Church is unable to be determined without the submission of the additional information as previous requested.

Department of Agriculture, Environment and Rural Affairs (DAERA)
- Marine and Fisheries Division
22.11.2016 content with the information provided and recommends conditions and information for the applicant.
- Water Management Unit
22.11.2016 referring Council to Standing Advise detailing standing conditions and information for the applicant.

Transport NI
25.11.2016 no objection and recommendation for planning condition referring to RS1 form as attached in their condultation response which required visibility splays of 2.4m by 100m and a minimum radii of 5m.

Objections & Representations
The site was advertised in Mourne Observer on 21st September 2016.
A total of 2 neighbours notified. No representations received prior to completion of planning report.

Consideration and Assessment:
The proposal is for a dwelling within the countryside. PPS21 Sustainable Development in the Countryside and the Strategic Planning Policy Statement (SPPS) will be considered.

PPS21 Policy CTY 1states that there is a range of types of development which in principle are considered to be acceptable in the countryside which will contribute to the aims of sustainable development and be sited and designed to integrate with their surroundings and to meet other planning and environmental considerations (drainage, access and road safety).

Policy CTY8 refers to Ribbon Development and provides an exception for development of a small gap site sufficient to accommodate a maximum of 2 dwellings within an otherwise substantial and continuously built up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.

The site is within a large garden of No 115 Shore Road Kilclief, a detached single storey dwelling that fronts onto the Shore Road. The site includes a small single storey detached garage, quite separate from the immediate curtilage of No 115, which is accessed from Shore Road and used as a boat storage area. Immediately south of the site is a 2 storey detached dwelling, No 117 Shore Road, that fronts onto Shore Road. This 2 storey dwelling has a large 2 storey garage. The garage is within the curtilage of No 117 however due to its size and position, this building has a frontage onto Shore Road. Further south of No 117 is the driveway that provides access to the large 2 storey dwelling of No 117A Shore Road. However this dwelling has a set back from the Shore Road. While it is visible from the public road, it does not have a frontage onto Shore Road due to the intervening field between the Shore road and No 117A. South of this property is No 119, a single storey detached dwelling with a frontage onto Shore Road.

The site represents a small gap within an otherwise continuous and built of frontage provided by buildings of No 117 and 115 Shore Road. The proposed site would respect the existing pattern of development along Shore Road. The proposal is in keeping with the exception of CTY8.

The proposal is an outline application and therefore conditioning the approval must be considered. The site has a rising topography within the mid section moving wet within the site. This provides a backdrop for development if it is limited to the eastern, roadside portion of the site. Development would not rely primarily on use of new landscaping for integration. Due to the topography of the site, scale and height of the neighbouring dwellings a 6m ridge height with the position of the dwelling limited to the eastern portion of the site is recommended. This would ensure the

height and poistion of the dwelling within the site would respect the building line, pattern of development, the scale and height of the neighbouring dwellings and ensure development would blend with the landform. The dwelling would not be prominent in the landscape, and would respect the traditional pattern of development. The proposal would be in keeping with CTY13 and 14.

The applicant has detailed within the P1 form that the proposal will make use of mains as the source of water supply, soakaways for disposal of surface water and Mains for disposal of foul sewage.

Policy NH6 of PPS2 considers development proposed within an Area of Outstanding Beauty. Policy states that proposed will only be permitted within an AONB where it is of a design, size and scale appropriate for the locality. The building is proposed within the Lecale AONB. There is no design guide for the Lecale AONB. Conditions relating to materials and finishes could be considered, Council must be mindful there is no design guide for Lecale AONB.

The proposal is sited within close proximity of LLPA1 'Kilclief Parish Church, Kilclief Castle, motte and settings'. It is located immediately north of No 115 Shore Road. The proposal does not abut the LLPA. Historic Monuments Unit offered no objections to the proposal. Historic Buildings Unit advised there was not enough detail to consider the proposal as it may affect the setting of Kilclief Parish Church, a listed building. Policy BH 11 of PPS6 states that development which would adversely affect the setting of a listed building will not be permitted. Such development will only be considered when criteria (a)-(c) are met.

Kilclief Parish Church is located at Ardglass Road. The site is located to the south of 115 Shore Road Kilclief. The separation distance is identified in the images below;

When on site there is no appreciation of the listed building. This is due to the distance coupled with the low drumlin topography of the area and the separation by the intervening agricultural lands.

The following image is from Ardglass Road travelling towards the Parish Church. The side gable of 115 Shore Road is visible. This view demonstrates the distance the site has from the listed building. The buildings which are immediately adjacent to the Parish Church ie No 7 and 9 Ardglass Road have a significant impact on the setting of the Church.

Having considered the request for additional information from Historic Buildings Unit and discussed this with Sneior Officers, Council is not persuaded this is reasonable or necessary. Conditioning the proposal, as recommended within the report would ensure the dwelling would not adversely affect the setting of Kilclief Parish Church. The setting could be further protected with removal of the applicants permitted development rights to ensure any development would be considered by the council.

Recommendation:
Approval subject to conditions.

Refusal Reasons/ Conditions:
Conditions recommended by planning officer and consultees, can be subject to change:

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or
ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.
REASON: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.
REASON: In the interest and safety of road users.

The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.
REASON: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

The proposed dwelling shall be sited in the area shaded ORANGE on the approved plan date stamped 14 OCT 2016.
REASON: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.
REASON: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.
REASON: To ensure that the proposal is in keeping with the character of this Area of Outstanding Natural Beauty.

Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwelling and no buildings shall be erected within the curtilage of the dwelling hereby permitted without the grant of a separate planning permission from the Council.
REASON: The further extension of this dwelling requires detailed consideration to safeguard the amenities of the surrounding area.

Case Officer DATE

Appointed Officer DATE

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 16

APPLIC NO LA07/2016/1479/F Full **DATE VALID** 04/11/2016

COUNCIL OPINION **REFUSAL**

APPLICANT Mr Ciaran O'Hare 19 Bog Road
Atticall
Kilkeel
BT34 4HJ

AGENT James Cunningham 12
Leestone Road
Kilkeel
BT34 4NW
028 4176 2730

LOCATION Adjacent to 125 Ballylough Road
Ballywillwill
Castlewellan

PROPOSAL Proposed Dwelling

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

1 The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is gap is not sufficient to accommodate up to a maximum of two houses which would respect the existing development pattern along the frontage in terms of size, scale, siting and plot depth. Therefore it is not a valid infill opportunity and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

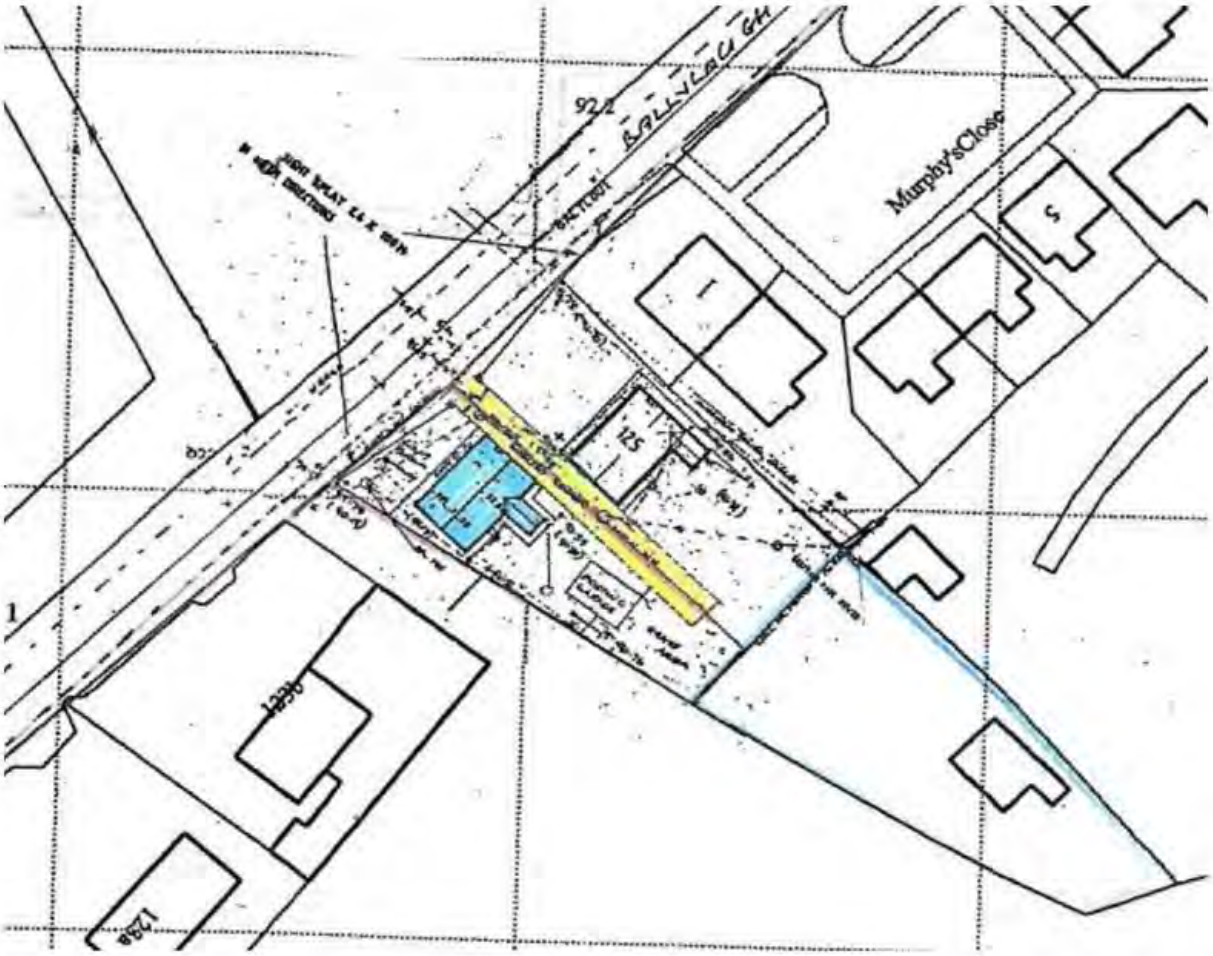
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1479/F

Date Received: 04.11.2016

Proposal: The application is for full planning permission for a dwelling at Adjacent to 125 Ballylough Road, Ballywillwill.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



Site location

Views of the site

Site Characteristics & Area Characteristics:
The site is located along Ballylough Road. It is a relatively flat plot which is set back from the road and accessed past the existing dwelling at No 125. The NE boundary consists partly of a block wall and partly of hedges. A hedge defines the eastern boundary and the southern boundary consists of hedges which are interspersed with mature deciduous trees. The front boundary of the site is defined by a recently constructed. Large mature conifer trees have since been removed from the site. There is a flat roof shed/outbuilding/garage to the rear portion of the site. The site is situated adjacent to No 125 which is a newly constructed dwelling which is single storey to the front elevation with upper floor velux windows to the rear. It is finished in brown dash and slate roof. The site is located adjacent to a row of dwellings on the Ballylough Road, the dwelling is not located within settlement development limits as defined in the Ards and Down Area Plan 2015. The surrounding dwellings are all single storey in height and of the detached properties the styles are all similar. The site is also adjacent to a small development at Murphys Close of both detached and semi-detached single storey dwellings. The area is considered rural in character.

Site History:
LA07/2015/1230/F – At rear of 125 Ballylough Road, Ballywillwill – refusal

R/2014/0033/F - 125 Ballylough Road Castlewellan - Replacement dwelling with dark tiled roof and white finished walls externally - 29.04.2014

R/2011/0332/F – 123 Ballylough Road – proposed replacement single storey dwelling and detached garage – granted – 11-10-11

R/2002/1768/F – between 123 and 125 Ballylough Road – replacement dwelling – 11-04-2003 – granted

R/2002/0899/O – between 123 and 125 Ballylough Road – site for dwelling and garage – 8-11-2002 – refused

R/2005/0072/O – 116m SW of 120 Ballylough Road – site for a single storey dwelling and detached garage – 8-04-2006- refused.

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21

Consultations:

NI water – No objections
Transport NI – No objections subject to conditions
NIEA Water management – No objections

Objections & Representations
In line with statutory requirements four neighbours have been notified on 09.02.2016 and again with amended plans on 11.03.2016. One letter of representation was received by the neighbour at 14 Marshallstown Road, which involved clarification of the land owned by the applicant, new maps were submitted and amended plans were re neighbour notified, no further correspondence was received. The application was advertised in the Mourne Observer and the Down Recorder on 17.02.2016.

Consideration and Assessment:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

a dwelling sited within an existing cluster of buildings in accordance with Policy

CTY 2a;

a replacement dwelling in accordance with Policy CTY 3;

a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;

a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;

the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or

a dwelling on a farm in accordance with Policy CTY 10.

The applicant has not put forward case for a single dwelling on the site. There is no dwelling to be replaced therefore it would not comply with CTY 3. The application has not been submitted under special personal or domestic circumstances in line with CTY 6. Nor would it meet Policies CTY 10 or CTY 7 on the basis of a farm dwelling or a non-agricultural business. Therefore the two most likely policies to assess it under are CTY 2a and CTY 8.

Planning permission will be granted for a dwelling at an existing cluster of development provided that all of the criteria of CTY 2A is met.

The proposed site does lie outside of a farm building within a cluster of four or more buildings (three of which need to be dwellings). The site does not lie within the visual entity of a cluster, nor does this proposed cluster area does not have a focal point such as a social/community building/facility and is not located at a crossroads. The site is not bounded on at least 2 sides with other development. The development would not be absorbed into the cluster and could not be considered as rounding off but would visually protrude into the open countryside. The development would adversely impact on residential amenity, given that the existing access passes the existing dwelling at No 125. For this reasons the proposal does not meet the criteria of CTY 2a.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It continues that any exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Paragraph 5.33 of Policy CTY 8 makes specific reference to 'buildings sited back, staggered or at angles and with gaps between them' representing ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.

While travelling along Ballylough Road from a SW direction towards 123a and No 123b Ballylough Road both dwellings have a road frontage and a curtilage onto Ballylough Road and presents themselves to the road. No 123B has a detached garage adjacent to the house which is connected to the main dwelling via an archway with gates. There is a laneway immediate to the north east of 123B which leads to an agricultural field. Travelling further along this road is a detached garage (as described on plan LA07/2016/1479/ 02 dated (4 Nov 2016) which is associated with No 125 which has a frontage to the road and presents itself to the road. Adjacent to this is No 125 a dwelling which is also presents itself to the road and would be considered a road frontage development. Since the previous application that was submitted under LA07/2015/1230/O and issued as a refusal, tall mature fir trees have been removed from the southern portion of the front boundary of the site and another small outbuilding has since been demolished. The site as outlined in red would form part of the garden of No 125. Further to the north is the development of Murphy's Close, the dwellings here present to the cul de sac. No 1 has its main elevation towards the cul-de-sac from which it accesses, however it has a garage and a side elevation which fronts onto Ballylough Road. Murphy's Close could be described as having its own character which would be quite distinct from the other dwellings along Ballylough Road.

In order to comply with CTY 8 the gap is considered to be from building to building, i.e. from the existing garage (to SE of 125) to the detached garage of 123B, the gap thus would include a small portion of the garden of No 125 and the adjacent agricultural laneway (which incidentally is outside the red line and land owned/controlled by the applicant). On the plan as submitted by the agent, they have shown a dwelling on the site which is forward of the existing garage at No 125.

Whilst the headnote in Policy CTY 8 defines a substantial and continuously built up frontage as "including a line of 3 or more buildings along a road frontage without accompany development to the rear. The use of the word "includes" in the policy headnote means that it does not "exclude" situations where there is accompanying development to the rear. However, in this case the garage clearly does read as part of the linear pattern of development onto Ballylough Road and must be considered one of the buildings as part of the built up frontage.

Therefore the gap (which I have described above) could not be described as a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Notwithstanding this the site as outlined in red does it respect the existing development pattern in terms of size, scale, siting and plot depth. In terms of the built up frontage No123A has a frontage of approx. 31.6m, No 123B has a frontage of approx. 34.8m and No 125 has a frontage of 34.3m. The site as outlined in red would have a frontage of 17.5m. This would leave No 125 with a frontage of approx16m. No 1 at Murphy's Close is a

semi-detached dwelling which is orientated gable on to the road and has a detached garage to the side which is also gable orientated to the road. No 1 relates to the character of the Murphy's Close cul de sac, the plot depth (along the roadside) is 17m approx.

Due to the restricted nature of the plot (as outline n red), the dwelling has had to be positioned forward of No 125 The proposal is not in keeping with the general approach to infill sites on pages 70 - 77 of the Building on Tradition design guide.

It is considered that this application does not meet the above criteria and is not therefore a valid infill opportunity.

Recommendation:
Refusal

Refusal reason:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is gap is not sufficient to accommodate up to a maximum of two houses which would respect the existing development pattern along the frontage in terms of size, scale, siting and plot depth. Therefore it is not a valid infill opportunity and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer Signature

Date

Appointed Officer Signature

Date

O'Callaghan PLANNING
Adding Value Through Quality Design

Planning Committee
Newry Mourne and Down Council
Monaghan Row
Newry
BT35 8DJ

22nd March 2017

Deferral Submission

Reference: LA07/2016/1479/F
Proposal: Planning Application For Dwelling (Infill)
Location: Adjacent to No 125 Ballylough Road, Ballywillwill, Castlewellan

1. The above mentioned planning application is to be presented to the Council's planning committee meeting on 29th March 2017, with a recommendation to refuse.

2. The Council's planning department considers the proposal contrary to the SPPS and Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the site is not considered to be a valid infill opportunity and there are purportedly no overriding reasons why this development is essential and cannot be located within a settlement.

3. The Committee is respectfully requested to give due consideration to this new information and to overturn the planning department's recommendation to refuse.

4. This application was preceded by an earlier application in the same general area but not within this application site's red line boundary. The previous proposal was contended (by the applicant) to have been an infill opportunity. However, situated to the backland as it was, it could not have been construed as sharing a common frontage with the other buildings along this streetscape. Before this application was submitted, the applicant was advised that there was a possibility the Council would not recognise the existence of a gap site (for the purposes of Policy CTY 8 of PPS 21) if there was an existing building therein. Consequently, a large but dilapidated building occupying a position on the street frontage was recently demolished. Also, in the past, concerns were raised with regard to "visual linkage" between the buildings occupying this "common frontage", so the applicant set about clearing the site to improve the visual linkage between elements.

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5. This proposed site is a plot of land that has recently been cleared of a small copse of fir trees. It lies within a line of dwellings that share a common frontage onto Ballylough Road. The site currently has no distinct use and does not form part of the curtilage of No 125. There is a small building on the site (a rudimentary structure) that is adjacent and to the rear of the dwelling at No 125. This building is described in the planning report as forming part of the overall development pattern (*"in this case the garage clearly does read as part of the linear pattern of development onto Ballylough Road and must be considered one of the buildings as part of the built-up frontage"*). Notwithstanding that this is the polar opposite of an argument recently presented by the Council (at a planning appeal handled by this office) the building in question is a small adjunct to the side and rear of an existing dwelling. The Council's inference is that this building's continued presence has the effect of ensuring there is no gap in which to position a new building. However, the reality is that the building in question can ably be retained to the rear of the new dwelling, for use as an outbuilding. In any case, if the Committee deems this building to be detrimental to this application's prospects, there are two possible solutions available:
    1) To grant permission, conditional upon the demolition of this building prior to the commencement of development on the approved site; or
    2) To defer consideration of this application for a brief period, e.g. 2 weeks, within which the applicant could demolish the building in question – there could then be no argument that there is no existing gap.

6. The simple fact of the matter is that the garage is a temporary, ancillary, structure that ought not to undermine this proposal's prospects.

7. A dwelling on this site, which would share a common frontage with at least three other buildings, would read as part of the existing pattern of development and the site is a small gap within this substantial and otherwise continuously built-up frontage as per the definition proffered in Policy CTY 8.

8. There is some ambiguity in the final section of the planning officer's report, as detailed overleaf:

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Therefore the gap (which I have described above) could not be described as a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Notwithstanding this the site as outlined in red does it respect the existing development pattern in terms of size, scale, siting and plot depth. In terms of the built up frontage No123A has a

9. The apparent errors within this section of text leaves it impossible to ascertain precisely how the Council perceives the proposal. On the one hand, if the proposal is not considered to be a small gap site, why would the report have been written to suggest that "notwithstanding this" another aspect of the proposal was defective. In light of this series of glaring errors, it is hereby submitted that it would be premature and potentially unlawful to refuse the application on the basis of the information provided by the Council's planning department thus far.

10. Notwithstanding the obvious lack of clarity surrounding the Council's perception of the proposal's deficiencies, an objective analysis of size, siting, scale and plot size can be undertaken, as is required within the Policy.

SIZE

11. The proposed dwelling is similar in size to the adjacent dwelling. The footprint of the dwelling is also similar to those of the adjacent dwellings at No 125 and 123b. A modest dwelling on this site would blend unobtrusively with the surrounding development and read as part of the existing ribbon of development along the road. The character of the development at Murphys Close, to the north of the site, is also material to the assessment of this proposal. The size of the proposed dwelling falls within a median range when considering the size of all of the developments which comprise this substantially built up frontage.

12. The proposed dwelling would not appear prominent or conspicuous and would not be detrimental to the overall character of this area (which already exhibits a built-up appearance), and reasons of refusal of this nature have not been alluded to by the Council.

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SITING

13. The proposed dwelling will be sited slightly forward of the dwelling at No. 125, but it will be at a similar set-back as the dwelling at No. 1 Murphys Close and also the adjoining dwelling at No 123b.

14. The dwelling's position has been determined by the obvious preference to take advantage of the widest part of the site - which lies towards the roadside.

15. The siting of the dwelling, in terms of its setback, is not an alien design feature nor would it undermine the character or appearance of this frontage. While the relevant policy indicates that buildings staggered or at different set backs to the road can nonetheless combine to form ribbon development, conversely, there is no indication that new dwellings on gap sites cannot be staggered. Furthermore, the pattern of set back is somewhat disjointed on this frontage and where there is no stated norm, a proposal cannot be considered alien or out of character.

16. The dwelling has been sited to ensure that it visually integrates and reads alongside the other development in this line.

SCALE

17. The proposed dwelling is single storey and is in keeping with the scale of the adjoining development along Ballylough Road. It will not appear prominent or conspicuous or have any detrimental impact on the overall character of this area, a point evidently accepted by the Council.

PLOT SIZE

18. This would appear to be the most contentious aspect of this proposal. Based upon previous planning determinations, it is apparent that Newry, Mourne and Down Council places a high level of emphasis upon the subject of "plot width" when assessing proposals involving gap sites. However, it is hereby contended that greater emphasis should be placed upon size, scale, siting and plot size since these are the attributes specifically referred to in Policy CTY 8.

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19. The width of a particular development plot is not identified as a specific issue for consideration in the determination of an application for a new dwelling on a gap site. PPS 21 is actually silent in this respect, however some guidance is set out within the Building on Tradition (BoT) design guide. Herein, it is stated that:

- It is not acceptable to extend the extremities of a ribbon by creating new sites at each end;
- Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill;
- When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots;
- Sometimes ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon;
- A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.

20. BoT is material to the determination of individual planning applications and appeals, however it merely offers advice and guidance as distinct from formal planning policies etc. While, the document is relevant to this subject, the last bullet point cannot be interpreted as if it were a single rule with an immutable meaning. This guideline does not attract the same level of weight as a planning policy, and while it is a useful reference point, ultimately the application ought to be decided on balance, in the round, consistent with the thrust of the Policy.

21. The size of the proposed plot is reflective of the average plot size, when considering the adjacent developments. The dwellings which lie to the south west (no's 123, 123a and 123b) occupy slightly larger plots than the proposed site however the average plot size of the adjacent development to the north east is much less. On balance, it is contended that the proposed site is acceptable when considering the average size of plots in the vicinity.

22. There is clearly a strong linear pattern to the development along this section of Ballylough Road. This settlement pattern is a classic example of a ribbon of development and this site represents a small gap within this ribbon. The adjacent developments all share a common frontage onto the road and there is a strong visual linkage and sequential awareness between the buildings. A dwelling on this site could easily be absorbed within this existing line of development without any negative impact on the character of the

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surrounding area, particularly given its modest scale and simple rural form and design. The siting of the dwelling, slightly forward of the adjacent dwelling as it is, does not detract from the overall appearance of the area.

23. The planning report poses the question: what is the proper policy context for the assessment of this proposal. In addition to Policy CTY8, the Council also considered the proposal against the requirements of Policy CTY 2a, dismissing this on the basis that the site was not located at a focal point in the community such as a cross roads.

24. In the past, Policy CTY 2a has been applied on the basis that the cluster has to be located at a focal point in the community or at a cross roads (as referenced at criterion 3 in Policy CTY 2a). However, a number of recent planning decisions have departed from this principle and these ought to be taken into account in the determination of this application.

Focal Point

25. The issue of a focal point was given detailed consideration in the case of planning appeal 2016/A0095. The PAC decision included the following extract:

At the hearing the Planning Authority said because of a previous appeal decision2012/A00120 and two recent granted planning permissions one of which is in its own jurisdiction (LA08/2015/0056/F and LA07/2015/0135/F) that if the appeal proposal met all of the other requirements of Policy CTY 2a the requirements of criterion three could be disapplied as the appeal proposal would then be comparable to those cases.

26. That being the case, the current proposal must be assessed on the same basis.

27. In approving application LA08/2015/0056/F Armagh, Banbridge and Craigavon (ABC) Council justified approval on the basis that the site was bounded on two sides by residential development (as is the case with this proposal). ABC Council correctly identified that policy is not required to be "slavishly adhered to, as demonstrated by a legal judgement (Lamont v DOE) in 2014". This very principle was highlighted in an independent review of Newry, Mourne and Down Council's planning functions in the last year. Thus, the same principle should be applied to the assessment of this application. ABC Council referred to a previous PAC decision (PAC 2010/A0202) in which the PAC purportedly considered that the overall intention of the policy was to round off and

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consolidate an existing cluster of development without changing the characteristics of an area. Again, the same principle should be applied to the assessment of this case.

28. Application LA07/2015/0135/O was approved by Newry, Mourne and Down Council, in the absence of a focal point. Indeed, this decision was accepted by the Council as a precedent, which caused it to withdraw part of its objection in the case of appeal 2016/A0095 (as referred to above). In its assessment of that application the Council was not influenced by the absence of a focal point. Indeed, the Council recorded that "this fact was not fatal in planning appeal 2010/A202, where the Commission recognised that the overall thrust of CTY 2a was to consolidate and round off development", notwithstanding that this was not the argument the applicant originally relied upon: rather, the application was initially advanced on the basis of Policy CTY 8 (gap site).

29. In the case of appeal 2010/A0202, the PAC decision attributed substantial weight to the facts that:

- *Development of the site could be absorbed into the existing cluster through rounding off and consolidation and would not cause a detrimental change to or further erode the area's character.*
- *Whilst the proposal fails the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character. In this respect, there are a number of site-specific characteristics that I find so compelling as to outweigh the fact that the cluster is not associated with a focal point. These are as follows:*
- *The site comprises a mown grassed area with a suburban style ranch fence marking its boundary with the public road. Fencing posts have been erected on top of the retaining wall along its boundary with the shared drive and there are stone pillars on either side of the entrance off the drive;*
- *It is visually associated with the adjoining dwellings and has the appearance of domestic curtilage;*
- *Given its size and relationship with adjoining dwellings, the site is unsuited to agriculture;*
- *It is bounded by residential development on two of its three sides; and*
- *It is a small gap site within an otherwise substantial and continuously built-up frontage that extends for 240m along this side of Curryfree Road.*

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- *As the proposal is not at odds with the spirit of Policy CTY 2a of PPS 21 in the round, it is one of the types of housing development that is acceptable in the countryside in accordance with Policy CTY 1 thereof. Accordingly, the Department's first and fourth reasons for refusal are not sustained and the appeal is allowed.*

30. It is respectfully contended that this decision ought to be highly relevant to the assessment of this application, and the principles laid out therein ought to be applied to this proposal also.

31. In concluding, I trust that this submission is of some assistance to the Committee in improving its understanding of the critical issues associated with this proposal. On balance, it is considered that there are more than adequate grounds for approval of the application however in the event that the Committee is not persuaded, given the significance of the errors within the Council's planning report it is respectfully contended that it would be premature to determine the application on the basis of the information presented thus far by the Council's planning department.

32. In the event that the Committee requires any further information or clarity, please do not hesitate to contact this office.

Yours faithfully,

.....

Colin O'Callaghan
Chartered Town Planner
Bsc Hons Dip TP MRTPI

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 17

APPLIC NO LA07/2016/1582/LBC Listed Buildi **DATE VALID** 24/11/2016

COUNCIL OPINION **CONSENT**

APPLICANT Down County Museum The Mall
English Street

BT30 6AH

AGENT Newry, Mourne &
Down District

Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

0300 0132233

LOCATION The Mall
English Street
Downpatrick
Co Down
BT30 6AH

PROPOSAL Temporary erection of a 1900's army hut from Ballykinler to the courtyard in Down County Museum in Downpatrick

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1582/LBC

Date Received: 24th November 2016

Proposal: Temporary Erection of a 1900s army hut from Ballykinlar to the Courtyard in Down County Museum in Downpatrick.

Location: The Mall, English Street, Downpatrick, Co Down.

Site Characteristics & Area Characteristics:
The site in question is located within the confines of Down County Museum in Downpatrick. The site itself is a court yard located adjacent to listed buildings of the Museum. The site is not visible from the road due to the high boundary wall. The site is located on cobbles and is adjacent to a raised area that houses the millennium garden.

The site is located within the settlement development limits of Downpatrick as defined in the Ards and Down Area Plan 2015. The site is just outside the town centre. The site is within the curtilage of a listed building and is also within the sphere of influence of a number of Archaeological Sites and Monuments. The site is within an Area of Significant Archaeological Interest and within Downpatrick Conservation Area and an Area of Archaeological Potential and also within the Strangford and Lecale AONB.

Site History:
There is a range of history on the site however the history to note includes:

R/2009/0940/F – Down County Museum, The Mall, Downpatrick – proposed extension to Down County Museum to provide additional exhibition space and relocation of café. – granted 26-03-2010.

Associated Listed Building Consent R/2009/0939/LB

R/2004/0409/F – The Governors Residence, Down County Museum – Internal and external alterations to existing building to provide disabled access throughout the building and installation of new exhibition – granted 12-10-2004.

Associated Listed Building Consent R/2004/0413/LBC

R/1988/0521 – Down Regional Museum, The Mall, Downpatrick – Third Phase of Museum Development – Granted 17-08-1988

Planning Policies & Material Considerations:
The application is considered against Ards and Down Area Plan 2015, PPS 6, Planning Archaeology and The Built Heritage and SPPS.

Consultations:
NIEA Historic Environment Division were consulted in relation to the application and has responded with no objections provided the works are on a temporary basis of 3 years.

Objections & Representations
As this is a listed building application there is no statutory requirement to neighbour notify in relation to the application. Advertisement took place 14th December 2016 which expired 28th December 2016. To date no representations have been received.

Consideration and Assessment:
The application is considered against PPS 6, BH 11 Development affecting the Setting of a Listed Building. Consultation is carried out with HED as they would be the competent body in considering the impacts of development on the setting of a listed building and therefore their comments are given consideration.

This proposal is for the temporary relocation of a circa 1900s army hut measuring 18.2m long, 3.2m in height and 6m wide and is finished in a green tin.
The proposal will only be visible within the confines of the museum and will not be visible from any public view point due to the buildings and the high boundary walls associated with the museum.

The detailed design would not be in keeping with the overall context of the listed building if on a permanent basis and if not associated with an exhibition however given the context and the period of time that the structure is to be at the museum it is not considered that there would be any adverse impacts on the setting of the listed

building especially given that there are no public view points of this proposal from outside the museum.

On the basis that the application is of a temporary basis it is considered that the scale, height and massing of the building in relation to the existing permanent structures on site will not have an adverse impact as the proposal is of a lesser scale than the existing structures and is subordinate and while it will dominate the courtyard it would be acceptable on a temporary basis as part of an exhibition.

The materials uses are key to the type of building on display and in this instance cannot be altered and given the low visibility it is not likely to have any adverse impacts on the listed building and will respect the context of the area.

On this basis the application is considered acceptable for period of a maximum of 3 years.

This application has not been accompanied by a full application however the application does not appear to fall under permitted development as the cubic capacity of the building exceeds 200 cubic metres that is allowed under Part 13 Development by Councils under The Planning (General Permitted Development) Order (Northern Ireland) 2015. An application is therefore required.

A full application was submitted LA07/2017/0202/F which is now under consideration along with this LBC consent.

Recommendation:
Consent

Conditions:

- The structure hereby approved shall be removed within 3 years from the date of this approval and the land restored to its former condition.

Reason: This type of temporary structure is such that its permanent retention would harm the amenity of the listed building adjacent.

Case officer:

Authorised by:

Date:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 21

APPLIC NO LA07/2017/0202/F Full **DATE VALID** 09/02/2017

COUNCIL OPINION **APPROVAL**

APPLICANT Down County Museum The Mall
English Street

BT30 6AH

AGENT Newry, Mourne &
Down District

Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 7GQ

03000132233

LOCATION Down County Museum
The Mall
English Street
Downpatrick

PROPOSAL Reconstruction of circa 1900's period hut

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2017/0202/F

Date Received: 09th February 2017

Proposal: Reconstruction of circa 1900's period hut

Location: Down County Museum, The Mall, English Street, Downpatrick.

Site Characteristics & Area Characteristics:
The site in question is located within the confines of Down County Museum in Downpatrick. The site itself is a court yard located adjacent to listed buildings of the Museum. The site is not visible from the road due to the high boundary wall. The site is located on cobbles and is adjacent to a raised area that houses the millennium garden.

The site is located within the settlement development limits of Downpatrick as defined in the Ards and Down Area Plan 2015. The site is just outside the town centre. The site is within the curtilage of a listed building and is also within the sphere of influence of a number of Archaeological Sites and Monuments. The site is within an Area of Significant Archaeological Interest and within Downpatrick Conservation Area and an Area of Archaeological Potential and also within the Strangford and Lecale AONB.

Site History:
There is a range of history on the site however the history to note includes:

LA07/2016/1582/LBC – The Mall, English Street, Downpatrick – temporary erection of 1900s army hut from Ballykinlar to the courtyard in Down County Museum, Downpatrick – pending.

R/2009/0940/F – Down County Museum, The Mall, Downpatrick – proposed extension to Down County Museum to provide additional exhibition space and relocation of café. – granted 26-03-2010.

Associated Listed Building Consent R/2009/0939/LB

R/2004/0409/F – The Governors Residence, Down County Museum – Internal and external alterations to existing building to provide disabled access throughout the building and installation of new exhibition – granted 12-10-2004.

Associated Listed Building Consent R/2004/0413/LBC

R/1988/0521 – Down Regional Museum, The Mall, Downpatrick – Third Phase of Museum Development – Granted 17-08-1988

Planning Policies & Material Considerations:
The application is considered against Ards and Down Area Plan 2015, PPS 6, Planning Archaeology and The Built Heritage and SPPS. Downpatrick Conservation Area Guide is also taken into consideration.

Consultations:
No additional consultations were required in order to assess the application

Objections & Representations
The application was advertised 22nd February 2017 which expired 8th March 2017. Neighbour notification was issued 14th February 2017 which expired 28th February 2017. To date no representations have been received in relation to the application.

Consideration and Assessment:
This proposal is for the temporary relocation of a circa 1900s army hut measuring 18.2m long, 3.2m in height and 6m wide and is finished in a green tin.
The proposal will only be visible within the confines of the museum and will not be visible from any public view point due to the buildings and the high boundary walls associated with the museum.

The detailed design would not be in keeping with the overall context of the listed building if on a permanent basis and if not associated with an exhibition however given the context and the period of time that the structure is to be at the museum it is not considered that there would be any adverse impacts on the setting of the listed building especially given that there are no public view points of this proposal from outside the museum.

On the basis that the application is of a temporary basis it is considered that the scale, height and massing of the building in relation to the existing permanent structures on site will not have an adverse impact as the proposal is of a lesser scale

than the existing structures and is subordinate and while it will dominate the courtyard it would be acceptable on a temporary basis as part of an exhibition.

It is noted that NIEA Protecting Historic Buildings was consulted in relation to LA07/2016/1582/LBC and responded with no objections provided that the permission is on a temporary basis. It is not considered necessary to consult NIEA PHB again on the full application as sufficient guidance has been provided in relation to the LBC application.

Recommendation:
Approval

Conditions:

- The structure hereby approved shall be removed within 3 years from the date of this approval and the land restored to its former condition.

  Reason: This type of temporary structure is such that its permanent retention would harm the amenity of the listed building adjacent.

Case officer:

Authorised by:

Date:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO **26**

APPLIC NO R/2015/0068/F Full **DATE VALID** 06/02/2015

COUNCIL OPINION **REFUSAL**

APPLICANT Mr John Crea 9 Park Road
Strangord
BT30 7BA

AGENT Strategic Planning
4 Pavilions Office Pk
Kinnegar Drive
Holywood
BT18 9JQ
02890425222

LOCATION Approx. 365 metres North West of 53 Castleward Road Downpatrick.

PROPOSAL Erection of single wind turbine on 30m hub,associated access and 2 No electricity cabinets.
(Amended red line received)

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	8	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 (b) of the Departments Planning Policy Statement 18, in that the development will have an unacceptable adverse impact on the visual amenity or landscape character of the area.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 (c) of the Departments Planning Policy Statement 18, in that it has not been demonstrated that in that the proposal would not have an adverse impact on built heritage interests.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1(a) of the Departments Planning Policy Statement 18, in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on the residential amenity of neighbouring residents at 15 Audleystown Road as a result of shadow flicker.
4. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 2 'Natural Heritage' Policy NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of size, scale and siting for the locality and is not sympathetic to the special character of the Lecale area of Outstanding Natural Beauty.
5. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full visual assessment is required to allow the Council to determine the impact of the proposal on Castleward Demesne and associated Listed Builds as well as monuments in State Care. Having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

6 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would be a prominent feature in the landscape and fails to blend with the landform, existing tree groups, slopes and natural features which provide a backdrop.

7 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, would be unduly prominent in the landscape and cause a detrimental change to the rural character of the area.

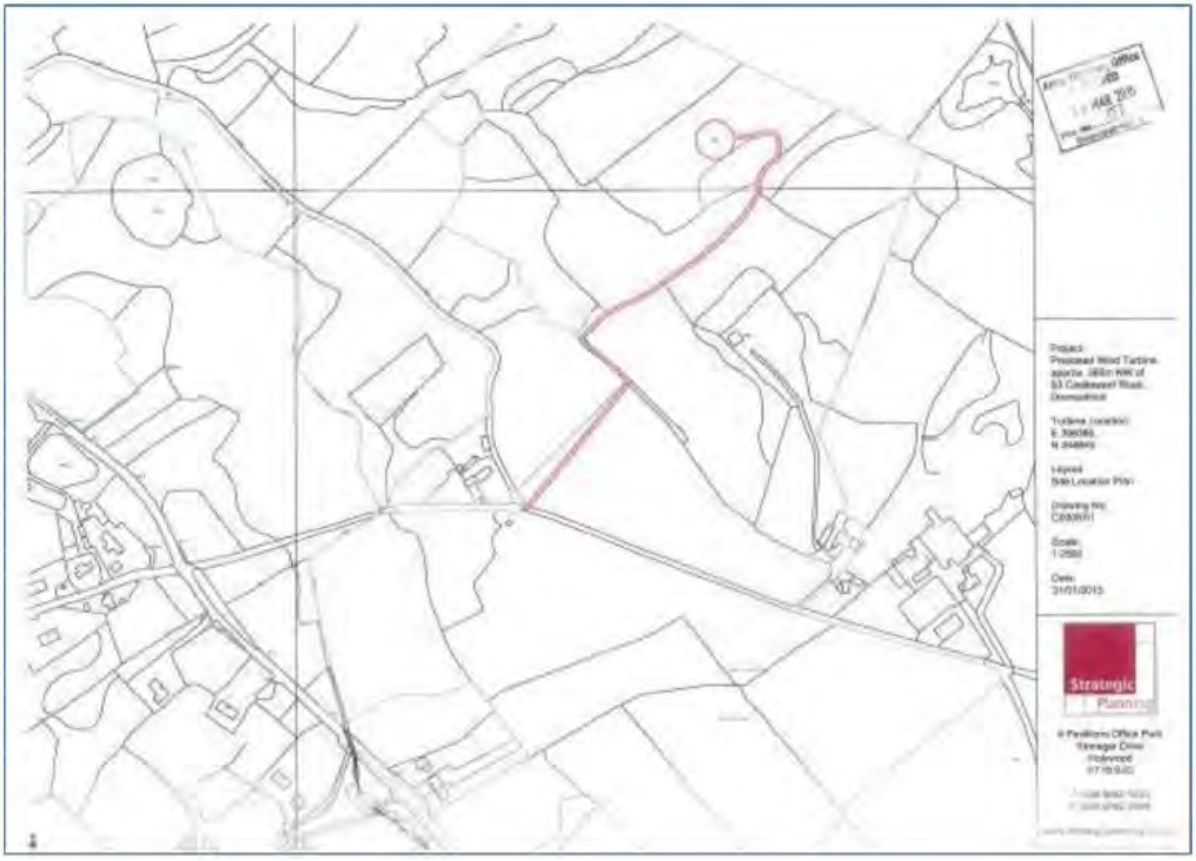
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: R/2015/0068/F

Date Received: 6th February 2015

Proposal: Erection of single wind turbine on 30m hub, associated access and 2 No electricity cabinets.
(Amended red line received)

Location: Approx. 365 metres North West of 53 Castleward Road, Downpatrick. The site is approx. 2miles west of Strangford and approx. 7miles north east of Downpatrick.



Site Characteristics & Area Characteristics:
The site is accessed through agricultural fields and a farm yard. It is on an elevated site, at the side and near the tip of a drumlin. The site abuts the Castleward Demesne which is approx. 70m to the NE of the site. The site is within an agricultural field and is positioned midway between dense gorse to the south east and broadleaf woodland of Castleward Demesne to the north east. The field is bound by vegetation which defines the boundary. The position of the turbine within the larger field is not indicated on site. The field has an undulating topography with a steady rise in ground level to the north and east.

Site History:
No site specific history.

To the south of the site:
R/1997/4070 15m mobile telecommunications mast and radio base station adjacent to 53 Castleward Road, Downpatrick

R/2000/0849/F BT Cellnet, 2.5m extension to existing telecommunications tower, addition of 2 antannae and 2 dishes and extension of existing fenced compound Granted 2.11.2000

Planning Policies & Material Considerations:
The proposal will be assessed paying attention to the Ards and Down Area Plan 2015, the Regional Development Strategy, the Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS18 Renewable Energy and its associated Best Practice Guidance, PPS2 Natural Heritage, PPS6 Planning Archaeology and the Built Heritage, PPS21 Sustainable Development in the Countryside.

Consultations:
NI Water – proposal assessed in terms of fixed radio links and ST radiolinks and offer no objection to the proposal.

DARD Rivers Agency – no specific reason to object to the proposal in terms of a drainage or flood risk perspective.

Belfast International Airport – offers no safeguarding objection and recommends the developer install's a steady red obstacle light at the highest point of the hub to ward low flying aircraft of the obstacle at this location.

OFCOM – identified BT radio network protection.

BT – concluded that the proposal should not cause interference with BT's current and presently planned radio networks.

NIEA – required further information to ensure the proposal is in compliance with Habitats Regulations, and if there are no suitable alternative sites for the turbine within the applicants land ownership the applicant to supply a BAT SURVEY and on receipt they will reassess the siting of the turbine and noted an amended location may still be necessary.
BAT SURVEY supplied 18.09.2016
NIEA, known as Natural Environment Division (NED) were consulted with the Bat Survey and were content with the proposal (full details on file).
*NOTE - NIEA function now would be referred to as DAERA, due to re-organisation of Government Departments, however this has not resulted in changes to their consultation response dated 14th of May 2015 and the comments remain applicable. For the purposes of this report I will keep referring to this consultee as NIEA to avoid confusion.

Transport NI – no objections to the proposal.

Newry, Mourne and Down District Council Environmental Health Unit
Env Health queried the choice of location for background noise monitoring equipment at 9 Park Road, and not at Nos 51 or 53 Castleward Road which is closer to the proposed site. However the noise assessment is considered and the EH Officers remain satisfied that the noise climate at 9 Park Road is similar to properties closer to the site of the proposed turbine. Therefore they were able to conclude no objections subject to conditions being applied in relation to noise emissions and potential issues for neighbouring residents. These conditions can be considered if the proposal is in keeping with planning policy. However comments from Environmental Health noted that if the installed turbine is found to be tonal it would be unlikely to meet the conditions proposed and mitigation measures would be necessary to ensure compliance.

Shared Environmental Services
Responded to advise that the potential impact of the proposal on Special Protection Areas, Special Areas of Conservation and Ramsar Sites have been assessed in accordance with the require,ents of Regulation 43 (1) of the Convention (Natural habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Department for Communities Historic Environment Division – consulted due to the close proximity of the site to Castleward Demesne.

Department for Communities – Archaeology and Built Heritage
(1) responded 18.1.2017

- Historic Environment Division (HED) Historic Buildings visited the site and considered the proposal would be unlikely to satisfy Policy BH11 (Development Affecting the Setting of a Listed Building) of PPS6 'Planning Archaeology and the Built Heritage' and the Strategic Planning Policy Statement for Northern Ireland (SPPS) and requested further information in form of a visual assessment with specific referenced to views, photomontages, site sectional elevations and views from Listed Buildings along the waterfront within the Portaferry Conservation Area looking across the Narrows and showing juxtaposition of proposed wind turbine and Castleward House. The full detail is within their response, see file/response for full details. Historic Buildings require this information to fully assess the proposal against Policy BH 11.
- HED Historic Monuments expressed concern that the proposal could potentially have a visual impact on the character and setting of Castle Ward demesne, planned historic views from within the demesne and critical viewpoints from State care monuments within and close to the demesne as per policies BH1 (The preservation of Archaeological Remains of Regional Importance and their Settings), BH6 (The Protection of Parks, Gardens and Demesnes of Special Historic Interest) of PPS6 Planning Archaeology and the Built Environment. HMU requested additional information to permit an informed and reasonable planning decision ie A visual assessment, HMU highlighted viewpoints to be demonstrated to include photomontages and wireframes as per Policy BH 3 (Archaeological Assessment and Evaluation) of PPS6. See file/response for full details of the request.

The Council requested this information from the applicants planning agent in letter dated 18th January 2017 with a copy of the consultation response received. The agent responded via email on the25th of January 2017 to request the Council determine the application on the basis of the information previously submitted.

In light of the response from the planning agent on the 25th of January 2016 the Council reconsulted with DFC,

Department for Communities – Archaeology and Built Heritage
(2) response 24.2.2017

- HED Historic Buildings visited the site and considers the proposal would have an adverse impact on the Listed Buildings and therefore fails to satisfy PPS6 Policy BH11 Development Affecting the Setting of a Listed Building, Policy PE1 of PPS18 and the Strategic Planning Policy Statement for Northern Ireland (SPPS).
- HED Historic Monuments previously requested information which has not been forthcoming from the applicant they advise that paragraph 6.10 of the SPPS, the planning authority should adopt a precautionary approach and refuse planning permission for this proposal, which should be considered to be contrary to Policies BH1(The preservation of Archaeological Remains of Regional Importance and their Settings), BH6 (The Protection of Parks, Gardens and Demesnes of Special Historic Interest) of PPS6 and Policy RE1 of PPS18.

Objections & Representations
The site was advertised in Mourne Observer and Down Recorder on 25th February 2015.

A total of 10 neighbouring dwellings were notified.

A total of eight representations have been received which objected to the proposal. The concerns raised are summarised as follows:

- Adverse impact on wildlife, and area of special scientific interest (ASSI) and Castleward Bay Area during construction, maintenance and long term operation (contrary to PPS2 and PPS18)
- Impact on priority species and habitat (contray to PPS2 and PPS18)
- Adverse impact on the character of the area in terms of the Area of Outstanding Natural Beauty (AONB) and landscape character
- Impact on tourism and local film industry
- No Environmental Impact Study submitted
- Impacts of the proposal and neighbouring applications in the area leading to the creation of a windfarm
- Cumulative impacts of wind turbine proposals in the area (R/2015/0069/F 522m SE of 30 Castleward Road was considered contrary to PPS18)
- Impact on sensitive receptors in terms of noise contrary to PPS18
- Proposal is contrary to PPS18 Renewable Energy and PPS 2 Natural Heritage
- Possible impact on light aircraft and aviation telecommunications and objecting to the proposed mitigation measure of a red light at the tip of the hub as detailed within consultation response, as impact on the character of the area and light pollution.
- Impact of increased traffic on road safety

National Trust provided comments on the proposal and objected to the application. National Trust manages the Castleward Estate and other assets within the area. The Trust highlights its statutory duty to promote the permanent preservation of their properties for the long term benefit of the nation. They raise concerns relating to the cumulative impact on singular wind turbines on the area, the impact the proposal would have on Strangford Lough and detrimental visual impact on heritage assets of Castleward. The turbine location, at the hinterland of the park, will break the skyline, disrupt views and affect the setting as well as views from the listed Castleward House. The proposal may lead to the deterioration of the landscape and potentially change in character from rural to industrial as well as detrimental impact on the tourism industry within the area particularly the impact on Castleward walks and listed buildings.

In terms of the comments received the Council would note the proposal does not fall within the threshold necessary to require the applicant to submit an Environmental Impact Assessment. It is considered the details of the proposal can be assessed through the planning application by way of consultation responses and planning policy as well as information received.

Applications for turbine have been submitted within the local area, however each application must be considered on its own merits and cumulative impact is a consideration that is detailed within policy. Consideration will be detailed within the assessment of the proposal.

In relations to concerns raised about potential noise, Council sought advice and guidance from Environmental Heath Unit who have provided a detailed response.

An objection referred to the drainage from the wind turbine, referred to as industrial site within the objection and mechanical failure resulting in gear oil spillage. While this has been noted the permission is sought for a singular turbinedoes not result in an industrial site or wind farm, conditions relating to maintenance could be considered. Further to site inspection there is no direct water link from the site to Strangford Lough.

Concerns about wildlife and natural heritage must be considered. The Council consulted with NIEA as well as Shared Environmental Services and their comments are detailed within the report.

Objections received highlighted concerns relating to traffic and road safety. Council consulted with Transport NI. Comments received are detailed within the report.

The comments received from National Trust have been considered and consultation with Historic Environment Divisions of Department for Communities (DFC) ie Historic Monuments and Historic Buildings Unit have been undertaken and their comments are detailed within the planning report.

Consideration and Assessment:
The proposal is a full application for a single wind turbine with a hub height of 30m and blade radius of 16.55m. The total height is therefore 46.55m. The proposal would be supported with NIE substation positioned within close proximity of the turbine and is included within the proposal.

The proposal is sited within the Lecale Area of Outstanding Beauty (AONB), adjacent to the Castleward Demesne and within the Portaferry and North Lecale Landscape Character Area. The proposal will be assessed in relation to current planning policy and guidance.

PPS18 Renewable Energy and Best Practice Guidance Policy RE1 states that development, such as the wind turbine proposed, will be permitted provided the proposal, and its associated buildings and infrastructure, will not result in adverse impact on the following;

(a) Public safety, human health or residential amenity
(b) Visual amenity and landscape character
(c) Biodiversity, nature conservation or built heritage interests
(d) Local natural resources, such as air quality or water quality
(e) Public access to the countryside.

PPS18 Policy RE1 also provides additional criteria (i)–(vii) specific for wind energy development which must also be considered.

Policy advises that the wider benefits ie economic, environmental and social benefits are material considerations when considering renewable projects. The supporting

information highlights the proposal will facilitate 117 homes with electricity and create a carbon saving of 255.85 tonnes.

The site is within the Portaferry and North Lecale Landscape Character Area (LCA 93) as identified within Wind Energy Development in Northern Ireland's Landscapes (SPG to accompany PPS18). The overall sensitivity is described as exceptionally high due to its small scale and complexity, prominent skylines, important settings and high visibility. The site is also within the Strangford and Lecale AONB. Wind Energy Development Guidance states that care should be taken to avoid adverse impacts on the extremely sensitive ridges, lough edge, skylines and settings and on key landscape and visual characteristics of the area. It is also recommended that any turbine development be closely associated with and reflect the scale of existing development and tree groups.

The proposed turbine measures at approximately 70m South of the Demesne of Castleward as defined in the Ards and Down Area Plan 2015 (Map No 1/126), Policy COU7 of the 2015 Area Plan provided the designation. Castleward is managed by the National Trust. The designed landscape of Castleward continues to contribute to the distinctive and appearance and character of the local landscape along the fringes of Strangford Lough as well as the special character of the Lecale AONB. The proposal is not within, but a short distance from the boundary of the Demesne of Castleward. A turbine measuring a total of 46.55m (with a 30m fixed hub height) would have the potential to harm the historic character and setting of the Castleward Demesne.

The site is a short distance from the top of the Drumlin which is within the Castleward Demesne. The turbine would be highly visible within this sensitive landscape. The proposal would be visible from the Downpatrick Road approaching the site from a considerable distance. The position of the turbine would ensure the proposal would dominate the skyline as the drumlin would not be able to provide any significant backdrop. The turbine would also be visible from the Churchtown Road (approaching the Downpatrick Road), travelling north along the Park Road for a short distance with the proposed turbine visible to the west.

The turbine is positioned within a larger agricultural field that shares its north eastern boundary with the Castleward Demesne. One of the Castleward woodland walking paths is adjacent to this boundary. The views from the Castleward Estate, particularly from the public path, would be dominated by the turbine. The proposal is contrary to RE1(b) and (i) in that it would result in adverse impact on visual amenity and Landscape Character of the Area as it would have an unacceptable impact due to its size, scale and siting of the proposed turbine.

The site is also located within the Lecale Area of Outstanding Natural Beauty (AONB). PPS2 Natural Heritage Policy NH6 considers development within AONB. Policy states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and identifies criteria that development must meet.

The Lecale AONB has the benefit of a highly scenic landscape and heritage assets that include Castleward Historic Demesne, Listed Buildings and Scheduled Monuments in State Care. The wind turbine is located adjacent to the Castleward

Estate. Due to the site proposed, coupled with the height of the turbine, the proposal will inevitably break the skyline. Considering the criteria in relation to the proposal, the wind turbine would not be of a scale or siting that would be sympathetic to the special character of the Lecale AONB. The turbine would dominate the skyline. The scale, height and siting of the proposal would not respect the features of the AONB. In this case Castleward Listed Buildings and Historic Demesne and Scheduled Monuments in State Care, are features of the Lecale AONB and are important to the character, appearance and heritage of this sensitive landscape. The proposal is contrary to PPS2 Policy NH6.

Department for Communities (DFC) Historic Environment Division highlight the importance of the setting of the listed buildings within Castleward Estate as well as local buildings and scheduled monuments within State Care such as Audley's Castle and Temple Water canal within their consultation response. Historic Environment Division also highlight the turbine would be located within the backdrop of the views from Portaferry namely Portaferry Castle.

Historic Environment Division considered the proposal has the potential to create a serious adverse impact on the designed landscape of Castleward, its setting, and upon views from Audley's Castle and Portaferry Castle which are Monuments in State Care, as well as listed building of Castleward Estate. They requested a visual impact assessment, considering it necessary to inform the planning decision as per Policy BH3 (Archaeological Assessment and Evaluation) of PPS6. Policy BH 3 states that where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.

The Council sought additional information in letter dated 18th of January 2017. The applicant's planning agent responded to request the application be determined on the basis of the information previously submitted. The Council can conclude that no additional information, such as the Visual Assessment sought by DFC will be forthcoming. In light of this response, Council reconsulted with Historic Environment Division (DFC) who responded to advise and recommend the Council refused the application as contrary to PPS6 Planning Archaeology and the Built Heritage, the Strategic Planning Policy Statement of Northern Ireland and PPS18 renewable Energy.

PPS6 Planning, Archaeology and Built Heritage, Policy BH6 The Protection of Parks, Gardens and Demesne of Special Historic Interest states that permission for development that would lead to the loss of, or cause harm to, the character, principle components or setting of parks, gardens and demesnes of special historic interest. The conservation of built heritage interests is also referred to within Policy BH1 which states permission would not be permitted for development that would adversely affect the setting of site of regional importance unless there are exceptional circumstances. Sites of regional importance refer to monuments in State Care.

Castleward is a Historic Demesnes that provides the setting for Castleward Estate and listed buildings. The concern is that a wind turbine, standing at a total height (including moving blades) at 46.55m above ground level would dominate the skyline. The site chosen for the application would break the skyline. The larger agricultural field in which the site is located shares its north-eastern boundary with the Castleward Estate. Beyond this boundary is one of the many woodland paths of the Castleward Estate. The proposal would not reflect the scale of the existing tree groups within the Castleward Demesne. The proposal is contrary to Policy RE1 (c) in that it would result in adverse impact on built heritage interests.

The turbine is proposed to be located within a field that shared its boundary with the demesne of the Castle Ward Estate. This forms a boundary to the setting of the Listed Buildings within the estate. The proposed turbine would be of a height and scale that would potentially dominate the view. The turbine will be visible from woodland walks within the Castle Ward Estate and this may impact on views of Listed Buildings in the wider setting which is contrary to Policy BH 11 of PPS6.

Considering the context the site, the highly sensitive landscape in which it is proposed and the important views to and from Listed Buildings, Castleward Historic Park and Demesne, Scheduled Monuments in state care, the turbine would have an adverse impact on the special character of the area, the setting of buildings, sites and monuments of regional importance contrary to Policies BH1 and BH 6 of PPS6.

Considering the potential impact of the proposal on biodiversity, a Bat Survey submitted 18th of September 2015 concluded that the proposal was unlikely to impact roosting bats. During the survey sessions 54 bat passes were recorded at the application site of foraging and/or commuting bats, the close proximity of the broadleaved woodland of Castleward Demesne provides high potential for foraging and commuting bats due to the abundance of vegetation. However the overall impact of the development on foraging, commuting and roosting bats was assessed as low.

Shared Environmental Services were also consulted due to the close proximity of the site to Strangford Lough which has several protective designations as detailed within their response. The proposal was assessed and considered unlikely to have an impact on the features of any European site designation. The proposal is unlikely to have an adverse impact on local natural resources ie air and water quality.

The Council must consider the potential impact on the proposal on residential amenity. The policy refers to a separation distance of 10 times the rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply. This refers to wind farm development. This proposal is for a single wind turbine, not a wind farm development. Therefore Council must be mindful of this.

Noise Information is detailed within the supporting information supplied with the proposal (stamped received 06.02.2016). This identifies the closest noise receptor as 53 Castleward Road which is 365m SE of the proposed site. The applicant details that this property is owned and occupied by the applicants daughter and would have a financial interest in the turbine.

A nearby dwelling approved under planning reference R/2010/0472/F, applicant Mr John McCrea, ie the applicant of the current wind turbine proposal. This was a dwelling approved in December 2010 at site adjacent to 53 Castleward Road Tullyratty Strangford. This dwelling is referred to within the Noise Assessment as NSR 3 New House beside 53 Castleward Road. The assessment also included NOs 53 and 51 Castleward Road, as well as 1 Bannaghan Road. The monitoring equipment to measure baseline data was located at 9 Park Road.

Environmental Health Unit has considered the details of the Noise Survey and offered no objections with a recommendation for conditions to be applied should the proposal be approved.

Shadow Flicker was included within the applicants supporting evidence and refers to 130degrees either side of north and measured 10 times the rotor diameter (331m). The applicant's information states that there are no sensitive receptors within this area. However Best Practice Guidance states that it is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. Considering a separation distance of 500m, 130degrees either side of North, there is potential for the turbine to result in shadow flicker that could potentially impact Downpatrick Gate Lodge, at 15 Audleystown Road is a dwelling that would be within 500m north of the turbine and shadow flicker has the potential to affect this dwelling when considering the guidance. While the dwelling and site of the proposed turbine is separated by broadleaved woodland of Castleward Demesne, the shadow flicker report did not refer to this property and therefore the Council is unable to determine the impact on residential amenity at this address. The proposal is contrary to PPS18 Policy RE1 (a) and addition wind energy criteria (vi) in that it has not been demonstrated that the development will not cause significant harm public health, or residential amenity of sensitive receptors (including future occupants of committed developments) arising from shadow flicker.

The proposal is not likely to result in landslide or bog burst.

Consultation responses returned do not highlight concerns relating to aviation, road or rail safety, or give rise to electromagnetic interference with communication installations.

When assessing the application in relation to cumulative impact. There is a recent planning application for a wind turbine within the area, R/2015/0068/F which has been refused as it was considered contrary to planning policy.

The proposal would be located within close proximity of a woodland walk within Castleward Demesne. The proposal would not affect public access to the countryside.

Policy references the above ground redundant plant to be removed and site restored to an agree standards appropriate to its location. This could be facilitated through the use of a planning condition which would be applied if the proposal was considered in keeping with planning policy.

PPS21 Sustainable Development in the Countryside Policies CTY 13 and CTY14 considers integration of new development into the countryside and the impact on

rural character. Due to the nature of a wind turbine and the proposed location it would be prominent feature within the landscape and would fail to blend with the backdrop. The turbine would have a detrimental impact on the rural character of the area.

Recommendation:
Refusal – The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, PPS18, PPS2, PPS6 and PPS21- noting additional information, in this case Visual Assessment, requested by Historic Environment Division has not been received to enable full assessment.

Refusal Reasons/ Conditions:
Refusal reasons as recommended by case officer, however they are recommended and can be subject to change prior to issuing decision notice:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1(b) of the Departments Planning Policy Statement 18, in that the development will have an unacceptable adverse impact on the visual amenity or landscape character of the area.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1(c) of the Departments Planning Policy Statement 18, in that it has not been demonstrated that in that the proposal would not have an adverse impact on built heritage interests.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1(a) of the Departments Planning Policy Statement 18, in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on the residential amenity of neighbouring residents at 15 Audleystown Road as a result of shadow flicker.

4. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 2 'Natural Heritage' Policy NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of size, scale and siting for the locality and is not sympathetic to the special character of the Lecale area of Outstanding Natural Beauty.

5. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full visual assessment is required to allow the Council to determine the impact of the proposal on Castleward Demesne and associated Listed Builds as well as monuments in State Care. Having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the proposal would be a prominent feature in the landscape and fails to blend with the landform, existing tree groups, slopes and natural features which provide a backdrop.

7. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal, if permitted, would be unduly prominent in the landscape and cause a detrimental change to the rural character of the area.

Case Officer DATE

Appointed Officer DATE

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**25**			
APPLIC NO	P/2015/0191/O	Outline	**DATE VALID**	09/03/2015
COUNCIL OPINION	**REFUSAL**			
APPLICANT	D O'Hare 112 Tullyframe Road Atticall Kilkeel		**AGENT**	Quinn Design & Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY 028 4177 2377

LOCATION 20 metres north east of 61 Tullyframe Road Atticall Kilkeel

PROPOSAL Site for dwelling and detached garage with new access onto public road

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity as there is no established built up frontage and would, if permitted, result in the creation of ribbon development along the Tullyframe Road.

3 The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (b) the dwelling would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

4 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character and landscape quality of the area by reason of its siting which would extend a ribbon of development and increase the impression of a suburban-style build up of same.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

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

Delegated Application

Development Management Officer Report	
Case Officer: Lisa Grant	
Application ID: P/2015/0191/O	**Target Date:**
Proposal: Site for dwelling and detached garage with new access onto public road	**Location:** 20 metres north east of 61 Tullyframe Road Atticall Kilkeel
Applicant Name and Address: D O'Hare 112 Tullyframe Road Atticall Kilkeel	**Agent Name and Address:** Quinn Design & Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY
Date of last Neighbour Notification:	6th May 2015
Date of Press Advertisement:	25th March 2015
ES Requested: Yes/No	
Consultations:	

Consultation Type	Consultee	Response

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues:

Site Visit Report

Site Location Plan:

Date of Site Visit: 8th January 2016

Characteristics of the Site and Area

The site is located within the rural countryside between Kilkeel and Attical and incorporates a small rectangular shaped portion of a small paddock. The site is set between 2 detached dwellings - no 63 and 61 Tullyframe Road. No.63, a chalet bungalow is divided off from the site and paddock by post and wire fencing and is accessed via a narrow private lane of the Tullyframe Road. No.61 is a chalet bungalow and built and is within a spacious roadside plot. To the north/adjacent to the site is another agricultural field which has planning permission for a dwelling however nothing has been built on site. Adacent to and north of this field is another roadside detached dwelling. The site and surrounding area fall within the Mournes Area of Outstanding Natural Beauty.

Planning Assessment of Policy and Other Material Considerations

SPPS - Strategic Planning Policy Statement
PPS 2 - Natural Heritage
PPS 3 - Access Movement and Parking
PPS 21 - Sustainable Development in the Countryside
Banbridge Newry and Mourne Area Plan 2015

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan - The Banbridge Newry and Mourne Area Plan 2015, the site lies outside a defined settlement and within the rural area and an area of outstanding natural beauty (AONB). The site is also located within a Site of Local Nature Conservation Importance (SLNCI) - no.158 within the current area plan - Mourne Park incorporating White Water River and Cranfield Moraine. A determining material consideration in this case is current planning policy and in particular the SPPS and Planning Policy Statement 21 - Sustainable Development in the Countryside which are the determining policies in dealing with single dwellings in the country.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted.

Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Both the SPPS and CTY 1 of PPS 21 outline a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development and one such type is a small gap/infill site suitable for accommodating up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. For the reasons outlined further in this report, the Council believes that the proposal is unacceptable and therefore should be refused as there is no overriding reason why this development is essential in this rural location and could not be located within a settlement.

PPS 21 provides more clarity on this type of development and describes a gap/infill site as being able to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy further states that a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

With regard to this case the site incorporates a small vacant paddock along the Tullyframe Road with a road frontage measuring 30m wide and 50m deep. A detached chalet bungalow (no.63) lies immediately adjacent to the north of the site and another chalet style bungalow (61) immediately adjacent to the south. No 63 is defined along its roadside facing boundary by post and wire fencing and a the remainder of the paddock lies infront. Adjacent to and north of 63 is a vacant plot of land with outline planning permission (P/2013/0347/O) for an infill dwelling. North and adjacent to this is another dormer bungalow (65). Due to the vacant plot between no.63 and 65 there is no continuously built up frontage as defined by a line of 3 or more buildings along a road frontage at this part of the Tullyframe Road. The agent refers to a Ministerial Statement of July 2013 which makes reference to the need to take into account extant permission when assessing infill proposals. However the Ministerial Statement did not change policy and this is a stance taken also by the PAC (2015/A0120). They state that "the policy as written must be interpreted objectively in accordance with the language used and read in its proper contect. There is nothing in Policy CTY 8 nor the SPPS which indicates that an unimplemented planning permission should be taken into account when assessing whether or not a substantially built up frontage exists." Appeal 2014/A0002 refers to the natural everyday meaning of the word 'building' for the purposes of policy CTY 8. The present situation is that no 'building' as referred to in CTY 8 exists on the vacant plot between 63 and 65 therefore no substantially built up frontage exists along this section of the Tullyframe Road. The proposal is therefore contrary to policy CTY 1 and CTY 8.

Having considered the approval granted on the plot between 63 and 65 (P/2013/0347/O) it would appear that this was granted in error as the curtilage of no. 63 granted under P/2007/1678/F did not incorporate the whole field (part of which now subject to this current application) and therefore no substantially and continuously built up frontage existed then nor exists now.

CTY 13 - Integration and Design of Buildings in the Countryside

This policy outlines 6 (7 in case of farm dwellings) critierons to comply with. In this case of this application for 1dwelling located between 2 other chalet bungalows, it will involve the removal of all the site's roadside hedging (visibility splay frontage is 60m) to provide the required splays which will open up the site.

CTY 14 - Rural Character
A new building will be unacceptable where:
(a) It is unduly prominent in the landscape;
(b) It results in a suburban style build-up of development when viewed with existing and approved

builidngs;
(c) It does not respect the traditional pattern of settlement exhibited in that area;
(d) It creates or adds to a ribbon of development; or
(e) The impact of ancillary works (with the exceptions of necessary visibility splays) would damage rural character.

In the case of this application, the proposal for a new dwelling on this site would result in a suburban style build-up of development along this part of the Tullyframe Road when veiwed with other dwellings namel 65, 63 and 61 and would create a ribbon of development.

Consultation Responses:

Transport NI: no objections - last response referred to the need for an amended plan clearly showing 2.4m x full frontage setback, however as this is an outline application, the drawing submitted was only a concept sketch. New response access to be as per RS1 form.
NIW: No objections
Public Health: No objections in principle subject to the dwelling being connected to the public sewerage system.

The proposal is tcontrary to the SPPS, CTY 1 and CTY 8 and CTY 14 of PPS 21 and NH 6 of PPS 2

Neighbour Notification Checked **Yes**/No

Summary of Recommendation

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity as there is no established built up frontage and would, if permitted, result in the creation of ribbon development along the Tullyframe Road.

3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (b) the dwelling would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

4. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character and landscape quality of the area by reason of its siting which would extend a ribbon of development and increase the impression of a suburban-style build up of same.

Case Officer Signature:	
Date: 24/3/16	
Appointed Officer Signature:	
Date: 24/3/16	

Dairmuid O' Hare
112 Tullyframe Road
Atticall
Kilkeel

22 March 2017

Deomcratic Services
Newry and Mourne Council
Monaghan Row
Newry

Planning Application Reference P/2015/0191/O
Proposal Site for dwelling and detached garage
Location Tullyframe Road, Kilkeel

Dear Sir or Madam

I was present when the planning committee considered my application a few weeks ago.

During his presentation, my agent, Mr Quinn, pointed out that the Council had openly accepted the appeal decision on Appeal 2014/A0152 at Derrycraw Road, Newry where the commissioner allowed an appeal for an infill dwelling between 4 buildings of which 2 were dwellings and 2 were garages.

Mr Mc Kay flippantly dismissed Mr Quinn's remarks by saying that the Council would not challenge such an appeal decision in the courts unless the Council was content that the commissioner had made an error on a point of law in arriving at the decision. The Council's legal advisor concurred with Mr Mc Kay.

Unfortunately, Mr Quinn wasn't permitted an opportunity to respond to these comments; however, having consulted my own solicitor on this legal matter, I would like to point out that the Council's planning department can seek leave to

challenge any appeal decision if the Council feels that the commissioner (or commission) has acted unreasonably.

The legal test applied by the High Court is that from the case of *Associated Provincial Picture Houses Ltd v Wednesbury Corporation.*

My Solicitor informs me that a reasoning or decision is *Wednesbury unreasonable* (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it.

Had the Council felt that the commissioner acted in an unreasonable manner in deciding the Derrycraw Road appeal by considering 2 detached garages as forming part of a ribbon of development to facilitate the successful appeal, they could (*contrary to the senior planning officer and legal adviser's comments*) have sought leave to challenge the Derrycraw Road decision.

The Council did not challenge the appeal decision; therefore the Council must be of the opinion that the decision is perfectly reasonable.

If it is indeed a reasonable decision to count 2 detached garages as single buildings when considering an appeal relating to an infill dwelling, surely it is also reasonable to consider the detached garage at no 61 Tullyframe Road when considering my planning application which also proposes an infill dwelling.

During his presentation, Mr Quinn also asked why the planning officer had ignored the garage at no 61 when considering my application.

During the debate that followed, the same question was put to the senior planning officer by one of the Planning Committee members. In answering, Mr Mc Kay implied that the planning department were not in the business of writing overly long reports as they were very mindful of the amount

of paperwork the members of the Planning Committee had to read in preparation for a Planning Committee meeting.

Again having consulted my solicitor, a local councillor and using the Council's web site I have explored the validity of Mr Mc Kay's answer.

The report for this application was authored in March 2016. Had the application been formerly recommended for refusal in March 2016, the file would have been assessed by the now obsolete briefing panel.

Local Councillors have informed me that the briefing panel didn't assess officer's reports when they considered whether or not an application would be heard by the full Planning Committee. I'm reliably informed that the briefing panel only assessed the merits of short statements submitted by Councillors in support of the applications.

The final decision to allow all applications recommended for refusal to have the opportunity to be discussed by the Planning Committee was taken quite a while after the officer's report for this application was prepared.

The first Planning Committee meeting at which members of the Planning Committee would have been required to read an officer's report took place in June 2016.

Against this background I do not accept that the officer did not mention the garage at no 61 to ensure that the report was kept as short as possible.

I trust my comments will be given due consideration when the Planning Committee next consider my application.

Yours Faithfully

Dairmuid O' Hare
Applicant

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Planning statement in support of planning application P/2015/0191/O

Proposal: Site for dwelling and detached garage

Location: Tullyframe Road, Kilkeel

Applicant: Dairmuid O Hare

I have attached the statement which I submitted prior to the last Planning Committee meeting at which this application was discussed.

The applicant having been present when this application was previously discussed by the Planning Committee has written a letter which he would like included in the agenda for the meeting.

During my presentation on this application at the last committee meeting I referred to 10 planning appeals where infill dwellings had been approved in circumstances where garages/domestic stores etc had been considered as single buildings which made up a line of at least 3 buildings as is required by Policy CTY 8. Interestingly, 3 of these 10 quoted appeal sites are located inside the Council's district.

I am not persuaded that the circumstances which have convinced the PAC to allow these appeals are remarkably different to the circumstances at Tullyframe Road where the planning department wishes to refuse.

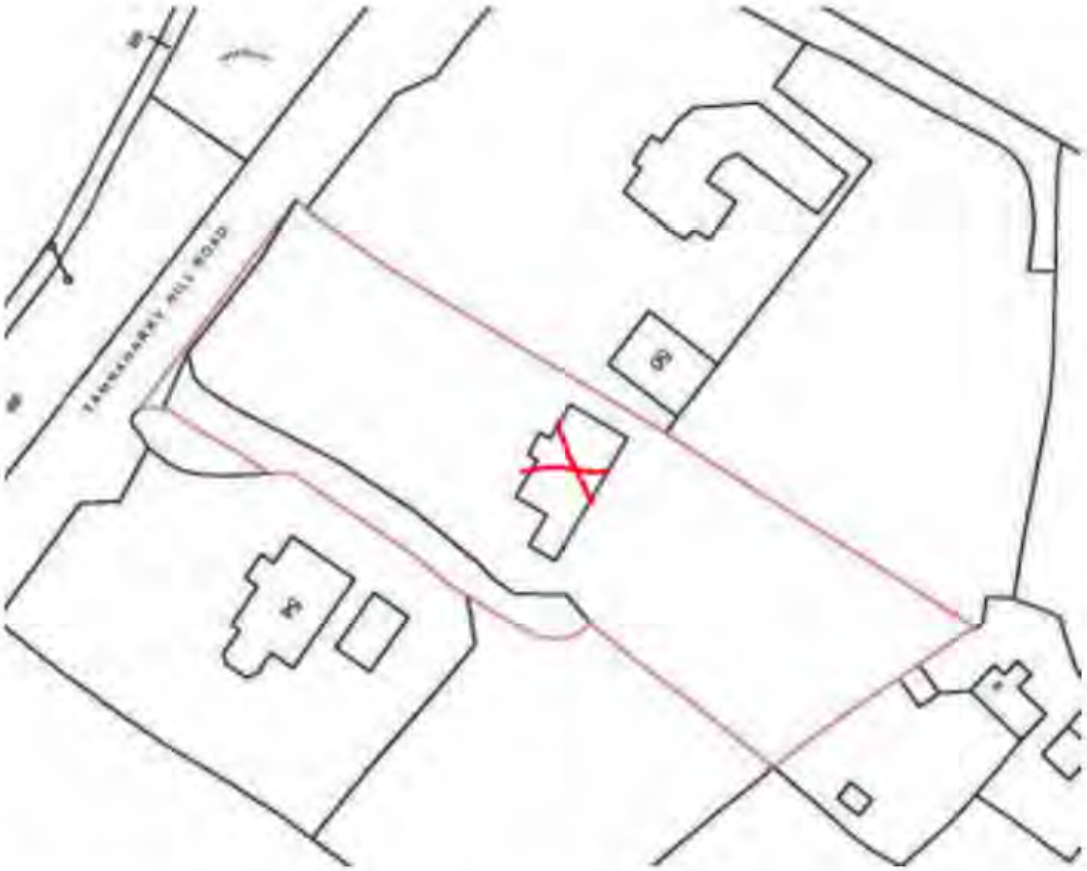
Inconsistency of approach

During my recent presentation in support of this application, I referred to application P/2014/0223/F which proposed an infill dwelling in between 2 houses on Tamnaharry Hill Road, Mayobridge. One of the houses has a garage which is visible from the road.

The site has a history of a previous approval which was not commenced in the correct way and a subsequent un-successful appeal.

In August last year, this Council's Planning Department considered and approved an application for an infill dwelling in between the 2 existing houses.

The planning officer who dealt with the file simply presented a report to a senior officer with an opinion to approve as he/she was very content that the garage should be considered as a stand alone building. The application was approved.



The above is an extract from the location map submitted with the Tamnaharry application. The red X is on the proposed dwelling.

The building with no 50 written on it is a garage with a gable 8.5m wide facing Tamnaharry Hill Road. The front of the garage sits 2.4m to the rear of the rear wall of no 50.

From the above we learn that some officers consider garages even when they are behind the back wall of their associated dwellings and for unknown reasons, some officers ignore garages.

We also learn that the Council's Planning Department is very keen to raise PAC decisions from both inside and outside the district which assist them in defending refusal reasons, yet, they are not so quick to taken on board the lessons learnt from PAC decisions on appeal sites inside the district.

In Conclusion

The garage at Tullyframe Road is a building which has been ignored by the Planning Department.

The garage measures 7.7 x 7.7m.

Given its location, it couldn't have been built without planning permission.

The planning department has approved a similar application at Tamnaharry Hill Mayobridge since this application was recommended for refusal in March 2016.

Recent un-challenged appeal decisions in the district confirm that garages should be counted as forming part of a ribbon of development.

How can the committee approve this application??

Should the committee be minded to approve this application, they need only record in the minutes that the dwellings at 61 & 63 + the garage at 61 form a line of 3 buildings which constitutes a substantial and continuously built up frontage as required by the exception clause in Policy CTY 8.

Brendan Quinn

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Planning statement in support of planning application P/2015/0191/O

Proposal: Site for dwelling and detached garage

Location: Tullyframe Road, Kilkeel

Applicant: Dairmuid O Hare

Background.

This application was lodged in February 2015 **after** I had secured 2 planning approvals for infill dwellings at Creamery Road, Crossmaglen, P/2012/0289/O and Carrogs Road, Newry, P/2013/0708/O.

In both cases, un-implemented approvals for dwellings were accepted by Planning Service as forming part of a ribbon of development which ultimately lead to the approval of both applications.

Notably, the Carrogs Road application was jointly decided in early December 2014 by Mr Mc Kay & Miss Mc Parland, who both work for the Council's Planning Department.

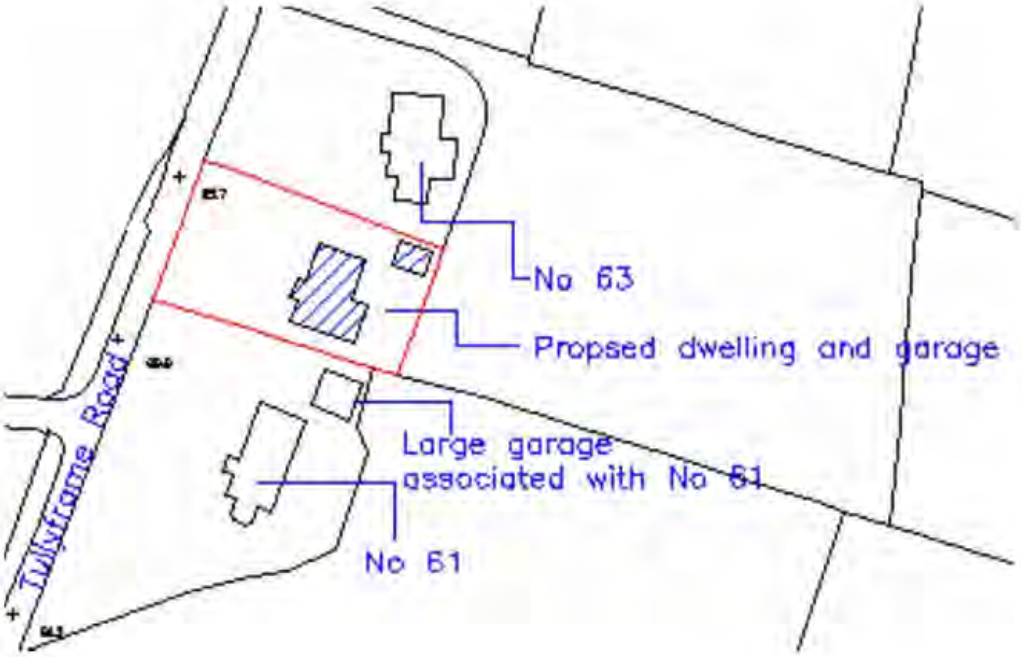
Against this background, I trust the committee will understand the rationale behind the submission of this application which purported to use an un-implemented approval for a dwelling to form a substantial and continuously built up frontage.

The Planning Department's consideration and my response.

The Case Officer in her report makes it clear that the approval between nos 63 & 65 issued under reference P/2013/0347/O can not be considered as a "*building*" in terms of CTY 8 as there is no building on this site.

Instead of attempting to overcome this argument I wish to justify an infill dwelling without considering the un-implemented approval granted under P/2013/0347/O.

The sketch overleaf shows the proposed plot outlined in red. The proposed site is sandwiched between nos 61 & 63 Tullyframe Road. No 1 has a large double garage which as you will see sits between the gable of no 61 and the northern site boundary.



The garage, which is clearly shown on the location map and concept sketch already submitted measures 7.7 x 7.7m. The front wall is located just in front of the rear wall of no 61, therefore the garage is **not behind** the line of the rear wall of no 61.

The garage is clearly visible from and has a frontage onto Tullyframe Road.

I highlighted this to the Case Officer in October past by email after I learned the application was to be recommended for refusal. I followed the email with a telephone conversation with the Case Officer.

My email contained details of a recent planning appeal (Appeal ref 2015/A0037) which allowed an infill dwelling between 2 dwellings, one of which had a garage.

I subsequently received an email reply from the Case Officer telling me that my thoughts "*will be considered prior to the application being linked with any future planning committee list*".

From reading the officer's report, it would appear that the content of my email was **ignored,** furthermore, the garage which sits between no 61 and the application is **NOT** mentioned in the officer's report.

What type of buildings can constitute a substantial and built up frontage?

The policy simply refers to "*buildings along a road frontage*", therefore, all buildings which front a road can make up a substantial and built up frontage.

This interpretation was confirmed in the decision on appeal 2013/A0246. In this case the then planning authority contended that,

"*…..the existing buildings did not amount to a substantial and continuously built up frontage as the ancillary buildings belonging to Nos. 77 and 91 Annareagh Road were deemed accompanying development to the rear and not as primary buildings.*"

The Commissioner, however, concluded that,

"*Whilst the Department's evidence made reference to primary and ancillary buildings, Policy CTY8 makes no differentiation between types of buildings.*"

In the decision on appeal 2015/A0215 the Commissioner found that a '*sheep shelter*' constructed of a wooden frame clad in corrugated metal standing on a concrete base measuring approximately 6m by 4m was a building in terms of Policy CTY 8.

These decisions, in keeping with the wording in the policy, confirm that ***all types of buildings*** can count towards a substantial and built up frontage provided they front a road.

Appeal 2015/A0207 at Derrycor Lane, Craigavon.

In the case of the above appeal, Armagh, Banbridge and Craigavon Council attempted to defend refusal reasons relating to an application for an infill dwelling which was to be sited between a derelict dwelling and a single storey dwelling which also had a detached garage.

At paragraph 7, Commissioner O'Donnell advises:

"The appeal site is situated between a derelict building and a detached single storey dwelling with detached garage (No 16). While the garage is in close proximity to the dwelling and can be seen with it on approach from the north west, the garage constitutes a building as defined by the Planning Act (NI) 2011. It is a separate entity with frontage onto the road. It does not sit to the rear of No 16 and it does not appear as a subordinate adjunct to the dwelling, distinguishing this case from the circumstances of appeal decisions 2011/A0272 and 2012/A0324. As all three buildings are in a line and all have frontage onto the road, it must be

concluded that the appeal site lies within a substantial and built up frontage". (Copy of decision attached)

In short, the commissioner reasoned that the garage must be considered as a building in its own right and that as it was a separate entity with a road frontage it had to be considered a forming part of a ribbon of development.

Appeal 2014/A0152 at Derrycraw Road, Newry.

In the case of appeal reference 2014/A0152, **this Council's** Planning Department attempted to defend refusal reasons on a similar case which was refused under planning reference P/2013/0600/O.

An infill dwelling was proposed on a site between 2 dwellings. Each of the 2 dwellings had a detached garage.

The Case Officer advised in his report:

"*There is no dispute that the two dwellings at Nos. 34 and 36 present frontages to Derrycraw Road. Their two detached garages however both sit behind the building line of the dwellings and appear as subordinate adjuncts of the adjoining dwellings. The garages do not have an independent visual relationship with the road and should therefore not be considered to form part of a continuously built up frontage*".

In short the officer was pointing out that the garages existed, however, as they were located behind the building line of the dwellings they could not be counted as forming part of a ribbon of development.

At paragraph 4 of her decision, Commissioner Mc Glinchey advised:

"*On each of these properties there is a dwelling and a detached garage. Albeit that the garages are subordinate to and sit back from the building line of the dwellings, they are clearly visible from the road. Policy CTY8 does not state that the other buildings which form part of a residential curtilage are to be discounted or that they must have an independent relationship to the road. I consider that the disposition of the existing development on the two adjoining sites reads as a line of four buildings fronting onto Derrycraw Road and consequently constitute a substantial and continuously built up frontage as defined in the policy*". (Copy of decision attached)

In short, the commissioner advised that it didn't really matter where the garages where located in relation to the building line, what mattered was that they were visible from the road.

Turning back to the application at Tullyframe Road, the front wall of the garage sits in front of the line of the rear wall of the dwelling and it is most certainly visible from the road.

The officer dealing with this application hasn't considered the garage at no 61. In fact the word "*garage*" doesn't appear in the consideration.

Furthermore, if the didn't exist, the owner of no 61 would need to obtain planning permission to build such a garage as his permitted development rights would not permit a garage of this large scale to be built without the benefit of planning permission.

Against this background, how can the Planning Department ignore a building which:-

- Required planning permission
- Extends to almost 650 Sq feet in area and
- Is over 5.5m tall measured from ground level???

The Council's Planning Department agree with the Derrycraw Road appeal decision.

Once the PAC issue a decision, the parties to the appeal and indeed any other interested party has 12 weeks to seek leave from the High Court to review the PAC decision. The Derrycraw appeal decision was issued on 17th August 2015. This Council's Planning and Legal Departments had until 6th November 2015 to review the decision, seek advice from a barrister and seek leave in the High Court to review the appeal decision.

They didn't do this.

The fact that they didn't seek leave for a judicial review demonstrates that they were **content** with the decision. There can be no other explanation.

The Planning Department might say that they didn't really agree with the Derrycraw Road decision and leave it at that, however, in legal terms, if they didn't seek to challenge the PAC decision, they agreed with it. It is very simple.

During a recent Planning Committee hearing on an application which proposed an infill dwelling at Mayobridge, I pointed out that the Council's Planning Department had failed to judicially review a PAC decision on an appeal for an infill dwelling outside Newry, Mourne and Down District. I further pointed out that by failing to judicially review the decision the Planning Department had "*de facto*" accepted the PAC decision.

Miss Mc Parland in her comments (after I had presented my case) flippantly dismissed my remarks by saying that "*the Council wouldn't waste money reviewing a PAC decision outside the district*".

The Derrycraw decision was taken on a site just to the north of Newry, well inside the Council's jurisdiction. The decision approved an infill dwelling within a line of 4 buildings of which 2 are garages.

The Planning Department clearly agrees with the PAC decision at Derrycraw Road. This being the case, one has to ask why did the garage at Tullyframe not form part of the Council's consideration even after I pointed out that it existed???

Furthermore, how can the Council's Planning Department ignore such a garage when there are countless other PAC decisions which tell them that they shouldn't?

Finally, why did the Council's Planning Department not consider the garage even after I raised it as an issue and after the PAC decisions at Derrycor Lane and Derrycraw Road were published.

The remaining refusal reasons.

The officer's report raises no concerns re the pattern of development and Transport NI are content with the access. The style and size of any dwelling could be controlled by suitable conditions.

The officer has suggested the addition of refusal reasons relating to CTY 14 of PPS21 and NH6 of Planning Policy Statement 2. Both of these refusal reasons can be set aside if the Committee agree that the proposed dwelling will be located within a line of 3 buildings, one of which is the garage at no 61.

How can the committee approve this application??

Should the committee be minded to approve this application, they need only record in the minutes that the dwellings at 61 & 63 + the garage at 61 form a line of 3 buildings which constitutes a substantial and continuously built up frontage as required by the exception clause in Policy CTY 8.

Brendan Quinn

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 3

APPLIC NO LA07/2015/0896/O Outline **DATE VALID** 11/09/2015

COUNCIL OPINION **REFUSAL**

APPLICANT Aileen Quinn 12 Old Town Road
Cullyhanna
Newry
BT35 0JP

AGENT Karl Sherry 103
Rostrevor Road
Hilltown
Newry
BT34 5TZ
028 40638336

LOCATION 150 metres north west of 12 Old Town Road
Cullyhanna
Newry

PROPOSAL Dwelling and detached garage on a farm

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures

1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Oldtown Road.

3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2015/0896/O

Date Received: 21.09.2015

Proposal: Dwelling and detached garage on a farm

Location: 150 metres north west of 12 Old Town Road Cullyhanna Newry

The site is accessed from the Oldtown Road. The site is relatively flat with the lands to the rear of the site rising in a westerly direction. The south eastern boundary of the site is defined by a post and wire fencing with mature hedgerow and trees. Beyond this boundary there is an existing laneway. The road side boundary is also defined by mature hedgerow and trees. All other boundaries of the site are undefined.

The buildings on this farm are located south east of the application site. Between the site and the farm buildings there is the existing laneway and beyond this a field with a small replacement opportunity.

Site History: no planning history on the application site. History relevant to the case reference in the report below.

Objections & Representations

No. of neighbours notified=2
No representations received= 0
Advertise expiry= 23.10.2015

Consultations
TransportNI- no objections subject to conditions
DAERA- see below
NIW- statutory
Environmental Health- statutory

Consideration and Assessment:

The application is sited within the rural context; therefore the provisions of PPS 21 apply to the case. The applicant has applied for a dwelling/garage on a farm.
The applicant has supplied the following information on the P1 C form:
The owner of the farm holding is M & N Quinn and they reside at the same address as the applicant, 12 Oldtown Road, Cullyhanna.
The farm has been established since the 1970's the business owners have a DARD business number (603208 allocated 1966 and they makes a single farm payment return to DAERA.
The holding is 36.82 hectares.

From the information provided on the P1C form and the comments from the consultation with DAERA the Planning Department can ascertain that the farm business is currently active and has been established for more than 6 years. There have been a number of planning approvals on the farm lands for single dwellings. P/2006/1364/RM & P/2006/1565/RM are both sites located along the Mullaghduff Road and within the farm business. Letter received from the applicant's Estate agent confirming under the instruction of Mr Michael Quinn that the successful sale of the above sites took place on the 16th March 2006.

The dwelling is proposed to be sited in an agricultural field on the edge of the farm unit cluster. The site will visually link with the existing buildings on the farm and access will be onto the Oldtown Road.
In my opinion the proposal complies with CTY 10.

As stated above the site is positioned on the edge of the farm. Between the application site and the existing outbuilding south east of site there is an extant approval for a replacement dwelling, LA07/2016/0903/F. The proposed siting will result in the creation of a ribbon development along the Oldtown when viewed with the existing and approved development.

A dwelling appropriately conditioned on the site would not be a prominent feature in the landscape. The site itself is relatively flat with the lands to the rear rising gradually in a westerly direction. The existing topography surrounding the site will

provide a good backdrop enabling the successful integration of a dwelling on the site. Having considered the site and surrounding development is it felt that if the principle of development be accepted on the site this would be subject to a single storey condition.

Recommendation:

Refusal
The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Oldtown Road.

The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

....

....

To whom it may concern:

We write to ask you to consider planning permission for application
LA07/2015/0896/O

We applied for planning in September 2015, we have been in contact with the planners in recent months and they have suggested that we build on the site mark B on the attached site ace map.

As we were willing to work closely with the planning officers to find a suitable solution we approached two banks to survey the site that the planning officers had suggested. After receiving negative feedback from the surveyor regarding the suggested site (site B) we also asked them to inspect our initial site (site A). *See Ace-Map.pdf*

From the attached statements from Oak House Surveyors and Bank of Ireland you can conclude that we are unable to obtain a mortgage on the site B that the planners have suggested but we would obtain one on site A.

Another reason we submitted planning for site A was due to how Aileen's brother Neill farms the land. Please find attached his statement and vision on future developments to expand the farm and how building a house on the suggested site B could interfere with his livelihood.

We also sought advise from an one of Europe's leading multidisciplinary environmental consultancies called RSK to access the health and safety risks associated with building on site B.
You can conclude from their statement there are a number of risks.
A response provided on behalf of Environmental Health, Newry, Mourne and Down District Council also states that the proposed dwelling should be situated a minimum of 75m from farm buildings. Site B would be approximately 10 meters from one of the cattle sheds.

We feel we have been completely honest in our reasons wanting to build on site A. Please feel free to ask us any questions.

Yours Faithfully

Stephen & Aileen O'Kane

20 Feb 2017

Stephen

As discussed the primary issues on the site that planners have suggested may arise predominantly from the obvious health and safety issues associated with an operational farm. Hazards could include proximity to a slurry pit and movement of farm related machinery and live stock in close proximity to the dwelling. There is also the potential for nuisance odours associated with the storage and agitation of slurry associated with the nearby animal sheds. Noise pollution could also be an issue with a house dwelling situated close to where animals are kept.

There may be other potential health and safety issues which I have not highlighted. Please feel free to come back to me should you have any queries regarding the above.

Regards

David O'Hagan (office manager)
RSK: 1st Floor Redwood House,
66 Newforge Lane,
Belfast BT9 5NF,
UK
Email: dohagan@rsk.co.uk
Tel: +44 (0)28 90 660993

For further information, visit www.rsk.co.uk

RSK Group plc has achieved certification to the ISO 9001, ISO 14001 and OHSAS 18001 standards for quality, environmental, and health and safety management.

THE QUEEN'S AWARDS FOR ENTERPRISE: INTERNATIONAL TRADE 2015

OAK HOUSE SURVEYORS LTD
PROPERTY SURVEYORS AND VALUERS
Oak House
43 Church Place
Lurgan
Co Armagh
BT66 6EU
Tel. 02838 347111
Fax 02838 349003

Date: 13th March 2017

Mr Stephen O'Kane
12 Old Town Road
Cullyhanna
Co. Armagh
BT35 0JP

Re: Potential site at Old Town Road, Cullyhanna.

Dear Mr O'Kane,

I refer to your recent request to inspect a potential site at 12 Old Town Road, Cullyhanna and confirm that we visited the site on 28th February 2017.

Oak House Surveyors Ltd are a Chartered Surveying firm and the majority of our work is carrying out valuations for residential mortgages. We are on the panels of most major lenders in Northern Ireland and a lot of our time is spent assessing self build properties for mortgage purposes.

Following our visit on 28th February 2017 and having reviewed the potential sites in close proximity to your dwelling, it is our opinion that it would be difficult to obtain a mortgage on the site labelled B in the attached Ace Map given its proximity to the farm dwellings on both sides. These dwellings would in our opinion not only affect the mortgageability but also saleability and in our experience the majority of banks would be unwilling to offer a mortgage on this site.

In our opinion the site marked A in the attached Ace Map would be much more amenable as a site for a residential dwelling as the property will be far enough away from any agricultural buildings so as not to affect mortgageability and saleability.

We trust the above meets your requirements; should you require anything further, please do not hesitate in contacting us. In the mean time we enclose an invoice for our fee.

Yours sincerely,

Mr Brian Turley M.R.I.C.S.
Oak House Surveyors Ltd
RICS Registered Valuer

Encs

To whom it may concern:

I Neill Quinn solely farm the Quinn land. I have been in contact with Aileen and Stephen regarding concerns I have with the site that the planners have suggested which lies in the middle of the farm.

As I farm alone I have a number of processes and practices in place to safely enable me to breed and move livestock by myself, as there is rarely anyone else available to help.

The field the planners have suggested disturbs the smooth functioning of my farm. I use this field to rare pedigree cattle as it is attached to the breeding shed.

In 2014 I had no cattle and built the farm up to 12/14 cattle by 2015. In 2016 the farm stock grew to 30 cattle to which I hope to extend to 50 in 2017.

I have attached a future expansion plan for the farm by 2020 where I aspire to have a herd of 120 cattle.

To enable me to do this I will need to create pedigree cattle runs on the site that the planners have suggested, add additional sheds and cattle walk ways in order to breed and move my livestock safety and efficiently without using public roads. Therefore any house built on the working farm will have an affect on my livelihood and the opportunity to expand the farm to provide for my family. Therefore I support Aileen and Stephen's application to build on the edge of the farm.

Yours Faithfully
Neill Quinn

Future Farm Expansion Plan

Bank of Ireland UK

43 High Street, Portadown,
Craigavon BT62 1HY
Tel +44 (0)28 3833 2104
Fax +44 (0)28 3833 0684
www.bankofireland.co.uk

To whom it may concern,

With reference to the recent application from our mutual client Mr Stephen O'Kane. seeking planning approval on site A.

I would like to take this opportunity to give you some information on Bank of Irelands Self Build Mortgage lending criteria which will hopefully enable our client to potential apply for a mortgage.

-The site should not be landlocked and should ideally have its own separate access, directly onto the public highway.

-Access shared with, running through a farm or in between working farm buildings are not acceptable.

- Properties in close proximity to working farm buildings or intensive agricultural activities, e.g. movement of livestock, storage of waste materials and machinery are unacceptable.

In regards to the above, the proposal for Site A would be more favourable for obtaining a mortgage.

Trusting you find this satisfactory

Kind regards,

Wendy Porter
Mortgage Advisor

Bank of Ireland
43 High Street
Portadown
Co Armagh
BT62 1HY

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Bow Bells House, 1 Bread Street,
London EC4M 9BE

A member of Bank of Ireland Group

rdnance Survey of Northern Ireland

ACE MAP

Plot Scale 1: 2500

Information from OSNI basic s surveys.

NORTH

274 08NW

IG 291980/320300

Printed: 5-DEC-02

ULLYHANNA, NEWRY

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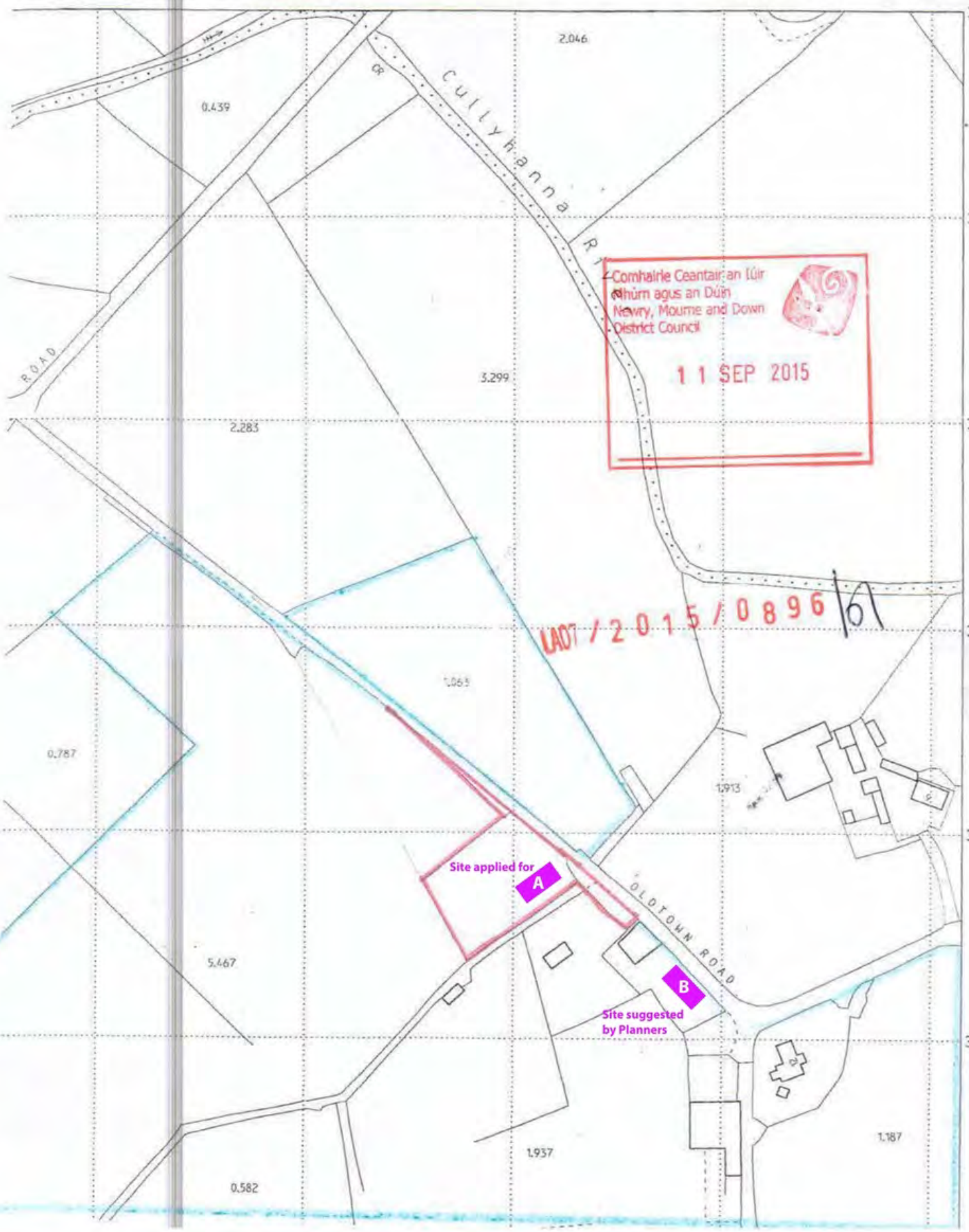


Comhairle Ceantair an Iúir Mhúrn agus an Dúin
Newry, Mourne and Down District Council
11 SEP 2015

LAD7/2015/0896/61

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**4**			
APPLIC NO	LA07/2016/0107/F	Full	**DATE VALID**	25/01/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Aidan Strain 40 Maphoner Road Mullaghbawn Newry BT35 9TR		**AGENT**	J.A. Murphy B.Sc., M.I.C.E. Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 028 3088 8214
LOCATION	40 Maphoner Road Mullaghbawn Newry BT35 9TR			
PROPOSAL	Single storey side extension to be used as sun-lounge and detached garage to rear.			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1 The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the design and external materials of the proposal is not sympathetic with the built form and appearance of the existing property.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0107/F

Date Received: 25th January 2016

Proposal: Single storey side extension to be used as a sun-lounge and detached garage to rear.

Location: The site address is 40 Maphoner Road, Mallaghbawn it is located outside the development limits of Mallaghbawn as defined by the Banbridge/ Newry and Mourne Area Plan 2015 and approximately 250 metres north of Mallaghbawn village.

Site Characteristics & Area Characteristics:
A two storey dwelling occupies the site with dog pens to the rear of the dwelling. An unauthorised two storey building also sits to the rear of the dwelling. There is a substantial garden area to the front of the dwelling with a further lawn area to the northern side of the property. The rear boundary (west) is defined by high hedging with a mix of timber fencing, stone wall and a dash wall defining the east, west and southern boundaries. Immediately south and north of the property is land for industrial use containing buildings for an electrical warehouse, storage and cable management.

The surrounding area is rural in character. There are residential properties further south and north of this application site along Maphoner Road.

Site History:

P/2012/0309/F	40 metres North West of No 40 Maphoner Road, Mullaghbawn, Newry, BT35 9TR,	Shed for storage and cable management and general industrial use	Permission Granted
P/2006/0845/F	40 Maphoner Road, Mullaghbawn, Newry	Erection of storage warehouse	Permission Granted

Planning Policies & Material Considerations:
The Strategic Planning Policy Statement (SPPS), The Banbridge / Newry and Mourne Area Plan 2015, Addendum to Planning Policy 7 (PPS7) and Planning Policy Statement 21 (PPS21).

Consultations:
There were no consultations issued for this proposal.

Objections & Representations
There were four neighbour notifications issued for this proposal. The planning application was advertised in the local press on 1st February 2016. There were no representations received.

Consideration and Assessment

This application proposes a single storey extension to the southern gable wall of the existing dwelling on site and a domestic garage to sit approximately 20 metres behind the dwelling. The single storey extension proposed will have a ridge height of 3.7 metres from the FFL, it will extend 5.8 metres from the southern gable wall of the existing dwelling and will measure 7.2 metres in width. Finish materials for the proposed extension appear to match those on the existing dwelling. It is considered the proposed extension will be subordinate to and complement the host dwelling in line with policy requirements of Addendum PPS7.

The garage proposed will have a ridge height of 4.6 metres from FFL and create 80.52 sq. metres of floor space. The walls of the garage are to be constructed using blocks up to a height of 2.15 metres with a smooth plaster finish and the remaining side rails and roof are to be constructed using chocolate brown Kingspan sheeting. On the NE elevation brown p.v.c windows and a door are to be provided, with brown roller shutter doors provided on both the SE and NW elevations. Due to the topography of the area the FFL of the garage will be 1.8 metre below the FFL of the dwelling. Addendum to PPS 7 states that garages and associated outbuildings should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. Paragraph A13 states that in the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings. We consider the design, style and size of the garage proposed to be reflective of an industrial building rather than a domestic garage. To justify this, the agent noted the design and style of the garage is reflective of the two industrial sheds which lie to the N and S of the garage proposed. We note however, these sheds lie outside the established residential curtilage of the property and are not reflective of the residential built form and therefore cannot be considered sympathetic and in keeping with the existing residential built form. We are content that the garage proposed, given its position behind the house and between two industrial sheds positioned to the N and S and the topography of the area the garage proposed will not have any impact on the character of the local area.

The agent was asked to explain how access to the garage is provided. A response provided explains that an existing access to the north and that lies outside of the residential property serving an industrial shed will be used to provide access to the proposed garage. Under Paragraph A4 of the Addendum to PPS7, an alteration to a residential property should be designed to become an integral part of the property both functionally and visually, we consider this arrangement to be non-compliant with this.

Due to the separation distance from any neighbouring residential properties, the proposed extension and garage will not create any overlooking / overshadowing issues to address and will therefore not unduly effect the privacy or amenity of neighbouring residents.

As a result of the proposed works there will be no loss of trees or landscape features which contribute significantly to the local environment quality. The size of the extension proposed and location of the proposed garage to the rear of the dwelling ensures sufficient space remains within the curtilage of the dwelling for normal domestic activities including the parking and manoeuvring of vehicles.

Householder Development

Householder development, under which this planning application was made, is for works of alteration/extension to a dwelling or other development for domestic purposed within the curtilage of a dwelling (e.g. erection of a garage). The agent has stated in a letter dated 17th October 2016 the garage proposed is to be used for the storage of vintage tractors and also "family cars, lawn mower , barbeque etc." The area selected to site the proposed domestic garage was previously included in the area outlined in planning application P/2012/0309/F (approved in 2013) for shed for storage and cable management and general industrial use and was labelled as yard. We therefore consider this piece of land to sit outside of the residential curtilage meaning this proposal cannot be dealt with under this current householder planning application.

Should this application be overturned, amended plans to include a schedule of finishes for the proposed extension which reflect the finishes on the existing dwelling must be provided prior to a decision notice being issued.

In conclusion we are content the extension proposed to the dwelling complies with Addendum to PPS 7, however we consider the garage proposed does not lie within the established residential curtilage and cannot be dealt with under householder development application. Further, the design and external material finishes for the proposed garage are not sympathetic with the existing built form and appearance of the existing property.

Recommendation:
Refusal

Refusal Reasons:

1. The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the design and external materials of the proposal is not sympathetic with the built form and appearance of the existing property.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

JAMES A. MURPHY
B.Sc. C.Eng. M.I.C.E. M.I.E.I.,
Chartered Engineer

43 New Road
Silverbridge
Newry BT35 9NB

Tel: 02830 888214
Fax: 02830 889502
E: jamesamurphy8@hotmail.com

Proposed Garage and Extension to Dwelling at 40 Maphoner Road,

Mullaghbawn, Newry for Mr. Aidan Strain

Submission to Council on 29/3/2017

Planning ref; LA07/2016/0107/F **Date; 21st. January 2016**

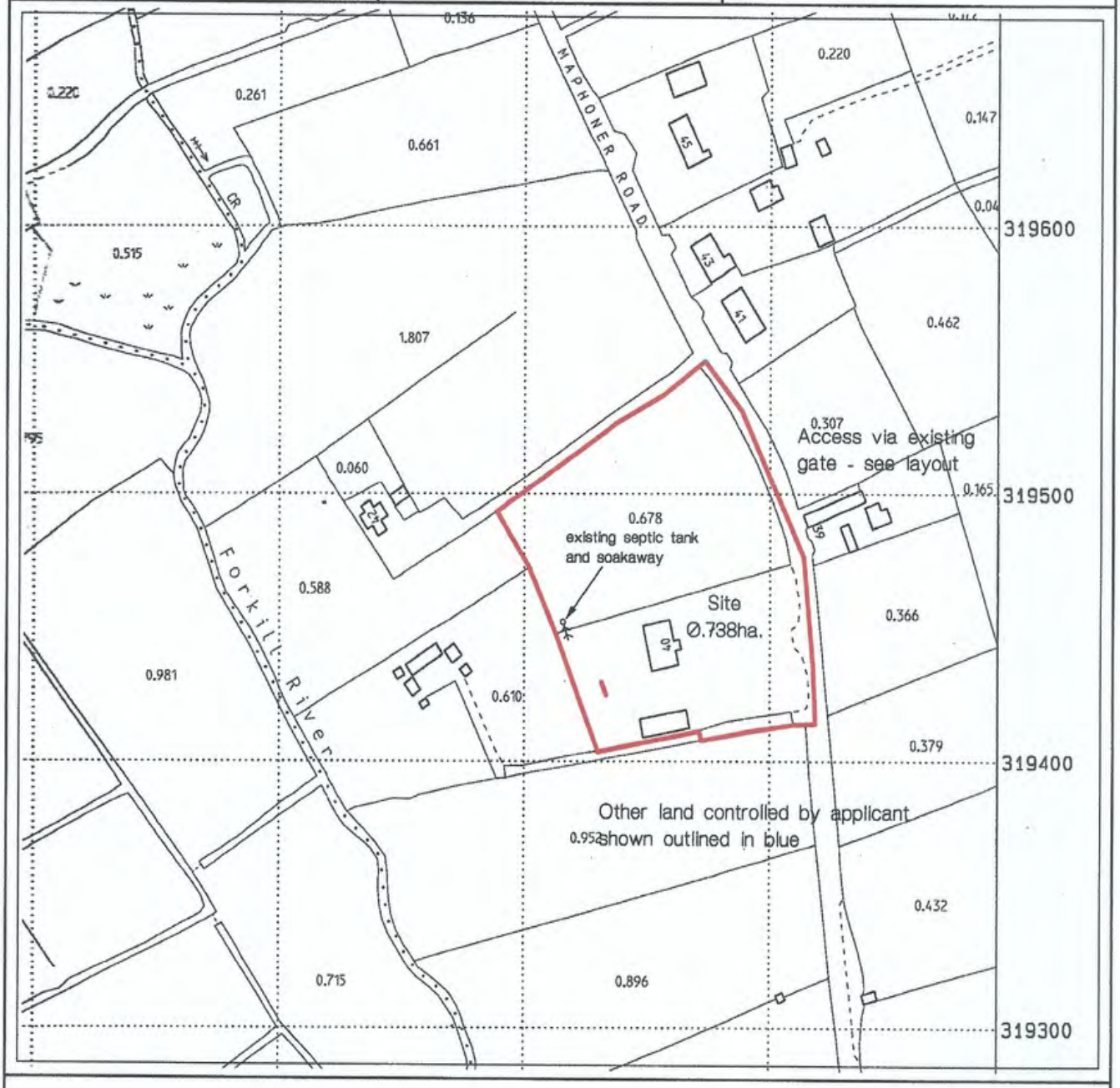
1 Original site map
2 Original Site Layout
3 Layout as required by Planning Office.
4 Aerial photo of site
5 Diagrams from Addendum to PPS 7

I.G. 275-7SW

Scale: 1- 2500

Date: April 2012

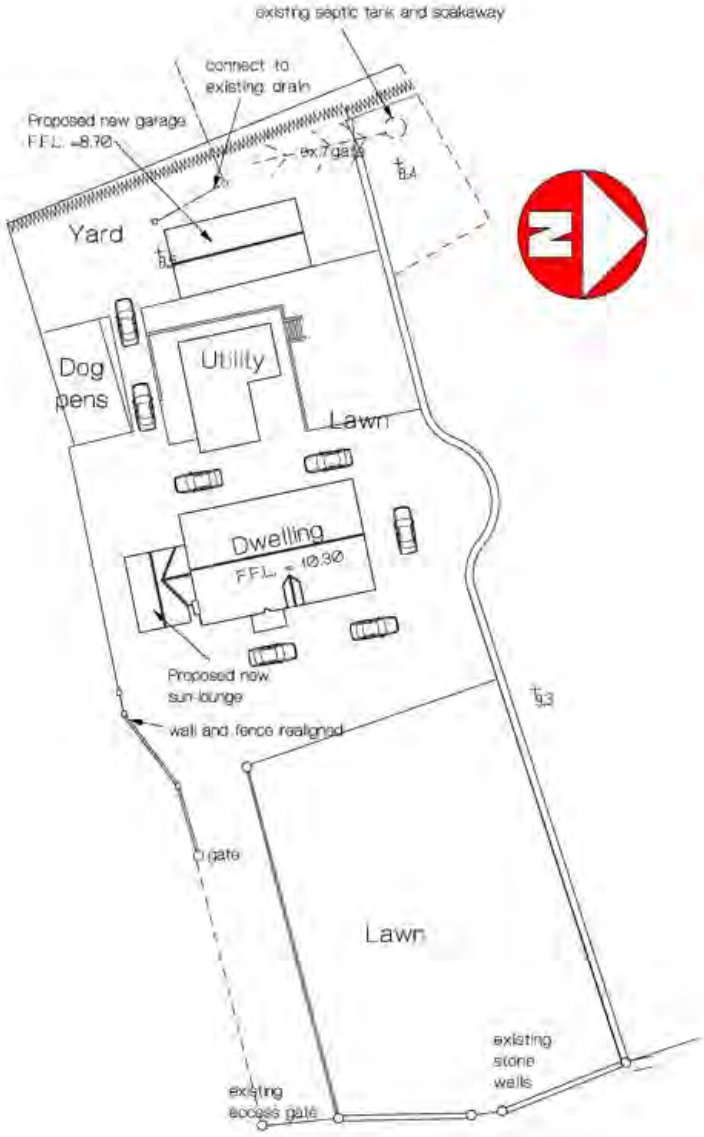
J.A. Murphy. BSc. M.I.C.E.
Chartered Engineer.
43, New Road.
Silverbridge, Newry.
Tel. 30 888214.



Site Location Map re Premises at Maphoner Road, Mullaghbawn, Newry for Mr. A. Strain

1

Reproduced from the ordnance surveys of Northern Ireland map of 2003 with the permission of the director and chief executive. Crown Copy Reserved.



PROPOSED EXTENSION TO DWELLING AND NEW GARAGE
AT 40 MAPHONER ROAD, MULLAGHBAWN, NEWRY.
FOR MR. A. STRAIN.

SITE LAYOUT PLAN

J.A. Murphy B.Sc., M.I.C.E.
Chartered Engineer,
43 New Road,
Silverbridge,
Newry.
Ph; 30 888214.
Fax; 30 889502

Scale : 1/500

January 2016

Drg. No. M16-201-3A

A. March 2016 amended to show only the site of the dwelling - Planning requirement
REVISIONS :

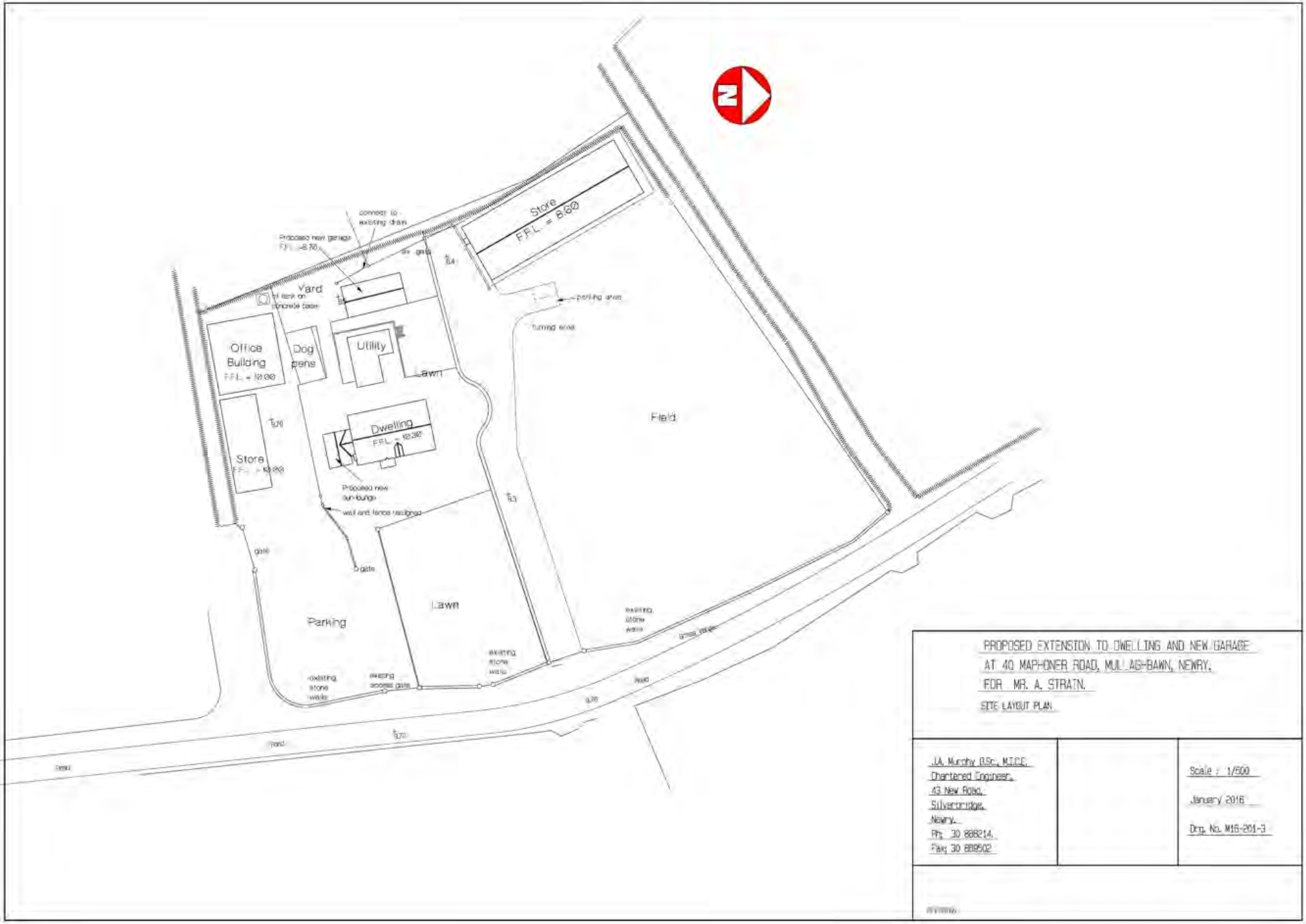
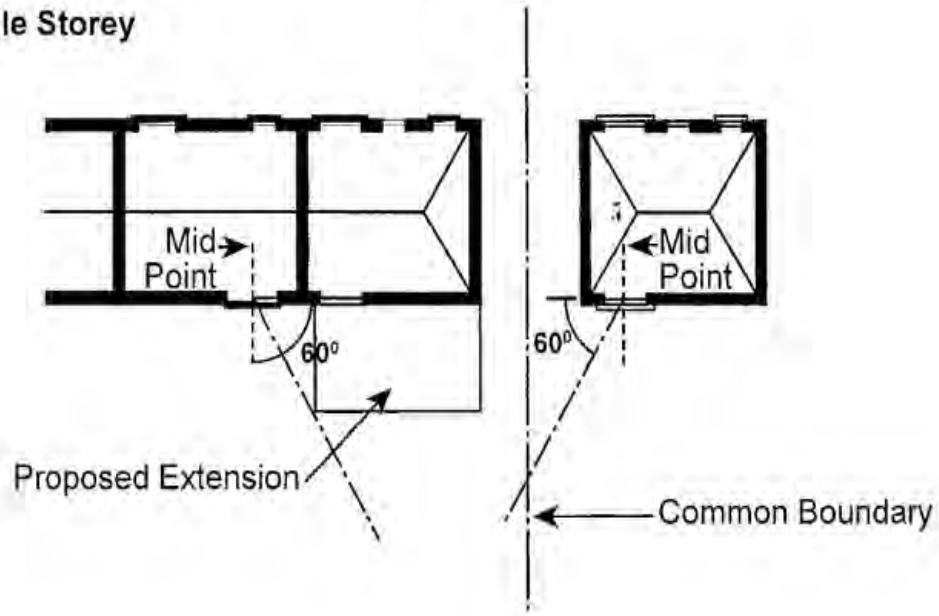

N
Store
F.F.L. = 8.60
connect to existing drain
Proposed new garage
F.F.L. = 8.70
Yard
oil tank on concrete base
Office Building
F.F.L. = 10.00
Dog pens
Utility
Lawn
Dwelling
F.F.L. = 10.30
Store
F.F.L. = 10.00
Proposed new sun-lounge
wall and fence realigned
gate
Parking
Lawn
Field
parking area
turning area
existing stone walls
existing access gate
existing stone walls
existing stone walls
road
PROPOSED EXTENSION TO DWELLING AND NEW GARAGE
AT 40 MAPHONER ROAD, MULLAGHBAWN, NEWRY.
FOR MR. A. STRAIN.
SITE LAYOUT PLAN
J.A. Murphy B.Sc., M.I.C.E.
Chartered Engineer,
43 New Road,
Silverbridge,
Newry.
Ph: 30 888214.
Fax: 30 888502
Scale : 1/500
January 2016
Drg. No. M16-201-3

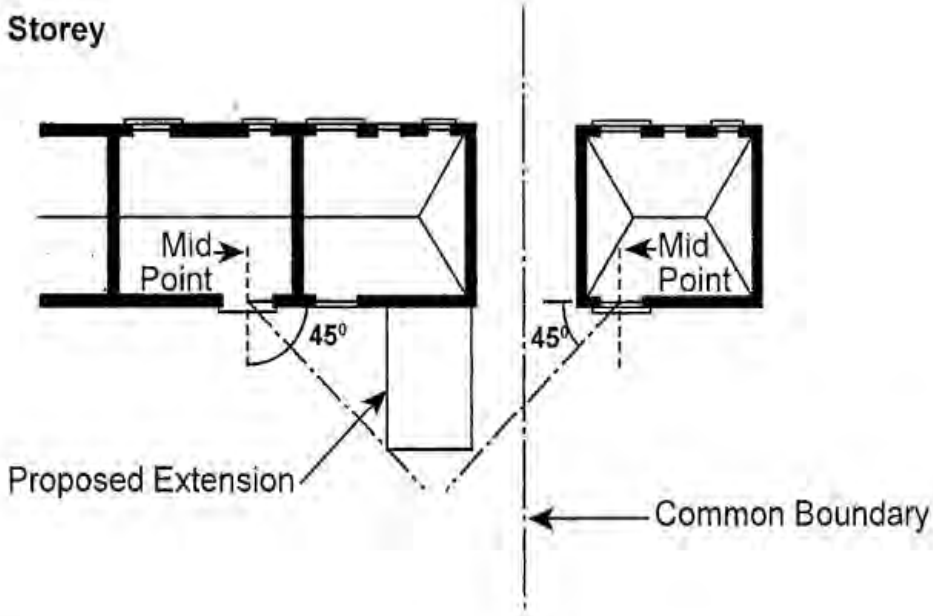
Figure 1

House Extensions

Single Storey



Two Storey



Adjoining development should be shown on plan for the proper assessment of the proposal

5

Back to Agenda

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**20**			
APPLIC NO	LA07/2016/1718/F	Full	**DATE VALID**	23/12/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Thomas McKenna 71 Cullaville Road Crossmaglen Newry BT35 9AQ		**AGENT**	JA Murphy 43 New Road Silverbridge Newry BT35 9NB 02830888214
LOCATION	Site between Nos 69 and 71 Cullaville Road Crossmaglen Newry BT35 9AQ			
PROPOSAL	New dwelling house and garage on infill site			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 90 metres is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1718/F

Date Received: 23.12.2016

Proposal: Full permission for a new dwelling house and garage on infill site.

Location: Site between Nos 69 and 71 Cullaville Road, Crossmaglen, Newry, BT35 9AQ. The site is located approximately 0.75miles North East of Cullaville in the South Armagh countryside.

Site Characteristics & Area Characteristics:
The site includes an agricultural field that abuts the public road between Nos 69 and 71 and also the south east corner of garden area belonging to No. 71. The area has a predominately strong rural character.

Site History:
N/A

Consultations:
Transport NI – Refusal as forward site distance of 90m is not achieveable.
Water NI – generic response no objections.

Objections & Representations
2 Neighbours notified on 11.01.2017 and application advertised on 11.01.2017. No objections or representations received.

Planning Policies & Material Considerations:
Banbridge Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15.
Building on Tradition

Consideration and Assessment:
Planning Policy Statement 21 – Sustainable Development in the Countryside
The proposal is considered to represent a small gap in an otherwise substantial and continuously built up frontage and therefore meets the exception in policy CTY8.

The design of the proposal is considered acceptable and the siting arrangements traditional. The proposal meets policy CTY 13.

Any approval notice would be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

Transport NI was consulted with regard to Planning Policy Statement 3. It has responded confirming the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 90 metres is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

As the proposed site cannot safely achieve the required forward sight distance as documented above, refusal is recommended.

Recommendation:
Refusal

Refusal Reasons:

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 90 metres is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.**

Case Officer

Authorised Officer

Re: No. 20 - LA07/2016/1718/F - Thomas McKenna, 71 Cullaville Road - Item 21

James Murphy to Colette.McAteer@nmandd.org

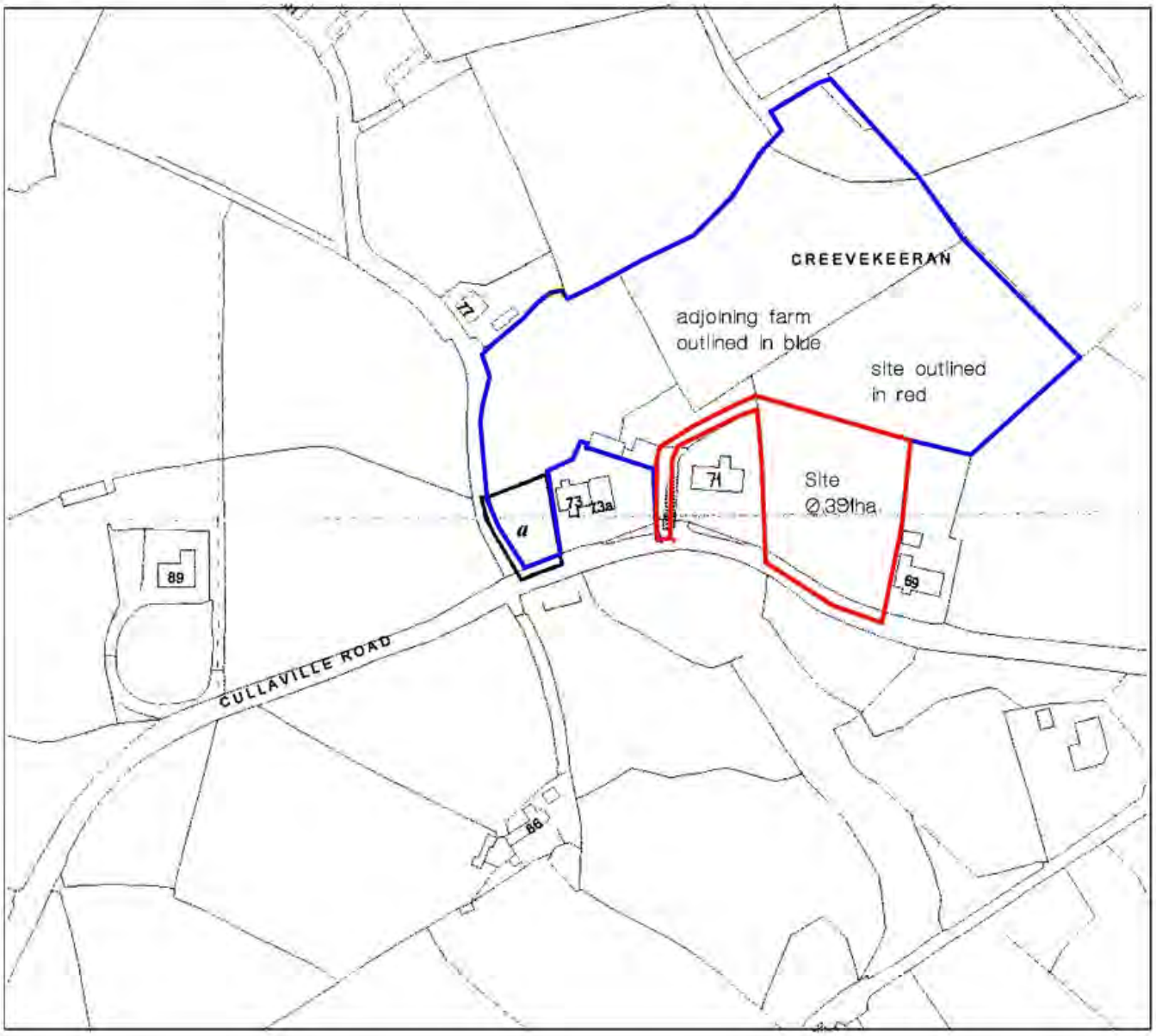
The only issue on this one concerns the road access.
The earliest that Transport NI can meet me on site will be tomorrow at 10.30.
At the council meeting I will be talking on this subject, but as of now I do not know what I will be saying.
Seamus

I.G. 280-3SW & -7NW

Scale: 1-2500.

Date: November 2016

J.A. Murphy. BSc. M.I.C.E.
Chartered Engineer.
43, New Road.
Silverbridge, Newry.
Tel. 30 888214.



Site Location Map re Proposed Infill Dwelling at Cullaville Road, Crossmaglen, Newry for Mr. T. McKenna

A. March 2017 - New access to site shown
REVISIONS;

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PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 6

APPLIC NO LA07/2016/0307/O Outline **DATE VALID** 02/03/2016

COUNCIL OPINION **REFUSAL**

APPLICANT Paul Ward Shelbourne Motors Ltd
334 Tandragee Road
Portadown
BT62 3RB

AGENT Mr David Anderson
Anderson Architect
92A Thomas Street
Portadown
BT62 3AG

NA

LOCATION Cluain Mhuire
Armagh Road
Newry. Existing entrance opposite 132 Armagh Road
Glassdrummond
Newry
BT35 6PU

PROPOSAL Erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining showrooms. Grounds of building to make provision for vehicle display areas and customer parking

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	1	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1. The proposal is contrary to Paragraph 6.279 of the Strategic Planning Policy Statement in that the site lies outside the development limits of Newry as designated in the Banbridge/Newry and Mourne Area Plan 2015 and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
2. 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.
3. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations 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.
4. The proposal is contrary to the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plan.
5. The proposal is contrary to Paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up to date development plan.

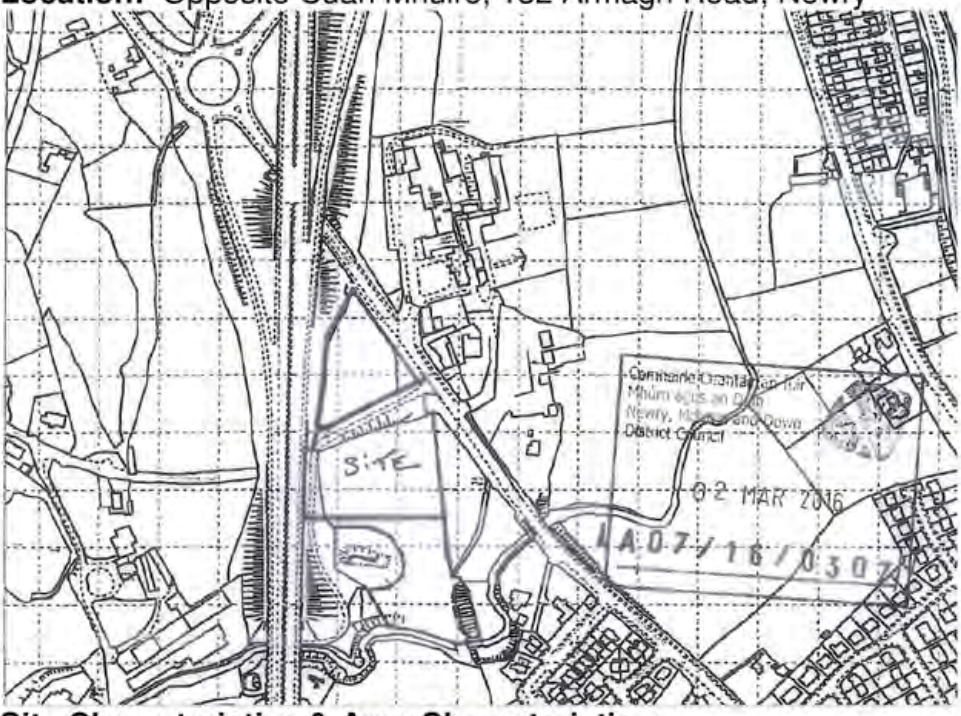
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0307/O

Date Received: March 2nd 2016

Proposal: Multi Franchise Car Showroom to include a Car Workshop and Display Areas

Location: Opposite Cuan Mhuire, 132 Armagh Road, Newry



Site Characteristics & Area Characteristics:

The site is a large grazing field that is located outside of the development limit of Newry, adjacent to the A1 Belfast-Dublin dual carriageway. The site is bounded on its northern and western sides by a short stretch of road that was previously part of Craigmore Road but this was severed by the construction of the A1 and as a result it now forms an access to a group of fields that join on to Armagh Road to the east of the site.

The site is bounded by a post and wire fence, it's ground level is uneven and it falls sharply away towards its rear, the field is heavily overgrown and does not appear to be intensively used.

The site is located just south of the Carnbane junction on the A1, immediately opposite the junction of the lane with the Armagh Road is the former Cuan Mhuire Rehabilitation Centre. To the south of this on Armagh Road are a series of residential properties.

Site History:
There is no recent planning history on the site itself.

Consultations:

Environmental Health: No objections subject to the imposition of a condition requiring that any plant and machinery be operated in a way that does not affect the amenity of nearby residents.

Historic Environments Division (HED) The site is located in an archaeologically sensitive area, it is stated that excavations as part of the A1 upgrade uncovered extensive below ground archaeological remains nearby and there is the potential for further remains to extend into the application site. It therefore requests a full archaeological impact assessment be carried out in order to enable an informed and reasonable planning decision to be made.

Transport NI Advises that the proposal connects on to the A28 Armagh Road which is a protected route, it advises that Planning must be satisfied that the proposal falls within one of the exceptions listed within the policy or else it should be refused.

Objections & Representations
To date two representations have been received to this application, from an organisation named Birth Mothers and their Children for Justice and from an archaeologist working on their behalf. While they do not formally object to the application, it is stated that the site was previously owned by the Cuan Mhuire home which was previously used as a Mother and Baby Home. The representations state that they believe that a number of such burials were carried out in a garden of the home nearby but they believe that further burials in other parts of the former grounds cannot be discounted. They request that a full archaeological assessment is carried out before any construction work occurs on the site.

HED were specifically asked to comment on this issue in their consultation response, they have stated that the archaeological impact assessment referred to above should consider this matter and include appropriate site evaluation strategies.

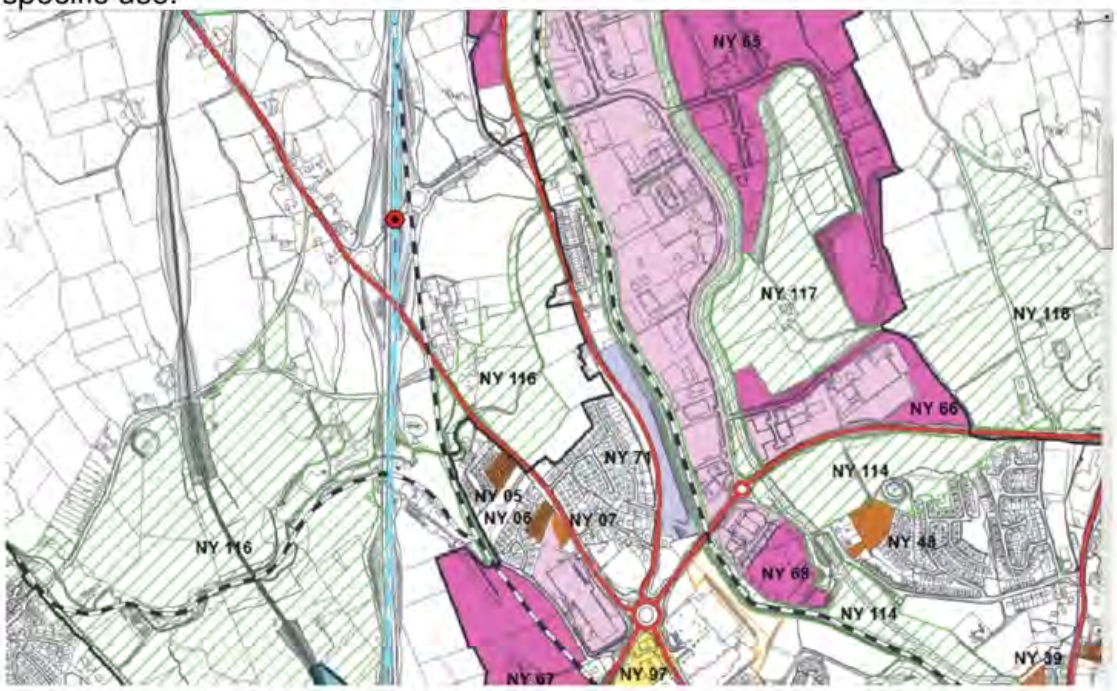
Consideration and Assessment:

This application must be considered in the context of prevailing planning policy provisions, provided by:

- Banbridge/Newry and Mourne Area Plan 2015
- Planning Policy Statement 21 Sustainable Development in the Countryside.
- Strategic Planning Policy Statement (SPPS)
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 6, Planning, Archaeology and the Built Heritage

Banbridge/Newry and Mourne Area Plan 2015

The site is located outside of the development limit of Newry which is a short distance away to the south and in the open countryside. It is not identified for any specific use.



The objectives of the plan place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas, and supporting and developing existing urban areas. It is considered that the proposal does not accord with the overall aims, objectives or policies of the current statutory plan for the area, by virtue of its location outside of the designated settlement boundary of Newry City and within the open countryside. It is considered that it would not facilitate appropriate development within the urban area; lead to a sustainable pattern of development; or promote a compact urban form.

The applicant states, in a statement supporting the application, that approval of the proposal will deliver £3.5 million in new investment as well as 60 skilled jobs, further claimed benefits include the creation of new rates income for the Council as well as the creation of an iconic facility in a prominent location adjacent to the A1 as well as complementing the existing economic/commercial offer in the Newry Area including the Quays and Buttercrane centres.

While it is accepted that the issues raised in support of the application, in particular the reference to increased investment and job creation, are material considerations in the consideration of this application, these are not of sufficient weight to set aside the provisions of the statutory Area Plan or prevailing regional policy, in particular the SPPS.

Strategic Planning Policy Statement (SPPS)

The SPPS sets out strategic subject planning policy for a wide range of planning matters. Its provisions apply to the whole of N I and are material to all decisions on individual planning applications. Paragraph 1.12 sets out the transitional arrangements which operate ahead of the development of individual Development Plans by each of the councils. During this transitional period all councils must apply policies contained in those retained existing planning policy statements identified at Para 1.13 of the SPPS. It further states that where the SPPS is silent or less prescriptive than the retained policies then they should be afforded greater determining weight. Paragraph 1.13 lists PPS 3, 6 and 21 as being retained policies, all of which are material to the consideration of this application. The SPPS identifies, at para 1.16, those planning policy statements 'cancelled' by the introduction of the SPPS. These include PPS 5: Retailing and Town Centres. The relevant retailing planning policies are now contained within the SPPS, in particular Paras 6.267 to 6.292.

The sale of motor vehicles is a *sui generis use* under the provisions of the Planning (Use Classes) Order (NI) 2015, i.e. it is not specified in any of the use classes identified in the Use Classes Order. In planning policy terms it is traditionally assessed as being a retail proposal rather than one for economic development.

The SPPS sets out a number of regional strategic objectives for retailing; these are primarily intended for assessing conventional retail proposals such as supermarkets and retail outlets. The SPPS emphasises the importance of town centres in meeting retail provision and sets out a sequential test for assessing all such proposals. The SPPS sates that planning authorities will require applications for town centre uses to be considered in an order of preference; primary retail core, town centres, edge of centres and out of centre locations. The requirements of a car dealership, in terms of space, layout and access must be a material consideration in the assessment of any application for a car dealership. In this context it is considered unrealistic to expect this proposal to locate within a primary retail core or town centre.

The SPPS states that in the absent of a current and up-to-date Local Development Plan, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking into account of the sustainability and

objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

As previously referred, the application has been accompanied by a statement from the applicant's agent commenting on the development plan and on the choice of site selection, it accepts that car sales are a *sui generis* use and claims that it is not appropriate to site this proposal on any of the 124 hectares of land zoned for economic development in the Plan Area. Therefore the choice of a site outside of the development limit was determined because there are no suitable sites within the development limit of Newry and because the nature of car sales means that it does not fall within Use Class B (This is a reference to the Use Classes Order and relates to industrial and business uses).

Policy PED7 of PPS4 provides an exception under which *sui generis* uses can be permitted on land zoned for economic development if it can be demonstrated that the proposal is compatible with the predominant land use and is of an appropriate scale and use. It states that proposals such as retailing and commercial leisure will not be acceptable. While car sales are traditionally assessed under retail policy, the thrust of PED7 is to prevent traditional retail such as supermarkets or comparison shopping from becoming established in industrial estates.

As previously stated it is considered unrealistic to expect this proposal to locate within a primary retail core or town centre. It is arguable that a car showroom is more compatible with the kind of uses which are found in industrial estate type locations and it may be possible to grant an exception under the terms of PED 7 of PPS 4 for this type of proposal on land zoned for economic development purposes.

It is considered that the applicant has not demonstrated that alternative suitable sites are not available within the settlement boundary, beyond the town centre, for this proposal, considering the amount of land zoned for economic development.

While paragraph 6.279 of the SPPS states that retailing will be directed to town centres, inappropriate retail facilities in the countryside will be resisted. It goes on to provide a list of retail uses that will be considered in the countryside, these include farm shops, craft shops and shops serving tourist or recreational facilities. While this list is not exhaustive the thrust of the policy is that it considers that only small scale facilities that cater for a bespoke or niche clientele are considered acceptable. A car dealership of the scale proposed is a much more significant scheme and is not considered to be an acceptable use in the countryside under the provisions of the SPPS.

Other material planning policies

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

- **Policy CTY 1 Development in the Countryside**
  The policy lists a number of categories of non-residential development which will be acceptable in the countryside. There is no provison for the proposed retail use in the countryside. The SPPS provides the relevant policy context, and the proposal is judged to be unacceptable, for the reasons outlined above.

- **Policy CTY 15 of PPS 21The Setting of Towns and Villages**
  The policy seeks to prevent developments which mar the distinction between settlements and the countryside or which result in urban sprawl. The site is located beside a major dual carriageway, close to the settlement boundary of Newry City. It is considered, by virtue of its proposed scale, use and location that the proposal would mar the distinction between the settlement and the countryside and would have any adverse impact on its immediate surroundings.

Planning Policy Statement 3 Access, Movement and Parking

- **Policy AMP 3 Access to Protected Routes (Consequential Revision)**

  This lists four exemptions under which a proposal will be granted direct access on to a protected route. The most relevant criterion for this application 'Other Categories of Development' states that approval may be justified for certain types of development which meets the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. It is considered, as previously outlined that the proposal does not meet the criteria for development in the countryside, as set down in prevailing policy, in particular the SPPS. As a consequence it fails the requirements of CTY 1 and therefore Policy AMP 3, 'Access to Protected Routes.

The statement submitted in support of the application also makes reference to the court judgement *City of Edinburgh Council v Secretary of State for Scotland [1998]* which set out an approach to deciding an application that is contrary to a development plan;

- *Identify any provisions of the plan which are relevant to the decision;*
- *Interpret them carefully looking at the aims and objectives of the plan as well as detailed wording of policies:*
- *Consider whether or not the proposal accords with the development plan;*
- *Identify and consider relevant material considerations for and against the proposal, and;*
- *Assess whether these considerations warrant a departure from the development plan.*

The Planning Department is satisfied that this approach has clearly been followed in the assessment of this planning application. In relation to the proposal, the considerations against it are that: it does not comply with the area plan as it is located outside of the development limits of Newry; it is on a site outside of the development limit; it is not of a form of development considered appropriate for a rural area and it is contrary to the protected routes policy. The material considerations identified in support of the application are insufficient to warrant a departure from the development plan.

Reference is also made to a planning approval where it is claimed that the Council granted approval for a similar scheme in the countryside, however the submitted reference number, R/2014/0481, is for a farm dwelling near Kilcoo. It is likely that the case being referred to is R/2014/0487 which was for the erection of new production

buildings at a site on Burrenreagh Road, Castlewellan. If this is the case it is considered that the application referred to is not comparable in that this previous approval related to the expansion of an established business in the countryside, rather than the creation of a new business.

In the light of the above, refusal is recommended for the reasons set out below.

Refusal Reasons/ Conditions:

1. The proposal is contrary to Paragraph 6.279 of the Strategic Planning Policy Statement in that the site lies outside the development limits of Newry as designated in the Banbridge/Newry and Mourne Area Plan 2015 and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.

2. 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.

3. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations 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.

4. The proposal is contrary to the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plan.

5. The proposal is contrary to Paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up to date development plan

Case Officer

Authorised Officer

RPS

SUBMISSION TO ELECTED MEMBERS IN SUPPORT OF APPLICATION LA07/2016/0307/O

1.0 BACKGROUND TO THE PROJECT:

The Proposal:

The application proposes the erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining car showrooms on lands opposite 132 Armagh Road Glassdrummond, Newry.

The lands surrounding the new car showrooms will make provision for vehicle display and customer/staff car parking.

Investment & Jobs:

This project involves an investment of **£3.5m** in Newry Mourne & Down District.

Initially we would look to employ **30-40 staff rising to 60** within a short period of time.

Site Requirements:

There are a number of key criteria that have to be met in selecting a suitable site for this project to ensure that it is a sustainable investment:

- A minimum of site area of 5 acres (2.02ha) to accommodate current needs (c1ha) and allow for planned future economic growth – the application site meets this need.
- High levels of accessibility - on or close to main roads - the proposed lands are in a very accessible location, served by the A28 which quickly links into the A1 providing access to a broad catchment without contributing to traffic congestion within the City centre.
- Site configurations and access arrangements that enable delivery trucks to load and unload safely – this sites configuration and ready access using the former Craigmore Road access will enable delivery trucks to load and unload without compromising road safety or traffic movements.
- A location that enables customers to test drive vehicles without becoming ensnarled in or contributing to traffic congestion in the City - The level of accessibility means that customers either test driving new vehicles or dropping off cars for service can readily access, avoiding traffic congestion in the city.
- A location that is readily accessible for customers to drop off vehicles for servicing without becoming ensnarled in or contributing to traffic congestion in the City – the application site fulfils this need.
- A location that has a visual presence, will a positive landmark in its locality and will draw customers into the area – the application site meets this requirement. In addition the lands have been effectively severed from the main farm holding by the construction of the new A1 dual carriageway. The lands are now isolated and no longer readily accessible for agriculture resulting in an unkempt appearance. The plans to create an iconic car franchise at this location will result in planning gain through delivery of an attractive site on the edge of the City limits adjacent to a

major traffic route. The development will enhance the setting of the City and deliver a significant planning gain in visual terms.

2.0 PLANNING RECOMMENDATION

The planning recommendation to refuse planning permission is primarily related to the location of the proposed site outside the development limit of the settlement:

1. The proposal is contrary to Paragraph 6.279 of the Strategic Planning Policy Statement in that the site lies outside the development limits of Newry as designated in the Banbridge/Newry and Mourne Area Plan 2015 and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
2. 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.
3. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations 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.
4. The proposal is contrary to the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plan.
5. The proposal is contrary to Paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up to date development plan.

3.0 CONSIDERATION OF LANDS WITHIN NEWRY CITY DEVELOPMENT LIMITS

The Banbridge, Newry & Mourne Area Plan 2015 zones lands for a number of development categories within the defined settlement limit of Newry City. These include lands zoned for housing, education, community facilities and for cemetery use none of which are suitable for accommodating the proposed use.

Consideration was therefore given to lands zoned for Economic Development and for Mixed Use Development.

Zoned Economic Development Lands

The Plan confirms that zoned economic development land is in a variety of locations to allow for a range of economic development uses and choice.

Economic development uses comprise the following land use classes as defined in the Planning (Use Classes) Order (Northern Ireland):

- General industrial (Class B2);
- Light industrial (Class B2);
- Business (Class B1); and

- Storage or distribution (Class B4).

Class B3: General Industrial uses may be acceptable where the carrying out of any proposed industrial process is compatible with adjacent uses.

The Strategic Planning Policy Statement (SPPS) states that:

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply.

Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. (my emphasis)

Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes);

A car showroom and related activities falls outside the B Class use as defined by Planning (Use Classes) Order (Northern Ireland) and it is therefore not acceptable to locate such development on any of the 124 hectares zoned for economic development in the Banbridge, Newry & Mourne Area Plan.

Zoned Mixed Use Development Lands

The Area Plan also zones 2.85 hectares at Tandragee Road for 'Mixed Use Development'

That zoning can accommodate a variety of uses which may include:

- Light industrial (Class B2);
- General industrial (Class B3);
- Business (Class B1);
- Storage or distribution (Class B4);
- Dwelling houses (Class C1);
- Community and cultural uses (Class D1); and
- Leisure (Class D2).

Use of the lands as a car showroom would not be acceptable in these circumstances.

Development Opportunity Sites

The Plan also identifies 13 mixed use Development Opportunity Sites, primarily within Newry City Centre where lands in city are under-utilised or vacant and where development, which might provide a mix of new uses, could promote the vitality and viability of the town centre, or could enhance the townscape, for example, by closing frontage gaps or by replacing unattractive features.

10 of the sites are under 1 hectare in area and therefore fall well below the required land-take to accommodate this development.

Development Opportunity **Site NY88** comprising 2.78 hectares at Courtney Hill, lies adjacent to the Conservation Area, contains a Listed Building and requires provision of

at least 14 dwellings for social housing. These lands are clearly not suitable for the proposed use.

Development Opportunity **Site 89** comprises 6.18 hectares at Middlebank in the Albert Basin. The Plan requires the provision of a minimum of 40 dwellings for social housing and that development proposals must provide canal and river facing built frontages of at least two storeys. The lands are not suitable for the proposed development.

Development Opportunity **Site 90** comprises 6.56 hectares at Warrenpoint Road. The site has planning permission for a retail led, mixed use regeneration scheme incorporating a food superstore, non-food retail units, a convenience unit, cafes/restaurants, an Enterprise/Innovation Centre, 50 No apartments for social/affordable housing, car parking, riverside walk and public open space. It will not accommodate the proposed use.

Other Sites Considered by the Applicants

The applicant has investigated the availability & feasibility of numerous other sites but the sites have been ruled out for various reasons as summarised below:

1. **Lands at Tandragee Road**: Only 1.3 acres (0.52 ha) available which does not meet the basic needs of the current development requirement or allow for planned future growth of the business.
2. **Lands at Shepherds Way**: Only 2.3 acres (0.8ha) available which does not meet the basic needs of the current development requirement or allow for planned future growth of the business. In any event the lands fall with the Economic Development zoning and would not be suitable for the proposed use.
3. **Lands at the Carnbane Industrial Estate (Asda site)**: The land was only available for rent and not for purchase. In any event the lands fall with the Economic Development zoning and would not be suitable for the proposed use.
4. **Lands at the Old Ford site, Warrenpoint Road**: This site has already been divided up to accommodate numerous business uses. The land owner would not sell the property in any event.
5. **Lands at the Old Renault site**: The landowner was not interested in selling the lands and rented property is not suitable for this development and level of investment planned. In addition the site lies in the city centre which presents accessibility difficulties in respect of the search criteria outlined in section 1.
6. **Lands at Greenbank Industrial Estate**: Lands fall within Existing Economic Development zoning and therefore not compatible with the proposed development use. In any event the location suffers from accessibility issues contrary to the site selection criteria outlined in section 1.

4.0 KEY PLANNING CONSIDERATIONS

Supporting Sustainable Economic Growth

The SPPS is a statement of the Department's policy on important planning matters that should be addressed throughout Northern Ireland. The SPPS supports sustainable economic growth:

- *"Planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance (para.3.8)*

- *Planning authorities should therefore take a positive approach to appropriate economic development proposals (para. 4.19)*
- *When assessing the positive and negative implications of planning applications planning authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development (para. 4.20)"*

Compliance with the Development Plan

The zoned land in the Area Plan provides for economic and mixed use development in the City of Newry there is nowhere for this development to locate other than a suitable site on the fringes of the city.

For the reasons outlined above there are no suitable sites available within the development limits and the application site is the most suitable and sustainable option available.

In any event, even where the Council, concludes that there is conflict with the development plan, case law has established that the planning authority has the option to take account of other material considerations.

Other Material Considerations

The Council has quite correctly and consistently applied these principles, most notably in the approval granted under planning reference R/2014/0481 where the council took account of significant economic and employment considerations in approving a major economic development in the countryside.

This proposal merits similar consideration:

- It will deliver £3.5 million investment to the local area.
- It will create a substantial rateable income for the council.
- It will deliver up to 60 highly skilled jobs with ongoing training.
- It will deliver state of the art facilities not only to Newry but also surrounding areas, something that is normally only seen in major European cities.
- Other businesses in the local area will benefit greatly as part of the direct supply chain and others will benefit from the attraction of customers to the City which will further boost the local economy, sustaining local business and associated employment.
- The development will integrate with and complement the existing economic/commercial offer in the Newry area including the Quays and Buttercrane centres.

The site meets all relevant site selection criteria for a development of this kind and offers the opportunity to enhance the setting of the City through development of an iconic and state of the art facility that will add to the visual attractiveness and sustainability of the area.

The project brings significant economic and employment benefits to the locality and wider City region. There are no other suitable sites to accommodate the project in the City and this major investment will be lost to the region if this application is refused.

In this context and on foot of the material policy considerations as outlined above, the council is respectfully requested to approve this application.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**8**			
APPLIC NO	LA07/2016/0501/F	Full	**DATE VALID**	15/04/2016
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Newry Mourne and Down District Council Greenbank Council Offices Greenbank Indistrial Estate Newry BT34 2QU		**AGENT**	NMDDC Greenbank Council Offices Greenbank Indistrial Estate BT34 4QU 028030313233
LOCATION	Road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line BT35 8QN			
PROPOSAL	Pedestrian crossing the Fathom Line public road to connect Newry Canal "Greenway" and Victoria Docks to Fathom Forest.			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	1	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0501/F

Date Received: 19th April 2016

Proposal: Pedestrian crossing the Fathom Line public road to connect Newry Canal.

Location: The site address is stipulated as Road crossing approximately 185m North West of entrance to Victoria Locks Fathom Line. The site is approximately 6 kilometres South of Newry and is included within an Area of Outstanding Natural Beauty and outside the development limits of Newry as designated by the Banbridge / Newry and Mourne Area Plan 2015.

Site Characteristics & Area Characteristics:
The site consists of a junction between the forest service lane leading into Fathom Forest and the Fathom Line public Road and extends to a portion of land next to the Newry Canal and just North of Victoria Locks. The forest service lane also provides access to a private dwelling (No. 79 Fathom Line).

Site History:
There is no relevant planning history for the application site.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS).
- Banbridge / Newry and Mourne Area Plan 2015.
- Planning Policy Statement 2 (PPS 2) – Natural Heritage.
- Planning Policy Statement 3 (PPS3) – Access, Movement and Parking.
- Planning Policy Statement 6 (PPS 6) - Archaeology and the Built Heritage.
- Planning Policy Statement 8 (PPS8) – Open, Space, Sports and Outdoor.
- Planning Policy Statement 15 (PPS 15) - Planning and Flood Risk.
- Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside.
- DCAN 11 – Access for All.

Consultations:
There were three consultations issued for this proposal. The responses have been detailed below.

- Historic Environments Division (HED) – Required a Scheduled Monument Consent (SMC) (20/05/16). Re-consultation following granting of SMC, HED content with proposal (16/01/16).
- Transport NI - No objections ((15/04/16).
- Rivers Agency – No objections. (20/05/16).
- NIEA – No objections (27/02/2017).

Objections & Representations
There was one neighbour notifications issued for this proposal. The application was advertised in the local press in May 2016. A letter of objection was received concerned with the following issues.

- The road is not fit for purpose.
- Fathom Line has never been upgraded despite rise in traffic.
- Fathom Line is not wide enough to accommodate lorries.
- There are no footpaths or cycle lanes along this route.
- There is no barrier along the road to protect drivers or pedestrians from the canal.
- Serious road accidents have occurred on this route.
- Fishermen have very little parking and park along the grass verge adding to even more dangerous driving conditions
- The pedestrian crossing will only add to the difficulties facing drivers on that road and an increase in pedestrians will add to accident statistics.

In response to these objection reasons it is considered that many of these reasons relate to the conditions of the road and surrounding environment and not what is proposed by this planning application. It is not considered the proposed pedestrian crossing will result in an increase of pedestrians in the area. It is intended the provision of the crossing at this point will create a safe place for pedestrians crossing and not add to difficulties facing drivers. Transport NI were consulted on this proposal, they are responsible for facilitating the safety of road users, they have reviewed this proposal and have no objections to it.

Consideration and Assessment

This application proposes to construct a pedestrian crossing to facilitate the safe movement of pedestrians from the forest service lane across the Fathom Line and onto land that sits north of Victoria Docks. On the Fathom Forest side, a galvanised steel guarding standing 0.9 metres high will be provided to the radius at the end of the gravel lane with a further 0.9 metre high steel guarding to be positioned to create an enclosed area for pedestrian to enter before they reach the road verge. An additional lockable, pedestrian gate will be positioned next to the existing vehicle access gate further south along the gravel lane. On the Victoria Docks side, a 0.9 metre high metal swing gate and guarding will form a pedestrian enclosure to be entered before crossing from the east side of Fathom Line. Tactile paving and dropped kerbs will be provided next to the road verge on both sides of the road.

PPS2 and PPS21
The site is located within an Area of Outstanding Natural Beauty, Ring of Gullion. Planning permission will only be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all criteria of Policy NH 6 are met. On assessment of the proposal we are content it is sensitive to the character of AONB with no significant impacts on character, appearance or heritage of the landscape. Further, we are satisfied it will adequately integrate without creating adverse visual impact. NIEA were consulted on this proposal and have no concerns relating to it.

PPS3
The proposed development has been designed to be accessible to all users and will provide for convenient and safe movement for pedestrians. Transport NI were consulted on this planning application and have no concerns or objection to it.

PPS 6
The proposal falls within an archaeological site and monument zoning due its location next to Newry Canal. Following initial consultation with the Historic Environments Division: Historic Monuments (HED: HM), they advised that the proposed development required Scheduled Monument Consent (SMC). HED:HM requested to be re-consulted when the SMC was awarded. SMC was granted on 6th October 2016 with conditions to be attached to any approval. Following re-consultation with HED:HM, they responded to advise they were content that the proposal is satisfactory to SPPS and PPS6 providing all works are carried out in accordance with the SMC granted. Conditions of the SMC will be attached to any planning approval for this site.

PPS8
It has been established that the proposed pedestrian crossing will have no adverse effect on any features of importance in relation to conservation, archaeology or built heritage, it is considered to have no impact on the best and most versatile agricultural land or impact on nearby agricultural activities. It is not considered to create and unacceptable impact on nearby residents and is intended to facilitate a safe connection for pedestrians to cross between Victoria Docks and Fathom Forest and designed to allow ease of accessibility by the public. There will be no extra vehicular traffic generated as a result of the proposal and no arrangements will be required for parking, access, drainage and waste disposal.

PPS15
Consultation was undertaken with the Rivers Agency on the proposal for the site. They responded to confirm there are no drainage or flood risk issues to be considered.

DCAN 11
This proposal includes the provision of dropped kerbs and the re-grading of areas to ensure access for all users.

Recommendation:
Approval

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.2.

2. The works to which this consent relates shall be carried out to the satisfaction of the Department's, Historic Environment Division (HED).

3. It is the responsibility of the applicant to ensure that staff, contractors, or staff from other organisations working on the site during this project are provided with a copy of this consent and that they fully understand and adhere to the conditions contained within it. A copy of the consent shall be kept on site by the contractor at all stages of the work.

4. Historic Environment Division (HED) archaeologist Gail Russell must be furnished with at least two weeks' notice before commencement of work to permit a monitoring visit to be arranged.

5. A mobile phone shall be held on site by the applicant or member of the on-site team for the duration of the works to facilitate contact with HED personnel as necessary. This number shall be forwarded to the HED Archaeologist in advance of the work commencing.

6. The works must be carried out as detailed in drawing numbers L_05 and L_06 submitted with the application for consent. Any changes to this proposal must be agreed in advance and in writing with HED archaeologist.

7. Fence posts must be driven / hammered into the ground surface. There must be no digging of foundation holes for any post.

8. The surfacing material / finish for the tactile paving must be agreed in writing and in advance with HED archaeologist.

9. The coping stones and mooring bollards of the canal edge must not be impacted upon during the course of the works.

10. The canal edges and the remaining part of the scheduled area shall not be compromised in any way during the course of works by manoeuvring of plant machinery or storage of materials.

11. All waste generated during the process of these works shall be disposed of off-site and not dumped into the canal or the surrounding scheduled area.

12. Any changes to the works proposed in this application, or any additional works, shall be discussed in advance and approved by the Historic Environment Division Scheduling Team and may require additional Consent in writing.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

4. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

5. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

6. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

7. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

ITEM NO	**12**			
APPLIC NO	LA07/2016/1156/F	Full	**DATE VALID**	23/08/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Ruairi McKeown 2 Tobar Blinne Meigh Newry BT35 8WD		**AGENT**	NA
LOCATION	Lands approximately 70m North of No. 11 Carrowbane Road Belleek Newry			

PROPOSAL

erection of dwelling and detached garage with associated site works

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	1	0	0	0
			Addresses Signatures	**Addresses Signatures**

1 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure ;

the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside;

2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed building is a prominent feature in the landscape;

the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

the ancillary works do not integrate with their surroundings;

and therefore would not visually integrate into the surrounding landscape.

3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

the (building) would, if permitted, be unduly prominent in the landscape;

(the (building) would, if permitted create/add to a ribbon of development; the

impact of ancillary works would damage rural character;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation/ addition of ribbon development along Carrowbane Road.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1156/F

Date Received: 16th Aug 2016

Proposal: Erection of dwelling and detached garage with associated site works

Location: lands approximately 70m North of No 11 Carrowbane Road, Belleeks

Site Characteristics & Area Characteristics:

The site is situated at the crossroads between the Carrowbane Road, Fort Road and Kesh Road. The site is part of a larger agricultural field. A relatively new hedgerow has been planted along the north east and north west boundaries. The site is surrounded by a mix of development from single storey, 1 ½ storey dwellings and agricultural type buildings.
At the time of inspection the buildings south east of the application site appeared to be in use as a joinery workshop. South west of the site there is

Site History: P/2003/1265/O- dwelling and garage- withdrawn

Planning Policies & Material Considerations:

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.
SPPS, PPS 3, PPS 6 and PPS 21

Consultations:

Objections & Representations

No. of neighbours notified= 5
Advertise expiry= 07.10.2016
No. of representations received=1

Consideration and Assessment:

The proposal is for the erection of a dwelling and garage in the countryside. The statement of support states that the 'site is deemed to lie within an existing cluster of development that is focused around the junction of Kesh Road, Carrowbane Road and Fort Road.'

As the site lies within the rural context the policy provisions of PPS 21 applied. In particular to this case Policy CTY 2a.

The SPPS under para 3.8 states that 'the guiding principles for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice, this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.'

Having considered the proposal against the SPPS and that retained within PPS 21 it is noted that the SPPS is less prescriptive and therefore greater weight in afforded to the retained policies.

Planning permission will be granted for a dwelling at an existing cluster of development provided all of the criteria listed within Policy CTY 2a are met.

The site lies at the corner of a crossroads. North West of the site is 21 Fort Road, south west 16 Carrowbane Road, south 11 Kesh Road and south east outbuildings. The outbuildings to the south of the site show no sign of use in connection to a farm but appear to be in use as a joinery type workshop. Having done a history check of the site, there has been no planning applications on these lands. It is noted these buildings have been on site for a substantial period of time. It is also noted that the Department at the time when processing P/2010/0888/F did not consider these outbuildings as part of a farm. The site when viewed from the Kesh Road can be read with the outbuildings, 16 Carrowbane Road and 11 kesh Road. Although, 21

Fort Road is not clearly visible, there is a peripheral awareness of the dwelling particularly the roof and access.

An existing cluster of development lies beyond the southern boundaries of the site. It is felt that the proposed site will extend out from an existing cluster of development which lies outside of a farm and consists of four or more buildings of which at least three are dwellings. The site extends from the existing cluster creating a ribbon of development along the Carrowbane Road.

The cluster appears as a visual entity in the local landscape and as stated above is located at a crossroads.
The site is not considered to be bounded on two sides by other development within the cluster.
The site is quite large and the preferred siting by the applicant had raised issues with NIEA Historic Monuments as the siting would restrict views of the regionally important monument Drumily Fort. The dwelling has been sited further north of the cluster; it is still considered that the site and dwelling will cause an extension to the existing development within the cluster and that the site cannot be absorbed into the existing cluster through rounding off and consolidation. The proposal will significantly alter the existing character.
The proposed development would not adversely impact on the residential amenity of the surrounding developments.

The proposed dwelling will be a prominent feature in the landscape given the lack of enclosure within such a large curtilage. The large curtilage proposed and the driveway cutting through the centre of the field will draw further attention to the development in turn failing to integrate on the site. It is considered that the dwelling and associated works will cause a detrimental change to, and further erode the rural character of the surrounding area.

Recommendation:

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure ;

the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside;

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed building is a prominent feature in the landscape;

the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

the ancillary works do not integrate with their surroundings;

and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

the (building) would, if permitted, be unduly prominent in the landscape;

(the (building) would, if permitted create/add to a ribbon of development;

the impact of ancillary works would damage rural character;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation/addition of ribbon development along Carrowbane Road.

....

....

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Newry, Mourne and Down Council
Planning Committee
C/o O'Hagan House
Monaghan Row
Newry
BT35 8DJ

22nd March 2017

Dear Sir / Madam,

Your ref: **LA07/2016/1156/F**
Proposal: **Proposed Erection of Dwelling and Garage in Existing Cluster**
Location: **Lands 70 metres north of 11 Carrowbane Road, Drumilly, Belleeks, Newry**

1. Your Council's planning department has recommended the above planning application be refused, and due to the extenuating circumstances laid out herein the Committee is respectfully requested to overturn the planning officials' recommendation and to approve the application.

2. While there are a total of four reasons for refusal listed on the Council's schedule, it is respectfully submitted that if the principle of development was recognised many of the other concerns would be attributed less weight. Furthermore, I can confirm that the applicant is willing to engage with the planning department to modify the design and the siting of the dwelling, to ameliorate any perceived adverse impact upon the visual amenity of this area of countryside.

3. It is apparent that the applicant and his other representative have earlier engaged with the Historic Monuments section of Northern Ireland Environment Agency, in endeavouring to address their earlier stated concerns. In addressing these concerns, it may have been that the applicant has actually caused other problems with the aesthetics of the proposal and I believe that an informal discussion might help all concerned in reaching a reasonable compromise.

4. The justification for approval of this application is rooted in the fact that the proposal involves the consolidation or rounding off of an existing cluster of development that is

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concentrated at a cross roads. The salient planning policy tests are laid out in policy CTY 2a of PPS 21.

5. It is apparent, based upon the Council's professional planning report, that the existence of a cluster of development at this locus has been recognised, as per the definition proffered in Policy CTY 2a (i.e. a focal point or a cross roads). Significantly, the principle of a new dwelling at this cluster has been previously established through the granting of planning permission for a site directly opposite this one (approved under file reference P/2010/0888/F, as referred to within the Council's planning report).

6. The planning report acknowledges that the site "when viewed from Kesh Road can be read with the outbuildings, 16 Carrowbane Road and 11 Kesh Road". The report referred to a peripheral awareness of an additional dwelling. It is respectfully submitted that this degree of juxtaposition, clustered at a focal point in the community as it is, is consistent with the type of development that is to be facilitated through the permissive provisions of PPS 21's Policy CTY 2a.

7. In light of the planning report's observations, it is clear that this proposal is intervisibly linked with other buildings within the existing cluster. In such circumstances, it is submitted to be inappropriate to judge a site's means of integration and enclosure in the same manner as would be expected of a single dwelling outwith an established cluster of buildings at a focal point in the community.

8. The Council opined that an existing cluster of development lies beyond the site's southern boundaries but that this site will extend out from the cluster. However, one only has to look at the typologies (of acceptable forms of development) laid out in Building on Tradition, the supplementary design guide that accompanies PPS 21 for an appreciation of the appropriateness of this proposal.

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Illustration from Page 68 of Building on Tradition. The example shaded blue on the right hand side of the road is indicative of the siting principle applied to the assessment of proposals of this nature.

9. Clearly, the policy's preference is that development can be accommodated through rounding off and consolidation. The orthographic image (overleaf) showing the site, in its true context, demonstrates that this proposal will not make a significant intrusion into the open countryside.

10. The planning report indicates that the site is not bounded on two sides by other development within the cluster. This is considered an unreasonably narrow interpretation of the concept of neighbouring land. The term "neighbouring land" is not laid out within PPS 21. However, the term is defined in Development Management Practice Note 14 as "land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width". It is assumed that the Council's neighbour notification process has been carried out on that basis. Accordingly, it would be perverse to find that this site is not bounded by neighbouring development solely because it is separated by other buildings in the cluster by a road measuring less

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than 20 metres in width. In essence, if it is recognised that the site would abut other development within the cluster but for the existence of a road measuring less than 20 metres in width, for all intents and purposes the concept of neighbouring development should be conceded by the Council.

Existing cluster of development, situated at a cross roads, which is defined as a focal point in Policy CTY 2a of PPS 21.

This illustration demonstrates that the proposal will not extend the existing cluster to the north, south, east or west. In an attempt to better define the cluster, the applicant has already planted semi-mature hedging throughout the site. This will clearly benefit the proposal's enclosure and assist in its integration with the wider area albeit not immediately.

11. Contrary to the Council's planning report, this is considered to be a classic opportunity to "round off" and consolidate the existing cluster of buildings, and the Council's concerns regarding prominence have not taken account of the need to consider the extent to which the proposal is clustered with a group of buildings, and this visual linkage will ensure that the proposal will not be read in isolation (in a typical rural landscape, that would necessitate a higher standard of "integration").

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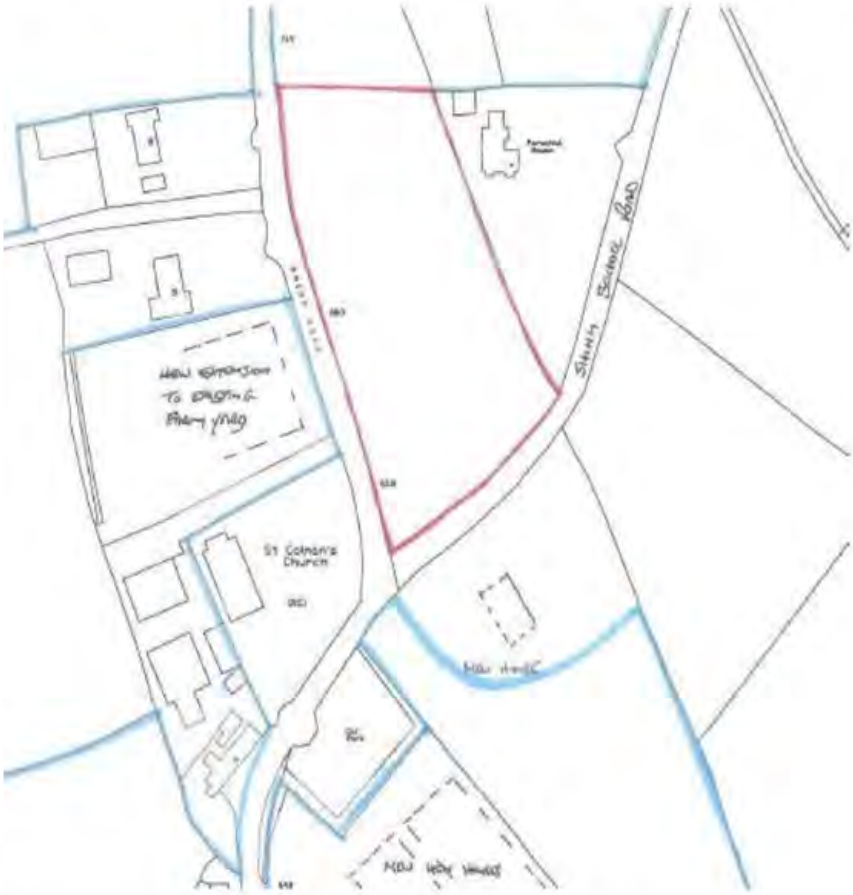
12. If the Council's true concern is the purported encroachment into the "open countryside" then it is pertinent that the Planning Appeals Commission approved a dwelling south and west of 4 Shinn Road, Newry (DOE ref P/2014/0613/O). Similarities with certain aspects of this case ought to be taken into account in the assessment of this proposal.



P/2014/0613/O. Approved by the PAC at a time when that site was not directly adjoining other development (by the Council's logic), on at least two sides, within the cluster.

O'Callaghan Planning | Unit 1, 10 Monaghan Court, Newry. BT35 6BH | Tel. 028 3083 5700 | Mobile: 07734806045
Email: enquiries@ocallaghanplanning.co.uk | www.ocallaghanplanning.co.uk

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Application LA07/2016/0885/O was approved in the aftermath of the PAC decision referred to above, by Newry, Mourne and Down Council. Encroachment into the countryside was clearly not a concern in this example, and the overwhelming evidence in the case of the current proposal points to the buildings closest to the subject site being wrongly disregarded by the Council (owing to the issue of separation and the existence of a public road measuring less than 20 metres in width).

13. To summarise, it is respectfully submitted that the Council has applied an unreasonably narrow interpretation of the individual requirements of the relevant planning policy. Critically, the site has been deemed not to adjoin other developments in the cluster however this issue has arisen owing to the existence of the public roads that comprise the cross roads. A proper means of assessing whether or not the site was bounded by development would have been to apply the same logic as is applied in determining who

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the occupiers of adjoining lands are, for the purposes of neighbor notification. Applying that same methodology, the Council would be obliged to recognise that the site is actually bounded by other development in the cluster. It is submitted that such an acknowledgement would have tempered any concerns relating to the visual impact of the development, since it would have given greater weight to the proposal's juxtaposition with other buildings within the cluster.

14. On balance, a pragmatic assessment of the proposal ought to have recognised that the proposal is entirely consistent with the spirit and the thrust of the pertinent planning policy and the simple fact of the matter is that the proposal involves infilling a small gap within the existing cluster's core. Accordingly, there is ample justification for approval of this application, at variance with the planning department's recommendation to refuse permission. While I trust that this submission has adequately laid out the circumstances of this case, in the event that the Committee deems it necessary to provide additional information, clarification or amended plans, please do not hesitate to contact the applicant or this office.

Yours faithfully,

.....

Colin O'Callaghan
Chartered Town Planner
Bsc Hons Dip TP MRTPI

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 18

APPLIC NO LA07/2016/1654/F Full **DATE VALID** 09/12/2016

COUNCIL OPINION **REFUSAL**

APPLICANT Mr and Mrs Patrick Carr 50
Ballintemple Road
Killeavy
Newry
BT35 8SJ

AGENT Cornett Design
Associates Ltd 4
Hartford Place
The Mall
Armagh
BT61 9BJ
02837523330

LOCATION 40m NW of 8 Trasna Road
Ballintemple
Killeavy
Newry
BT35 8LG

PROPOSAL
Proposed infill dwelling and domestic garage

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Trasna Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1654/F

Date Received: 23.11.2016

Proposal: Full permission for a proposed infill dwelling and domestic garage.

Location: 40m NW of 8 Trasna Road, Ballintemple, Killeavy, Newry. The site is located approximately 0.6 miles SE of Camlough Lake in the South Armagh countryside / AONB

Site Characteristics & Area Characteristics:
The site takes in the main portion of a larger agricultural field that abuts the public road adjacent to No. 8. The area is predominately rural in character and situated on the foothills of Slieve Gullion.

Site History:
P/1974/0554
Replacement Bungalow, Ballintemple Road.
Permission Granted: 22.11.1974

Consultations:
Transport NI – Transport NI has asked for

1 Septic tank 10.0m from road edge

2 Soak away clear of existing drainage and not connected into Departments drainage system.

The agent has submitted plans in response to this which are with Transport NI for consideration.

Water NI – generic response no objections.

Objections & Representations
1 Neighbour notified on 12.01.2017 and application advertised on 04.01.2017. No objections or representations received.

Planning Policies & Material Considerations:
Banbridge Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15.
Planning Policy Statement 2
Building on Tradition

Consideration and Assessment:

Planning Policy Statement 21 – Sustainable Development in the Countryside
Policies CTY1 and CTY8 are applicable for infill dwellings. In order to meet the exception within policy CTY 8 the site must constitute a small gap (large enough only to accommodate 2 dwellings) in an otherwise substantial and continuously built up frontage consisting of 3 buildings. The site is not located within a continuous frontage of 3 buildings as there is a notable gap between Nos 6 and 8 and the proposed gap for infill is not considered 'small' but instead would easily accommodate more than 2 dwellings if respecting surrounding plot sizes. It is also noted that whilst the plans show a building north and immediately adjacent the site – this has been removed at the time of my site visit.

The proposal is therefore not considered an exception within CTY8 and instead would add to a ribbon of development along Trasna Road and with no overriding reasons why the development is essential in this area it is also contrary to CTY 1.

The design of the proposal is considered acceptable and the siting arrangements traditional. The proposal meets policy CTY 13.

As the proposal would add to a ribbon of development and contribute to build up when viewed with existing properties in the area the proposed dwelling would have a detrimental impact on rural character which is contrary to policy CTY14

Any approval notice would be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

Transport NI was consulted with regard to Planning Policy Statement 3. Whilst further information was sought from this Dept regarding drainage, it is considered this can be achieved. No objections have been raised with regard visibility, parking or turning.

Policy NH6 of Planning Policy Statement 2 is applicable as the site lies within the Ring of Gullion AONB. For the reasons mentioned above, the siting is not considered sympathetic to the special character of the AONB in general and of the particular locality.

Recommendation:
Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Trasna Road.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer

Authorised Officer

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**19**			
APPLIC NO	LA07/2016/1659/F	Full	**DATE VALID**	13/12/2016
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Newry, Mourne and Down Council Council Offices Greenbank Industrial Estate Newry BT34 2QU		**AGENT**	Estates Section, Council Offices Greenbank Industrial Estate Newry BT34 2QU 028 3031 3031
LOCATION	Land to the rear of Nos 45-51 Drumalane Park Newry BT35 8AT			
PROPOSAL	New modular building community centre. Accommodation to include: main hall, offices, kitchen, toilets, store, changing rooms.			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1659/F

Date Received: 13.12.16

Proposal: New modular building community centre. Accommodation to include: main hall, offices, kitchen, toilets, store, changing rooms.

Location: Land to the rear of Nos 45-51 Drumalane Park, Newry, BT35 8AT

Site Characteristics & Area Characteristics:

Site as defined in red on the site location map takes a rectangular shape alongside Fathom Line that includes two playing fields and an area of hard standing. Land is flat and surrounded by wire mesh fencing.

Site History:

LA07/2016/0875/F - Erection of building occupied by South Down Community Rescue Services for the purposes of training and to store water safety/ rescue equipment. Hard standing located between playing fields at Fathom Line and to the rear of 31-65 Drumalane Park. Approval 04.10.16 (Application site)

P/2014/0402/F - Erection of community centre to include a multi-purpose hall with parking provision, vehicular access from fathom Line, boundary treatment and associated works

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Inside the development limits of Newry

Policy and Guidance Considered: SPPS, PSRNI (DES2) PPS3, PPS6, PPS8, PPS15, Parking Standards, DCAN 11 and 15

SPPS and PSRNI

Proposals are compatible with the adjacent recreational uses. The building will be set on the footprint of where the original community centre proposals were located

under planning reference P/2014/0402/F. The design has been modified and simplified from previous having the appearance of a modular building, whilst the footprint has increased it will be gable ended to the road which will reduce the visual impact. The height of the building is reduced; the roof and elevations are uniform rather than a variation of elevational treatments and roof lines from previous and is generally acceptable at this location. The building is set away from residential properties and given the existing land uses is unlikely to create any amenity issues. Environmental Health in their consultation response dated 10.01.16 have raised no concerns.

PPS3, Parking Standards and DCAN15

Transport NI have no objections and parking arrangements are satisfactory

PPS6 (BH1)

The site is directly opposite Newry Canal (scheduled monument) however proposals will not include any ground works that will intrude on the Scheduled Area. A condition can be attached to the decision notice to ensure that should works be required that Schedule Monument Consent (SMC) is obtained prior to commencement of works at the site; otherwise proposals do not contravene Policy BH 1.

PPS8

The site previously benefitted from planning approval for a community centre facility under planning reference P/2014/0402/F with a history of community buildings at this location. It is recognised that the site is an area of existing open space and whilst the policy directs that these areas are protected, an exception will be permitted where redevelopment will bring substantial community benefits and as such these development proposals qualify for exception. The community use is compatible with the surrounding dwellings and the wider residential area.

PPS15

The site is not affected by flooding from any designated watercourses and Rivers Agency have raised no objection (30.01.16)

Consultations:

Environmental Health (10.01.16) - No objections

NIEA (20.01.17):

Water Management - Content subject to conditions

Land, Soil and Air - Previous uses adjacent to the application site may have caused the land to be affected by contamination

Transport NI (10.01.17) - No objections

Rivers (30.01.16) – Not affected by flooding. No specific reason to object

Objections & Representations

35 neighbour notifications

Advertised 01.17

No objections received

Consideration and Assessment:

Application fulfils requirements of planning policy, consultees have raised no concerns and no objections have been received. Proposals will have a wider benefit to the community without adverse impact visually or to the amenity of surrounding residents. On this basis it is recommended to approve the applications.

Recommendation: Approval

Conditions:

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

   Reason: Time Limit.

2. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

   Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

3. No development should take place on-site until the method of sewage disposal has been agreed in writing with NIW or a consent to discharge has been granted.

   Reason: To ensure a practical solution to sewage disposal is possible at this site.

4. Previous uses adjacent to the application site (railway land) may have caused the land to be affected by contamination. If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

   Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with Drawing No 02 bearing the date stamped 13-12-16 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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.

6. The access gradient(s) to the dwelling(s) 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

Informatives

1. This notice relates to drawing No. ..... which was were received on .....

2. Environmental Health comments dated 10.01.16 are enclosed for your attention

3. Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in Standing Advice Note No. 4 – Pollution Prevention Guidelines.

   Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to Standing Advice Note No. 11 – Discharges to the Water Environment.
   It should be noted that all commercial kitchens should have a suitable properly maintained grease trap on their effluent pipes.

   The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

4. Due to its close proximity to an existing meat processing plant there is the potential for users of the proposed development to experience periodic nuisance from odour, noise etc.

5. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Cecil St Newry . A monetary deposit will be required to cover works on the public road.

   It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

6. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

7. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

8. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

9. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation

and direction in respect of any necessary measures required to deal with the watercourse.

10. The Rivers Agency has no record of flooding occurring at the site. However, visual inspection indicates that it may be subject to marginal flooding originating from the watercourse(s) which traverse/bound the site, and developers would be advised to obtain advice from competent, suitably qualified persons to assist them in determining appropriate site and finished floor levels.

11. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

12. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

13. Signs may require separate approval under the The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Their size, construction, content and siting should be approved by the Department BEFORE any such signs are erected.

14. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for All"".

15. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

16. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer:

Authorised Officer:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 7

APPLIC NO LA07/2016/0429/F Full **DATE VALID** 31/03/2016

COUNCIL OPINION **REFUSAL**

APPLICANT Mr and Mrs D McAneany C/o Agent

AGENT O'Callaghan Planning Unit 1 Monaghan Court 10 Monaghan Steet Newry BT35 6BH 02830835700

LOCATION 50 metres north of 43 Clontigora Road Killeen Newry

PROPOSAL Proposed new dwelling and garage to change from that approved under reference number P/2007/0374/RM

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Comhairle Ceantair
an Iúir, Mhúrn
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Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0429/F

Date Received: 31st March 2016

Proposal: Proposed new dwelling and garage to change from that approved under reference number P/2007/0374/RM

Location: The site address is given as 50 metres north of 43 Clontigora Road, Killeen. The site lies outside the development limits of and it is approximately 6.5 kilometres south of Newry City.

Site Characteristics & Area Characteristics:
The site forms part of an agricultural field with timber post and wire fencing defining the boundaries and an agricultural gate along its frontage with Clontigora Road providing access into the site.

The site is predominantly flat however, it is evident the soil has been disturbed at some point with a pile of soil created next to the road frontage with grass now overgrown on this and the disturbed areas. Within the site are areas of hardstand, sparsely distributed whin bushes and a pile of construction blocks.

The area surrounding the site is rural in character. Surrounding land uses comprise a mixture of agricultural and residential plots with single housing and agricultural sheds. Two new residential dwellings are under construction opposite the site on the east side of Clontigora Road.

Site History:

P/2004/2371/O	50 metres north of 43 Clontigora Road, Killean, Newry	Site for dwelling and garage	Permission granted.
P/2007/0374/RM	50 metres north of 43 Clontigora Road, Killean, Newry	Erection of dwelling and garage	Permission granted.
P/2001/0864/O	Lands 50m North of No 43 Clontigora Road, Killean,	Site for dwelling and garage	Permission granted

Planning Policies & Material Considerations:
Strategic Planning Policy Statement (SPPS), Banbridge / Newry and Mourne Area Plan 2015, PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside , 'Building on Tradition' a sustainable design guide for Northern Ireland.

Consultations

There were three consultations issued for this application, details are provided below.

- Environmental Health – No objections (15/04/2016)
- Northern Ireland Water – No objections (20/04/2016)
- Transport NI – No objection, subject to conditions being adhered to (25/04/2016)

Objections & Representations
There were five neighbour notifications issued for this application. It was advertised in the local press on 11th April 2016. There were no representations received.

Consideration and Assessment:
The principle of development on this site was established initially under planning approval P/2001/864/O granted on 03/08/2001 with a further outline approval granted under P/2004/2371/O on 13th December 2004. Reserved Matters approval was granted under P/2007/0374/RM on 15th February 2008. Condition 1 on both the outline approval in 2004 and Reserved Matters approval in 2008 required that the development should be begun by the latest date of either five years from the grant of outline permission or two years from the reserved matters approval. Therefore the latest date on which development could lawfully commence was 15th February 2010.

In addition to the above time condition, a pre-commencement condition was attached to the Reserved Matters approval (subsequent to condition 12 on the approved outline permission P/2004/2371/O) condition 2 reads

"The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users."

The above condition enforces that before any development work commences on site, the works outlined above to create the access and sightlines must be completed. Condition 3 of planning approval P/2007/0374/RM requires the clearing of the area within the visibility splays before the development is occupied. The agent considers conditions 2 and 3 poorly sequenced and argues that the access was constructed in accordance with the approved plans and any dispute relates to the sight lines, however condition 2 clearly states both the vehicular access and visibility splays are to be provided prior to commencement of any other works permitted. During a site visit (15/04/16) it was evident that the vehicular access and visibility splays were not constructed in accordance with the approved plans and therefore all pre-commencement works had not been completed to discharge Condition 2 of P/2007/0374/RM. No further information has been submitted to the planning

department to demonstrate the pre-commencement works required were completed prior to any development occurring within the site.

The agent has provided aerial imagery of the site taken in May 2010 claiming to display development works occurring prior to the expiry of the planning approval, however the imagery is dated three months after the planning approval expired (15th February 2010). We have been provided with a letter from Building Control confirming inspections were carried out of the foundations at 41 Clontigora Road on 27th November 2009 and on 8th February 2010, no photographs of the works inspected are available from Building Control. Upon review of the drawings submitted to Building Control it is evident they do not match the approved drawings under P/2007/0374/RM and the foundations are not in the approved location. The agent has provided a survey of the site indicating where the foundations have been laid and their approved location demonstrating they sit approx. 3 metres off their approved location due to a shift in their location and orientation. The agent claims this has occurred due to out-dated site location and layout plans. In order for the works carried out on site to constitute as commencement works they are required to be in accordance with the approved plans, as this is not the case on site then the works completed do not establish that development has commenced within the required time frame to secure the planning approval.

To give this application its full assessment against PPS21, it is necessary to consider the proposed new dwelling and garage. A new access is proposed along the eastern boundary of the site, further north of where access was previously approved. Following consultation with Transport NI, who are satisfied with the proposed access subject to conditions being met, we consider the access satisfactory.

The dwellings position within the site has been amended to what was previously approved resulting in an increased setback from Clontigora Road and the dwelling shifting closer to the southern boundary creating a 5 metre setback from this boundary. The siting of the house is considered acceptable. A storey and a half dwelling is proposed on the site, standing at a maximum height of 8.2 metres, with a single storey sun room provided to the southern gable wall. We consider the front porch to be excessive in height and should approval be recommended for this dwelling we will be seeking a reduction in the height of the front porch to reduce its visual impact and dominance in the rural landscape.

The proposed dwelling and garage are to be provided with a gloss black roof tile, painted white rendered external walls, black pvc rainwater goods and black pvc doors and windows, this is considered satisfactory. The elevations reflect a stone cladding material finish to the front porch, but this has not been included in the schedule of finishes. Clarification as to the external material finish proposed for the front porch is necessary and should it be confirmed as stone cladding, a condition will be included on any planning approval requiring it be a natural stone used.

The existing boundaries to the site will be retained and supplemented with a native species planting and the new boundaries created with be provided with a new structural hedge row providing a suitable degree of enclosure to the dwelling and assisting with its integration into the landscape.

We are satisfied that with minor amendments the dwelling and garage proposed can be considered satisfactory in line with the requirements of CTY 12 and CTY 13 of PPS21. Further, we are satisfied it has been demonstrated through Building Control inspections that development works within the site occurred prior to the expiry of the planning approval. In consideration of the reasons discussed above in relation to pre-commencement works and siting issues, it is deemed that the application fails to meet the policy test of PPS21 CTY 1 in that there are no overriding reasons for this development in the countryside given the previous planning permission has now lapsed. This is also contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS.)

Recommendation:
Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that there are no overriding reasons why this development is essential in this rural location, as the previous planning approval has expired.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

O'Callaghan PLANNING
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Newry, Mourne and Down Council
Planning Committee
C/o O'Hagan House
Monaghan Row
Newry
BT35 8DJ

22nd March 2017

Dear Sir / Madam,

Your ref: **LA07/2016/0429/F**
Proposal: **50 metres north of 43 Clontigora Road Killeen Newry**
Location: **Proposed new dwelling and garage to change from that approved under reference number P/2007/0374/RM**

Your Council's planning department has recommended the above planning application be refused, and due to the extenuating circumstances laid out herein the Committee is respectfully requested to overturn the planning officials' recommendation and to approve the application.

The background to the case is that outline planning approval was granted for a dwelling on the site under file references P/2004/2371/O and P/2001/0864/O. These approvals were granted subject to a number of conditions, none of which related to "pre-commencement" operations. However, Condition 2 of a subsequent Reserved Matters approval (file reference P/2007/0374/RM) indicated that the access, including visibility splays and any forward sight line, had to be constructed prior to the commencement of any other works or development then approved.

The Reserved Matters approval was poorly sequenced in this respect, given its Condition 3 indicated that the area within the visibility splays and any forward sight line, had to be cleared prior to the approved house being occupied. This condition clearly afforded greater flexibility than the preceding one.

The site has changed ownership on a number of occasions in recent years. However, in the critical period, i.e. within the lifetime of the previous permission, considerable efforts were spent executing various works of construction in an attempt to preserve the permission in perpetuity.

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The access was constructed in accordance with the approved details, albeit the sight lines were not fully cleared in the pre-commencement phase. Notwithstanding, because works remained in their relative infancy, no vehicular traffic was attracted to the site in the intervening period and any deficiency in sight line provision did not endanger the safety or convenience of road users or pedestrians. Furthermore, any shortcomings in this respect ought not to have proven fatal to the survival of the planning approval due to the conflicting timescales set by the most recent permission.

The next stage of the works involved the excavation of foundation trenches and the pouring of concrete therein. These works were executed under the supervision of the Building Control Department of Newry and Mourne District Council.

Unfortunately it has since transpired that the foundations laid were not entirely consistent with the footprint of the previously approved dwelling. However, the margin of error in this case was miniscule. The degree of inaccuracy was a mere three metres at the most errant point. This arose due to the orientation of the dwelling shifting slightly. It is noteworthy that the approved plans were based on outdated Ordnance Survey maps, which did not reflect the true boundaries of adjoining lands. The approval was noteworthy also for the absence of a topographical survey. Such constraints would have made it extremely difficult for a builder to undertake the site works in absolute conformity with the planning approval.

Planning case law has established the doctrine that development commenced at variance with a planning approval does not arbitrarily have to be dismissed outright nor does it have to lead to the automatic extinguishment of a planning permission. Typical exceptions include situations like this, i.e. where the degree of inaccuracy is slight and can be attributed to a builders' error in setting out.

In recent months, Newry, Mourne and Down Council has adopted an extremely pragmatic position in relation to the issue of commencement of development on sites with historic planning approvals including those where there are queries arising in respect of a pre-commencement condition or to the positioning of excavated trenches.

Relevant (recent) permissions granted by your Committee include:

- P/2015/0173/F
- LA07/2015/1264/F
- LA07/2016/0075/F

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- P/2015/0056/F

In the interests of fairness and consistency, I would respectfully request that this application be approved, particularly given the genuine attempts to implement this permission (which have been independently verified by Newry and Mourne District Council's Building Control Department) and given the Committee's now established practice of issuing approvals in these circumstances albeit with a reduced timescale for the implementation of the new permission.

I trust that the background to this application has been adequately laid out for the Committee's benefit, and that the justification for approval of the application has been set out comprehensively. However, in the event of any queries arising, or additional information being required, please do not hesitate to contact this office.

Yours faithfully,

.....

Colin O'Callaghan
Chartered Town Planner
Bsc Hons Dip TP MRTPI

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 22

APPLIC NO P/2013/0242/F Full **DATE VALID** 25/03/2013

COUNCIL OPINION **APPROVAL**

APPLICANT Lotus Group and KPMG C/O Agent

AGENT O'Callaghan Planning Unit 1, 10 Monaghan Court, Newry, BT35 6BH
028 3083 5700
02890434333

LOCATION Lands at Watson Road/Dorans Hill
Newry
including lands to the east of Watsons Road

PROPOSAL Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works.

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	207	2	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

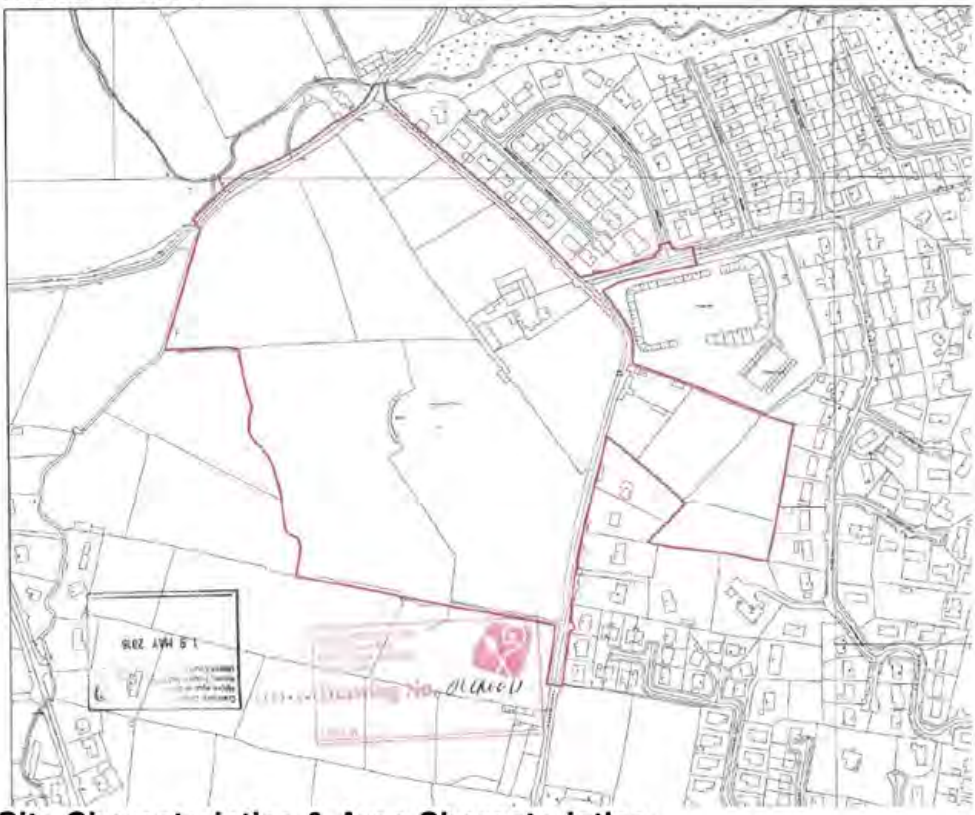
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: P/2013/0242/F

Date Received: March 27th 2013

Proposal: Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works.

Location: Lands at Watson Road/Dorans Hill Newry, including lands to the east of Watsons Road



Site Characteristics & Area Characteristics:
The application site is composed of 2 main sections, one section to the east of Watsons Road and one section to the west of Watsons Road.
The smaller section of the site is located to the east side of Watsons Road. This eastern section of the site has an approximate area of 16053m2. A modest detached

bungalow once existed along the roadside on the eastern side of Watson's Road but has now been demolished. This east section of the site is composed of 4 no. fields. Overall its topography falls from the roadside towards the rear boundary in an eastern direction. It also falls from the south boundary towards the north boundary.

The boundaries of the roadside field are defined by mature trees and hedging. A small post and wire fence runs through this field in a central position from east to west. The boundaries of the adjoining field to the east are similarly defined by trees and hedging. The east, north and south boundaries of the field to the east of this again are also similarly defined. The east boundary of this field is defined by sparse hedge cover and a post and wire fence. Hawthorn Hill housing development is located immediately to the east of the site adjacent to this field. The dwellings of Hawthorn Hill are located at a lower level than the site.

The site also includes the adjoining field to the south of this. The boundaries of this field are defined by mature trees. This field is surrounded by residential development to the east, south and west. No. 24 Hawthorn Hill and No. 16 Watsons Road are located to the south of this field, nos. 10 and 12 Watsons Road are located to the west and Nos. 28 and 30 Hawthorn Hill are located to the east.

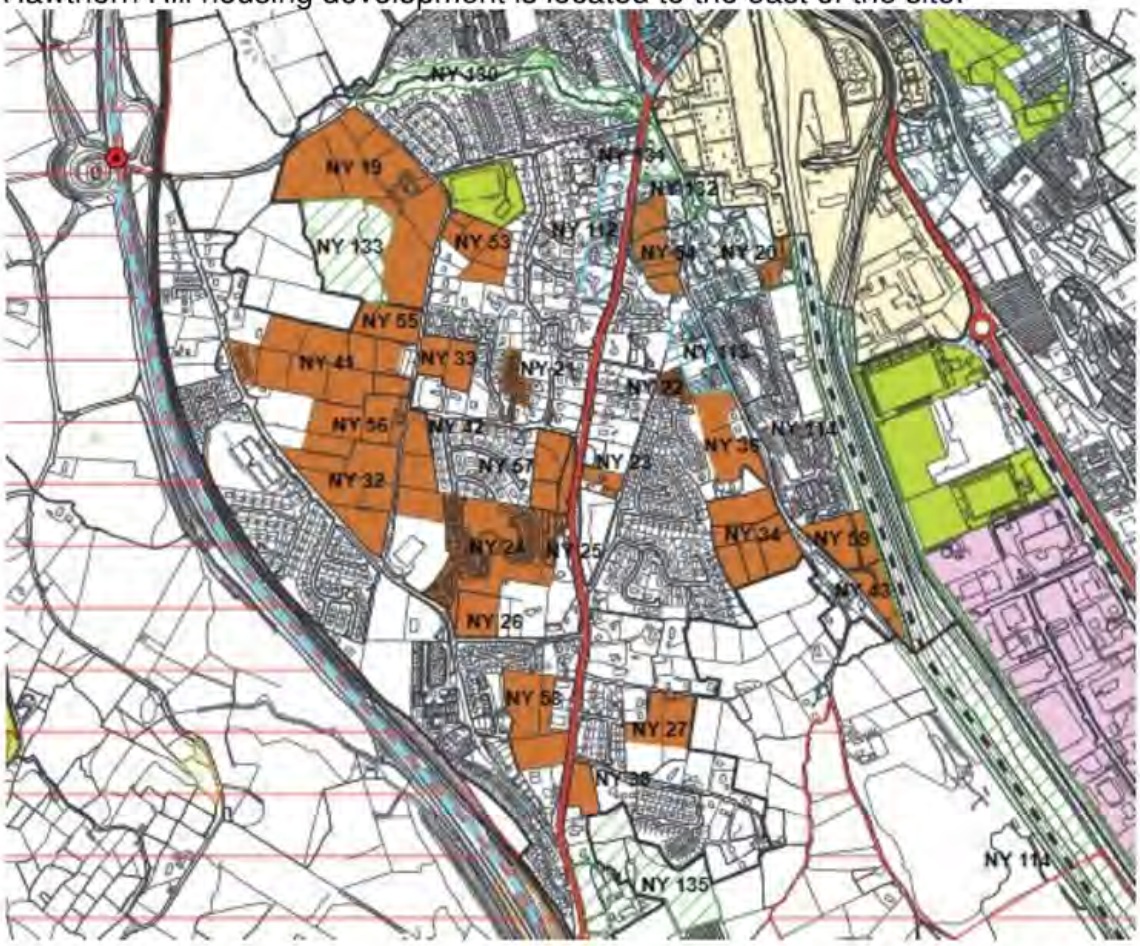
The west section of the site comprises a much larger area of approximately 111915m2. It incorporates 8 no. fields. Watsons Fort, a Rath or defended farmstead dating from the Early Christian Period 600-1100AD is located in this west section of the site. With the presence of the fort, the topography of these fields rises steeply towards a central position of the site.

A number of derelict farm buildings formerly stood a short distance west of the junction of Glen Hill and Watsons Road. The site includes 3 no. fields to the north of these former buildings which adjoin Watsons Road. Brannock Heights housing development is located to the east of these fields on the opposite side of Watsons Road. The site also incorporates 2 large fields set to the rear/west of these roadside fields.
It also incorporates one roadside field set to the south of the derelict farm buildings and the 2 adjoining large fields to the west of this roadside field.
The boundaries of these fields are defined by native hedgerows and trees. The roadside boundary along Watsons Road is defined by trees and the north roadside boundary along Doran's Hill is mainly defined by hedgerow.

The site is located within the development limit of Newry in accordance with the Banbridge/Newry and Mourne Area Plan 2015. The section of the site which lies to the east of Watsons Road is zoned for housing development (NY53). The south-west section of the site has been designated as a Local Landscape Policy Area (NY133). The area of the site to the east and north of this LLPA on the west side of Watsons Road has also been zoned for housing development. (NY 19). The site was first zoned for housing development in the previous Newry Area Plan 1986-1999.

The development limit of Newry runs along the site's west boundary. The land to the west of the site is undeveloped green fields. A playing field and tennis court is located immediately north of the east section of the site. The area to the north of this is characterised by residential development. Housing developments located in this area include Brannock Heights, Glen Court and Brannock Close. The area to the

south of the east section of the site is also characterised by residential development. 7 no. detached dwellings which front onto Watsons Road are located along a 215m stretch of Watsons Road to the south of the east section of the site. Other residential development further south of this includes Lisdrum Court and Liska Manor. Hawthorn Hill housing development is located to the east of the site.



Planning permission has been approved for a playing field a short distance north-west of the site under P/2009/1135/F. Full planning permission was also approved here for the erection of a community sports facility under P/2010/0678/F. Two football pitches were approved at the same location under P/2012/0676/F.

This application seeks full planning permission for the erection of a housing development incorporating 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements. The application also includes some major roadworks including the provision of a new roundabout at the junction of Watson's Road and Doran's Hill with a new distributor road running through the development with side roads branching off this to serve residential estates, this road will connect with Watson's Road near the southern end of the main site, the existing Watsons Road will be severed at this point, and will instead connect to the distributor road. The existing Watsons Road will be widened and will also be used to serve new residential estates, as will Doran's Hill to the west of the proposed roundabout, there will also be the provision of a footpath on Glen Hill. The proposal also includes the retention of the rath as an area of open space within a protected zone, there will be another area of open space along the side of the distributor road.

Site History:
Full planning permission was approved for the erection of 77 dwellings and associated access roads, parking and landscaping on 08.05.2013 in the land immediately south of the west section of the site.

Section of site to east of Watsons Road:
P/2009/0078/F: An application seeking full planning permission for a Housing Development consisting of 28 dwellings (13no. detached dwellings, 6 blocks of semi-detached dwellings, and 1 townhouse block with 3no. dwellings) with associated site works was withdrawn on 15.11.2012.

P/2007/0329/O: An application seeking outline planning permission for a housing development was withdrawn on 10.09.2012.

P/2006/1590/F: An application seeking full planning permission for the erection of a housing development (4 No. Houses) was withdrawn on 02.06.2008.

Section of the site to west of Watsons Road:
P/2006/1624/F: An application seeking full planning permission for the erection of residential development comprising 32No. dwellings and 13No. apartments (Phase 2) was refused by the Department on 06.01.2009. An appeal was subsequently lodged with the Planning Appeals Commission (PAC). The appeal was allowed on 28.07.2009.

P/2004/2131/F: An application seeking full planning permission for the erection of a housing development comprising 161 dwellings was allowed by the Planning Appeals Commission on 16.11.2005.

P/2001/0821/F: An application seeking full planning permission for the erection of housing development (amended proposal for 161 dwellings)was withdrawn on 30.08.2006.

Planning Policies & Material Considerations:
Strategic Planning Policy Statement
Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 7 Quality Residential Environments.

Consultations:
Roads Service/Transport NI Consultation has established that there are no issues with the internal road layout of the development and that if the upgrade of the junctions of Watson's Road with Glen Hill and Doran's Hill are implemented in accordance with the relevant guidance then there should not be any issues with road safety. It also requires that the development be constructed in 5 phases with the new infrastructure being fully provided by the completion of Phase 3. In relation to the "tie-in" with a development adjacent to the southern boundary of the site, Transport NI in its final response dated December 19th 2016 stated that it had no objections to the proposed extension of the determined area associated with the new Private Streets Determination drawings, however in order for it to be endorsed by TNI, a number of minor amendments are required relating to drainage, roads sections and general layout. It is further stated that these comments are on the basis that the proposed extension is within the redline of the application. The PSD drawing for the

southern end of the new distributor road does not tally with the most recent layout drawing and this will need to be addressed before any decision can be issued.

While local residents have expressed concerns about the need for the bridge to be upgraded, TNI has not required this in their final responses and has expressed no objections subject to all works being implemented in accordance with the suggested conditions and all relevant guidance.

Environmental Health Department of Newry and Mourne District Council No objections to this proposal provided the development is connected to the public sewerage system.

Northern Ireland Housing Executive Was consulted in relation to this proposal given the key site requirement for 12 social housing units in housing zoning NY53. They have confirmed there is a need for 12 social housing units at this location. The need is for family housing and they have requested the housing mix should be as follows:

7 units should be 2 bed, 4 person houses
5 units should be 3 bed, 5 person houses

They requested an amended plan identifying where the social housing units will be located. They also recommended the developer should discuss the layout and design of the dwellings with a housing association.

Rivers Agency Advises the site is in close proximity to the Glen River which is at capacity for existing flows, due to the inadequacy of culverts downstream. They also advised the site is affected by an undesignated watercourse which flows along the northwest boundary. The site is not located within a flood plain and there is no record of flooding at the site. In line with annex d15 of PPS15 they requested the applicant to submit a drainage assessment. Following consideration of the submitted drainage assessment Rivers Agency has no objections to this proposal from a drainage and flood risk perspective.

Protecting Historic Monuments of Northern Ireland Environment Agency Advises that the application site contains the above and below ground archaeological remains of 2 recorded archaeological sites. One of these is Watsons Fort, a Rath or defended farmstead dating from the Early Christian Period 600-1100 AD. The other is the site of an enclosure which may have functioned as a Rath. The applicant submitted an archaeological impact assessment with this application. It was agreed that archaeological mitigation will be required prior to development. The nature and scale of this mitigation should be addressed at licensing stage.

Protecting Historic Monuments raised concerns regarding the high density of housing in close proximity to Watsons Fort in particular the housing to the south-west of the Rath. They advised the ridge height or the ground level of the dwellings here should be reduced to ensure the monument is integrated within the proposed development. The Planning Department has assessed these comments but consider that limited weight can be attached to them in view of the previous planning history on the site.

Natural Heritage of Northern Ireland Environment Agency Advises there is evidence of substantial badger activity throughout the site and several active sett entrances are located along field boundaries. It also advised highly suitable smooth newt habitat is located in the west of the site. The site provides good bat foraging habitat and a number of species were present in initial bat activity surveys.

The badger setts have been identified on the detailed housing layout plan. NIEA has also proposed the imposition of a number of negative planning conditions intended to protect 'protected species', including the submission of a detailed Wildlife Management Plan for agreement by the Planning Authority prior to commencement of development at each stage in the implementation of the proposal.

Water Management Unit of Northern Ireland Environment Agency Initially raised concerns that the sewage loading associated with the proposed development would cause Newry Waste Water Treatment Works (WWTW) to operate above its capacity. They therefore recommended the Department consult NI Water to determine if the WWTW would be able to cope with the additional load or whether the capacity would have to be increased.

NI Water They did not raise any objections to the proposed development **and in response to WMU's comments specifically stated that there is sufficient capacity in the local sewage infrastructure to cater for this development.**

Objections & Representations
206 addresses were notified under the neighbour notification scheme, to date a total of 210 representations have been received, 207 of these were objections and 2 were letters of support. These have been fully considered as part of the Planning Department's assessment of the application, as detailed below.

Many of the objections are of a pro forma type and raise concerns on issues such as the inadequacy of the local infrastructure, road safety, lack of provision of footpaths, street lighting, green spaces and community facilities, impact on the rath and on badger setts and other flora and fauna, the proposed scheme not respecting the context of the surrounding area.

Objections have also been received from the landowner of a development that is to be constructed adjacent to the southern boundary of the site; the issues of concern relate to a "tie-in" between the footpaths to be provided along Watson's Road in accordance with Roads Service's requirements, the objector also raises issues of procedural fairness.

There are a number of individual objections which raise more specific issues including the arrangement of the provision of social housing across the development, the possibility of persons using the development to gain access to the playing fields to its north, the difficulties experienced by residents in Ballinlare Cottages, which are situated to the north east of the site, in obtaining parking to and safely entering and exiting their properties. However this estate is situated outside of the boundary of the application site and therefore this area does not form any part of the application site and road improvements in this area cannot be required by the current application. Recently a number of objections have been received stating that as the application has been under consideration for over three years, the archaeological and flora and

fauna impact assessments that were submitted with it are now outdated and that fresh assessments should be carried out.

Consideration and Assessment:

Strategic Planning Policy Statement
The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, the site is in an approved residential development and therefore there are no implications for this site from the SPPS.

Banbridge/Newry and Mourne Area Plan 2015.
The site is located within the development limit of Newry. The section of the site which lies to the east of Watsons Road is zoned for housing development (NY53). The key site requirements of this are:

-A minimum of 12 dwellings shall be provided for social housing.
-Housing development shall be a minimum gross density of 20 dwellings per hectare.
-Access shall be onto Watsons Road, which shall be realigned and widened to agreed standards.
-A footway provided along the entire site frontage onto Watsons Road.

The south-west section of the site has been designated as a Local Landscape Policy Area (NY133).

Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are:

-Watsons Rath on a localised hill, including its setting and views.

-Area of local amenity importance including mature vegetation and attractive vistas. The plan states the rath is a distinctive feature in the wider landscape of this part of Newry.

The area of the site to the east and north of this LLPA on the west side of Watsons Road has also been zoned for housing development (NY19). This is a committed housing zoning as there is a live approval for a housing development which was approved by the Planning Appeals Commission.

PPS6: Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings This policy states development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

The application site contains the above and below ground archaeological remains of 2 recorded archaeological sites. One of these is Watsons Fort, a Rath or defended farmstead dating from the Early Christian Period 600-1100 AD. The other is the site of an enclosure which may have functioned as a Rath.

The applicant submitted an archaeological impact assessment with this application; Historic Environments Division was consulted and raised no objections.

PPS7 Quality in Residential Developments Policy QD1
The Policy states that all proposals for residential development will be expected to conform to all of the following criteria:

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area;

(b) features of the archaeological and built heritage, and landscaped features are identified and , where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

(f) adequate and appropriate provision is made for parking;

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

(h)the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

(i) the development is designed to deter crime and promote personal safety.

The principle of a residential development on this site has been established by the previous approvals and the zoning of the site for this purpose in successive development plans. The submitted layout of the development acknowledges the protected rath in the centre of the main part of the eastern part of the development. This area will also contain protected badger setts and there will be a tunnel under the main road that will run through the development to enable them to cross the road. The dwellings to the immediate north and south of the rath will be orientated around it, the main road through the development will provide access for a further 3 estate roads, it will be lined with trees. The existing Watson's Road will provide access for 4

estate roads as well as 14 dwellings that will face directly on to it with vehicle access from the rear, another estate road will access off Doran's Hill west of the proposed roundabout, this estate road will join on the one of the estate roads that leads off the main road. The density of the dwellings contained within the proposed development is significantly higher than that of the surrounding developments such as Brannock Heights, Glen Court, Hawthorn Hill and the dwellings along Watsons Road near the southern end of the development.

A total of 11 different house types are proposed in the application, some of which have been submitted in options to either be finished in red brick or render, House Type F has also been proposed in both gable and hipped roof versions. Located between the new main road and the realigned Watson's Road immediately adjacent to the new roundabout will be a pair of dual frontage dwellings of House Type J, these will have vehicle parking spaces immediately to their rear with the result that the gardens immediately adjacent to the roundabout will be the main areas of private open space and will be visible from traffic using the roundabout, this will be mitigated by three trees which it is proposed to plant at the apex of the junction. The other dwellings adjacent to these two roads will be arranged gable end on, trees will be planted at the corners of the sites to help screen the rear areas from view. In several places within the development the dwellings are shown as being within linear rows with no variation in the building lines, this is particularly the case of the dwelling built near to the northern end of the existing Watson's Road.

The amount of private open space proposed for each unit varies markedly across the development, and with house types, those sites located at corners in the development have larger plots due to their orientation, while those arranged in linear rows have more restricted curtilages, the layout was amended following representations from the Planning Authority and the amended plan generally complies with the provisions of PPS7. Car parking will generally be provided to the sides of the semi-detached dwellings in a one behind the other arrangement; dwellings with this arrangement will also have garages. The small number of terraced dwellings in the development will have parking directly in front of them with trees planted at each end and occasionally with planting in the middle, together these will both bookend the parking spaces and break up the expanse of parking so as to limit its visual impact within the wider streetscape.

Overall the Planning Department's assessment is that the scheme complies with the provisions of the policy. Approval may be granted considering the overall character of the layout, the history of the site and of the other material considerations.

PPS8: Policy OS2 Public Open Space in New Residential Development:
The policy states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. This policy refers to a normal expectation of at least 10% of the total site area.

The Planning Department has assessed the amount of proposed open space, an issue raised by objectors. It is satisfied that the scheme incorporates sufficient areas of open space. (This open space excludes the large green areas which will be fenced off to protect badgers.) This equates to 20.5% of the total site area which is well in excess of the 10% required by Policy OS2. The site also benefits from its

close proximity to an existing amenity site which incorporates a playing field and tennis court.

Policy OS2 also states 'For residential development of 100 units or more, or development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development'.

The proposed housing development originally incorporated just one play area. The Department raised concerns that children living in the western section of the development would have to negotiate a busy road to access this play area. Amended plans were submitted showing an additional play area in the west section of the development to address this concern.

In the event planning permission is granted it is recommended a condition should be imposed requiring the developer to submit full details of the 2 play areas prior to the occupation of dwellings approved and to maintain them thereafter. It is standard practice not to stipulate the types and position of the playground equipment so as to afford the developer flexibility into deciding which are considered appropriate.

PPS15:
As this proposal falls within a number of these categories Rivers Agency requested the applicant to submit a drainage assessment. Following consideration of the submitted drainage assessment Rivers Agency has no objections to this proposal from a drainage and flood risk perspective.

Recommendation:
The site has an extensive planning history; it is zoned for residential development in the current area plan, the section to the west of Watson's Road first having been zoned in the late 1980's. Given this history it is clear that the principle of residential development on the site has been established, subject to the provision of new road infrastructure and measures being implemented to protect the rath, the badger setts and related features. There have been no significant changes in the policy regime either in the Area Plan or PPS's etc which are of sufficient weight to overcome the history of the site and it remains of determining weight.

The issue on this application is therefore whether or not the submitted scheme complies with the policy criteria, the scheme is of a similar size and general layout to those previously approved, the policy context set out under PPS7 has been in place during the processing of most of the historic applications on the site therefore they have been determined to be in compliance with this policy. The current scheme retains the protection around the rath and the setts which were included in previous schemes and therefore it complies with the relevant policies of PPS 2 and 6. In relation to the recent comments from third parties that these are outdated, no significant changes have occurred to any of the features referred to since the original submission of the application and therefore the objection is not sustained.

The amount of public open space included within the scheme is significantly in excess of that required under PPS 8; therefore the proposal complies with this policy.

Several objectors have raised the concentration of the social housing required by the development plan in the part of the site east of Watson's Road, stating that it would be better to have this spread out across the entirety of the site. The social housing requirement was introduced by the new area plan which post-dated the original approvals granted on the main part of the site to the west of Watson's Road, the plan classed this as being a committed development. In view of this it would in all likelihood be unreasonable to impose a new requirement which was not specified by the then extant area plan or by the PAC. While it is possible that the developer may agree to allow social housing across the entirety of the site this would be a matter for them to agree voluntarily and the proposal will require the imposition of a condition to ensure that the number of social housing units provided are equal to that required by the plan. In relation to concerns raised about an access being created into the playing fields and this becoming a site for "anti-social behaviour," the submitted scheme shows no such entrance and it could only be accessed by means of trespassing on to land that is entirely within the boundary of a residential unit. While it has been suggested that the owners of this site may not maintain their property correctly this is purely speculative and the playing fields are in any case owned by the Council which can maintain its side of the boundary and prevent any unauthorised accesses.

Transport NI has stated that it has no objections with the estate roads or within the new distributor road or the junction upgrades with Watson's Road at Doran's Hill and Glen Hill. The remaining issue is that of the tie-in with the adjacent development, TNI's last consultation response has stated that it has no objection to the extension of the red line subject to a number of amendments related to proposed drainage arrangements; these amendments can be sought through an appropriate planning condition.

Therefore following assessment of all material considerations including the previous history and zoning of this site, the content of the objections and consultations and of the assessment of the proposal against all relevant planning policies, it is my recommendation that the proposal complies with all relevant polices and approval is recommended.

Conditions

1. No development activity shall commence until a Wildlife Management Plan (WMP) has been submitted to, and agreed in writing by, the Department. The WMP shall be updated prior to each subsequent phase of the development and no development activity shall commence on each subsequent phase until an updated WMP is submitted to the Department and agreed in writing. All works on site shall conform to the WMP and any amendments to the WMP must be agreed in writing with the Department. The WMP shall include (but not be limited to) the following:
   a) Aims and objectives of the WMP.
   b) The role and responsibilities of the Ecological Clerk of Works.
   c) Results of updated badger surveys to inform the WMP for the imminent phase of the development, including details of available setts within and adjacent to

the site and any changes in sett distribution or activity since the previous survey.

d) Details of all badger management, mitigation and protection measures carried out during the preceding phase of the development and the results of the monitoring of the effectiveness of such measures.
e) Setts proposed for permanent closure during the imminent phase.
f) Setts proposed for temporary closure during the imminent phase.
g) Timing and scheduling of all sett closures.
h) Details of the setts which will be available to badgers within and adjacent to the site during and after the imminent phase of the development.
i) Details of all badger management, mitigation and protection measures to be implemented during the imminent phase of the development, including fencing and planting schedule for badger protection areas.
j) Proposed monitoring of badger management, mitigation and protection measures and scheduling of further surveys to inform the next update of the WMP.
k) Details of any tree or hedgerow removal proposed for the imminent phase of the development.
l) Any mitigation measures proposed for the imminent phase of the development for other protected species such as bats and breeding birds.
m) Any emerging issues and proposals for the next plan update.

Reason: To protect badgers and other wildlife on the site.

2. The development shall be phased as shown on Drawing No. PL/PH/01, date stamped 21 March 2014 by the Area Planning Office. All construction activity shall be restricted to one phase of the development at a time. There shall be no works, vegetation clearance, disturbance by machinery, dumping or storage of materials within any subsequent phase of the development except as stipulated in the Wildlife Management Plan.
Reason: To allow badgers and other wildlife to adapt to the development over time

3. No development activity shall commence until a person recognised by the Department as a suitably qualified and experienced person has been appointed as an Ecological Clerk of Works (ECoW) and the role and responsibilities of the ECoW agreed in writing with the Department. The ECoW shall be responsible for the production of the WMP and shall supervise all construction activities at regular intervals.
Reason: To protect badgers and other wildlife on the site.

4. There shall be no development activity, vegetation clearance, disturbance by machinery, dumping or storage of materials (except for the hand planting of trees and shrubs) within the badger protection areas or wildlife corridors without the consent of the Department.

Reason: To protect badgers and other wildlife on the site.

No works, including any archaeological excavations, shall take place within 25 metres of a badger sett without the presence of an NIEA Protected Species Licence holder.

Reason: To protect badgers and their setts.

5. No development activity shall commence until a Lighting Plan has been submitted to, and agreed in writing by, the Department. The Lighting Plan shall include details of all external lighting on the site and measures to mitigate for impacts of artificial lighting on bats and other wildlife. In particular the Lighting Plan shall include:
   a) Specifications of lighting to be used across the site.
   b) Lighting levels to be as low as possible across the site.
   c) A map showing predicted light spillage across the site (isolux drawing).
   d) Badger protection areas, wildlife corridors and retained hedgerows to be kept free from any artificial lighting.

Reason: to protect bats and other wildlife.

7. There shall be no tree, scrub or hedgerow removal during the bird breeding season (1 March to 31 August inclusive).
Reason: To protect breeding birds.

8. Prior to the commencement of the development hereby approved, the developer shall submit a plan to the Council identifying the 12 units within the development hereby approved which will be provided for social housing in accordance with a registered housing association. These units shall consist of:

   60% (7 units) should be 2 bed, 4 person houses, and
   40% (5 units) should be 3 bed, 5 person houses

   Reason: To ensure adequate provision of social housing in accordance with the requirements of the Area Plan.

9. All landscaped areas shown within the development shall be maintained for a period of 30 years from the date of this decision, by a landscape management company in accordance with stamped approving drawings Nos 85 (Rev 1), 86 (Rev 1), 87 (Rev 1) and 88 (Rev 1) received on August 19th 2014.

Reason: To ensure that all areas of open space are maintained to the relevant standards.

10. Prior to any dwelling hereby approved becoming occupied, the developer shall submit to and agree with the Council, details of the two play areas as indicated on stamped approved drawing Number 17 (Rev 2) received on October 7th 2016. These play areas shall be maintained for a period of 30 years from the date of this decision at the developer's expense

Reason: To ensure that the play area is provided in accordance with all relevant standards.

11. No development shall commence until the developer has obtained from Transport NI and all relevant landowners, agreement for works relating to the connection of footpaths and roads approved by this decision with similar structures, either existing or proposed, in the surrounding area.

Reason: To ensure that a satisfactory network of footpaths and roads are provided to service the development.

No more than those dwellings indicated within phase 1 of the development hereby permitted indicated on drawing number PL/PH/01 REV E received on 8 December 2015 shall be occupied prior to the completion of all road works associated with phase 1 on Dorans Hill, Watsons Road and internal housing roads.

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

No more than those dwellings indicated within phase 2 of the development hereby permitted indicated on drawing number's PL/PH/01 REV E received on 8 December 2015 shall be occupied prior to the completion of all road works associated with phase 2 on the new Distributor Road, Watsons Road, Glen Hill and internal housing roads.

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

No more than those dwellings indicated within phase 1, 2 & 3 of the development hereby permitted indicated on drawing number's PL/PH/01 REV E received on 8 December 2015 shall be occupied prior to the completion of all road works associated with phase 3 on the new Distributor Road, Watsons Road and internal housing roads.

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

Prior to the commencement of any works of the development hereby permitted the proposed roundabout and any associated works will require to be designed in

accordance with the relevant section of the Design Manual for Road and Bridges and will be subject to separate agreement by Transport NI.

REASON: In the interests of Road Safety and Traffic Progression.

Prior to the commencement of any works hereby permitted the developer will be required to comply with and complete the legislative process to stop-up and abandon relevant parts identified by Transport NI of the existing Watsons Road. These works will require the developer to contact Transport NI Lands Branch to provide the necessary plans for this procedure to commence. The developer will also be liable for any costs associated with the processing of this Order and no works hereby permitted will be commenced until this process has been fully completed to the satisfaction of Transport NI.

REASON: In the interests of Road Safety and Traffic Progression.

The developer will be required to ensure that the road works associated with this proposal have been subject to the Safety Audit process in accordance with the relevant Departmental guidelines.

REASON: In the interest of road safety and traffic progression.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 12-117/C13, 12-117/C14, 12-117/C15, 12-117/C16 bearing the date stamp 10 November 2015.

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

Notwithstanding the provisions of the Planning (General Development) Order (NI) 1992 no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

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

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be Occupied until the works necessary for the improvement to the public road have been completed in accordance with the details outlined blue on Drawing Number 12-117/C13, bearing the date stamp 10 November 2015. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

The visibility splays as indicated at the junctions of the proposed accesses with the public road, shall be provided in accordance with Drawing No 12-117/C13, 12-117/C14, 12-117/C15, 12-117/C16 bearing the date stamp 10 November 2015, prior to the commencement of any other works or other development.

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

No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase of development.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling or otherwise specified.

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

The development hereby permitted shall not be occupied until any highway structure/ retaining wall/ culvert/ vehicle restraint system requiring Technical Approval, as

specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Any telegraph poles/ street furniture will require to be re-sited to the rear of sight visibility splays.

Reason: In the interests of road safety and traffic progression

The gradient of any side slopes proposed will be a maximum of 1m in 2 metres.

Reason: In the interests of road safety and traffic progression.

The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and approved by the Department for Regional Development Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Regional Development Street Lighting Section. These works will be carried out entirely at the developer's own expense.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Department's specification (Design Manual for Roads & Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety.

The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Department of Regional Development Transport NI for agreement in writing.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

The developer/applicant will contact Transport NI Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic management measures that will require being relocated as a result of this proposal.

Reason: In the interests of road safety and traffic progression.

Case Officer

Authorised Officer

Mr. Sean Hanley
7 Brannock Close
Newry
Co. Down

21st March 2017

Democratic Services Officer
Newry & Mourne Down District Council
Monaghan Row
Newry

REQUEST FOR SPEAKING RIGHTS

P/2013/0242/F - Lotus Group and KPMG (new owner/applicant is Mr Brian McConville) - Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works - Lands at Watson Road/Dorans Hill Newry

Dear Sir/Madam,

I refer to the above matter and understand that the above application is listed for Wednesday 29th March 2017.

I Sean Hanley, hereby request to speak at the proposed meeting. I confirm that I will be speaking on behalf the residence of Brannock Close.

I enclose herewith submission document which, I wish to speak at this meeting.

Yours Faithfully,

Mr. Sean Hanley
On Behalf of Brannock Close Residents.

SUBMISSION DOCUMENT

I would like to speak about gaining access onto the Glenn Hill Road If this development goes ahead At present traffic is using Glen as short cut from the bypass to Newry thus, creating a back log of traffic at the bottom of Glen Hill and Glenvale Crescent. We the residence believe that a survey should be carried out by road services to see for themselves the traffic situation at different times of the day. Early morning and evening particularly Fridays evenings.

Planning Committee Meeting

Wednesday 18 January 2017

Boardroom, District Council Offices, Monaghan Row, Newry.

Resident Submission on application P/2013/0242/F

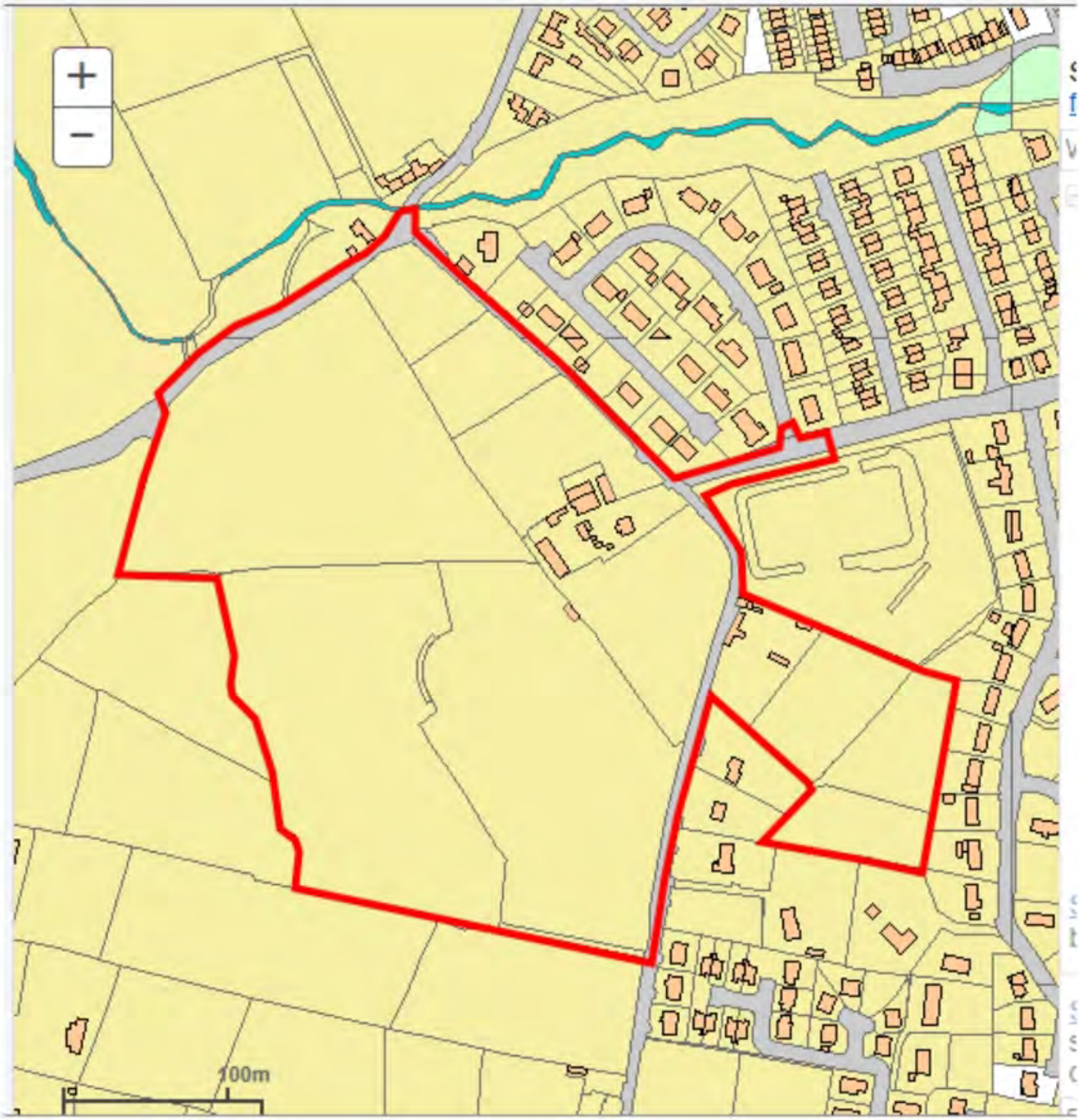
1. The resident representatives have reviewed the contents of the Planning department report and found it to be flawed and inaccurate.
2. This Planning department report is the basis on which the Planning Committee is asked to make a decision.
3. An approval decision of this magnitude and impact should not be made on the flawed and inaccurate information contained in this report.
4. The report reflects the general disregard with which important concerns have been treated.
5. The report is not fit for purpose and cannot be relied upon as a basis for decision making by this committee.
6. Issues with the presented report;
    a. Number of dwelling referenced within the development is inconsistent.
    b. Contains factual **inaccuracies** in site description reference to derelict buildings.
    c. Contains **discrepancies** between Architect and Civil Engineering drawings
    d. Fails to address all the **concerns** raised by residents
    e. Relies on **outdated** environmental information from 2013.
    f. Relies on **inaccurate** drawings
    g. Relies on **PAC hearing** 2006/A2396, 28 July 2009.
    h. Yet fails to adhere to a **determination** in the PAC Appeal Decisions of
        i. 2004/A346
        ii. 2006/A2396.
    i. Relies on highway developments which are conditional on a **proposed** extension of the Red Line.
    j. Relies on drawing that were requested by NIHE and **never submitted**
    k. No evidence that **Heritage** ridge height concerns have been addressed.
    l. No evidence that **water treatment** capacity has been addressed
    m. Fails to address **highway improvements** identified and required in PAC Decision
    n. Fails to implement conditions to have highway improvement implemented **before** dwelling occupied.
    o. Fails to address the access, footpath and parking issues at **Ballinare Cottages**
    p. Appears to rely on land **not within the red** line at the southern end of development.
    q. Confirms development is not in keeping with **PPS7 QD1**
    r. Omitted the requirement for **two play park** areas.
    s. **Traffic impact** reports not referred to within report
7. **Official document references**
    a. Planning Appeals Commission 2004/A346
    b. Planning Appeals Commission 2006/A2396
8. **Conclusion:** this application decision should be deferred until satisfactory resolution of the inaccuracies presented to this committee

Evidence references for point 6 above

A	Page 1 paragraph 1 states: There will be 200 dwellings. Page 3 paragraph 2 states: There will be 202 dwellings.
B	Page 2 paragraph 1 states: On the east side of Watsons Road a modest detached derelict bungalow and two out buildings exists'. These have not existed for three years. Page 5 paragraph 5 states: On the west side of Watsons road at junction with Glen Hill there are a number of derelict farm buildings. These have not existed for ten years.
C	Page 3 Paragraph 3 states: Watson road will be severed at the southern end and a new connection to the new distributor road. The current drawings on the portal **do not** show a connection to the new distributor road at this point.
D	Page 6 Paragraph 3 – 6: Report has not addressed the main concerns raised by local residents in letter of 12/10/16 • Road improvements required by the PAC Decision. i. Dorans Hill bridge and footway upgrade ,which is within zone NY19 ii. In the absence of a red line at Dorans Hill it is hard to determine how much of Dorans Hill is included in the development. iii. That the new site road should be fully constructed before 50 houses get occupied. ○ The discrepancies between architects and civil engineering drawing are not even acknowledged.
E	Page 5 Paragraph 6 states: The Natural Heritage of NI report being relied upon is 3 years old. Page 5 Paragraph 6 states: Local residents have located new badger sets on the site. Page 5 Paragraph 7 states: There is no evidence of the development accommodating the population of bats and newts' currently occupying new areas of the site. The environmental report being relied upon is 3 years old.
F	Page 8 paragraph 7 states: • There are 5 estate roads exiting onto the existing Watsons Road • This is inaccurate as current drawing show only 4 roads not 5 roads.
G	Page 4 paragraph 5: Relies on the Decisions of the PAC hearing 2006/A2396 on 21 May 2009.

I	Page 4 Paragraph 9 states: TNI comments of 19 Dec 2016 are on the basis that the proposed extension of the red line on the southern boundary actually happens. This extension of the red line has not happened and is not reflected on current application drawings. • The extension area is currently **not** within the red line. • A decision **cannot be made** until the extended red line has been agreed. • What will planning do if the red line cannot be extended?
J	Page 5 Paragraph 2 states: NIHE requested a drawing indicating the location of the Social housing in NY53. This has not been provided therefore how can you make a decision.
K	Page 5 Paragraph 5 states: Protected Heritage Monuments NI has concerns about ridge heights and that they should be reduced to ensure the monument is integrated into the development. • There is no evidence in the current drawing that this has been taken into consideration. • This has not been addressed in the report or drawings.
L	Page 5 Paragraph 8 (cont' page 6 paragraph 1) states: NI Water did not object to the proposed development, however; • Waste Management Unit of NI Environment Agencies was concerned that the development would cause the Newry waste water works to operate above its capacity. • There is no evidence that NI Water took on board this concern. • There is no evidence that NI Water has comprehensively reviewed that the Newry waste water works can cope with 200 or is it 202 new houses.
O	Page 6 Paragraph 5: Residents' concerns have been noted in this report but have not been addressed; • Parking at Ballinare cottages • Access to dwelling at Ballinare cottages • Provision of a footpath at Ballinare for the new residents of the 200/202 new houses Page 6 Paragraph 6 Land owner at Southern end has had his objection noted, but not actioned.
P	Page 4 Paragraph 9 states: TNI comments of 19 Dec 2016 **proposed extension** relies on land not within the Red Line. This extension of the red line has not happened. • The extension area is currently **not** within the red line. • The applicant does not own the required land.

Q	Page 8 paragraph 7 states: • 'the density of new development is significantly higher than the surrounding developments and in NOT in keeping with existing surrounding developments as per PPS7 QD1' Page 9 paragraph 1 states: • The amended plan **'generally'** complies with PPS7 QD1. • It either does or it does not.
R	Page 9 paragraph 6 states: • If planning is granted there will be a condition to provide two play parks • Why is this not in the application now?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Forward As One

Barcroft
Community Association

Planning Dept.

Newry,Mourne & Down Council

Monaghan Row

Newry

Dated 7 Oct 2016

Ref : P/2013/0242/F (Lands at Watsons Rd./Dorans Hill Newry)

Issue : No pathway between Barcroft Pk and the new roundabout at Watsons Rd.

Dear Sir/Madam,

We (Barcroft Community Asoc.) need to bring to the attention of planners and thus raise an objection to the above planning application. This is in recognition of a presentation to our association at Barcroft Community centre by Lotus developments on 14/08/2013 at which we agreed with the developers on the need for additional housing within the affordable banding. This community consultation/engagement was appreciated by our association and enabled us to undertake a specific opinion survey. Our committee/association identified an infrastructure deficit (pedestrian access) and contacted/surveyed the affected residents of Ballinlare Cottages (BT35 8PG).

Attached are the relevant plans which have been unanimously endorsed by the Ballinlare Cottages residents/households. The plan simply positions a connecting pathway from Barcroft to the roundabout, provides for secure parking space/access in front of the 8 households and recreational walking to both our immediate community and its adjacent residents.

We request a meeting to further discuss our proposal /objection and have briefed Clr. Liz Kimmins who has agreed to represent our concerns.

Yours sincerely

Daren Thomson

Daren Thomson, Chairperson

Barcroft Community Association

Loanda House, Dorans Hill, Newry, BT35 8PQ

Tel: 07731315540 Email: barcroftcommunityassociation@hotmail.co.uk

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 23

APPLIC NO P/2013/0632/F Full **DATE VALID** 29/08/2013

COUNCIL OPINION **APPROVAL**

APPLICANT Carncastle Properties 24 Main Street
Hilltown
Co. Down
BT34 5UH

AGENT C/O Applicant

(028)

LOCATION Lands adjacent to 20 and 25 Mullach Allann
Carnagat Road
Newry

PROPOSAL Retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description)

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	11	0	1		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			35	35	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Further Addendum/Reconsideration following Planning Committee meeting on 10 November 2016.

Application Reference:

P/2013/0632/F; P/2014/0286/F.

Dates Received:

03 September 2013; 26 March 2014

Proposal:

Retrospective permission for relocation of dwelling numbers 22. 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original permission P/2009/0278/F and external changes to gardens and driveways and are of open space (amended description).

Location:

Adjacent to 20 and 25 Mullach Allainn, Carnagat Road, Newry BT35 8UU.

Further Consideration

At a further meeting of the Planning Committee, on 10 November 2016, it was agreed in principle to an approval in respect of both applications in line with Development Management Reports subject to the following:

- The open space to be fully enclosed at the Hospital Road end. Planning Officials to engage with the applicant and the objectors to establish who would have access to this space and to ensure that the Management Company's managing arrangements to reflect this;
- Planning Officials to engage with the applicant regarding the drawing up of plans and appropriate conditions to be attached to the planning permission to ensure the above is achieved.

The agent submitted an amended plan, which it was considered, addressed the issues raised at the Planning Committee Meeting on 10 November.

A subsequent meeting was held with the objectors on Friday 10 January 2017. The issues raised were subsequently referred to in an additional letter of objection, dated 25 January 2017, received from the objectors following that meeting. These included:

- on-going anti-social problems in the area;
- open space was a magnet that attracted young people into the estate from other area;
- the open space area should not be open. A need for secure vandal proof fencing around the boundary of the fence, in particular adjacent to the existing are of open space beyond the boundary of the site; a wall across existing pedestrian access at Hospital Road; a high steel locked gate at the other end at the bottom of Mullach Allain which would be controlled by key held by the residents; the need for proper maintenance of the area of open space into the future, in accordance with 2009 Management and Maintenance Plan;
- the provision of porches and all works prior to issue of planning approval;
- there is no right of access to open space or legal requirement in title deeds for the original residents in Phase 1 to buy into the future management arrangements for the open space; and
- Concern that Planning was not seeking the developer to address previous breaches of planning control.

The issues raised have ben fully assessed.

Ameeting was held with Carncastle Properties on Tuesday 14 February 2017, in Monaghan Row, to discuss the issues related to the above.

Amended details were received from Carncastle on 16 February 2017, following the meeting with Carncastle. These were up loaded onto the planning portal and were re-notified. The date for eceipt of comments expired on 3 March 2017.

An additional letter of objection has been received from the Mullach Allainn residents Association on 3 March 2017. Issues raised:

- Wooden fencing with bull wire is not appropriate – should be galvanised steel to prevent vandalism and theft;
- Height of fencing should be 2 metres or more;
- No reference to height of Wall across pedestrian access on Hospital Road or at Mullach Alainn entrance – these should be 2 metres or more;
- There is no need for a further Maintenance and Management Plan as there is already an existing 25 year one approved in 2009, which should be abided with by developer;
- Clarification on the proposal description and the reference to retrospective permission when no permission has been granted for the works referred to;
- All works to be carried out prior to issuing of approval.

Assessment.

The Planning Department has considered these amended details and the additional letters of objection, as summarised as follows:

- The agent has now provided amended detailed plans to include: an amended Maintenance and Management Plan for the Area of Open Space. This has provided additional additional details on the Management Company and Management Plan. The Management Company will co-ordinate maintenance of planted and grassed areas outside the curtilage of residential dwellings in perpetuity following the completion of the one year defects liability period. This will revolve around a 5-year cyle and will continue for a period of 25 years. A full re-assessment and review will be undertaken at the end of the 25th year. Responsibility for the day to day maintenance will be with the landscape subcontractor appointed to undertake the maintenance works during this time. The area will be for the exclusive use of the members of the Management Company. The Plan also provided a detailed management and maintenance specification. The fencing will be the responsibility of the Management Company and a locked gate will be provided with keys held by the members of the Development Management Company. It is considered

that the proposed maintenance and management arrangements are in line with established practice. It is considered that these amended details are sufficient to address relevant concerns

- The developer has provided further clarification on the future maintenance arrangements for the area of open space, in recent correspondence to the Planning Department. A Management Company has been set up by Carncastle consisting of 14 shareholders, one for each property. The future members of the Management Company, will be responsible for the maintenance of the open space and any related issues. The developer has appointed Carlingford Lough Property Management to carry out the maintenance work identified in the submitted Management and Maintenance Plan on behalf of the Management Company. This includes a clearance strategy for litter. A planning conition, to be attached to the formal approval notice, will require that it will cover a period of 25 years with measures to ensure future management and maintenance of the open space, should the proposed management company be dissolved.

- The detailed amended plan shows a revised layout with the omission of the pedestrian path; the provision of 1.8 m high timber fence adjacent to the Mullagh Alainn and adjacent open space boundaries, strengthened with bull wire to deter vandalism; a 3.25m block wall with brick face across existing entrance; existing buffer planting and a locked gate at the Mullach Allain entrance; a fence to be erected to form a boundary between the open space and No 32, the property adjacent to Hospital Road; inclusion of vehicle barriers at both entrances. The Planning Department considers that the extension of the height of the proposed wall, gate and fence to 2 metres in height would be unnecessary and unacceptable in visual terms. It is acknowledged that the height of the gate and wall has not been included in the detailed plans. A Planning Condition can be attached to any future approved plan specifying the height of both. This should be 1.8metres. The construction of a steel palisade boundary to the open space would be unacceptable in visual terms. It is considered that the amended details, with

the addition of the suggested planning condition, are sufficient to address relevant concerns.

- In relation to the proposed porches, a planning condition can be imposed on any subsequent approval seeking their provision prior to the occupation of the approved units. The developer has confirmed his acceptance of this approach and his intention to provide the porches on this basis.

- The Planning Department is satisfied that the application description is accurate and reflects the nature of the proposal. It is normal practice to refer to the term retrospective approval when an application relates to work already carried out. This does not suggest that planning permission has previously been granted for the works referred to in the proposal description.

Having considered the additional letters of objection and additional information submitted by the applicant it is considered that the application can be recommended for approval with additional appropriate planning conditions attached and as previously recommended above.

Conditions

1. Planning permission is hereby granted in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: This development will have deemed to have begun on the date development was initiated.

2. No dwelling shall be occupied until that part of the surface road which provides access to it has been constructed to base course; the final wearing course shall be provided on completion of the development.

Reason: To ensue the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

3. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015 no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

Reason:To ensure that there is a safe and convenient road system within the Development.

4. Notwithstanding the provisions of the of the Planning (General Development) Order (NI) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 5mm shall be carried out in (verges/service strips) determined for adoption.

Reason: To enure there is a safe and convenient road system within the development.

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of two spaces per dwelling.

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

6. The access gradient of the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the public road boundary and a maximum of 10% thereafter.

Reason: In the intetests of road safety.

7. The canopy detailing as shown on the approved plans shall be erected prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure compliance with approved plans.

8. The area of open space, including all hard and soft landscaping, shall be completed in accordance with the hard and soft landscaping drawing which was received on 16th February 2017 prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure the area of open space is brought to an appropriate standard.

9. The gate and wall indicated on the hard and soft landscaping drawing received on 16th February 2017 shall be construted to a height of 1.8 metres prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure the open space is brought to an appropriate standard.

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

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

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

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

12. All areas of public open space and communal landscaping as shown on the approved drawing shall be maintained in accordance with the approved Landscape Management and Maintenance Plan received 16th February 2017. The Plan shall cover a mimimum period of 25 years. Should the Management Company dissolve at any stage, then a new management company shall be

appointed and an updated Management and Maintenance Plan shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure the successful establishment and long term maintenance of public open space and landscaping in the interests of visual and residential amenity.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

SUBMISSION DOCUMENT

We note from the Planning Department's report dated 16th March 2017, wherein, they state that following the planning committee, on 10th November 2016, it was agreed in principle to an approval in respect of both applications in line with Development Management reports subject to open space being fully enclosed and planning officials to engage with the applicant. This is **NOT** what was approved. What **was** approved was that the planning dept were to liaise with their legal team regarding the information that the residents disclosed at the meeting regarding the Management Company and to liaise with the applicant and the residents. At no time was any approval in principle given regarding the 2 applications.

Management Company

There is no logic reason for a new Management Company as there is already a 25-year one in place, which covers every aspect of this development, therefore there is no need for a new one. The residents have asked on numerous occasions, the reasons why the need for a new Management and Maintenance plan... still no explanation given. The residents would therefore ask the members to insist that the original approved in 2009 management and maintenance plan be adhered to by the developer/owner.

We also note that they state that the area will be for the exclusive use of the members of the Management Company. This is **NOT** the case. As previously discussed, at the meeting on 10th January 2017 with Pat Rooney, Andrew Davidson, Councillor Gary Stokes and two members of the Mullach Alainn Private Residents Association. It was stated by Pat Rooney, and also by Andrew Davidson, that the intended use of the said area was for **ALL** the residents in Mullach Alainn. As we have previously stated the residents of Phase 1 are under no legal obligation to join the Management Company. There is no legal obligation for the residents to become shareholders as this is not and would not have been in our title deeds at the time of purchase.

They also state that the fencing will be the responsibility of the Management Company and a locked gate will be provided with keys held by the members of the development Management Company. Why are the residents being denied a key when they have full use of this open space?

In relation to the handpicked Management Company, Carncastle have no legal entitlement to the said land and therefore the setting up of the Management Company and future maintenance is currently the responsibility of Erinvale, the holders of legal title. Carncastle would not be in possession of the necessary legal documentation in order to transfer title to shareholders.

Fencing

They have stated that they will erect wooden fencing with bull wire, at a height of 1.8m high timber fencing, timber fencing is not appropriate for this area, as previously stated (photographs attached) by the residents and the developer that the timber fencing has been cut, stolen and vandalized on numerous occasions. The developer has also stated on numerous occasions that he will not be replacing this fencing as he has already replaced several times at a cost to the company in thousands of pounds.

If wooden fencing was to be erected this would mean that any shareholders of the management company would become liable for the upkeep and replacing the wooden fencing on a regular basis, thus, the shareholders would have to fit the bill. This cannot happen as the developer has refused to replace at present due to the theft and at a high cost to his company, so therefore, why should any shareholder want this extra added cost. Failure of it being replaced, the area of open space would then attract further vandalism, anti-social behaviour etc.

The height of the timber fencing is not adequate. The height would need to be 2m or more in order to avoid climbing over to gain access to the area of open space thus causing further anti-social behaviour.

Proper galvanized steel security fencing would need to be put in place. This would then prevent from any theft occurring and there would be no maintenance required for this fencing, thus, saving shareholders any extra costs. This would also mean that residents would have a clear visual look on to the area of open space.

The Residents are aware that 1.2million has been allocated to the Carnagat area, which, part of that money is being used to build walls with steel bars on top to block up the rat runs on areas of open space and around residents homes, to avoid anti-social behaviour. If wooden fencing with bull wire is to deter vandalism in Mullach Alainn, surely then wooden fencing would have been used in Ardcarne....

The Residents note that Carncastle has stated on the drawing that a block wall with brick facing across the existing entrance (Hospital RD) will be erected. The residents note that there is no height stated for this wall, therefore the residents would request that the height will have to be 2m high or more as per the steel fencing. In relation to the fencing already erected to form a boundary between No.32 Hospital Road, this fencing is now on part of the land that belongs to Erinvale. We also note that the partly demolished outbuilding is not part of the boundary at present therefore, it is now left open and is an eye sore and dangerous. Who is going to have the responsibility for this???

The Residents also note that lighting on the area of open space is not shown on the new drawn. This will have to be shown on any drawn to be considered for approval.

The Residents cannot understand why the above request cannot be approved as the Company's agent namely Mr. Davidson has stated at the planning committee meeting that they have no problem in erected walls or steel fencing in order to resolve this matter on the area of open space.

We also note that all other planning breaches regarding the said houses have not been discussed (please see attached list). The only breach that has been addressed is the canopies. When are all other breaches going to be addressed?

All works are to be carried out prior to any occupation and no green form to be given until all works have been carried out to what will be approved and inspected by the planning department.

It would appear to the residents that concessions are being made time after time for this developer why??? Bearing in mind that this developer created these breaches.

The Residents would therefore, ask the committee members to **REFUSE** the new drawing in respect of the area of open space and to **REFUSE** the second application in relation to the houses and car parking spaces, as the planning breaches have not yet been discussed with the planning members. The residents would also query why the planning department are not insisting that the developer carries out the works to make good with what was approved 2009.

Photographs attached to be shown at the meeting.

22

17th November 2016

17th November 2016

4th February 2017

LIST OF PLANNING BREACHES ON THE 14 HOUSES

EXTERNAL FINISH

1. Houses were to be finished by rendering and not brick work

2. Houses were to have chimneys

3. The eve elevations are not correct

4. Carparking spaces are not in accordance with the said plans

5. Steel railings on dividing garden walls are erected at every house and these are not part of the plans. No planning permission for these.

6. Windows, doors are not to the specification

7. No canopies over the front door

8. Planting of trees, shrubbery and buffing as per plans (Planning permission No 6.) These were also to be planted at the back of the gardens of each house and also in the front gardens as per plans.

INTERNAL FINISH

1. Living rooms were to have open fire places (re need for chimney's) as per plans

2. Bathroom upstairs are laid differently from the plans also.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 24

APPLIC NO P/2014/0286/F Full **DATE VALID** 26/03/2014

COUNCIL OPINION **APPROVAL**

APPLICANT Carncastle Properties 24 Main Street
Hilltown
Co. Down
BT34 5UH

AGENT C/O Applicant

(028) 406 38501

LOCATION Adjacent to 20 and 25 Mullach Allann
Carnagat Road
Newry
BT35 8UU

PROPOSAL Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space.
Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. (Amended plans and description)

REPRESENTATIONS

OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
11	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Further Addendum/Reconsideration following Planning Committee meeting on 10 November 2016.

Application Reference:

P/2013/0632/F; P/2014/0286/F.

Dates Received:

03 September 2013; 26 March 2014

Proposal:

Retrospective permission for relocation of dwelling numbers 22. 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original permission P/2009/0278/F and external changes to gardens and driveways and are of open space (amended description).

Location:

Adjacent to 20 and 25 Mullach Allainn, Carnagat Road, Newry BT35 8UU.

Further Consideration

At a further meeting of the Planning Committee, on 10 November 2016, it was agreed in principle to an approval in respect of both applications in line with Development Management Reports subject to the following:

- The open space to be fully enclosed at the Hospital Road end. Planning Officials to engage with the applicant and the objectors to establish who would have access to this space and to ensure that the Management Company's managing arrangements to reflect this;
- Planning Officials to engage with the applicant regarding the drawing up of plans and appropriate conditions to be attached to the planning permission to ensure the above is achieved.

The agent submitted an amended plan, which it was considered, addressed the issues raised at the Planning Committee Meeting on 10 November.

A subsequent meeting was held with the objectors on Friday 10 January 2017. The issues raised were subsequently referred to in an additional letter of objection, dated 25 January 2017, received from the objectors following that meeting. These included:

- on-going anti-social problems in the area;
- open space was a magnet that attracted young people into the estate from other area;
- the open space area should not be open. A need for secure vandal proof fencing around the boundary of the fence, in particular adjacent to the existing are of open space beyond the boundary of the site; a wall across existing pedestrian access at Hospital Road; a high steel locked gate at the other end at the bottom of Mullach Allain which would be controlled by key held by the residents; the need for proper maintenance of the area of open space into the future, in accordance with 2009 Management and Maintenance Plan;
- the provision of porches and all works prior to issue of planning approval;
- there is no right of access to open space or legal requirement in title deeds for the original residents in Phase 1 to buy into the future management arrangements for the open space; and
- Concern that Planning was not seeking the developer to address previous breaches of planning control.

The issues raised have ben fully assessed.

Ameeting was held with Carncastle Properties on Tuesday 14 February 2017, in Monaghan Row, to discuss the issues related to the above.

Amended details were received from Carncastle on 16 February 2017, following the meeting with Carncastle. These were up loaded onto the planning portal and were re-notified. The date for eceipt of comments expired on 3 March 2017.

An additional letter of objection has been received from the Mullach Allainn residents Association on 3 March 2017. Issues raised:

- Wooden fencing with bull wire is not appropriate – should be galvanised steel to prevent vandalism and theft;
- Height of fencing should be 2 metres or more;
- No reference to height of Wall across pedestrian access on Hospital Road or at Mullach Alainn entrance – these should be 2 metres or more;
- There is no need for a further Maintenance and Management Plan as there is already an existing 25 year one approved in 2009, which should be abided with by developer;
- Clarification on the proposal description and the reference to retrospective permission when no permission has been granted for the works referred to;
- All works to be carried out prior to issuing of approval.

Assessment.

The Planning Department has considered these amended details and the additional letters of objection, as summarised as follows:

- The agent has now provided amended detailed plans to include: an amended Maintenance and Management Plan for the Area of Open Space. This has provided additional additional details on the Management Company and Management Plan. The Management Company will co-ordinate maintenance of planted and grassed areas outside the curtilage of residential dwellings in perpetuity following the completion of the one year defects liability period. This will revolve around a 5-year cyle and will continue for a period of 25 years. A full re-assessment and review will be undertaken at the end of the 25th year. Responsibility for the day to day maintenance will be with the landscape subcontractor appointed to undertake the maintenance works during this time. The area will be for the exclusive use of the members of the Management Company. The Plan also provided a detailed management and maintenance specification. The fencing will be the responsibility of the Management Company and a locked gate will be provided with keys held by the members of the Development Management Company. It is considered

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- The detailed amended plan shows a revised layout with the omission of the pedestrian path; the provision of 1.8 m high timber fence adjacent to the Mullagh Alainn and adjacent open space boundaries, strengthened with bull wire to deter vandalism; a 3.25m block wall with brick face across existing entrance; existing buffer planting and a locked gate at the Mullach Allain entrance; a fence to be erected to form a boundary between the open space and No 32, the property adjacent to Hospital Road; inclusion of vehicle barriers at both entrances. The Planning Department considers that the extension of the height of the proposed wall, gate and fence to 2 metres in height would be unnecessary and unacceptable in visual terms. It is acknowledged that the height of the gate and wall has not been included in the detailed plans. A Planning Condition can be attached to any future approved plan specifying the height of both. This should be 1.8metres. The construction of a steel palisade boundary to the open space would be unacceptable in visual terms. It is considered that the amended details, with

the addition of the suggested planning condition, are sufficient to address relevant concerns.

- In relation to the proposed porches, a planning condition can be imposed on any subsequent approval seeking their provision prior to the occupation of the approved units. The developer has confirmed his acceptance of this approach and his intention to provide the porches on this basis.

- The Planning Department is satisfied that the application description is accurate and reflects the nature of the proposal. It is normal practice to refer to the term retrospective approval when an application relates to work already carried out. This does not suggest that planning permission has previously been granted for the works referred to in the proposal description.

Having considered the additional letters of objection and additional information submitted by the applicant it is considered that the application can be recommended for approval with additional appropriate planning conditions attached and as previously recommended above.

Conditions

1. Planning permission is hereby granted in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: This development will have deemed to have begun on the date development was initiated.

2. No dwelling shall be occupied until that part of the surface road which provides access to it has been constructed to base course; the final wearing course shall be provided on completion of the development.

Reason: To ensue the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

3. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015 no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

Reason:To ensure that there is a safe and convenient road system within the Development.

4. Notwithstanding the provisions of the of the Planning (General Development) Order (NI) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 5mm shall be carried out in (verges/service strips) determined for adoption.

Reason: To enure there is a safe and convenient road system within the development.

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of two spaces per dwelling.

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

6. The access gradient of the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the public road boundary and a maximum of 10% thereafter.

Reason: In the intetests of road safety.

7. The canopy detailing as shown on the approved plans shall be erected prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure compliance with approved plans.

8. The area of open space, including all hard and soft landscaping, shall be completed in accordance with the hard and soft landscaping drawing which was received on 16th February 2017 prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure the area of open space is brought to an appropriate standard.

9. The gate and wall indicated on the hard and soft landscaping drawing received on 16th February 2017 shall be construted to a height of 1.8 metres prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure the open space is brought to an appropriate standard.

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

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

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

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

12. All areas of public open space and communal landscaping as shown on the approved drawing shall be maintained in accordance with the approved Landscape Management and Maintenance Plan received 16th February 2017. The Plan shall cover a mimimum period of 25 years. Should the Management Company dissolve at any stage, then a new management company shall be

appointed and an updated Management and Maintenance Plan shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure the successful establishment and long term maintenance of public open space and landscaping in the interests of visual and residential amenity.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

Council Newry, Mourne and Down **Date 29/03/2017**

ITEM NO	**1**		
APPLIC NO	LA07/2015/0443/O Outline	**DATE VALID**	09/06/2015
COUNCIL OPINION	**REFUSAL**		
APPLICANT	Martin McConville 16 Wrack Road Ballymartin Kilkeel	**AGENT**	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 41772377
LOCATION	25 metres south east of no 16 Wrack Road Ballymartin Kilkeel		
PROPOSAL	Site for dwelling and detached garage		

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0
			Addresses Signatures	**Addresses Signatures**

1 The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

2 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; and

-the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
Newry, Mourne
and Down
District Council

Application Reference: LA07/2015/0443/O

Date Received: 9th June 2015

Proposal: Site for dwelling

Location: The site is located centrally approximately 1.3m from both the development limit of Kilkeel to the east and Ballymartin to the west. Wrack Road leads from the main Kilkeel Road towards the sea to the south.

Site Characteristics & Area Characteristics:
The site comprises No. 15 Wrack Road and a section of agricultural land to the rear of the dwelling which is currently used for growing crops. The land to the rear of No. 15 is a large agricultural field that slopes downhill from the Wrack Road towards the Mullagh River. The southern and eastern boundaries of the proposed site are undefined as the site is a section of a much larger agricultural field. No 15 Wrack Road sits at a 90º angle to the road so the front elevation faces the sea. The dwelling is single storey with a rear projection giving an overall 'L' shaped footprint. No. 15 is bound along the roadside by a stepped smooth rendered wall. Within the site there is a garage/store at the rear of the residential property beside a field gate that accesses the proposed site for the new dwelling.

The site is approximately 1.3Km from the settlement limits of both Kilkeel and Ballymartin

No. 16 Wrack Road and the proposed site outlined in red.

View from Wrack Road towards No. 15 (R) and 14 (L). The rear extension was added to provide a bathroom for Mr McConville.

Garage/outbuildings and gate leading to proposed field (car at gate)

Site History:

- P/2008/1124LDP 16 Wrack Road Erection of bathroom for less abled person. Lawful Development
- P/1995/4007 16 Wrack Road Renovations to dwelling – Permitted Development

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.

Consultations:

NIEA – Water Management Unit no objections.
Transport NI – No objections – RS1 form attached
NI Water – No objections standard advice
Environmental health Department – no objections
Rivers Agency – notes that the site lies adjacent to the 1 in 100 year fluvial flood plain. Due to the rising topography of the site and assuming the dwelling is located on the more elevated parts of the site as indicated on drawing MMcConville1, the floodplain should not impact on the dwelling. A number of standard informatives are suggested.

Objections & Representations
No objections received. 3 no. neighbours have been notified on 21/08/2015 and the application was advertised in the Mourne Observer on 15th June 2015.

Consideration and Assessment:

This application has been submitted with additional information setting out the personal circumstances of the applicant. As such this application will be primarily assessd under the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 21.

This site is located within the Mourne AONB under the Banbridge, Newry and Mourne Area Plan 2015. The site is also located within an Area of Scientific Interest (Mourne Coast).

The SPPS states at Paragraph 3.8 that the "guiding principle for Planning Authorities in determining planning applications is that sustainable development should be permitted, having regard to the development Plan and all other material

considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance".

The SPPS states at Paragraph 6.73 that the following strategic policy must be taken into account in the determination of planning applications. A number of circumstances are listed and these include: A dwelling where there are personal and domestic circumstances. The text states ***"Provision should be made for a dwelling to meet the long term needs of a person where there are compelling and site specific reasons related to the persons personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case".***

Planning Policy Statement 21:

Under PPS 21, Policy CTY 1 Development in the Countryside, assesses the need for this proposal within the rural area. The policy notes that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Included in this is provision for a dwelling based on special personal or domestic circumstances in accordance with Policy CTY6.

Policy CTY 6 of PPS 21 is more prescriptive than the SPPS therefore it will carry significant weight in the determination of this application.

Criteria A) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission was refused; **and**

Criteria B) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling, the conversion or reuse of another building within the curtilage of the property, or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

Supporting Statement submitted with the application

A supporting statement setting out the detail of the case was provided with the planning application.

The statement outlines that the applicant, Martin McConville lives with his parents. His mother has suffered from severe rheumatoid arthritis since 2009. The applicants father was involved in an industrial accident in 2009 and walks with the aid of a stick, he is registered disabled and is unable to care for his wife.

Martin has 3 sisters, 2 are married and living in Rostrevor and Kilkeel, the youngest currently attends university in Belfast.

Martin is engaged to be married and works as a carpenter and confines his work to Kilkeel/Annalong to allow his to come home during working hours if needed to assist his mother.

No. 16 Wrack Road is a single storey dwelling with 3No. bedrooms.

The supporting statement notes that all other options have been assessed. With regard to extending the existing property the text concludes that the site is too restricted and even if there was enough space to extend, as original dwelling (which was built in the late 1800's) would require major alteration to facilitate even a modest extension.

The statement notes that there are no available buildings within the plot which would be suitable for conversion.

As Mrs McConville is only 56 years old the provision of a mobile home would not satisfy the long term needs of the applicant and his family

The statement adds that as the site is located to the rear of No. 16, Policy CTY 8 (Ribbon development) will not be offended. In relation to CTY 13 (integration), the statement notes that the site sits in a hollow 5m below finished floor level of No. 16. This couples with the screening provided by existing dwellings and roadside alignment will totally screen the dwelling from view. In relation the CTY 14 (rural character) the statement notes that the natural screening would ensure a low elevation dwelling would not be prominent

The supporting information also included a letter from Mrs McConvilles Consultant Rheumatologist

The letter notes that Mrs McConville has rheumatoid arthritis. She has been attending the clinic since 2009 and has disease modifying treatment. She has also required oral steroids from her GP in the past to treat exacerbations/flare ups. The letter continues that this is a chronic inflammatory condition characterised with periods of exacerbation with a worsening of pain. This letter notes that Mrs McConvilles husband has his own health problems in that he is unable to assist his wife, Mrs McConville reports that she relies on her son Martin with day to day tasks during these exacerbations. The letter concludes that it would be of benefit to the patient that her son were able to live nearby to his mother to help in her care. The letter concludes that the condition is not going to improve and may continue to deteriorate through time.

Additional information was sought from the applicant on 22nd March 2016 to detail what care the daughter living in Kilkeel provides, details of the level of care frovided by the applicant (Martin McConville) and full consideration of the option of extending

the existing property. The agent informed me that Mrs McConville was waiting on an appointment with her GP to support her case. In an email dated 19th April 2016 the agent confirmed that the GP was satisfied that the original letter from the consultant rheumatologist fully explains the medical condition.

An additional supporting statement was received from the agent on 8th July 2016. It makes the assumption that as issues of siting and integration were not raised in the email correspondence dated 22nd March 2016 that the Council must be content. This assumption is not correct. The purpose of the original email was to seek clarification on the 'personal circumstances'.

The additional supporting statement notes that the daughter living in Kilkeel is a single mother with two young children and therefore she is unable to assist in any way during the night.

This statement also confirms that these periods of exacerbation last 2 – 3 weeks and occur at 4 – 7 week intervals. At least 3 times annually the period of exacerbation will last over 5 weeks.

During these periods Martin McConville assists his mother in and out of bed, and to the bathroom. Martin works close to home so he is on hand within a few minutes if required.

On several occasions he has had to help her to his car in the middle of the night to drive to Daisy Hill hospital for strong pain relief injections. The statement adds that Martins night time duties rely heavily on the fact he lives with his parents. In response to my query as to why Martin cannot live in a nearby settlement, the agent states that when Martin is required at night time, Martin can be available in nside a minute. If he lived elsewhere the agent contends that this would cause Mrs Martin unnecessary pain, discomfort and hardship. The agent concludes that against the=is background the need to live right beside his mother is both compelling and site specific.

The statement continues that in relation to an extension/granny annex the site is too small and the levels provide an added difficulty. As the original dwelling was constructed in the late 1800's, major alteration would be required to facilitate even a modest extension.

Mrs McConville is 57 years old and as such it is not considered that a mobile home is an appropriate long term solution to the current situation for Martin, his future wife and any family they may have.

A meeting between the Mr Martin, his agent Brendan Quinn and Councillors Doran and Quinn took place on Friday 8th July with the Senior Planner. At the meeting it

was agreed that Mr Martin would forward a 'diary' to indicate the level of care and assistance provided to Mrs Martin for the following week. Additional evidence in the form of a diary was submitted on 27th July 2016. Mr Martin notes that this is in the midst of a period of exacerbation. The diary information provided shows Mr Martin providing 24hr care to his mother during this week with no other assistance

No evidence has been provided with regard to the level of care provided to Mrs Martin by her 3 daughters. One is married and lives in Rostrevor, the other is married and lives west of Kilkeel and the third is attending university in Belfast. It appears from the evidence submitted that Martin McConville is the sole carer for his mother.

The Council has not been presented with evidence that a new dwelling is a necessary response the particular circumstances of Mr and Mrs McConville and that genuine hardship would be caused if planning permission were refused.

I am not convinced that the applicant has explored all available options. Mr Martin currently lives at No. 16 with his parents. Once he is married, he or any other sibling/carer has the option of 'sleeping over' during any periods of exacerbation.

It is unclear whether a care package has been sought for Mrs McConville that would assist in the daily care requirements during periods of exasperation of symptoms.

There is no evidence that a property/alternative accommodation close to No.16 Wrack Road could be sought for Martin McConville and his fiancée.

There is no evidence to demonstrate conclusively that the only possible location for Martin McConville to live is the application site. As Martin McConville works during the day the level of care he is able to provide will be limited.

I fully understand that Mrs McConville has a long term health condition. This is characterised by periods of exacerbation with a worsening of pain. The Rheumatologist noted in their letter that during these episodes the patient advises that she needs help on a daily basis with activities of daily living during those exacerbations. I consider from the evidence provided by the Consultant Rheumatologist and the GP that Mrs McConville does not require 24hr care all the time. It is only during a flare up that Martin McConville is required to provide additional care.

Whilst I have a lot of sympathy for the situation the McConville family are in, it is a relatively common situation across Northern Ireland where one or more siblings are caring for ill relatives. I would consider the approval of a dwelling in these circumstances to be unnecessary as I consider that there are other options available to provide care for Mrs McConville.

The medical information submitted acknowledges that the rheumatoid arthritis is characterised by flare ups. I accept this is a long term condition that may continue to deteriorate.

I have not been convinced that there will be genuine hardship if Mr Martin McConville does not live on this particular site as opposed to another dwelling nearby. I consider the application to fail the 'site specific' aspect of Policy CTY 6.

I don't consider the provision of a new dwelling to be a ***'necessary response'*** (as per CTY6) to the circumstances presented

Siting/Integration

PPS 21 – CTY 1 states that all proposals for development in the countryside must be sited and designed to integrate sympathetically and meet other planning and environmental considerations.

The development of the proposed site including a new access to the south of No. 16 would extend the existing ribbon of development along Wrack Road and would be suburban in appearance and have a detrimental impact on the rural character of the area.

The proposed site is a section of a larger agricultural field and whilst the northern boundary comprises an existing hedgerow and the western boundary would abut No. 16, the eastern and southern boundaries are undefined.

Policy CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. There is a significant number of dwellings all in close proximity to one another and are all intervisible (Nos 10, 14 and 16). The development of the proposed site would create backland development. This is not a feature of the surrounding area and would result in suburban style build up (see image below).

This aerial image shows that the proposed site does not respect the development pattern along Wrack Road

Conclusions:

It is not considered that the circumstances presented represent a compelling and site specific justification for a new dwelling nor has it been satisfactorily demonstrated that all other alternatives have been considered and are not feasible.

The letter from the rheumatologist simply notes that it would be of benefit if Martin were able to live nearby to help her in her care (underlining is my emphasis). The need to live on this particular site as opposed to another dwelling in close proximity to Wrack Road has not been demonstrated.

The development of the proposed site would result in a suburban build up of development in this area and the development pattern that would result is not a feature found along Wrack Road.

Recommendation:

Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that

there are no alternative solutions to meet the particular circumstances of this case.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that

   - the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; and

   - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;

   and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature **Date**	
Appointed Officer Signature **Date**	

Group Meeting Note

File Reference: LA07/2015/0443/O

Discussion Summary:

Following consideration of additional material in support of the application following office meeting 8 Feb 2016 and subsequent site visit on March 2017 no change of opinion. Agree with Case Officer's assessment

Refuse for reasons stated

Signatures

1. _____

2. _____

3. _____

Date 14.03.2017

Report to:	**Planning Committee**
Date of Meeting:	29 March 2017
Subject:	Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 10: Open Space, Recreation and Leisure
Reporting Officer:	Anthony McKay, Chief Planning Officer
Contact Officer:	Andrew Hay, Principal Planning Officer

Decisions required:	
Note the content of this report.	
1.0	**Purpose and Background:**
1.1	A programme of preparatory work is being undertaken as part of the Local Development Plan (LDP) process. Preparatory studies are essential in providing the evidence base for preparing the Local Development Plan (LDP). A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the LDP documents (Plan Strategy and Local Policies Plan) and to show how planning policies and proposals help to achieve the social, economic and environmental objectives for the plan area.
1.2	The SPR Committee is responsible for the Local Development Plan. All LDP papers are reported to the SPR Committee for noting or decision. All LDP papers will also be presented to the Planning Committee for noting. Depending on the subject matter, a LDP paper will also be presented to any other relevant Council Committee for noting.
1.3	'Paper 10: Open Space, Recreation and Leisure' provides members with an overview of matters relating to open space, recreation and leisure and implications for land use in the Newry, Mourne and Down District Council area,
1.4	The paper builds on the existing evidence base and provides information on: • the nature and benefits of open space; • the regional planning context for open space; • Government strategies relating to open space and recreation; • the role of the LDP in the protection and provision of open space; • an overview of the open space and recreational assets within the District; • an analysis of outdoor space and children's play provision within the District and future need over the plan period.
1.5	Members are asked to note the content of this report. Any comments received will be considered. The paper will be subject to any changes considered necessary in response to any valid comments received at this or any other Committee to which it is presented.
2.0	**Key issues:**
2.1	'Paper 10: Open Space, Recreation and Leisure' informs members about the provision of open space, recreation and leisure within the District and how this will assist the Council in the development of the LDP.

2.2	The paper provides an overview of the policy context and strategies for open space, recreation and leisure and the various public bodies responsible for these areas. It outlines the existing situation, assesses the distribution and accessibility of provision, highlights issues, and indicates future needs for the District.
2.3	The paper assesses the existing open space provision against national recognised standards for playing pitches and children's play areas. Other less formal, passive complementary areas of open space such as woodlands, parks and indoor leisure facilities are also considered in so far as they contribute to the overall provision of open space, recreation and leisure in the District.
2.4	The information gathered and the key findings will be used to inform the preparation of the LDP.
2.5	Data gathered as part of this and other preparatory studies will be used to establish the baseline of the social, economic, and environmental characteristics of the plan area and enable the Council to identify the issues which need to be addressed by the LDP. Furthermore, it will provide a sound basis on which to formulate the plan strategy, policies and proposals within the LDP that will be subject to independent public examination.
3.0	**Recommendations:**
3.1	Members are requested to note the content of this report.
4.0	**Resource implications**
4.1	N/A
5.0	**Equality and good relations implications:**
5.1	N/A
6.0	**Appendices**
	• Paper 10: Open Space, Recreation and Leisure

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Local Development Plan
Preparatory Studies

Paper 10: Open Space, Recreation and Leisure

March 2017

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Open Space, Recreation and Leisure across Newry, Mourne and Down

Purpose: **To provide the Council with an overview of matters relating to open space, recreation and leisure and implications for land use in the Newry, Mourne and Down District.**

Content: **The paper provides:**

i. The nature and benefits of open space;

ii. The regional planning policy context for open space;

iii. Government strategies relating to open space and recreation;

iv. The role of the local development plan in the protection and provision of open space

v. An overview of the open space and recreational assets within the District

vi. An analysis of outdoor space and children's play provision within the District and future need over the plan period.

1.0 Introduction

1.1 The purpose of this paper is to inform members on the provision of open space, recreation and leisure within the Council area and future needs to 2030. It provides an overview of the regional policy context for open space, recreation and leisure and examines initial responses from various public bodies with a responsibility for these topic areas. Consideration of indoor leisure activities is also provided.

1.2 The paper assesses the existing open space provision against the Fields in Trust (National Playing Fields Association – NPFA) recommended minimum standard for playing pitches and children's play areas. Other less formal, passive complementary areas of open space in Newry, Mourne and Down District such as woodlands, historic parks, gardens and demesnes and indoor facilities are also considered in so far as they also contribute to the overall provision of areas of open space, recreation and leisure in the District.

Definition and explanation of open space

1.3 Open space is defined in Planning Policy Statement 8 (PPS) Open Space, Sport and Outdoor Recreation as:

> *"all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity."*

1.4 Open space, sport and outdoor recreation are important components of life. They provide many cultural, social, economic and environmental benefits and contribute positively to physical and mental health and a better quality of life. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban regeneration. The use being made of the countryside for a range of sporting and outdoor recreational activities, particularly where these are associated with farm diversification, can contribute to the process of rural regeneration and help promote natural resource tourism.

1.5 Sport is defined as "all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships, or obtaining results in competitions at all levels" (Council of Europe 1992). This paper focuses mainly on outdoor recreation, but it also briefly considers provision of both current and future forms of indoor recreation in the District.

Figure 1 - Benefits of Sport in Northern Ireland

Growing the Economy	In 2010, Sport NI commissioned the Sport Industry Research Centre to re-assess the economic contribution of sport. The picture of NI is as follows: • Consumer's expenditure on sport in 2008 was £688m. This represents an increase of 54% over the 2004 figure • Sport and associated industries are estimated to employ in excess of 17, 900 people corresponding to 2.3% of total employment in the region • Furthermore, the gross value added of 2.3% is greater than that of a similar UK region, North West England (1.7%) and North East England (2.0%).
Public Health & Well Being	Sport can play a vital role in improving public health and wellbeing. Evidence suggest regular participation in sport and physical activity can: • Contribute to the reduction of illnesses; such as diabetes, some types of cancer, osteoporosis, and cardiovascular disease • Promotes mental well-being; having a positive effect on anxiety, depression, mood and emotion and self-esteem • Help tackle obesity; obesity has become a major public health concern, not only in Northern Ireland, but globally. Rising levels of obesity rates, particularly among children has led to the situation being described as "epidemic".
Community Cohesion & Social Inclusion	In recent years recognition has grown of the 'added value' that sport can bring to communities, promoting social inclusion, contributing to stronger communities and as a key generator of social capital. Sporting activities and events can contribute to the development of stronger social networks and more cohesive communities by providing opportunities for social interaction, which strengthens community involvement, identity and civic pride. When there is an affinity with a team or individual the power of sport makes people feel good and a sense of sharing in the success of others from their country, county, town or community, which can be celebrated collectively.
Improving Northern Ireland's Image	NI is striving to improve its image at home and abroad following decades of civil and political unrest. Government is using a range of initiatives set in the context of a broader vision for a more sustainable, cohesive and prosperous society, which, in turn offers the visitor a world-class experience. Sports events and activity tourism provide numerous opportunities for promoting NI as a flourishing society, proud of its cultural identity. Major sporting events such as the London 2012 Pre Games Training Camps (2011/2012), World Police and Fire Games (2013) and Giro D'Italia Big Start (2014) have all attracted international competitors, spectators, officials and media coverage.

Source: Sport NI Response to Proposed 2015-16 Exchequer Budget Reductions.

Green Infrastructure

1.6 Green infrastructure, or blue-green infrastructure, is a phrase used to describe all green and blue spaces in and around our towns and cities. The term allows us to refer to – and consider the collective value of – all of these spaces at once. Component elements of green infrastructure include parks, private gardens, agricultural fields, hedges, trees, woodland, green roofs, green walls, rivers and ponds. The term covers all land containing these features, regardless of its ownership, condition or size.

1.7 Green infrastructure incorporates green, blue and yellow space:

- green space - parks, natural spaces, river banks, village greens etc;
- blue space - ponds, rivers, lakes, streams, wetlands etc; and
- yellow space – beaches

1.8 In the past, green spaces have often been valued for single uses, such as for sport/recreation, or simply for their aesthetic appeal. The term green infrastructure reflects the fact that green spaces can perform a number of functions, often simultaneously. One site could be providing several functions at once, providing us with multiple benefits. The real benefit of green infrastructure to planning is that it can help deliver other local, regional and national policy objectives, not just those related to green space.

1.9 The challenge is ensuring that green infrastructure is capable of providing functions which will meet numerous planning objectives; this requires thorough design, planning and management. Success is reliant on a shared understanding between developers, planners etc. of what green infrastructure is, what it can achieve and how to achieve this.

Figure 2: Multi- benefits of outdoor recreation

Source: Multi Benefits of Outdoor Recreation- Source: Our Great Outdoors, The Outdoor Recreation Action Plan for Northern Ireland, March 2014

Sport and recreation in Northern Ireland

1.10 District Councils are obliged to make provision for recreational facilities under the Recreation and Youth Service Order 1986. Other bodies who contribute to the provision of such facilities include the Department of Agriculture, Environment and Rural Affairs (DAERA), the Department for Communities (DfC) the Northern Ireland Housing Executive (NIHE) and the Education Authority.

1.11 As well as having responsibility for sport and recreation provision, the Council is leading the community planning process for the District, working in partnership with statutory agencies and the community, voluntary and business sectors to plan for and improve services that matter to local people, including sport and recreational facilities.

1.12 The report from the DfC 2015/16 Continuous Household Survey (CHS) provides data in relation to sport participation by the adult population in Northern Ireland. This report illustrates a number of key findings:

- 2015/16, more than half of adults in Northern Ireland (53%) had participated in sport and physical activity within the last 12 months, a similar figure to 2014/15 (55%). A target was set in the strategic document Sport Matters, to halt the decline in sports participation by 2013. This was achieved in 2013 and has been maintained in the following two years.
- In 2015/16 around half of adults (47%) normally participated in sport and physical activity on at least one day a week. This figure was similar to the previous year, 2014/15 (49%).
- More than a fifth of adults (21%) were members of a sports club in 2015/16, which is also similar to the previous year, 23% in 2014/15.
- Over the time period from 2007/08, sport participation by adults living in the most deprived areas of Northern Ireland initially decreased before returning to 46% in 2015/16. Sport participation by adults living in the least deprived areas has remained relatively static over the same time period at around 65%.

Figure 3 Engagement[1] in culture and leisure activities by adults in Northern Ireland, 2014/15-2015/16

Sport	Adults			
	2014/15		2015/16	
	%	Base	%	Base
Sport participation	55	3,348	53	3,286
Normally participates in sport or physical activity at least one day per week[2]	49	3,349	47	3,286
Member of a sports club	23	3,349	21	3,286

Source: Continuous Household Survey

[1]Data presented relates to participation, attendance and visits in the last 12 months unless otherwise stated.

[2] Participation at least one day per week excludes those who had walked for recreation only.

1.13 In the same survey, according to parents, 86% of children had participated in at least one sport within the previous year (2014/15), outside of school or afterschool with 84% participating outside of school and 51 % in afterschool sport.

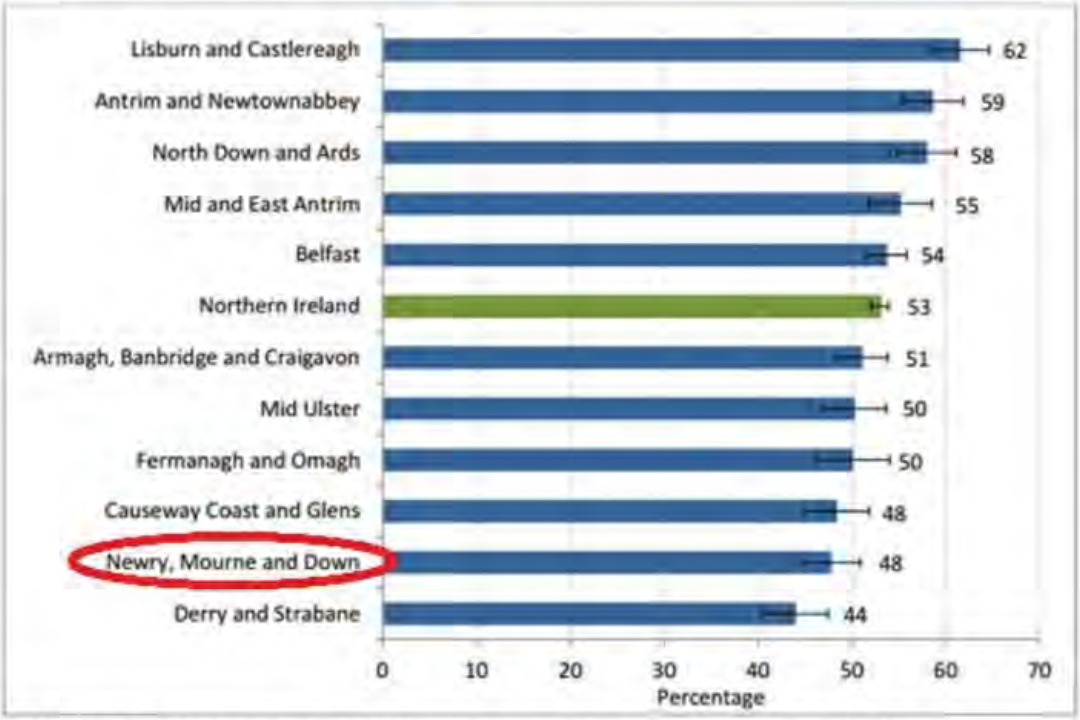
1.14 The most popular sports to take part in outside of school within the year 2014/15 were 'Swimming or diving" (38%), football (33%) and cycling (26%). These were the top three sports for boys also (36%, 51% and 26%, respectively). For girls the top sports outside of school within the previous year were 'Swimming or diving' (41%), cycling (25%) and 'Keep-fit, Aerobics, Yoga, Dance exercise' (24%).

Sport and recreation in Newry, Mourne and Down

1.15 There are a range of parks and children's play facilities across the District. The area is presently well served by a wide range of formal private recreational clubs including soccer, rugby, cricket, Gaelic games and golf. The widespread of school playing fields throughout the area also offers future potential for community use. The Council is also actively involved in community partnerships for the development and operation of recreational sites.

1.16 DfC prepared a report for the new Local Government Districts which is based upon a combination of the continuous household survey results for 2011/12, 2012/13 and 2013/14. This report illustrates the difference in sport participation rates amongst adults within the previous year. Newry, Mourne and Down is ranked joint 9th with Causeway Coast and Glens when compared to sport participation across the council districts and is also below the Northern Ireland average - see figure 4 below.

Figure 4 - Sport Participation in 2014 by Council Area



The black error bar at the end of each horizontal column represents the range within which we can be 95% certain that the true population proportion lies (i.e. 95% confidence interval).

Source: Engagement in Culture, Arts and Leisure by adults in Northern Ireland's new council areas – Findings from combined Continuous Household Surveys 2011 – 2014 May 2015

2.0 Regional Policy Context

(a) Programme for Government 2011-2015 (PfG)

2.1 The Office of the First and Deputy First Minister (OFMDFM) published the Programme for Government Building a Better Future on 12th March 2012. Included within the strategy priorities 1-4 set out for the Assembly term 2011 to 2015 are multiple references to improving the health, including mental health, and well-being of the population; unlocking the potential of the leisure sector as an instrument for positive change; and seeking to encourage greater involvement in sporting activities to advance social cohesion and integration – all of which have direct links to the provision and accessibility of open space and recreation.

2.2 The PfG specifically identifies the Play and Leisure Action Plan as one of its 'building blocks' to underpin the first strategic priority of creating opportunities, talking disadvantaged and improving health and well-being.

2.3 Last year, the Executive agreed the draft Programme for Government Framework 2016-21. The draft framework contains 14 strategic outcomes which, taken together, set a clear direction of travel and enable continuous improvement on the essential components of societal wellbeing. They touch on every aspect of government, including the attainment of good health and education, economic success and confident and peaceful communities.

2.4 The draft PfG states its purpose is 'Improving wellbeing for all - by tackling disadvantage, and driving economic growth'. A key outcome of the draft that is particularly relevant to the topic of open space, recreation and leisure is 'we enjoy long, health, active lives'. Specific targets have not been set at this stage but will follow in the final programme for government following the consultation period that closed in December 2016.

(b) The Regional Development Strategy 2035 (RDS)

2.5 The importance of open space, sport and outdoor recreation to health and the environment is acknowledged in the Regional Development Strategy for Northern Ireland 2035 (RDS). The following Regional Guidance (RG) in the RDS and Spatial Framework Guidance (SFG) are relevant to this paper:

RG 7 Support urban and rural renaissance	The RDS recognises that regeneration is necessary to create more accessible vibrant city and town centres which offer people more local choice for shopping, social activity and recreation. It aims to ensure that environmental quality in urban areas is improved and maintained, particularly with adequate provision of green infrastructure. Part of the process of urban and rural renaissance requires even greater significance being given to the design and management of the public realm. It is

	important to promote recreational space within cities, towns and neighbourhoods, and new developments or plans should make provision for adequate green and blue infrastructure. This is important near designated nature-conservation sites as it will help reduce recreational pressures on these sites.
RG 11 Conserve, protect and, where possible, enhance our built heritage and our natural environment	The RDS recognises that built heritage is a key tourism and recreational asset and that is makes a valuable contribution to the environment, economy and society. Regarding built heritage the key policy aim is to identify, protest and conserve the built heritage and maintain the integrity of built heritage assets including historic landscapes. With regard to the natural heritage the key aim is to sustain and enhance biodiversity, protect and encourage green and blue infrastructure within urban areas, and conserve, protect and enhance areas recognised for their landscape quality. This policy aims to identify, protect and manage ecological networks. It states that such networks could also be of amenity value if linked to the green infrastructure provided by walking and cycling routes to heritage and other recreational interest. This policy also considers the establishment of one of more National parks which would conserve and enhance the natural, built and cultural heritage of areas of outstanding landscape value while promoting the social and economic development of the communities they support.
SFG 13 Sustain rural communities living in smaller settlements and the open countryside	This includes establishing the role of multi-functional town centres for business, housing, administration, leisure and cultural facilities for both urban and rural communities.

(c) Strategic Planning Policy Statement (SPPS)

2.6 The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published on the 28th September 2015. The SPPS reduces 20 separate planning policy statements to one. One of the SPPS's core planning principles includes improving health and well-being. This is a key priority of the Northern Ireland Executive and this is reflected in the Programme for Government 2011-2015 and in the RDS 2035. The draft SPPS contains objectives in respect of open space, recreation and leisure and sets out the considerations that councils may wish to pursue in the preparation of LDPs.

- *Regional Strategic Policy Objectives*

Safeguard existing open space and sites identified for future such provision;
Ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
Facilitate appropriate outdoor recreational activities in the countryside;
Ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities;
Achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
Ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

- *LDP Preparation*

2.7 The SPPS states that in plan making Councils should:

- bring forward an Open Space Strategy that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area;
- bring forward appropriate local policies and proposals for the area informed by a survey/ assessment of existing open space provision and future needs;
- have a policy presumption against the loss of open space to competing land uses irrespective of its physical condition and appearance;
- bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of one hectare or more) to provide adequate and well-designed open space as an integral part of the development;
- locate intensive sports facilities within settlements in order to maximise the use of existing infrastructure. It notes an exception for a sports stadium may be allowed outside of a settlement where clear criteria is established; and
- contain policy for the consideration of outdoor recreation in the countryside, taking account of a range of issues including visual and residential amenity, public safety (including road safety), any impact on nature conservation, landscape character, archaeology or built heritage and accessibility.

2.8 In preparing a LDP Councils should assess the existing provision of open space in the plan area against the National Playing Fields Association (NPFA) recommended minimum standard of 2.4 hectares of 'outdoor playing space' per 1000 population (commonly referred to as the '6 acre standard)'. This assessment should consider the level of 'outdoor playing space' provision in the plan area, and the distribution and accessibility of that land.

2.9 Zonings for future needs should take into account the following:

- accessibility to and from existing and proposed housing areas;
- the potential for any detrimental impact on biodiversity or on sensitive environmental areas and features;
- the contribution that open space can make to the quality of the environment, sense of place and community life;
- the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space and providing important wildlife corridors/ ecological networks;
- promoting and protecting public access to and along the coat;
- making adequate provision of green and blue infrastructure; and
  identifying and designating areas of open space which perform a strategic function, such as landscape wedges in urban areas.

2.10 Where appropriate, key site requirements for zoned residential land should include guidance on the provision of areas of public open space as an integral part of the development.

2.11 Where residential zonings occur in close proximity to existing or zoned open space, plans will normally provide guidance on the need for linkages between the development and these areas in order to facilitate ease of access

(d) Planning Policy Statements

2.12 The following Planning Policy Statements (PPS's) provide the planning policy context for open space, recreation and leisure. The key policy objectives are noted below.

PPS2 Natural Heritage	To seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the regions natural heritage. To further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development. To assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage. To contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

	To protect and enhance biodiversity, geodiversity and the environment.
PPS7 Quality Residential Environments	To ensure quality in residential development adequate provision should be made for public and private open space and landscaped areas as an integral part of the development.
PPS8 Open Space, Sport And Outdoor Recreation	To safeguard existing open space and sites identified for future such provision. To ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity. To facilitate appropriate outdoor recreational activities in the countryside. To ensure that new open space areas and sporting facilities area convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities. To achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities. To ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.
PPS21 Sustainable Development in the Countryside	To manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community; To conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution; To facilitate development necessary to achieve a sustainable rural economy; including appropriate farm diversification and other economic activity; and To promote high standards in the design, siting and landscaping of development in the countryside.

(e) Other Relevant Government Strategies

2.13 The Northern Ireland Government has launched several important policy documents in recent years which promote the delivery of enhanced facilities for open space, sport and recreation. These strategies re-affirm the importance of sport and recreation and are expected to be delivered by a combination of central government departments together with Council and the community/voluntary sectors.

Play and Leisure Policy Statement for Northern Ireland

2.14 This document was produced by the Office of the First Minister and Deputy First Minister in 2009. The aim of this policy framework is to improve existing play and leisure provision for all children and young people from 0 - 18 years. As a result, the Play and Leisure Implementation Plan (2006-2026) was produced in 2011. This specifies high level outcomes with emphasis on the value placed on play, improved play and leisure facilities for all children and young people in order to support their development, enjoyment and growth.

Sport Matters The NI Strategy for Sport and Physical Recreation 2009-2019

2.15 This strategy was delivered by Sport Northern Ireland working in partnership with the former Department of Culture, Arts and Leisure (DCAL). It sets out a new shared sporting vision of 'a culture of lifelong enjoyment and success in sport', as well as the key strategic priorities for sport and physical recreation, and informs the direction of future investment – underpinning three areas; Participation, Performance, and Places. It sets out the case for on-going and increased investment in sport and physical recreation to deliver a range of sporting outcomes and support the wider social agenda in areas such as education, health, the economy and the development of communities over the period 2009-2019. It explains how sport in Northern Ireland will be developed over the next ten years and affirms Government commitment to put in place effective structures and mechanisms in support of a vision.

Active Places Research Report 2009 & Bridging the Gap 2014 Update

2.16 This report provides an evidence base to inform the strategic development of sports facilities in Northern Ireland. The 2009 report identified unmet demand and shortfalls for sports facilities such as sports halls, swimming pools, tennis courts, athletic facilities and pitches in Northern Ireland. The 2014 update presents facility shortfall tables for Pitches and Sports halls only.

The facility shortfall tables presented in the 2009 Report excluded school sports facilities due to their limited availability for community use. However, in light of Community Use of Schools guidance published by Sport NI and the Department of

Education, it is important to recognise the potential value of school sports facilities in addressing the facility shortfalls throughout Northern Ireland.

Community Use of Schools (January 2014)

2.17 This document was produced at the result of collaborative work between the former Department Of Culture, Arts and Leisure (DCAL), Sport NI, The Department of Education and other educational and non-educational stakeholders. It provides practical guidance to achieving community use of school sports facilities. There are a range of educational, recreational and sporting facilities which can be used to meet a variety of needs not only for pupils, but also local communities.

DARD - The Rural White Paper Action Plan – June 2012

2.18 This action plan aims to identify and address the key challenges facing rural communities. One of the rural visions within this document is for the continuing development of linkages between rural and urban areas so that everyone can enjoy the beauty and uniqueness of rural places and the facilities and services of larger towns and cities. It sets out a number of policy priorities one of which includes: "to safeguard the beauty and fabric of our rural areas and increase opportunities for all to enjoy the benefits of the countryside".

Mountain Bike Strategy for Northern Ireland 2014-2024

2.19 This Strategy was prepared by Outdoor Recreation NI in May 2014. The vision of this strategy is to make NI a world class mountain bike destination. It identified Tollymore Forest Park as a potential location for a National Mountain Bike Trail Centre.

Sports Facilities Strategy for Northern Ireland

2.20 Sports NI, has been working, in partnership with the District Councils, to develop a Sports Facilities Strategy for Northern Ireland and the 11 District Council Area Reports. The strategy identifies the need for sports facilities of Northern Ireland wide significance, sports facilities that are of cultural importance, high performance training and competition sports facilities and local sport facility needs (i.e District Council areas). District Council Area Reports will flow out of the Strategy and identify the need for local facilities and recommend locations for the development and/or refurbishment of sports facilities. The Council's Sports Facility Strategy is further noted below.

Outdoor Recreation Action Plan for Northern Ireland 2015 - 2020

2.21 This plan highlights the importance of making the outdoors accessible to everyone and the opportunities within rural areas and the urban fringes. It highlights that access to green space has been recognised across the world to be very important

for people's health, especially mental wellbeing. It acknowledges that Northern Ireland has extensive natural resources and wonderful landscapes which have the potential to be fully maximised through our great outdoor activities. The vision for the action plan is, "*a culture of dynamic, sustainable outdoor recreation in Northern Ireland*".

3.0 Local Policy Context

Development Plans

3.1 The Ards and Down Area Plan 2015 (ADAP) and the Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) are the current statutory plans for the District and provide the framework against which to assess development proposals. Newry City and the five main towns within the District also have their own Town Centre Masterplan which were completed by the former Department of Social Development (DSD) in conjunction with the legacy Councils and are concerned with urban regeneration initiatives in each respective town centre. The Council is currently carrying out a review of the action plans identified in these master plans with a view to agreeing a list of priority actions for each plan that could be achieved within the life of the current Council.

Ards and Down Area Plan 2015

3.2 The ADAP identifies the various resources and types of open space that are located within the District. It notes that natural resources, such as Strangford Lough and the Mourne Mountains, provide a wealth of opportunities for active outdoor pursuits. It also notes the area contains a variety of informal recreational open space, particularly parkland with Castlewellan and Tollymore Forest Parks being notable examples. In addition it states that informal recreation facilities are associated with natural resources such as rivers, canals, lakes, heritage sites and disused railway tracks with Tyrella Beach and Murlough Nature Reserve being popular examples. Opportunities for cultural recreation are provided at places like Castleward and other National Trust properties and historic monuments.

3.3 The plan does not contain any specific policies with regard to open space, sport and recreation. It does however identify existing recreational open spaces and amenity land within the major settlements and relevant villages throughout the plan area. It also identified lands within some urban areas for proposed open space, to meet future demand, where there was a commitment to provide open space by an enabling authority. Areas of open space, whether identified or not by the plan, were to be safeguarded by Policy OS1 in PPS8 as no additional policies were included in the plan.

3.4 The plan identified a total of eleven sites for proposed amenity space in the plan area. Six of these were located in Downpatrick, one in Saintfield, two in

Ballynahinch, one in Newcastle and one in Ballykinler. (Further information on the planning history of these sites is included in appendix 1).

3.5 Lands ideally suited for amenity, recreation and open space as part of future housing developments were also identified in some larger settlements and criteria for their development was provided as part of the key design considerations for the zoned housing lands.

3.6 The ADAP calculated the level of open space provision within the plan area taking account of land and facilities that were firstly in the ownership of the legacy Down District Council and secondly in private ownership.

3.7 It used these figures to assess the outdoor open space provision against the National Playing Fields Association (NPFA) recommended a minimum standard of 2.4 hectare 'outdoor playing space' per 1000 population. The plan calculated the existing level of provision, and subsequent need, on the provision that was in the Council's ownership.

3.8 As shown in figure 5 overleaf it found that the total area of active recreation provision owned by the former Down District Council was 63.05 hectares with 61.1 hectares being comprised of outdoor sports (playing fields) and 1.95 hectares children's playing areas. It therefore concluded that the Down District had a deficit of both outdoor sports space (41.3 hectares) and children's play areas (49.25 hectares) and the deficit could increase (as a result of population growth) over the plan period to 56.37 hectares and 56.78 hectares respectively. This calculation included the total population of the Down District i.e urban and rural while the existing provision only included that of the towns and villages. (The breakdown of the provision across the settlements is detailed in Appendix 3).

Banbridge / Newry & Mourne Area Plan 2015

3.9 The Plan area covers a largely rural area which includes much of the Mournes Area of Outstanding Natural Beauty (including Slieve Croob), the Ring of Gullion Area of Outstanding Natural Beauty and the shores of Carlingford Lough.

3.10 BNMAP identifies the natural resources within the plan area, such as Camlough Lough, Slieve Gullion Forest Park, Kilbroney Forest Park, Silent Valley and Newry Canal and Tow Path, that provide numerous opportunities for open space, sports and outdoor recreational activities.

3.11 The plan identified major areas of existing open space, sport and outdoor recreation but no additional lands for open space were identified. Existing areas of open space, whether identified by the plan or not, were to be safeguarded under policy OS1 in PPS 8 as the plan did not introduce separate policies.

3.12 It notes the Department (former DoE) would reassess open space provision and if a deficit was established the Department would work with the Council to explore the appropriate mechanisms to address this.

3.13 The total area of active recreation provision in the Newry and Mourne area identified by the BNMAP (as shown in Figure 5 below) was 110.54 hectares with 98.86 hectares being comprised of outdoor sport provision (primarily playing fields) and 11.68 hectares of children's play areas. The plan calculated this provision to include lands/ facilities located in the City of Newry, towns and villages that were in the legacy Newry and Mourne Council ownership and those in private ownership including GAA, Education facilities, NI Housing Executive and Churches. (The breakdown of the provision across the settlements is detailed in Appendix 3).

3.14 The BNMAP concluded that, when compared to the NPFA recommended 2.4 hectare per 1000 population standard there was a deficit of 17.50 hectares outdoor sport and children's play areas in the plan area. This calculation did not include the total population of the plan area as it excluded the rural population.

Figure 5: Outdoor Sports and Children's Play Area Provision identified by ADAP and BNMAP

Development Plan	Outdoor Sports (Playing Fields)	Children's Play Areas	Total
ADAP (Towns & Villages)	61.1*	1.95*	63.05*
BNMAP (City, Towns and Villages)	98.86	11.68	110.54
NMD (City, Towns, Villages)	159.96	13.63	173.59

*ADAP calculated outdoor sports provision based on the legacy Down District Councils ownership. It then calculated a private ownership category of private ownership (34.63ha) that would be more in line with the approach of BNMAP.

Newry Masterplan

3.15 The Masterplan for Newry was published in October 2011. The Masterplan proposes the following in relation to recreation and sporting opportunities;

- Creating a world class waterfront by capitalising on the Clanrye river and the Newry canal that runs through the city centre. This was to include the re-opening of the Newry Canal to boat traffic as part of a national connection between Lough Neagh and Carlingford Lough,
- Development of 'The Newry Super Greenway'- a network of greenways linking the City's neighbourhoods to eachother and the city centre,
- Regenerating Newry's primary streets including Hill Street and Abbey Way with public realm upgrades and improving the connections from attractions such as Bagenal's Castle and St Patrick's Cathedral with the rest of the city centre;
- Establishing a new network of city parks to include improving linkages and co-ordinated enhancements to three parks (Heather Park, Kilmorey Park and The Rocks) and the creation of a new, larger public park as part of the redeveloped grounds of former Abbey Grammar School, and;
- Sensitively enhancing Daisy Hill Wood (Local Nature Reserve) for wildlife conservation and public recreation as a vital asset for the City.

Downpatrick Masterplan

3.16 The Downpatrick Masterplan was published in July 2010. In terms of open space the master plan focuses on the Quoile Nature Reserve to the north of the town. This is an important and sensitive area of conservation and recreation. The Masterplan proposes that the Quoile River will play a central role as an amenity for both local residents and visitors to Downpatrick, and as a place to relax, spend time and play. The proposal for a Quoile River Country Park presents the opportunity for encouraging activities along the river such as walking, cycling, fishing and canoeing.

3.17 The master plan also notes that the opportunity exists to enhance links between the Quoile area and the Town Centre. Other areas of amenity open space are located at the Town Park and at The Grove, adjacent to Down Cathedral and the St Patrick's Heritage Centre. The legacy Down District Council proposed to acquire additional land adjacent to Pemberton Park to add to the existing Town Park.

Ballynahinch Masterplan

3.18 The Ballynahinch Masterplan was published in October 2014. It notes that natural resources such as the Ballynahinch river which runs through the centre of the town and the drumlin landscape that surrounds the town offer large areas of openspace within a short distance of the town centre. However, use of these areas is limited. The masterplan therefore proposed a number of initiatives to improve their use including:

- the extension of riverside pathways along the entire length of the river for walking and cycling,
- development of a new street and linear river park,
- creation of drumlin parks as community parks developing a network of new walking and cycling links between them, and;
- creation of a Lough Park with improved recreational facilities, allotments and enhanced network of pathways through the wetland habitat.

South East Coast Masterplan

3.19 The Masterplan for the South East Coast was published in January 2013. A theme of the masterplan is to develop leisure and recreation in the three towns. The proposals included:

3.20 -Newcastle

- Identification of major development opportunity sites including Donard Park for the location of a leisure centre.
- Redevelopment of Castle Islands Park to include a family zone, adventure zones and Eco-zone.
- It also notes the development of the proposed 'Donard Gondola', to provide access to the Mournes for all.

3.21 -Kilkeel

The master plan proposes to create a riverside park and walkway from Town Square to the Harbour providing a high quality park and pedestrian link. This large green space also presents an opportunity to create a new iconic play area. Other proposals included an improved esplanade with play and picnic facilities and improved access points to the beach to encourage more outdoor interaction and activity.

3.22 -Warrenpoint

The master plan seeks to promote and develop the town's reputation as a hub for water sports and activities, utilising its location on Carlingford Lough. Proposals include the extension of the promenade along Rostrevor Road and the development of a new outdoor multi-activity area at Conallon Park with potential for an indoor facility alongside it. The plan also seeks to revitalise the public spaces within the town centre, creating event space and making it more attractive, people friendly and less car dominated.

4.0 Newry, Mourne and Down Plans and Strategies

Newry, Mourne and Down District Council Corporate Plan

4.1 The Council's mission as detailed in the Corporate Plan 2015-19 is to lead and serve a District that is prosperous, healthy and sustainable.

4.2 The Council has identified eight strategic objectives that it aims to have achieved by 2019. One of these is that it will have 'Supported improved health and well-being outcomes' by participating in improving quality of life and reducing health inequalities, primarily through programmes, services and access to open spaces.

Community Planning

4.3 Community Planning came into operation on 1st April 2015 as part of the full implementation of local government reform. The new duty of community planning requires councils as the lead partner to be responsible for making arrangements for community planning in their areas and it requires statutory bodies to participate in the process. The Council, statutory bodies and local communities will develop and implement a shared vision for promoting the well-being of the area, promoting community cohesion and improving the quality of life of its citizens.

4.4 The Community Plan is to be the overarching strategic plan for integrated planning and delivery of services in Newry, Mourne and Down. It provides a framework for the other strategies and plans the Council will put in place to contribute towards the outcomes in the community plan and it is based on a detailed analysis of future risks and opportunities for Newry, Mourne and Down.

4.5 Newry, Mourne and Down District Council's draft Community Plan (Nov 2016) "Living Well Together" aims to provide a framework for collaborative working in order to support positive change for communities. The vision of the Community Plan is that:

"Newry, Mourne and Down is a place with strong, safe and vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs"

District Council Play Strategy

4.6 The Council finalised its Play Strategy for the District in February 2017. It is a five year strategy that will act as the guidance document to develop if needed or create a more efficient, effective play provision within the District. The strategy also gives guidance to the Council over the next five years where the Council is required to continue to monitor policy areas and develop those highlighted in areas which fall short of the Play Guidance detail.

District Council Sports Facility Strategy

4.7 The Council finalised its Sports Facility Strategy for the District in February 2017. It is a 10 year strategy that provides a framework for the future prioritisation, development and provision of sports facilities at local level, to meet identified community need. The Strategy reflects the wider – NI 10 Year Plan for the provision of Strategic Sports Facility Strategy for Northern Ireland (2016), which focuses on the need for future provision that are of cultural significance, as well as those that provide for high performance training and competition. These facilities contribute to the vision and targets set out within strategic documents such as the Programme for Government (2011-2021), Building a Better Future (2011-15) and Sport Matters, the Northern Ireland Strategy for Sport and Physical Recreation (2009-19). At local level, the identification of need for sports facility provision is also aligned to the Councils Corporate Plan 2015-2019 and the new Community planning process.

5.0 Open Space, Recreation and Leisure Provision in the District

5.1 The District benefits from a wide range of existing open space and recreation assets which are integral to our heritage, identity and economy. A variety of open spaces in public and private ownership also contribute to the quality of life for those who live within and visit the District. These include formal parks and gardens, sports and recreation grounds, children's playgrounds, and less formal open spaces.

5.2 Active Outdoor Recreation & Open Space Provision

-Measuring Outdoor Playing space

Both PPS8 and the SPPS make reference to assessing existing open space provision against the National Playing Fields Association (NPFA) which operates under the name Fields in Trust. It recommends a minimum standard of 2.4 hectares per 1000 population for 'outdoor playing space'. This is commonly referred to as the Six Acre Standard (SAS) and is comprised of 1.6 hectares (4 acres) of outdoor sport and 0.8 hectares (2 acres) of children's play area.

5.3 The SAS was established as a guide to ensure that sufficient land is set aside in appropriate locations to enable the population to participate in sports, outdoor play, games and other physical recreation. It is noted that the SAS is not a legislative requirement, but is commonly used as a benchmark in spatial planning throughout the United Kingdom. It should be noted however, that the SAS mainly highlights the quantitative aspects of provision and does not consider aspects such as quality or demand.

5.4 Governments throughout the UK have called for more clearly defined and adopted policies for planning standards for open space, sport and recreation including

outdoor facilities for sport and play. They called for local determination and adoption of standards relating to quantity, quality and accessibility. That said, the nature of the NPFA's own recommendations have been changed to recognise this and are still recognised as a useful tool for planning authorities to refer to, use or adopt. The Fields in Trust 2015 guidance 'Beyond the six acre standard' retains the same headline rates of provision but draws out new recommendations for accessibility, the application of standards and the minimum dimensions of formal outdoor space. The standards also no longer differentiate between urban and rural areas.

5.5 Outdoor Playing space is made up of two components:

-The first is land provided for outdoor sport, principally for adults and youths. This refers to all playing pitches and other outdoor recreational sports grounds such as bowling greens and tennis courts which are available for use by the public. It also includes private sports facilities which serve the recreational needs of their members or the public.

-The second is play space for children which consists of Casual Play areas and Equipped Playgrounds that can be complemented by other facilities including multi-use games areas (MUGAs) and skateboard parks etc.

5.6 The NPFA standard is a useful way to measure formal outdoor playing space but it does not take into account indoor sport and recreation facilities or other outdoor areas including Parks and Country Parks, General Amenity Areas such as riverside walks or Private Playing Fields including stadiums or pitches that are not available for general public use that can all contribute to recreation provision.

5.7 The figure 6 below shows the Fields in Trust recommended benchmark guidelines for formal outdoor space.

Figure 6: Fields in Trust recommended benchmark guidelines- formal outdoor space

Open Space Typology	Quantity Guideline (hectares per 1000 population)	Walking Guideline (walking distance: metres from dwellings)
Playing Pitches	1.20	1200m
All Outdoor Sports	1.60	1200m
Equipped/ designated play areas	0.25	LAPs - 100m LEAPs - 400m NEAPs - 1000m
Other Outdoor provision (NUGAs and skateboard parks)	0.30	700m

Source: 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' England, Oct 2015.

5.8 The Sport NI Report 'Active Places- Bridging the Gap' analysed the adequacy of existing sports facility provision in Northern Ireland. It carried out an audit of the current stock of sports facilities as well as information relating to accessibility, universal access and condition.

5.9 Sport NI completed a 2014 update of this report quantifying all pitches in the 11 Local Government Districts. Using the SAS baseline it assessed the need for pitches based on 3 acres per 1000 population (approx. 1.2hectare). It produced two tables:

- Playing Pitches Including Educational Synthetic but Excluding Grass (figure 7 overleaf)
- Playing Pitches Including educational Synthetic and including Grass (figure 8 overleaf)

5.10 While the SAS recommends the value of a synthetic pitch to be twice that of a grass pitch Sport NI recommended the value to be four times that of a grass pitch due to the additional usage a synthetic pitch can withstand.

Figure 7: 2014 Quantity of playing pitches in District Councils Areas (including Education Synthetic pitches but excluding grass pitches).

			Existing Provision				Shortfalls	
			Grass	Synthetic			SNI Standard	
District Council	2011 Population Projection	Acres Recommended by SAS	Total Grass Acres	Existing Acres	SNI by 4	Total Acres SNI	Perceived Acres Shortfall	Pitches Required
Ards/North Down	155,882	468	141	17	69	209	258	103
Lisburn/ Castlereagh	178,544	535.632	168.97	19.03	76.12	245.09	290.54	116
Antrim/Newtownabbey	132,389	397.167	121.05	15.44	61.76	182.81	214.36	86
Mid Antrim	132,378	397.134	162.1	10.83	43.32	205.42	191.71	77
Derry/Strabane	150,592	451.776	206.22	11.41	45.64	251.86	199.92	80
Belfast	263,313	789.939	377.41	49.07	196.3	573.69	216.25	86
Armagh/Bann	190,559	571.677	331.79	23.38	93.52	425.31	146.37	59
Causeway Coast	140,436	421.308	316.46	14.6	58.4	374.86	46.448	19
Newry/Down	164,514	493.542	370.5	15.15	60.6	431.1	62.442	25
Fermanagh/Omagh	112,400	337.2	260.36	6.61	26.44	286.8	50.4	20
Mid Ulster	129,915	389.745	316.93	21.97	87.88	404.81	-15.07	-6
Totals	**1,750,922**	**5253.12**	**2772.79**	**204.49**	**818.98**	**3590.75**	**1661.37**	**665**

Source: Sports NI – Update of the Active Places Research Report. *Average pitch size is 2.5 acres

5.11 From this table it can be seen that the District was considered to have an under provision of 25 pitches.

5.12 Figure 7 (above) was completed based on 2011 population projections which show Newry, Mourne and Down to have a population of 164514. However, NISRA has since released NI 2011 Census figures (March 2015) which shows the actual population to have been 171533. Using this figure the provision of playing pitches can now be calculated more accurately against the NPFA standard as set out overleaf.

Population Amended to actual 2011(2011 Census) **= 171533**

Acres recommended by SAS = (171533 ÷ 1000) x 3 acres = 514.60

Acres existing (SNI) = 431.1

Required Acres = 514.60- 431.1 = 83.5

Required Pitches = 83.5 ÷ 2.5 (average pitch size) =33.4 = **33 pitches required**

5.13 This shows that the District has a shortfall of 33 pitches when calculated to exclude education grass pitches.

Figure 8: 2014 Quantity of playing pitches in District Council Areas (including education synthetic pitches and including education grass pitches).

			Existing Provision				Shortfalls	
			Grass	Synthetic			SNI Standard	
District Council	2011 Population Projection	Acres Recommended by SAS	Total Grass Acres	Existing Acres	SNI by 4	Total Acres SNI	Perceived Acres Shortfall	Pitches Required
Ards/North Down	155,882	468	180	17	69	249	219	88
Lisburn/ Castlereagh	178,544	535.632	241.57	19.03	76.12	317.69	217.94	87
Antrim/Newtownabbey	132,283	397.167	214.25	15.44	61.76	276.01	121.16	48
Mid Antrim	132,378	397.134	257.79	10.83	43.32	301.11	96.024	38
Derry/Strabane	150,592	451.776	293.51	11.41	45.64	339.15	112.63	45
Belfast	263,313	789.939	520.21	49.07	196.3	716.49	73.449	29
Armagh/Bann	190,559	571.677	460.27	23.38	93.52	553.79	17.887	7
Causeway Coast	140,436	421.308	498.64	14.6	58.4	557.04	-135.7	-54
Newry/Down	164,514	493.542	546.55	15.15	60.6	607.15	-113.6	-45
Fermanagh/Omagh	112,400	337.2	352.45	6.61	26.44	378.89	-41.69	-17
Mid Ulster	129,915	389.745	456.19	21.97	87.88	544.07	-154.3	-62
Totals	**1,750,816**	**5253.12**	**4021.43**	**204.49**	**818.98**	**4840.39**	**412.8**	**164**

Source: Sports NI – 2014 update of the Active Places Research Report

*Average pitch size is 2.5 acres

5.14 From this table (figure 8 above) it can be seen that the District was considered to have a surplus of 45 pitches.

5.15 Again this was calculated on a projected 2011 population of 164514. The calculation overleaf shows the provision of playing pitches to include education synthetic and grass pitches for the actual 2011 population of 171533.

Population Amended to Actual 2011 (2011 Census) **= 171533**

Acres recommended by SAS = (171533 ÷ 1000) X 3 acres = 514.60

Acres existing (SNI) = 607.15

Required Acres = 514.60- 607.15= -92.55

Required Pitches= -92.55 ÷ 2.5 (average pitch size) = -37.02 = **37 surplus pitches**

5.16 Future Needs

An assessment of the future needs of the District over the 15 year plan period can be calculated. Assuming the population of Newry, Mourne and Down District grows to 194994 in 2030 (NISRA, May 2016) and using Sport NI's methodology the future need of the District can be calculated as shown below:

5.17 **Excluding education grass pitches:**

Projected population 2030 (NISRA May 2016) **= 194994**

Acres recommended by SAS = (194994 ÷ 1000) x 3 acres = 584.98

Acres existing (SNI) = 431.1

Required Acres = 584.98- 431.1 = 153.88

Required pitches = 153.99 ÷ 2.5 (average pitch size) = 61.55 = **62 pitch shortfall**

5.18 **Including education grass pitches:**

Projected population 2030 (NISRA May 2016) **= 194994**

Acres recommended by SAS = (194994 ÷ 1000) x 3 acres = 584.98

Acres existing (SNI) =607.15

Required Acres = 584.98- 607.15 = -22.17

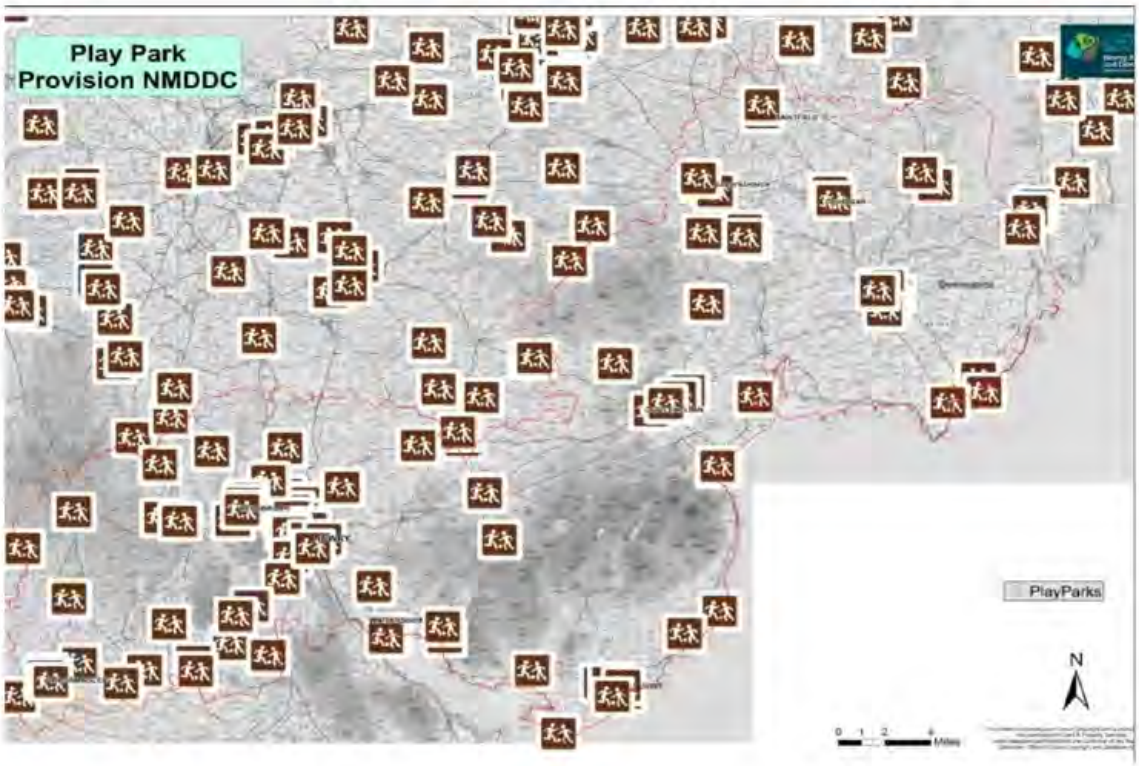
Required Pitches = -22.17÷ 2.5 = -8.87 = **8 surplus pitches**

5.19 Playing pitches are noted in the NPFA standard as providing for 1.2 hectare of the 1.6 hectare required for outdoor sport. The remainder would comprise of uses such as bowling greens and tennis courts. The Council's Sports Strategy identified 12 outdoor bowls club sites and 7 tennis court sites within the District.

6.0 Children's Play Space Provision

6.1 NPFA/ Fields in Trust's 'Planning and Design for Outdoor Sport and Play' sets out a standard of 0.8ha per population of Children's Play Space with a minimum standard of 0.6ha. As shown previously (in Figure 6) the 2015 guidance 'Beyond the Six Acre Standard' provides a benchmark of 0.25ha per 1000 population for equipped play areas. There are a number of outdoor play areas located throughout the District. These are primarily located within the urban areas with the City of Newry, all the towns and all but two of the villages in the district (Attical and Mayobridge) benefiting from a fixed play area. In addition some small settlements also benefit from equipped children's play areas (see appendix 5 for further detail). The map below (figure 9) provides information on the geographical distribution of play parks throughout the District that are provided and maintained by the Council. It demonstrates that most of the Districts settlements have some form of play park within or near to them.

Figure 9: Map showing the geographical distribution of play parks in the District



Source: NMD Council Sports Facility Strategy

- Measuring Children's Play Space Provision

6.2 Using the Fields in Trust's recommendation of 0.25ha per 1000 population for equipped/ designated play area provision the required amount of play space can be calculated as shown overleaf:

Population 2011 (2011 Census) **= 171533**

Hectares recommended by SAS= (171533 ÷ 1000) x 0.25 hectares = 42.88 ha

Existing provision (identified in ADAP and BNMAP) = 13.63 ha

Required Play Space= 137.22-13.63 = **29.25 ha**

This indicates a deficit of 29.25ha of children's outdoor play space.

6.3 During the LDP process children's play space provision will be assessed in two tiers: the overall quantum and the spatial distribution. Relative to each other the spatial distribution is seen as more important as it relates to access provision within the various settlements i.e. in relation to children's homes.

6.4 NPFA/ Fields in Trust define a three tier hierarchy of play facilities:

- LAP - These are unsupervised small open spaces specifically designed for young people for play activities close to where they live. Although without play equipment, LAP's have characteristics that make the area conducive to children's play. Such characteristics include ease of access, a relatively level site, informal surveillance and modest provision of landscaping so that play is no inhibited. As illustrated above, the FIT consider that LAP's should be within 1 minute walking time from home.
- LEAP - These are unsupervised play areas that are equipped for children of early school age. While sharing similar characteristics to LAP's, LEAP's feature a range of different types of play equipment. The FIT consider these should be located within 5 minutes walking time of home.
- NEAP - These are also unsupervised but they are intended to serve a substantial residential area. While sharing similar characteristics to LEAP's, NEAP's feature a significant range of different types of play equipment. It is equipped mainly for older children but also having opportunities for play for younger children. The FIT recommend that these should be located within 15 minutes walking time of home.

6.5 It also recommends different travel times and distances depending on the nature of the facilities as detailed in Figure 10 below.

Figure 10: Recommended Walking Times to Children's Playing Space

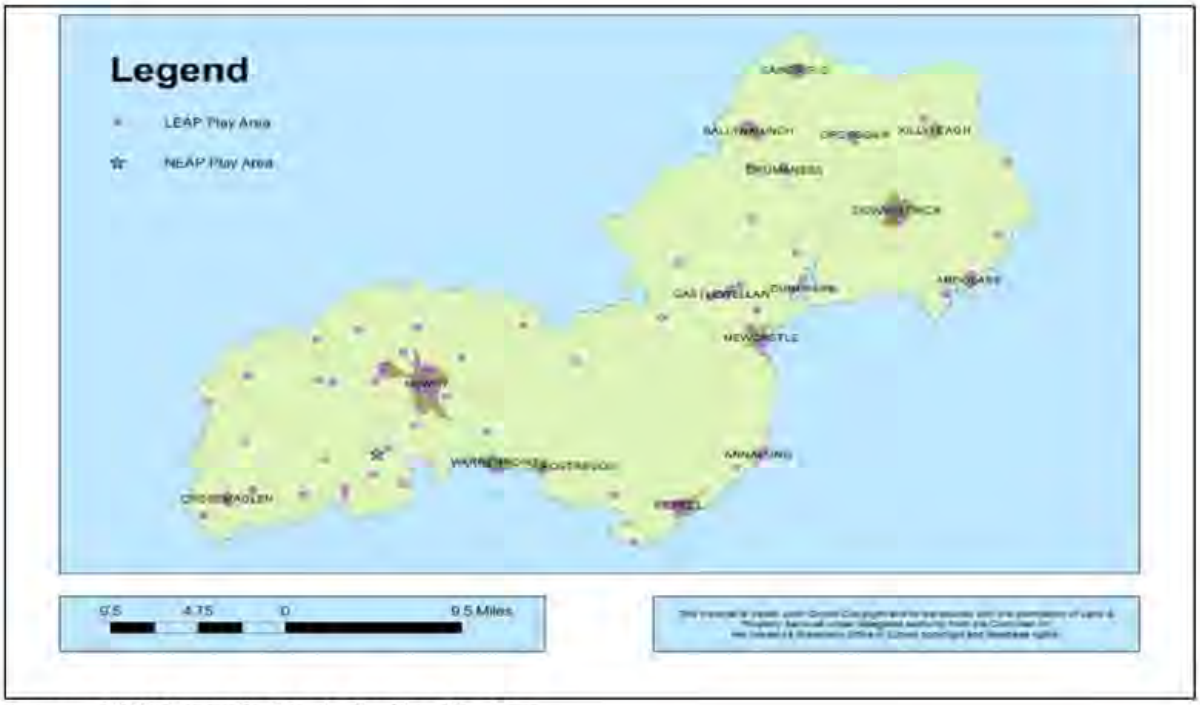
Children's Playing Space	Walking Time	Pedestrian Route	Straight Line Distance
LAP	1 minute	100 metres	60 metres
LEAP	5 minutes	400 metres	240 metres
NEAP	15 minutes	1000 metres	600 metres

Source: NPFA 2008

6.6 Figure 11 below shows the geographical distribution of LEAPs and NEAPs within the District. There are currently 107 fixed play areas within the District comprising of 106 LEAPs and 1 NEAP located at Slieve Gullion.

6.7 While sharing similar characteristics to LEAP's, NEAP's are intended to serve a substantial residential area. They feature a significant range of different types of play equipment mainly for older children but also having opportunities for play for younger children. The FIT recommend that these should be located within 15 minutes walking time of home.

Figure 11: Map showing the spatial distribution of LEAPs and NEAP in the District



Source: NMD Councils Sports Facility Strategy

Future Needs

6.8 Again using NISRA population projections it is possible to assess the future needs of the District over the 15 year plan period. Assuming the population grows to 194994 in 2030 the NPFA standard can be applied as shown below:

Projected 2030 population= 194994

Hectares recommended by SAS= (194994 ÷1000) x 0.25 hectares = 48.75 ha

Existing Provision (identified by ADAP and BNMAP) = 13.63 ha

Required Play Space= 48.75-13.63 = **35.12ha required**

6.9 This is an approximation based on the total projected population for the District. As noted in the previous preparatory paper on Population and Growth (paper 2) almost 40% of the Districts population live in rural areas. The dispersed rural nature of the population has implications for the provision of fixed play areas as there may not be an established need and it is not always a viable option.

6.10 The Council's Play Strategy outlined the methodology used for identifying need throughout the District. Using the benchmark of 150 children or young people for urban (100 for rural areas) it identified a number of areas where there was a gap in provision- Mayobridge, Ballymartin, Kilmore, Kilclief, Megennis Villas (Newry) and Bannamaghery Villas (Saintfield). In addition it also identified low value play areas that require upgrading, removal or site transformation.

6.11 The LDP process will include the completion of survey work to gather further information on the existing level of open space provision within the District including Casual Play Area provision that contributes to the NPFA standard.

7.0 Passive Outdoor Recreation & Open Space

7.1 In addition to playing pitches and children's play areas there are many opportunities for outdoor recreation that do not contribute to the NPFAs formal outdoor sports standard provision but still provide valuable opportunities for outdoor activity and recreation. The District is renowned for its wealth of opportunities for outdoor recreation. In fact one of the objectives of the Council's 'Economic Regeneration and Investment Strategy 2015-2020' is to become NI's premier outdoor/ adventure destination. The section below provides further information on some of the informal open spaces within the District.

Walking Routes

7.2 There are a number of Public Rights of Way (PROWs) in District. Public Rights of Way are created through the 'Access to the Countryside (Northern Ireland) Order 1983. Under this order Councils have a duty 'to assert, protect and keep open and free from obstruction or encroachment any public right of way, and compile and preserve maps and other records of public rights of way in their District'. (Details of the PROWs are included in appendix 6).

7.3 The Ulster Way is a 625mile (1000km) circular walking route that encircles the six counties of Northern Ireland. Within the District the Ulster Way comprises of five sections:
-The Lecale Way (Strangford to Newcastle) 34 miles (55km)
-Mourne Way (Newcastle to Rostrevor) 26 miles (42km)
-Rostrevor to Newry 10 miles (16km)
-Ring of Gullion Way (Newry to Carnbane) 37 miles (59km) and;
-Newry Canal Way (Carnbane to Portadown) 17.5 miles (28km)

These routes provide important linkages to other town, villages and areas of open space and should be identified and protected in the LDP.

Cycle Ways

-National Cycle Network

7.4 The National Cycle Network is a comprehensive network of safe and attractive cycling routes throughout the UK, developed by the charity Sustrans. In Northern Ireland, the Network extends to more than 800 miles, mostly on quiet country roads and includes 106 miles of traffic free paths.

Figure 12: Map showing the National Cycle Network

Source: CycleNI Website

7.5 There are three national cycle network routes that run through the District. The Regional Route (No. 20) runs along the shore of Strangford Lough from Comber to Downpatrick. The National Route 99 runs along the southern shores of Strangford Lough to Newcastle while the National Route 9 follows the Newry Canal Towpath from Portadown to Newry and then veers off towards Bessbrook and Camlough finishing close to Slieve Gullion Courtyard Complex.

7.6 In addition CycleNI has identified over twenty cycle routes in the District ranging from 0-60 miles in length. The District is also a popular Mountain Bike destination with two of NI's three National Mountain Bike Trails in Rostrevor and Castlewellan.

(Rostrevor won multiple Mountain Bike NI Awards in 2016). There is also a regional trail in Castle Ward and a local facility in Tollymore.

Parks and Forests

7.7 There are numerous country parks, forests, parks and gardens throughout the District that are owned by public bodies, including the Council, which offer valuable open space and recreation opportunities for activities such as walking, hiking, running, cycling and mountain biking. (Details of these areas and other assets are included in Appendices 7 & 8).

7.8 Evidence of the quality of some of the Districts open space assets is demonstrated with the various awards they have received. For example Slieve Gullion Forest Park was awarded the Green Flag Award. This is a prestigious award setting an international benchmark standard for the management of parks and green spaces. A Green Flag is a sign to the public that the space boasts the highest possible standards, is beautifully maintained and has excellent facilities.

Coast

7.9 The District has 100miles of coastline and is home to Strangford Lough, Carlingford Lough, a number of beaches and inland waterways including canals, rivers and lakes that all offer water-based activity opportunities including canoeing, kayaking, diving, bird watching, fishing, swimming, boating, yachting, jet skiing, pier jumping, banana boating and wet bouldering.

(Appendix 8 provides further information on the outdoor recreation provision in the District).

8.0 Existing Indoor Recreation and Leisure

8.1 Outdoor recreation and leisure facilities are supplemented by indoor facilities. The Council provides a significant number of indoor leisure facilities in the District. It is currently constructing replacement Leisure Centres in Newry and Downpatrick. Both of these centres will include a swimming pool and will be in addition to existing swimming pool facilities in the Kilkeel Leisure Centre. Each of the existing, and proposed, centres provide a number of other facilities including sauna, steam room, sports hall, activities hall, squash courts and fitness suite.

8.2 In addition to the leisure centres the Council also provides a number of indoor leisure and community centres throughout the District that provide a number of facilities including fitness suites, sports/ multi-purpose halls and meeting rooms.

8.3 The facilities provided by the Council are supplemented by those provided by some schools, GAA clubs, Churches and private enterprises such as fitness suites, including private gyms and hotels.

8.4 The Council's Sports Strategy identified a number of facilities in the District that were considered to be accessible to the community. These included 18 boxing clubs, 13 sports hall sites, 3 squash court facilities and 18 fitness gyms with over 20 fitness stations.

8.5 The District also benefits from a variety of other indoor leisure and recreation facilities including museums, art galleries, children's indoor play centres and entertainment venues including restaurants, pubs, nightclubs, cinemas, bingo halls and amusements arcades located primarily in the larger settlements across the District.

8.6 -Future Plans

The vision of the Council's Sports Facility Strategy is the 'Development of an evidence based assessment of facility need, which will inform and prioritise future investment in and development of, a network of high quality sports facilities, addressing the needs for increased community participation' in the District.

8.7 The Council in its Sports Strategy identified gaps in the District's sports provision and noted it has committed to providing:

- 36 badminton court sports hall spaces which will meet the projected need until 2037
- additional water space will be required by 2037 (approximately 212sqm)
- an all-weather pitch at Saintfield to replace the out-dated shale hockey pitch
- a tennis bubble to provide all year round tennis at Newry and Newcastle Tennis Clubs
- each DEA with a sports hub over time

It also identified:

- the need for an athletic facility in and around Downpatrick/ Newcastle
- that yachting and wet sports facilities could be enhanced particularly at Annalong, Newcastle and Dundrum.
- that use of the Newry Canal and disused quarries could also be improved.

9.0 Open Space within Residential Areas

9.1 This includes formal and informal play areas for children. While facilities for adults and youths may be located within a reasonable distance of housing areas it is imperative that children's play areas are immediately adjacent to or within such areas. PPS 8 Open Space, Sport & Outdoor Recreation, Policy OS 2 states that new residential developments for 25 units or more, or on site of one hectare or more,

will only be permitted where public open space is provided as an integral part of the development. There are some exceptions to this requirement e.g apartment developments or specialized housing where a reasonable level of private communal open space is provided. Otherwise, where public open space is required, the precise amount, location, type and design of such provision, will be negotiated with applicants having regard to the following:

- A normal expectation will be at least 10% of the total site area;
- For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and
- Provision at a rate less than 10% of the total site area may be acceptable where the residential development is located within a town or city centre; is close to and would benefit from ease of access to areas of existing public open space; provides accommodation for special groups; or incorporates the 'Home Zone' concept.

9.2 For residential developments of 100 units or more, or development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.

10.0 Key Findings and Conclusion

10.1 The purpose of this paper has been to provide an overview of open space provision within the District incorporating pitch provision and children's play space provision. This paper has assessed the future needs of the Council area over the plan period to 2030. The distribution and accessibility of such provision has also been assessed at a general level.

- Open Space and Recreation is an important part of the Councils vision;
- Importance of recreation and blue and green infrastructure are recognised in the RDS;
- The SPPS sets out a number of strategic objections and policy directions that the LDP must address in relation to open space, sport and outdoor recreation;
- Application of the NPFA standards, as required by the SPPS, demonstrates that at this point, when excluding education grass, the District would require 33 additional playing pitches however if education grass was included it would in fact have a surplus of 45 pitches;
- In terms of future need over the plan period when excluding education grass 62 additional pitches would be required, however when including education grass there would be a surplus of 8 pitches over the period up to 2030;
- Outdoor space in terms of children's play provision is focused in the urban areas with the City of Newry, all the towns and all but two of the villages (Attical and

Mayobridge) benefiting from a fixed children's play area(s). In addition some small settlements also have a fixed children's play area. The Council's play strategy identified a gap in provision in Mayobridge, Ballymartin, Kilmore, Kilclief, Megennis Villas (Newry) and Bannamaghery Villas (Saintfield).

- The District benefits from numerous informal and passive recreation facilities which are well distributed throughout the plan area, in both urban areas and the countryside. These are not included in the outdoor playing space calculations but do provide invaluable recreational spaces;
- The District also benefits from indoor recreational and leisure facilities, many of which are provided by the Council, that are primarily located within the larger settlements.
- Further consideration of the quantum and distribution of children's play provision will be necessary following survey work to fully ascertain the existing provision in the District.

10.2 These key findings will be used to inform the preparation of the LDP. The LDP will also take account of the Council's Play Strategy, Sports Facility Strategy and draft Community Plan.

10.3 This paper has been based on a desk top exercise. In developing this baseline evidence further work will be required including detailed survey work and analysis of open space, sport and recreation facilities within the District. Consultation with relevant bodies such as the Education Authority and NI Housing Executive who own or control significant quantities of open space will also be carried out.

10.4 Taking into account the policy approach of the SPPS, it is suggested that key actions of the local development plan at strategy level may include the following:

(i) provide policy for the protection and safeguarding for public open space;
(ii) the needs identified are taken account when formulating both the aims and objectives of the plan and future policy.
(iii) provide adequate and well-designed open space in new housing developments as an integral part of the development;
(iv) facilitate where possible large scale leisure proposals on opportunity sites within or near town centres and smaller scale proposal elsewhere within settlement limits;
(v) protect environmental open spaces for example parks, gardens and linear open space such as pedestrian and cycle routes/walkways and river corridors that have open space value.

Appendix 1 – Planning Histories for sites identified in ADAP as proposed amenity space.

Downpatrick

Lands at Pemberton Park	No relevant history
Lands at Sampson's Stone	No relevant history
Land within The Meadows Development	R/2006/1045/O Housing development Approved 27/09/2012
	R/2006/0424/RM 96 dwellings Approved 16/5/2007
Lands to the North of Ballyhornan Road	No relevant history
Lands East of Rathkeltair Road and North of Ardenlee Gardens	R/2012/0513/F 16 Houses Approval 01/07/2014
Lands at the junction of Ballyhornan and Struell Wells Road	No relevant history

Ballynahinch

Windmill Hill	R/2001/1018/F Construction of paths, pedestrian access at Windmill Avenue, a random stone wall and a ramp and steps at Windmill Lane for access to park Approval 11/11/2004.
Adjacent to Ballynahinch River	No relevant history

Newcastle

Adjacent to Ashleigh House	R/2000/0537/O & R/2002/0351/RM Phase 1 Housing. Approved 16/1/2001 and 6/9/2004 respectively.
	R/2003/1509/RM Phase 2 Housing. Approved 19/1/2005.
	R/2006/0390/F Phase 3 Housing. Approved 9/4/2010.

Ballykinler

Marian Park	R/2013/0426/F Playground Approval 14/11/2013.

Saintfield

Town Hill	No relevant history

Appendix 2 – Sport Facilities in Newry, Mourne and Down

An Riocht GAC	Club
Ardglass GAC	Club
Atticall GAC	Club
Ballyholland Harps GAC	Club
Ballykinlar GAC	Club
Ballymartin GAC	Club
Ballynahinch United	Club
Castlewellan GAC	Club
Bright GAC	Club
Bryansford GAC	Club
Camloch Craobh Rua Hurling Club	Club
Camlough Rovers FC	Club
Carrickcruppin GAA	Club
Castlewellan GAC	Club
Clonduff GAC	Club
Craobh Rua Camlocha Hurling Field	Club
Crossmaglen Rangers GFC	Club
Cullaville GAC	Club
Dorsey Emmetts GAC	Club
Drumaness GFC	Club
Drumgath GAC	Club
Dundrum GFC	Club
Kilclief Ben Dearg GAC	Club
Loughlinisland GAC	Club
Mayobridge GAC	Club
Mullaghbawn Cuchullains GAC	Club
Newry Rugby Football Club	Club
Peadar O'Doirnin Park	Club
Saval GAA	Club
Shamrocks GAA	Club
Shane O'Neills GAA	Club
Showgrounds Newry	Club
Silverbridge Harps GFC	Club
St Brigid's Amateur Boxing Club	Club
St Bronagh's GAA	Club
St John's GAC Drumnaquoile	Club
St Killian's GFC	Club
St Malachys GFC Youth Club	Club
St Mary's GFC Burrren	Club
St Michael's GFC Newtownhamilton	Club
St Moninna's GAC	Club
St Patrick's GAC Cullyhanna	Club
St Patrick's GAC Dromintee	Club
St Patrick's GAC Saul	Club
Teconnaught GAC	Club
Warrenpoint GAC	Club
Wolfe Tones GAC Killyleagh	Club
Castlewellan Football Club	Club

Glenn GAC	Club
Ballynahinch Rugby Club	Club
Cloughreagh Community Centre	Community
Longstone Community Hall	Community
Annsborough Playing Fields	District Council
Carginagh Road Playing Fields	District Council
Churchill Park	District Council
Crossmaglen Playing Fields	District Council
Derrylecka Playing Fields	District Council
Donard Park	District Council
Down Leisure Centre	District Council
Downpatrick Road Football Pitch	District Council
Drumalane Football Pitch	District Council
Drumaness Mills Football Club	District Council
Dublin Road Playing Fields	District Council
Dundrum Playing Fields	District Council
High Street Soccer Pitch	District Council
Kilbroney Park	District Council
Kilkeel Sports Centre and Macauley Park	District Council
Killyleagh Football Club	District Council
Kilmore Playing Fields	District Council
Langley Road Playing Fields	District Council
Marian Park Ballykinlar	District Council
Meadow Football Pitch	District Council
Millburn Park	District Council
Milltown Playing Fields	District Council
Mourne Esplanade Football Pitch	District Council
Newry Swimming Pool	District Council
Norman Brown Park	District Council
Orior Park	District Council
Owen Roe Park	District Council
Robert Adams Park	District Council
Russell Gaelic Union	District Council
Strangford Playing Fields	District Council
Abbey Christian Brothers Grammar School	Education
Anamar Primary School	Education
Annalong Primary School	Education
Assumption Grammar School	Education
Castlewellan Primary School	Education
De La Salle Secondary School	Education
Down High School	Education
Downpatrick Primary School	Education
Downshire Primary School	Education
High School Ballynahinch	Education
Holy Family Primary School Downpatrick	Education
Kilkeel High School	Education
Killowen Primary School Newry	Education
Newtownhamilton High School	Education
Sacred Heart Grammar School	Education
Shimna Integrated College	Education
St Colman's College	Education
St Colman's High School Ballynahinch	Education
St Colman"s Primary School Saval	Education

St Colmcilles High School	Education
St Columbans College	Education
St Joseph's Boys High School Newry	Education
St Joseph's High School Newry	Education
St Joseph's Primary School Bessbrook	Education
St Joseph's Primary School Crossgar	Education
St Joseph's Primary School Killough	Education
St Louis Grammar School Newry	Education
St Malachy's High School Castlewellan	Education
St Malachy's Primary School Carnagat	Education
St Malachy's Primary School Castlewellan	Education
St Malachys Primary School Downpatrick	Education
St Marks High School Warrenpoint	Education
St Mary's High School Downpatrick	Education
St Marys Primary School Annalong	Education
St Mary's Primary School Mullaghbawn	Education
St Mary's Primary School Newcastle	Education
St Mary's Primary School Saintfield	Education
St Nicholas Primary School Ardglass	Education
St Patrick's Grammar School Downpatrick	Education
St Patrick's Primary School Castlewellan	Education
St Patrick"s Primary School Crossmaglen	Education
St Patrick's Primary School Newry	Education
St Paul's High School Newry	Education
Tyrella Primary School Downpatrick	Education
Windsor Hill Primary School	Education

Source: https://www.opendatani.gov.uk

Appendix 3

Open Space Identified in BNMAP

Settlement	Outdoor Sport	Children's Play Area	Total
Newry City	36.23	4.97	41.2
Crossmaglen	5.28	0.13	5.41
Kilkeel	7.73	0.33	8.06
Newtownhamilton	3.94	0.06	4
Warrenpoint	6.85	0.36	7.21
Annalong	1.95	0.53	2.48
Attical	1.12	0	1.12
Ballyholland	2.65	0.21	2.86
Ballymartin	1.12	0.42	1.54
Bessbrook	2.22	1.5	3.72
Burren	6.43	0.63	7.06
Camlough	5.02	0.31	5.33
Cullyhanna	1.6	0.05	1.65
Forkhill	2.01	0.1	2.11
Hilltown	2.86	0.25	3.11
Jonesborough	0.26	0.04	0.3
Mayobridge	3	0.46	3.46
Meigh	1.55	0.17	1.72
Mullaghbane	2.9	0.04	2.94
Rostrevor	4.14	1.12	5.26
TOTAL	**98.86**	**11.68**	**110.54**

Ownership: Mostly NMDC but also GAC/GFC/GAA/ CCMS/SELB/NIHE/CHURCH/PRIVATE

Active Amenity Open Space and Recreation Provision Identified in ADAP

Settlement	Outdoor Sport (DDC owned)	Children's Playground (DDC owned)	Total (DDC Owned)	Outdoor Sport (Private)	Total Outdoor Sport *
Downpatrick	10.67	0.43	11.1	10.28	20.95
Ballynahinch	7.05	0.2	7.25	2.35	9.4
Newcastle	12.93	0.27	13.2	0.12	13.05
Annsborough	3.27	0	3.27	0	3.27
Ardglass	2.36	0.14	2.5	0	2.36
Ballykinler	0.97	0	0.97	1.96	2.93
Castlewellan	4.23	0.24	4.47	1.84	6.07
Crossgar	4.08	0.17	4.25	0.73	4.81
Drumaness	1.98	0.13	2.11	6.8	8.78
Dundrum	1.70	0.05	1.75	3.68	5.38
Killough	2.22	0.01	2.23	0	2.22
Killyleagh	3.71	0.05	3.76	4.89	8.6
Saintfield	1.3	0.05	1.35	1.98	3.28
Shrigley	0	0.07	0.07	0	0
Strangford	1.81	0.10	1.91	0	1.81
The Spa	0	0.04	0.04	0	0
Annacloy	2.82	0	2.82	0	2.82
TOTAL	**61.1**	**1.95**	**63.05**	**34.63**	**95.73**

*Total Outdoor Sport includes land/ facilities in the legacy Down District Councils ownership and private ownership

Appendix 4

Fixed Play Parks Newry, Mourne and Down

Newry, Mourne & Down Council Fixed Play Parks		
Name	**Location**	**DEA**
Annalong Cornmill Play Park	Annalong	Mournes
Mona View Play Area/Grass Area	Annalong	Mournes
Annsborough Play Park	Annsborough	Slieve Croob
Ardglass Playing Fields	Ardglass	Downpatrick
Quay Street	Ardglass	Downpatrick
Seaview	Ardglass	Downpatrick
Innisfree Park Play Area/Grass Pitch/Bitmac Area	Ballyholland	Crotlieve
Bishopscourt	Ballyhornan	Downpatrick
Ballykinlar Play Park	Ballykinlar	Slieve Croob
Pious Hill Play Area	Ballymartin	Mournes
Ballynahinch Centre	Ballynahinch	Rowallane
Hillfoot Junior Play Park	Ballynahinch	Rowallane
Hillfoot Toddler Play Park	Ballynahinch	Rowallane
Langley Road Play Park	Ballynahinch	Rowallane
Belleek Village Green/Play Area	Belleek	Slieve Gullion
Drumilly Play Area (Oliver Plunkett Park)	Belleek	Slieve Gullion
Carrickvista Recreation Area (Grass Area/Kickabout)	Bessbrook	Slieve Gullion
Charlemont Square Play Area/Grass Area	Bessbrook	Slieve Gullion
College Square Play Park	Bessbrook	Slieve Gullion
Father Cullen Park Play Area	Bessbrook	Slieve Gullion
Pond Field Play Park	Bessbrook	Slieve Gullion
Burren Village Green/Play Area	Burren	Crotlieve
Burrenbridge Recreation Area	Burrenbridge	Mournes
Oliver Plunkett Park/Quarter Road Play Area	Camlough	Slieve Gullion
Burrenbridge Road	Castlewellan	Mournes
Bunkers Hill Play Park	Castlewellan	Slieve Croob
Mourne Gardens Play Park	Castlewellan	Slieve Croob
Clough Play Park	Clough	Slieve Croob
Lislea Drive Play Park	Crossgar	Rowallane
Westlands Play Park	Crossgar	Rowallane
Ardross Park Play Area/Grass Area/Kickabout/Basketball Court	Crossmaglen	Slieve Gullion
Creggan Play Area	Crossmaglen	Slieve Gullion
Culloville Play Park	Crossmaglen	Slieve Gullion
Lismore Park Play Area	Crossmaglen	Slieve Gullion
Rathview Park Play Area	Crossmaglen	Slieve Gullion
Cullyhanna Play Area (St Patricks Park)	Cullyhanna	Slieve Gullion
Ardmore	Downpatrick	Downpatrick
Ballymote Centre	Downpatrick	Downpatrick
Bridge Street	Downpatrick	Downpatrick
Knocknashinna	Downpatrick	Downpatrick

Marion Park	Downpatrick	Downpatrick
Model Farm	Downpatrick	Downpatrick
Saul GAC	Downpatrick	Downpatrick
St Dympnas	Downpatrick	Downpatrick
Upper Scotch Street	Downpatrick	Downpatrick
Cumber Road Play Park	Drumaness	Slieve Croob
Dan Rice Hall	Drumaness	Slieve Croob
Drumaroad Play Park	Drumaroad	Slieve Croob
Barnmeen Play Area	Drumgath	Crotlieve
Inner Bay Play Park	Dundrum	Slieve Croob
St Donard's Walk	Dundrum	Slieve Croob
Bog Road Play Area	Forkhill	Slieve Gullion
Drumintee Play Area	Forkhill	Slieve Gullion
Fairview Park Play Area	Forkhill	Slieve Gullion
Lurganare Play Area	Glen	Crotlieve
Spelga Park Play Area	Hilltown	Crotlieve
Jonesborough Play Area	Jonesborough	Slieve Gullion
Kilcoo GAC	Kilcoo	Mournes
Ballymaderphy Play Area	Kilkeel	Mournes
Bencrom Play Area	Kilkeel	Mournes
Cranfield Play Park	Kilkeel	Mournes
Hillside Drive Grass Area/Play Area	Kilkeel	Mournes
Kitty's Road Play Area	Kilkeel	Mournes
Mourne Esplanade Play Area	Kilkeel	Mournes
Rooney Road Play Area	Kilkeel	Mournes
Scrogg Road Play Area	Kilkeel	Mournes
Killough Playing Fields	Killough	Downpatrick
Bridge Centre	Killyleagh	Rowallane
Leitrim Play Park	Leitrim	Slieve Croob
Maghera Play Park	Maghera	Mournes
Meigh Play Park	Meigh	Slieve Gullion
Conway Park Play Park	Mullaghbawn	Slieve Gullion
Backfield Play Park	Newcastle	Mournes
Castle Park	Newcastle	Mournes
Downs Road Play Park	Newcastle	Mournes
Islands Park	Newcastle	Mournes
Newcastle Centre	Newcastle	Mournes
Carnbane Gardens Play Area	Newry	Newry
Carrivemaclone Play Area	Newry	Newry
Derrybeg Play Area/Kickabout	Newry	Newry
Emmett Street Play Area	Newry	Newry
Heather Park Play Park	Newry	Newry
Latt Crescent Play Area	Newry	Newry
Lisdrumgullion Play Park	Newry	Newry
Loanda House/Barcroft Play Park	Newry	Newry

Martin's Lane	Newry	Newry
Mourneview Park Play Area	Newry	Newry
Peter McParland/Barley Lane Park Play Area	Newry	Newry
Raymond McCreesh/Patrick Street Play Park	Newry	Newry
Shandon Park Play Area	Newry	Newry
Springhill Drive Play Area	Newry	Newry
Windmill Road Play Area	Newry	Newry
Latt Villas Play Area	Newry	Slieve Gullion
Newtowncloughoge Play Area	Newry	Slieve Gullion
Altnamackin/Fane Grove Play Park	Newtownhamilton	Slieve Gullion
Dungormley Play Area	Newtownhamilton	Slieve Gullion
Kilbroney Park Play Area	Rostrevor	Crotlieve
Lislane Play Park	Saintfield	Rowallane
Newline Play Park	Saintfield	Rowallane
Granite View Play Area	Saval	Crotlieve
Shrigley Play Park	Shrigley	Rowallane
Lisnalee Play Area	South Armagh	Slieve Gullion
Slieve Gullion Play Park	South Armagh	Slieve Gullion
Tullydonnell Play Area	South Armagh	Slieve Gullion
Hillside Play Park	Spa	Slieve Croob
The Links	Strangford	Downpatrick
Clonallon Park Play Park	Warrenpoint	Crotlieve
Ringmacilroy Play Park	Warrenpoint	Crotlieve
Warrenpoint Park Play Area	Warrenpoint	Crotlieve
Whitecross Play Park	Whitecross	Slieve Gullion
Down Legacy Total 46		
Newry & Mourne Legacy Total 64		
17 No. Play Park Sites with no equipment Not Listed		

Source: NMD Council

Appendix 5

Settlements Fixed Play Provision

SETTLEMENTS	FIXED PLAY AREA PROVISION
CITY	
Newry	✓
TOWNS	
Crossmaglen	✓
Kilkeel	✓
Newtownhamilton	✓
Warrenpoint/ Burren	✓
Downpatrick	✓
Ballynahinch	✓
Newcastle	✓
VILLAGES	
Annalong	✓
Attical	
Ballyholland	✓
Ballymartin	✓
Bessbrook	✓
Camlough	✓
Cullyhanna	✓
Forkhill	✓
Hilltown	✓
Jonesborough	✓
Mayobridge	
Meigh	✓
Mullaghbane/ Mullaghbawn	✓
Rostrevor	✓
Annsborough	✓
Ardglass	✓
Ballykinler	✓
Castlewellan	✓
Clough	✓
Crossgar	✓
Drumaness	✓
Dundrum	✓
Killough	✓
Killyeagh	✓
Saintfield	✓
Shrigley	✓
Strangford	✓
The Spa	✓
SMALL SETTLEMENTS	
Altnamacken/ Cortamlet	
Ballymadeerfy	
Ballmoyer	
Barmeen	✓
Belleek	✓

Creggan	
Cullaville	
Dorsey	
Drumintee	
Dunnaval/ Ballyardle	
Glassdrumman (Co. Armagh)	
Glassdrumman/ Mullartown	
Glen	✓
Greencastle	
Jerrettspass	
Killeen	
Killowen	
Lislea	
Longstone	
Lurganare	
Mullaghglass	
Newtowncloghoge	
Sheeptown	
Silverbridge	✓
Tullyherron	
Whitecross	✓
Annacloy	
Ballyalton	
Ballyhornan	
Ballynoe	
Bryansford	
Burrenbridge	✓
Carrickinab	
Chapeltown	
Clonvaraghan	
Coney Island	
Darragh Cross	
Derryboye	
Drumaghlis	
Drumaroad	✓
Kilclief	
Kilcoo	✓
Kilmore	
Loughinisland	
Maghera	✓
Raholp	
Saul	
Seaforde	

Source: Playboard NI

Appendix 6

Public Rights of Ways in Newry, Mourne and Down

Description of PROW	Length (metres)	Status
Sampson's Lane, Downpatrick	600	PROW
Park Lane/Saul Lane, Harry's Loney	650	PROW
Belfast Road to Jane's Shore, Downpatrick	950	Public path
English Street to Market Street, Downpatrick	110	PROW
Net Walk and Shore Loney, Killyleagh	900	PROW
The Broadmeadows, Killyleagh	600	PROW
Green Lane, Raleagh	1200	Bridle path
Chapel Pad, Drumaness	480	PROW
St Marys Primary School, Killyleagh	275	Footpath
Harmoney Hill, Drumaness	1150	Bridle way
Riverside Walk, Ballynahinch	600	Footpath
Tannaghmore Rd to Newcastle Rd, Loughinisland	450	Footpath
Cumran Lane, Clough	1750	Footpath
Ballywillwill Rd to Clonvaraghan Road	950	Bridle path
Clonvaraghan Road to Slievehanny Road, Castlewellan	1490	Bridle Path
Drumsnade Road to Tannaghmore Road, Ballynahinch	3000	Bridle Path
Castlewellan Road to the Square, Clough	500	Footpath
Magheratimpany Rd to Newcastle Rd, Drumaness	200	Footpath
Ringhaddy Road to Quarterland Road, Killinchy		Footpath
Carrownacaw Road to the Ballyculter Rd, Raholp	720	PROW
Castle Flannen, Kilclief	80	PROW
Bishopscourt Rd to Glebe Rd	900	PROW
Ballyhornan to St Patrick's Well, Sheepland	4100	PROW
Killough to St John's Point	2950	PROW
Lough Money to Ballystokes	1450	PROW
Ballyalton to Ballysugagh	1700	PROW
The Shore to Raholp	1150	PROW
Raholp to Lough Money	1400	Bridle path
Castle Lane, Ardglass	130	Footpath
Downpatrick Rd to Castle Street, Strangford	1400	Public path
Strangford Road to Porthamish, Ballyhornan	645	Footpath
Sheepland Road to Ballyhornan to Sheepland PROW	40	Footpath
Drumroe Road to Churchtown Road, Strangford	570	Carriage way
Bath Lane, Newcastle	90	PROW
Glen River, Newcastle	4600	PROW
King Street to South Promenade, Newcastle	44	Footpath
Trassey Track	6840	PROW
Kilcoo Graveyard	350	PROW
Magee's Walk, Castlewellan	100	PROW
Rock Lane, Castlewellan	1100	PROW
Cow Lane, Castlewellan	850	PROW
Caskell Lane, Castlewellan	750	PROW
Castle Lane, Dundrum	550	PROW
Back Lane, Dundrum	400	PROW
Dam Walk, Dundrum	950	PROW

Tipperary Lane, Newcastle	700	Footpath
Wild Forest Lane, Newcastle	1600	Bridle path
McSherry's Lane, Castlewellan	1850	Bridle path
Manse Lane, Dundrum	200	PROW
Drumee Cemetary	1830	Bridle path
Drumee Road to Carnacaville Road Laneway, Castlewellan	2000	Bridle path
Drumree Cemetary to Drumee Carnacaville Road	470	Bridle path
Lower Burren Road to Newcastle Road PROW	500	Footpath
Carnacaville Road to Church Hill Road, Newcastle	580	Bridle path
Barbican Farm to Wild Forest Lane	600	Bridle path
Tullybrannigan Rd to Tullybrannigan Rd Loop	1080	Bridle path
Ballylough to Annsborough Primary School	600	Bridle path
Kilmegan Road to the Priests Road	820	Bridle path
Wateresk Road to Kilmegan Road	1200	Bridle path
Ballybannon Road to Waterest Road	1300	Bridle path
Drumee Road to Dundrinne Road Upper	750	Bridle path
Dundrinne Road to Brook Cottage	550	Bridle path
Green Lane, Burrenreagh, Castlewellan	550	Footpath
Macleans Close, Bryansford Road, Tullyree	600	Footpath
Dundrinne Road to Ballybannon Road, Castlewellan	2000	Bridle path
Drumee PROW to Newcastle Road, Newcastle	150	Footpath
Byransford Road to Tullyree Road	1600	Footpath
Primrose Lane, Newcastle	60	Footpath
Porters Lane, Newcastle	60	Footpath
Dromara Road to Castle Hill, Dundrum (Quarry Lane)		Footpath
Beach Avenue, Newcastle	57	Carriage way
Mound of Down to the Belfast Road, Downpatrick	240	Footpath
Adders Loanain -Millvale Road to join the Moat Pad, Ballyward	1250	Footpath
Flush Road to Eelwire Road, Ballyward	950	By-way (foot, horse and vehicle)
Glen Loanin-Moneyanabane to Drumboy Road, Dromara	1100	Bridle path
Darby's Loanin-Moneyanabane Road to Castlewellan Road, Dromara	1100	Bridle path
Scotch Rock Pad-Slievenaboley Road to Rathfriland Road, Ballyward	2290	Footpath
Windy Gap Pad-Slievenaboley to Legananny Road, Ballyward	1500	Footpath
Bellman's Loanan from Windsor ave to upper Damolly Road, Newry	210	footpath
Moygannon Road to foreshore at Dobbin Point, Warrenpoint	200	Footpath
Yelverton Lane, from Killowen Road to foreshore, Ballyedmond, Rostrevor	665	Footpath
Fairy Glen, from Newtown Road to Forestbrook Road, Rostrevor	700	Footpath
Manus Lane, Rooney Road to Harbour Road, Kilkeel	160	Footpath
Cloughmore Stone to Shore Road, Rostrevor, via Fiddlers' Green	1700	Footpath
Dog Kennel Lane, Kennard Villas to Upper Damolly Road, Newry	800	Footpath
Rathfriland Road to Crieve Road, Newry (Upper Lane)	600	Footpath
Orchard Hill to Summerhill, Warrenpoint	50	Footpath
Rathfriland Road to Crieve Road, Newry (Lower Lane)	600	Footpath
Newtown Road to Forestbrook Road, Rostrevor	160	Footpath
"Crilly's Loanan", Father Cullen Park to Camlough Road, Bessbrook	800	Footpath
Kilkeel Road to junction of Baan and Rocky Rivers		footpath
Mayo Road to Chapel Hill Road, Mayobridge	400	Footpath
Millvale Road Bessbrook to Craigmore Road Newry	1000	Footpath
Canal Towpath, Newry, from Canal Quay to Gambles Road	10350	Footpath

Drumlough Road to Drumlough School Road, Rathfriland	1200	Footpath
Killowen Road to the foreshore, between No. 1 and No. 5 Killowen Road, Rostrevor	55	Footpath
Old Warrenpoint Road to Dual Carriageway, Newry	60	Footpath
Glen Loanan, Ballymartin	240	Footpath
Ballard Road to Slieve Gullion South Cairn	3500	Footpath
Shean Road to Urney Graveyard, Forkhill	800	Footpath
Ballynabee Road, Camlough to Father Cullen Park, Bessbrook	600	Footpath
Ameracam Lane to Fair Road, Cranfield	1330	Footpath
Ballymoyer Forest	400	Footpath
Warrenpoint Road to Foreshore, adjacent to Rosses Quay, Rostrevor	105	Carriageway
Hickey's Lane, Armagh Road to Canal towpath, Newry	400	Footpath
Ulster Avenue to the Harbour, Annalong	310	Footpath
100m South of No. 80 Shore Road, Rostrevor	40	Footpath
Killowen Road to the foreshore adjacent to No. 9 Killowen Road	70	Footpath
"Old Schoolhouse Lane", Killowen Road to Killowen Old Road, Ballyedmond, Rostrevor	170	Footpath
Killowen Road to foreshore, Rostrevor at Killowen Cottage, adjacent to 67 Killowen Road, Rostrevor	230	Footpath
Killowen Road to the foreshore, adjacent to Killowen Outdoor Education Centre, Rostrevor	105	Footpath
Ballinran Road to Aughnahoory Road, Kilkeel	1500	Bridleway
Chapel Road to Seafin Road, Meigh	100	Carriageway
"Hip Road", Carewamean Road, Carrickbroad to border with the Irish Republic	200	Footpath
Hanna's Close, Kilkeel	1000	Footpath
Kilkeel Road to the foreshore, Moneydarragh Beg, Ballymartin	100	Footpath
Camlough River to Father Cullen Park, Bessbrook	405	footpath
Concession rd to the Border with the Republic of Ireland	240	Carriageway
Greenpark Road to Drumsesk Road, Rostrevor	550	Footpath
Drumsesk Road, Rostrevor to Moygannon Road, Warrenpoint	1500	Footpath
Hillhead Road to Flagstaff Road, Newry	600	Footpath
Millvale Road at Beetle row to Derrymore Road	400	Footpath
Millvale Road at the Old Mill to Derrymore Road	700	Footpath
Shannagh drive to Coastal path, Annalong	100	footpath
Kileavy Old Church (Ballintemple Road) to Saint Moninna,s Well	575	footpath

Source: NMD Council

Appendix 7

FORESTS	OWNERSHIP
Annalong Forest	Forestry Service NI
Ballymoyer Forest	Forestry Service NI
Bohill Forest	Forestry Service NI
Camlough Forest	Forestry Service NI
Castle Ward Forest	Forestry Service NI
-Castlewellan Forest	Forestry Service NI
Cold Brae Forest	Forestry Service NI
-Daisy Hill Wood LNR	Forestry Service NI
Donard Forest	Forestry Service NI
Drumkeeragh Forest	Forestry Service NI
Fathom Forest	Forestry Service NI
Hollymount Forest	Forestry Service NI
Mourne Forest	Forestry Service NI
Narrow Water Forest	Forestry Service NI
Rostrevor Forest	Forestry Service NI
Tollymore Forest	Forestry Service NI
Slieve Gullion Forest	Forestry Service NI

WOODLANDS	OWNERSHIP
Nut Wood	Woodland Trust
Glass Water Wood	Woodland Trust
Pond Water and Compass Hill	Woodland Trust
Windmill Hill Wood	Woodland Trust
Carnbane Wood	Woodland Trust
Daisy Hill Wood	Woodland Trust

Source: Woodland Trust Website http://www.woodlandtrust.org.uk/visiting-woods/map/47%20Ballytrim%20Road,%20Killyleagh,%20BT30%209/54.40200599031809/-5.70200252532959/10/

FOREST/ COUNTRY PARKS/ GARDENS	OWNERSHIP
Castle Ward	National Trust
Castlewellan Forest Park	Forestry Service NI
Delamont Country Park	Forestry Service NI
Derrymore House	National Trust
Kilbroney Forest Park	NMDDC
Rowallane Garden	National Trust
Slieve Gullion Forest Park	Forestry Service NI
Tollymore Forest Park	Forestry Service NI

OTHER RESOURCES	OWNERSHIP
Murlough National Nature Reserve	National Trust
Newry Canal Tow Path	NMDDC & ABCBC
The Mournes	Various
Silent Valley	NIW
Strangford Lough	Various
Carlingford Lough	Various

BEACHES
Cranfield Beach, Kilkeel
Murlough Beach
Newcastle Beach
Tyrella
Warrenpoint

GOLF COURSES and DRIVING RANGES
Ardglass Golf Club
Ashfield Golf Club, Cullyhanna
Bright Castle Golf Club, Downpatrick
Cloverhill Golf Club, Mullaghbawn
Crossgar Golf Club
Downpatrick Golf Centre
Golf Centre, Newcastle
Kilkeel Golf Club
Mayobridge Golf Club
Mourne Golf Club, Newcastle
Newry Golf Inn Academy
Royal County Down Golf Club, Newcastle
Royal County Down Ladies Golf Club, Newcastle
St Patricks Golf Club, Downpatrick
Spa Golf Club, Ballynahinch
Warrenpoint Golf Club

ACTIVITY CENTRES- PRIVATE OWNERSHIP
Acton Adventures, Poyntzpass
Bluelough Adventure Centre, Castlewellan Forest Park
Clearsky Adventure Centre, Castleward Estate
East Coast Outdoor Activity Centre, Rostrevor
Flagstaff Adventure, Newry
Greenhill YMCA, Newcastle
Life Adventure Centre, Castlewellan
Peak Discovery, Tollymore, Newcastle
Rock and Ride Outdoors, Kilcoo
Tollymore National Outdoor Centre, Newcastle
26 Extreme, Warrenpoint

Appendix 8

Outdoor Activities and Facilities in the District

OUTDOOR ACTIVITIES	FACILITY
Activity Centres	Tollymore National Outdoor Centre, Newcastle; East Coast Outdoor Activity Centre, Rostrevor,; Acton Adventures, Poyntzpass; Greenhill YMCA, Newcastle; Peak Discovery, Tollymore, Newcastle; Life Adventure Centre, Castlewellan; Rock and Ride, Kilcoo; Flagstaff Adventures, Newry; Bluelough Adventure Centre, Castwellan Forest Park; 26 Extreme, Warrenpoint; Clearsky Adventure Centre, Castleward Estate
Angling	There are numerous locations for angling within the District with Strangford and Carlingford Loughs and its many rivers and lakes.
Athletics	There is a 6 lane athletics track with field events at St Colman's College, Newry
Bowling	There are 12 outdoor bowls club sites in the District.
Canoeing	Two of NI's nine recognised Canoe Trails are located in the District: Strangford Lough and South East Coast Trails
Cricket	There are four cricket club grounds located in the District: Dundrum, Downpatrick, Saintfield and Drumaness Cricket Clubs.
Cycling	CycleNI has identified over twenty cycle routes in the District ranging from 0-60 miles in length. The District is also a popular Mountain Bike destination with two of NI's three National Mountain Bike Trails in Rostrevor (Multiple Mountain Bike NI award winner in 2016) and Castlewellan. There is also a regional trail in Castle Ward and a local facility in Tollymore.
GAA	There are 45 GAA Clubs located in the District.
Golf	There are 16 golf courses/ driving range facilities within the District including Royal County Down (Mens and Ladies), Kilkeel, St Patricks, Downpatrick, The Spa, Crossgar, Ardglass, Bright Castle, Warrenpoint, Mayobridge, Ashfield, Cloverhill, Mourne, Golf Centre, Newcastle, Downpatrick Golf Centre and The Golf Inn, Newry.
Hockey	There are a number of men and womens hockey teams that train in the District including Ballynahinch, Down, Saintfield, Kilkeel and Newry
Horse riding	There are many equestrian centres in the district which provide opportunities for all abilities. They include: Mourne Trail Riding Centre; Lessans Riding Stables, Saintfield; Gamer keepers Lodge Equestrian Centre, Kilkeel; Western Style Horse Riding, Hilltown; Mount Pleasant Trekking Centre& Mount Pleasant Equestrian Centre, Castlewellan. There is also a racecourse in Downpatrick.
Motorsports	There are 4 motor sports facilities in the District

Rugby	There are rugby clubs in Ballynahinch and Newry. A number of schools also offer rugby including High School Ballynahinch; Down High School, Downpatrick; Kilkeel High School and St Colman's College, Newry
Soccer	There are approximately 42 soccer clubs in the District.
Swimming	Tropicana Outdoor Pool in Newcastle is open July and August.
Tennis	There are a number of tennis club sites in the District including: Downpatrick Tennis Club (Down High School), Newcastle Tennis Club, Warrenpoint Tennis Club, Newry Tennis Club, Mourne Esplanade, Kilkeel, Kilbroney Park, Rostrevor and Annalong Tennis Court
Watersports	There are a number of watersport opportunities in the District with Strangford and Carlingford Loughs, inland rivers and lakes. The Council's Sports Strategy identified 10 sites that offer water sports in the District.

*This list is not exhaustive but indicates the main activities available within the Newry, Mourne and Down District Council Area.

Report to:	**Planning Committee**
Date of Meeting:	29 March 2017
Subject:	Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 12 (Part 1): Countryside – Landscape Character Assessment
Reporting Officer:	Anthony McKay, Chief Planning Officer
Contact Officer:	Andrew Hay, Principal Planning Officer

Decisions required:	
Note the content of this report.	
1.0	**Purpose and Background:**
1.1	A programme of preparatory work is being undertaken as part of the Local Development Plan (LDP) process. Preparatory studies are essential in providing the evidence base for preparing the Local Development Plan (LDP). A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the LDP documents (Plan Strategy and Local Policies Plan) and to show how planning policies and proposals help to achieve the social, economic and environmental objectives for the plan area.
1.2	The SPR Committee is responsible for the Local Development Plan. All LDP papers are reported to the SPR Committee for noting or decision. All LDP papers will also be presented to the Planning Committee for noting. Depending on the subject matter, a LDP paper will also be presented to any other relevant Council Committee for noting.
1.3	'Paper 12 (Part 1): Countryside – Landscape Character Assessment' provides members with an overview of the Landscape Character Assessment for the Newry, Mourne and Down District Council area,
1.4	The paper builds on the existing evidence base and provides information on: • the regional planning context in the assessment and protection of our landscape; • an analysis of the existing Landscape Character Assessments and associated guidance as they apply to the District.
1.5	Members are asked to note the content of this report. Any comments received will be considered. The paper will be subject to any changes considered necessary in response to any valid comments received at this or any other Committee to which it is presented.
2.0	**Key issues:**
2.1	'Paper 12 (Part 1): Countryside – Landscape Character Assessment ' provides members with a report on the Landscape Assessment for the District, highlighting the diverse mix of landscapes within the Newry, Mourne and Down area, while identifying the issues influencing the landscape condition and sensitivity, which will assist the Council in the development of the LDP.
2.2	Newry, Mourne and Down District is comprised of a diverse and varied landscape including the Mourne Mountains, Slieve Gullion, a sensitive coastline including Strangford and Carlingford

	Loughs, distinctive woodlands, prominent ridges, a series of drumlins, river corridors and basins, with many of these landscapes having international or national conservation designations associated with them.
2.3	This paper identifies the diverse landscapes within the Plan Area and the varying degree of capacity to absorb further development due to the vulnerable nature of a large portion of the District. This therefore involves recognising the differences between areas that are particularly sensitive to change and those with lower sensitivities which could potentially provide opportunities to accommodate sustainable development, identifying any potential constraints to future development while also taking into account the role and responsibilities of rural settlements.
2.4	The Districts landscape has many different roles including serving as an important tourist asset, providing a rich resource of agricultural land which in turn plays a pivotal role in the Districts economy while also being rich in archaeological, historical and nature conservation all of which are worthy of protection.
2.5	The Landscape Character Assessment (LCA) forms an integral part of the Development Plan process and forms one of the interrelated strands of the Countryside Assessment. The LCA process identifies and describes the variations in the character of landscapes by explaining the unique combination of elements and features that make landscapes distinctive. The process will therefore play an important role in developing and adding to a robust evidence base which is required to inform the Local Development Plan
2.6	In addition to identifying the key characteristics of each landscape character area, the report also assesses the principal forces for change and issues influencing landscape condition and sensitivity.
2.7	This paper forms part of the Countryside Assessment for the District and is to be read in conjunction with Paper 6: Environmental Assets together with Paper 12 (Part 2): Countryside – Rural Pressure Analysis and Paper 13: Settlement Appraisals which are currently under preparation.
2.8	The information gathered and the key findings will be used to inform the preparation of the LDP.
2.9	Data gathered as part of this and other preparatory studies will be used to establish the baseline of the social, economic, and environmental characteristics of the plan area and enable the Council to identify the issues which need to be addressed by the LDP. Furthermore, it will provide a sound basis on which to formulate the plan strategy, policies and proposals within the LDP that will be subject to independent public examination.
3.0	**Recommendations:**
3.1	Members are requested to note the content of this report.
4.0	**Resource implications**
4.1	N/A
5.0	**Equality and good relations implications:**
5.1	N/A
6.0	**Appendices**
	• Paper 12 (Part 1): Countryside – Landscape Character Assessment

Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Local Development Plan
Preparatory Studies

Paper 12 (Part 1): Countryside - Landscape Character Assessment

March 2017

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Landscape Character Assessment of Newry, Mourne and Down District

Purpose

To provide members with a report on the Landscape Assessment for the District highlighting the diverse mix of landscapes within the Newry, Mourne & Down Council area while identifying the issues influencing the landscape condition and sensitivity.

Content

The paper provides information on:-

(i) The regional planning context in the assessment and protection of our landscape,

(ii) An analysis of the existing Landscape Character Assessments and associated guidance as they apply to the District.

Introduction

1.0 The Newry, Mourne & Down District is comprised of a diverse and varied landscape including the Mourne Mountains, Slieve Gullion, a sensitive coastline including Strangford and Carlingford Loughs, distinctive woodlands, prominent ridges, a series of drumlins, river corridors and basins with many of these landscapes having international or national conservation designations associated with them.

1.1 This paper identifies the diverse landscapes within the Plan Area and the varying degree of capacity to absorb further development due to the vulnerable nature of a large portion of the District. This therefore involves recognising the differences between areas that are particularly sensitive to change and those with lower sensitivities which could potentially provide opportunities to accommodate sustainable development, identifying any potential constraints to future development while also taking into account the role and responsibilities of rural settlements.

1.2 The Districts landscape has many different roles including serving as an important tourist asset, providing a rich resource of agricultural land which in turn plays a pivotal role in the Districts economy while also being rich in archaeological, historical and nature conservation all of which are worthy of protection.

1.3 The Landscape Character Assessment (LCA) forms an integral part of the Development Plan process and forms one of the interrelated strands of the Countryside Assessment. The LCA process identifies and describes the variations in the character of landscapes by explaining the unique combination of elements and features that make landscapes distinctive. The process will therefore play an important role in developing and adding to a robust evidence base which is required to inform the Local Development Plan

1.4 In addition to identifying the key characteristics of each landscape character area, the paper also assesses the principal forces for change and issues influencing landscape condition and sensitivity

1.5 This paper forms part of the Countryside Assessment for the District and is to be read in conjunction with Paper 6: Environmental Assets Paper together with Paper 12 (Part 2): Countryside - Rural Pressure Analysis and Paper 13: Settlement Appraisals which are currently under preparation.

2.0 Regional Policy Context

2.1 The Regional Planning Policy context is provided by the Regional Development Strategy 2035 (RDS) and a suite of regional planning policy statements. A summary of these documents and how they pertain to the plan making process and the Countryside Assessment are provided in the following section.

(a) The Regional Development Strategy 2035

2.2 The RDS provides an overarching strategic framework to facilitate and guide the public and private sectors. Sustainable development is at the heart of the RDS and therefore aims to meet the needs of the present without compromising the ability of future generations.

2.3 The RDS provides long term policy direction to guide the public, private and community sectors in the form of both regional and spatial framework guidance. The policy which is most relevant to this paper is Regional Guidance 11 which aims to 'Conserve, protect and, where possible enhance our built heritage and our natural environment' through;

- Recognising and promoting the conservation of local identity and distinctive landscape character,
- Conserving, protecting and where possible enhance areas recognised for their landscape quality, and
- Protecting designated areas of countryside from inappropriate development (either directly or indirectly) and continuing to assess areas for designations.

(b) Strategic Planning Policy Statement for Northern Ireland

2.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 places sustainable development at the heart of the planning system with the three pillars of sustainable development being defined as social, economic and environmental. These factors should therefore be integrated into the formulation of all plans and policies. With regards to the environment the SPPS sets out the need to protect and enhance the built and natural environment, including heritage assets, seascape and landscape character.

2.5 The SPPS places an emphasis on the protection of special landscapes from inappropriate development, overdevelopment and the need for Councils to take into account Landscape Character Assessments. The SPPS advises that;

> *'In preparing Local Development Plans (LDPs) councils must take account of the Regional Development Strategy for Northern Ireland, the SPPS and any other policies or advice in guidance issued by the Department such as Landscape Character Assessments and conservation area design guides'*

2.6 The SPPS also states that when formulating policies and plans, planning authorities will be guided by the precautionary approach in that, where there are significant risks of damage to the environment, its protection will generally be

paramount, unless there are imperative reasons of overriding public interest. Preserving and improving the natural and built environment is deemed as being fundamental in achieving the long term public interest of sustainable development.

2.7 The SPPS states that where there are areas of the countryside which exhibit exceptional landscapes, and visual amenity value such as lough shores and important views and vistas development should only be permitted in exceptional circumstance. The SPPS therefore suggests that additional layers of policy control may be considered to protect against adverse development.

2.8 Therefore one of the key aims of this paper is to begin discussion as to whether the District would benefit from further designations or amending those that are currently in place. Members should therefore consider whether lands which currently lie outside designated and controlled areas such as Areas of Outstanding Natural Beauty (AONB) are worthy of a different layer of protection such as Special Countryside Areas (SCA) to which there are currently 3 in the District, Mournes, Ring of Gullion and Slieve Croob SCA's or Areas of High Scenic Value (AHSV). The District currently shares a small portion of the Magheraknock Loughs AHSV which is located to the north of Ballynahinch.

2.9 The SPPS also states that the LDP process plays an important role in identifying key features and assets of the countryside and balancing the needs of rural areas and communities with the protection of the environment. It states that this process should include an environmental assets appraisal and landscape assessment which will provide the evidence base for the purposes of bringing forward an appropriate policy approach to development in the countryside.

(c) Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21)

2.10 The RDS and SPPS are complemented by Planning Policy Statements with the most relevant one to this paper being PPS 21 Sustainable Development in the Countryside. This documents sets out policies for managing development in the countryside with one of its key themes being to conserve the landscape and natural resources of the rural area, to protect it from excessive inappropriate or obtrusive development and from the actual or potential effects of pollution. PPS21 also outlines the four interrelated strands of the Countryside Assessment which includes the Landscape Assessment.

(d) Planning Policy Statement 2: Natural Heritage (PPS2)

2.11 PPS2 sets out the Department's planning policies for the conservation, protection and enhancement of our natural heritage, which is defined as 'the diversity of our habitats, species, landscapes and earth science features'. This policy recognises that natural heritage features will normally be identified as part of the Countryside Assessment carried out in association with the plan preparation. Local designations arising from the plan should be identified and policies brought forward for their protection and where possible their enhancement.

PPS2 also indicates that the plan process should seek to identify and promote the design of ecological networks throughout the plan area.

(e) Planning Policy Statement 6: Planning, Archaeological and the Built Heritage (PPS6)

2.12 In the preparation of LDPs the Council will take full account of the implications of proposed landuse zonings, locations for development and limits of development on all features of the archaeological and built heritage and their settings within a plan area. These features have been identified in Paper 6: Environmental Assets which has added to the this section of the Countryside Assessment.

(f) Existing Development Plans for Newry, Mourne & Down

2.13 The Ards and Down Area Plan 2015 (ADAP) and the Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) are the current statutory plans for the District and provide the framework against which to assess development proposals.

2.14 In preparing LDPs, Councils shall bring forward a strategy for sustainable development in the countryside together with appropriate policies and proposals that reflect the aims, objectives and policy approach of the SPPS, while also tailoring the Plan to the specific circumstances of the plan area.

2.15 The LDP process will play an important role for councils in identifying key features and assets of the countryside and balancing the need of rural areas and communities with the protection of the environment.

3.0 Northern Ireland Landscape Character Assessment

3.1 *'Landscape character is what makes an area unique. It is defined as 'a distinct, recognisable and consistent pattern of elements, be it natural (soil, landform) and/or human (for example settlement and development) in the landscape that makes one landscape different from another, rather than better or worse'. Informed and responsible decisions on the management and planning of sustainable future landscapes can only be made if proper regard is paid to their existing character'* (RDS 2035 – Building a better future Page 50)

3.2 The process of identifying and describing variation in the character of the landscape is commonly known as Landscape Character Assessment (LCA). LCA documents identify and explain the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas.

3.3 Northern Ireland is currently covered by an existing Landscape Character Assessment Series. These documents were undertaken by the former Department of the Environment, Environment and Heritage Service (EHS) to distinguish local identities and to assess the visual aspects of landscape character.

3.4 In recognizing the importance of sustaining local identity EHS in association with the former Planning Service, commissioned a survey from environmental consultants Environmental Resources Management (ERM), which resulted in the identification of 130 distinct character areas within Northern Ireland shown in Fig 1.

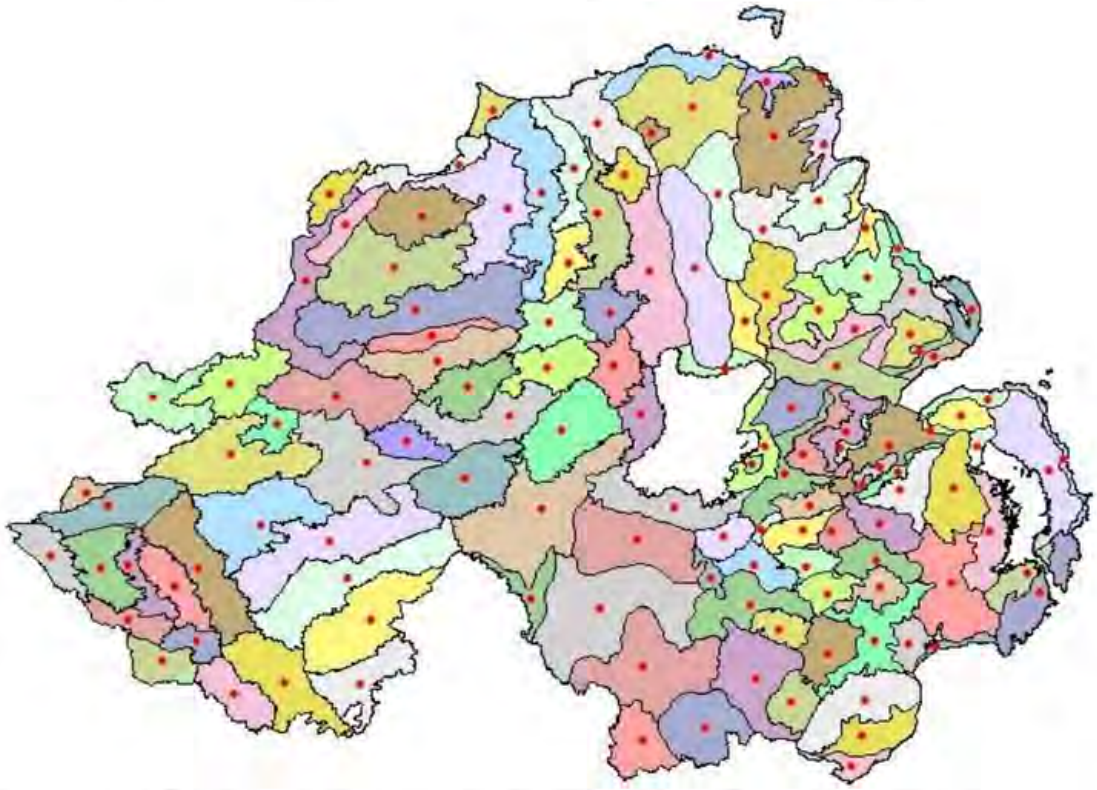


Figure 1 – Landscape Character Areas for Northern Ireland

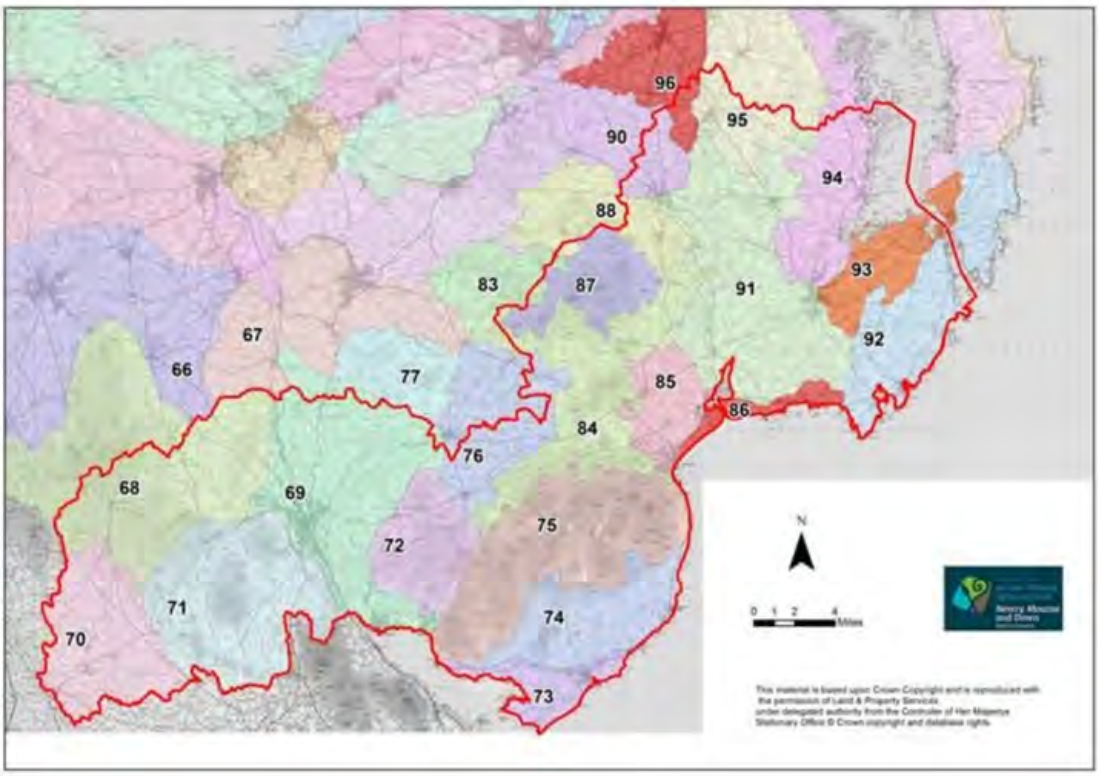
3.5 The Northern Ireland Landscape Character Assessment 2000 (NILCA) subdivided the countryside into 130 LCAs to highlight the variations in landscape character across Northern Ireland. For each LCA, the key characteristics were described and detailed descriptions of these landscapes are provided in the accompanying Landscape Character Assessment Reports. Taking into account historic features, habitats, landmarks, field and settlements patterns as well as considering local materials and building styles while also containing valuable ideas, suggestions and advice which may have the potential to further assist the aims of the LDP. Each LCA has also considered local patterns of geology, landform, land use, cultural and ecological features while detailing the landscapes condition and its sensitivity to change.

3.6 Listed below are the relevant LCA's for the District with a description of each of the relevant LCA's and their sensitivity to wind energy development are detailed within Appendix 1. Within each of these Landscape Character Areas it should be noted that considerable variation in the levels of vulnerability can be found which reflects the strategic level of these groupings.

66. Armagh Drumlins
67. Armagh/Banbridge Hills
68. Carrigatuke Hills
69. Newry Basin
70. Crossmaglen Drumlins and Loughs
71. Ring of Gullion
72. Slieve Roosley
73. Kilkeel Coast
74. Kingdom of Mourne
75. Mourne Mountains
76. Ballyroney Basin
77. Iveagh Slopes
83. Lower Slieve Croob Foothills
84. Mourne Foothills
85. Newcastle Valleys
86. Tyrella Coastal Dunes
87. Slieve Croob Summits
88. Craggy Dromara Uplands
90. Ravarnet Valley
91. Quoile Vally Lowlands
92. Ballyquintin and Lecale Coast
93. Portaferry and North Lecale
94. Strangford Drumlins and Islands
95. Ballygowan Drumlins
96. Castlereagh Plateau

3.7 Off the 25 LCAs (LCAs) included within the District a substantial number of these traverse the Districts boundary into neighbouring council areas as shown within Figure 2. Armagh, Banbridge & Craigavon Council share 8 LCA's with the District and include the Armagh Drumlin, Armagh/Banbridge Hills, Carrigatuke Hills, Newry Basin, Ballyroney Basin, Iveagh Slopes, Lower Slieve Croob Foothills and the Mourne Foothills.

FIGURE 2 – Landscape Character Areas included within Newry, Mounre & Down District Council



CODE	NAME		CODE	NAME
66	Armagh Drumlins		84	Mourne Foothills
67	Armagh/Banbridge Hills		85	Newcastle Valleys
68	Carrigatuke Hills		86	Tyrella Coastal Dunes
69	Newry Basin		87	Slieve Croob Summits
70	Crossmaglen Drumlins and Loughs		88	Craggy Dromara Uplands
71	Ring of Gullion		90	Ravarnet Valley
72	Slieve Roosley		91	Quoile Valley Lowlands
73	Kilkeel Coast		92	Ballyquintin and Lecale Coast
74	The Kingdom of Mourne		93	Portaferry and North Lecale
75	Mourne Mountains		94	Strangford Drumlins and Islands
76	Ballyroney Basin		95	Ballygowan Drumlins
77	Iveagh Slopes		96	Castlereagh Plateau
83	Lower Slieve Croob Foothills			

3.8 NMD also share 2 LCA's with Lisburn & Castlereagh City Centre these being Craggy Dromara Uplands and Ravarnet Valleys. 5 LCA's are also shared with Ards & North Down Borough Council and these include Ballyquinton & Lecale Coast, Portaferry & North Lecale, Strangford Drumlins & Islands, Ballygowan Drumlins and the Castlereagh Plateau.

3.9 The NILCA also identified Areas of Scenic Quality (ASQ's) which represent the second tier in the hierarchy of landscape classifications and may include significant sites or features of nature conservation, historic or cultural importance. In many instances these areas may also be visually prominent landscapes such as ridgetops, scarp slopes or lough shores. This classification then aids in LDPs designating Areas of High Scenic Value (AoHSV)

3.10 Presently the Newry, Mourne & Down District contains 3 AONB's which cover 55.7% of the District due to the landscapes being recognised as being of regional or local importance. The District includes a small portion of Magheraknock Loughs AoHSV which is found north of Ballynahich and is therefore mainly included within the neighbouring Lisburn and Castlereagh City Council area. AoHSV designation with the District is therefore something that members may wish to consider implementing within the new Area Plan to protect landscapes which are characterised by visually pleasing patterns or combinations of landscape elements free from major intrusion.

3.11 Since the publication of the NICLA series through both natural and man-made forces landscapes have continued to evolve and change. By tailoring individual approaches to reflect and respond to each distinct landscape their character can be both reinforced and enhanced for the benefit of future generations.

Key settlements and landscapes identified within NILCA series

3.12 Landscape sensitivity is based on the ability for an individual area to accommodate specific types of change of development without significant adverse impacts on its landscape character, visual amenity or landscape value. A broad overview of the District has been provided below highlighting some of the distinctive areas which add to the creation of a highly valuable and distinctive landscape.

3.13 The central core of Down is dominated by the rugged uplands of Slieve Croob which are generally surrounded by marginal farmland. Roads traversing this area often provide long views across the foothills to the Mournes and over the surrounding drumlin lowlands and deep valleys. The area has a relatively enclosed landscape with a domestic scale and diverse intricate pattern with the drumlins providing a scenic landscape settling for Strangford Lough. Careful consideration must be given to the distinctively low drumlin topography with its infinite variety of long established characteristics/patterns alongside the protection on the long intricate coastline. To the west of Tyrella and Murlough sand dunnes together with the long sandy beaches and mudflats of Dundrum Bay form part of the diverse range of coastal features found within the District.

3.14 The Mournes and The Ring Gullion dominate the eastern section of the District with the landscape then moving towards a gradual transition of extensive foothills

and drumlins. The steep Mourne Mountain slopes provide a dramatic backdrop to the striking and unified farmland which is defined mainly by distinctive stone walls which then descend onto the surrounding coast. To the west, the scenic deep waters of Carlingford Lough, the surrounding forested area and the steep sided valley of the Newry River are some of the defining characteristics.

3.15 Within the NILCA series reference is made to six of the larger settlements within the Newry & Mourne section of the District while in contrast, settlements varying in scale and nature are referred to within the former Down segment of the Council area in terms of important landscapes. These documents have assessed and evaluated the landscapes while providing a tool to analyse the relative vulnerability of the different landscape elements, features and patterns which contribute to landscape character. A synopsis of their landscape setting is detailed below.

3.16 *Newry City Landscape Setting* - Newry has a superb landscape setting. The town is sited on the Newry River at the head of Carlingford Lough and is flanked by strong ridge-lines with a north-south alignment. The eastern fringe of the Ring of Gullion dominates views to the west and Slieve Roe is prominent to the east. The town has expanded from its centre on the narrow flat valley floor to the slopes of the ridges on either side. To the east, the long, shallow valleys of the Derryleckagh area contain a series of bogs and loughs of ecological value. To the north, the ridges are influenced by drumlins but the valley of the Newry River is a strong feature. Newry has a dense town centre with attractive stone buildings and winding streets with traditional buildings rendered or built of local light grey stone. The central bridges, canal and churches are also deemed as focal points.

3.17 *Crossmaglen Landscape Setting* - Crossmaglen is a border market town, located around a square and presently dominated by its vacant police station. It is an attractive small town set within a historic landscape of loughs, hummocks and fens.

3.18 *Kilkeel Landscape Setting* - Kilkeel is an expanded fishing village located along the coast to the south of the Mournes. The harbour is close to the confluence of the Kilkeel River and the Aughrim River. Both watercourses flow in steep, narrow valleys and are relatively inconspicuous within the town. There are long, dramatic views to the Mournes to the north of Kilkeel which suffer from the impact of extensive ribbon development. This blurs each of the entrances to the town and detracts from the character of the attractive open stone wall landscape surrounding the town.

3.19 *Warrenpoint Landscape Setting* - Warrenpoint has a dramatic landscape setting on the shores of Carlingford Lough at the entrance to the Newry River. The town is backed by the foothills of the Mournes and has views to the steep, wooded slopes of Anglesey Mountain on the opposite shores. The industrial port is on the flat strip of land to the west of the town and its cranes are prominent on the approach road from the north. Narrow Water Castle and the Narrow Water estate form the gateway to Warrenpoint from the north. There are long views along the waterfront from the coastal road to the east. The town is backed by the steep slopes of Slievecarnane.

The lower slopes have an intricate pattern of streams, with numerous archaeological sites on local ridge-tops.

3.20 *Annalong Landscape Setting* - Annalong is a small coastal port close to the foot of the Mournes. The town has a stunning setting and is dwarfed by the peaks of Slieve Donard and Slieve Binnian to the north. The port is at the mouth of the Annalong River, which flows through the built up area in a rocky gully. Like Kilkeel, Annalong is surrounded by ribbon development, which blurs the immediate landscape setting.

3.21 *Rostrevor Landscape Setting* - Rostrevor is at the head of the Kilbroney / Rostrevor River, on the northern shores of Carlingford Lough. It is an attractive town, backed by the steep mountain slopes of Slievemartin, with stunning views across the Lough to Carlingford Mountain in the Republic to the south. Rostrevor is squeezed against the side of an attractive wooded glen and the opposite side of the river has been developed as a park (Kilbroney Park). This is a popular recreational resource and the start of some long distance walks into the mountains. The glen is locally known as Fairy Glen.

3.22 Within the NILCA series reference is also made to 14 principle settlements within the previous Down District which are listed as follows Ardglass, Ballyhornan, Ballynahinch, Castlewellan, Clough, Crossgar, Downpatrick, Dundrum, Drumaness, Killough, Killyleagh, Loughinisland, Newcastle and Saintfield. A synopsis of the character of a number of the larger settlements is detailed below.

3.23 *Downpatrick Landscape Setting* - Downpatrick has a distinctive and historic landscape setting with a sequence of impressive views along the northern approach. The Quoile River and loughs to the north along with the drumlins to the south-west and the undulating ridge-tops of Slievegrane and Struell Hills to the east add to the impressive setting of this market town. The Finnebrogue woodland estate to the west and the steep slopes above the race course to the south west of the town offer additional enclosure to the settlement.

3.24 *Ballynahinch Landscape Setting* - Ballynahinch has an attractive landscape setting provided by a series of distinct and undeveloped drumlins. The town lies in a hollow between the drumlins with little development creeping up the slopes. Approaches across and around the drumlins given sudden and unexpected views of the settlement with the Monalto Estate providing a wooded backdrop to the west.

3.25 *Newcastle Landscape Setting* - Newcastle impressive setting is characterised by the striking contrast between the Mourne mountains backdrop, the flat dune landscape at the shore and the series of river valleys which radiate inland from the town. Reference should also be made to the locally distinctive landscape within the town, including the Shimna valley, Tipperary Wood and Donard Park and the river corridors associated with the Glen, the Tullybrannigan and the Burren rivers.

3.26 *Ardglass Landscape Setting* - Ardglass is a very distinctive coastal fishing village. Rocky headlands provide a strong landscape setting and the large harbour

has a robust character and a diverse mix of buildings and open space. Local landmarks include a prominent church on the summit of the steep southern headland and the castle.

3.27 The settlement is situated on a low hill, Green Hill which is quite prominent in the local landscape, particularly from the west and south west. It is located between two headlands referred to in the NILCA as providing a landscape setting for the village. Isabella Tower is a significant local landmark

3.28 *Castlewellan Landscape Setting* - The wooded slopes of Castlewellan Country Park provide a strong backdrop while the mature planting in Bunkers Hill provides further enclosure and setting to the south. Extensive views of the Mourne Mountains to the south also add to the setting of this village.

3.29 *Killyleagh Landscape Setting* – Killyleagh is a distinctive town with the prominent castle and wooded estate forming a backdrop to the west of the settlement, while the harbour and Strangford Lough to the east offer a natural focus. Prominent lands west of Shrigley Road, Coily Hill to the north west and lands between Comber Road and Holm Bay to the north east of the village also provide distinctive landscape settings.

4.0 NIEA Supplementary Planning Guidance - Wind Energy Development in NI Landscapes (2010)

4.1 In addition to NILCA 2000 further broad strategic guidance with regard to the sensitivity of Northern Ireland's landscape is contained within NIEA Supplementary Planning Guidance (SPG) Wind Energy Development in Northern Irelands Landscapes (2010). This document contains an assessment of each of the 130 LCAs by highlighting and detailing the visual impact of wind energy development by referencing the characteristics associated with each LCA using the criteria detailed in Appendix 2.

4.2 The supplementary guidance indicates some of the landscape challenges and opportunities that should be taken into account when considering the location, siting, layout and design for wind energy development proposals while also indicating potential transboundary issues in relation to existing and future development. Although this document is specifically concerned with the impact of wind energy development it is also considered to be a useful tool in identifying those landscapes that are particularly vulnerable to change while remaining mindful that within each LCA there may be considerable variation in the sensitivity level of the landscapes.

4.3 Within this guidance each LCA is given an overall sensitivity level using a five point scale ranging from a high to low scaling system. The sensitivity level for each LCA has been assessed by considering the combined weight of many factors including the enclosure, visibility, condition, scenic, perceptual and natural heritage qualities of the landform.

4.4 Figure 3 details the location of approved, refused and pending applications for wind turbines within the District. An analysis of the most recent data suggests that approximately 270 wind turbine applications have been approved in the District between the period 1st April 2002 and 31st March 2015 while approximately 60 have been refused in the same timeframe. It should also be noted that from this most recent data was published by the Department of Infrastructure significant progress has been made on the number of applications being processed for wind turbine development within the District. An analysis of internal figures show that of the proposals for wind energy development submitted on or before the 31st March 2015 approximately 21 turbine applications have issued as approvals, 23 issued as refusals, 12 have been withdrawn before a decision has been issued leaving approximately 14 turbines legacy applications.

4.5 Off the 25 LCA's that fall within the Newry, Mourne and Down District 13 LCA's fall within the high sensitivity wind energy rating which equates to 66% of the total area of the District, 9 within the high to medium category which measures as 26% of the District leaving 3 LCAs which were all graded as having a medium sensitivity. These LCAs are Armagh/Banbridge Hills (67), Carrigutuke Hills (68) and Iveagh Slopes (77) and equate to 8% of the District. As shown in Figure 3 all three of the medium sensitivity landscapes lie on the periphery of the District which highlights

the fact that the District, in its entirety remains sensitive to wind energy and other forms of development.

4.6 Figure 3 also highlights that certain sections of the District have experienced a higher concentration of acceptable proposals for wind energy development than others. Within the timeframe of 2002 to 2015 the highest concentration of approvals were found in the following LCA's. Within Quoile Valley Lowlands LCA 38 wind turbines were approved while 32 were approved within The Mourne Foothills LCA both of which have been identified as having a high sensitivity rating in the Wind Energy Planning Guidance. Figure 3 indicates that while there has been quite an even distribution of approvals throughout the Quoile Valley Lowlands LCA approvals appear to be concentrated in the eastern section of The Mourne Foothills with approximately 10% of the wind turbines being located in the southern sections of the LCA and therefore in close proximity to the Mourne Mountains LCA which is also protected under an AONB designation.

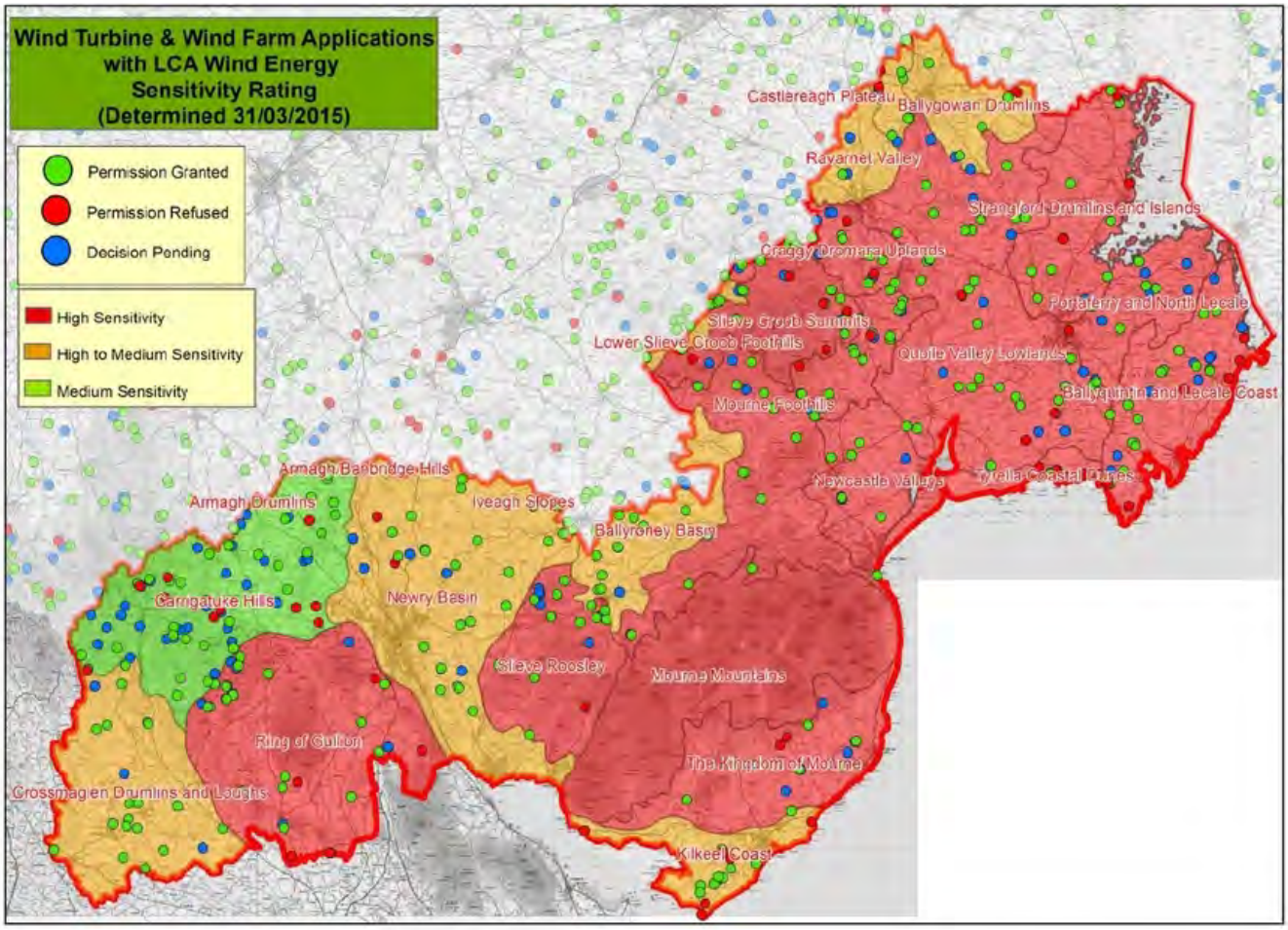
4.7 Carrigatuke Hills has the third highest concentration of approvals with 29 turbines granted. Again they appear evenly spread across the LCA. As this LCA has a medium sensitivity rating in terms of wind energy development it would have been expected that a higher proportion of wind turbines would be situated in this locality rather than those outlined in paragraph 4.6.

4.8 In contrast, other areas of the District appear to be comparatively unaffected by wind energy development. The Mourne Mountain LCA has neither any pending nor granted applications located within its entirity, while others including Ravarnet Valley LCA has only 1 approval followed closely by Castlereagh Plateau which has permission granted for 3 turbines. When assessing this data one should be mindful that only a portion of both these LCAs are included within the District.

4.9 Off the LCAs which are included in their entirety within the District the other LCAs which appear to be largely unaffected by wind turbine development include Tyrella Coastal Dunes LCA which has approval for 4 turbines and the Newcastle Valley LCA and Portaferry & North Lecale LCA which both have approval for 5 turbines each. Attributing factors to the small number of approvals in these localities could include a number of factors, for example the overall scale of the Tyrella Coastal Dunes LCA is significantly smaller than the majority of the other LCAs while the Newcastle Valley and Portaferry & North Lecale LCAs are both in close proximity to a number of international designations such as Special Area of Conservation, RAMSAR sites and SPA's.

4.10 In terms of other notable relationships between the LCA's and wind energy development trends can be found within the Ring of Gullion LCA. Given the fact that the majority of this LCA is designated as an AONB there have been a significant number of wind turbines approved within this area. In total, 17 approvals have been processed but on examination of Figure 3 it can be seen that the majority of these are located around the periphery of the locality with a cluster located along the shared boundary with the Carrigatuke Hills LCA and therefore not in close proximity to the AONB designation.

FIGURE 3 – Wind Turbine Applications with LCA Wind Energy Sensitivity Rating



As outlined in Paper 9: Public Utilities it must be considered as part of the LDP process as to whether specific areas within the District should be zoned specifically for turbine development which would help to eradicate the piecemeal development which is currently found in some sections of the District.

It should also be noted that within many of the LCAs that considerable variation maybe evident in sensitivity level across each individual area, reflecting the fact that the LCAs by definition are broad character or identity areas. The overall sensitivity level is therefore the level that prevails over most of the LCA's geographic area and is indicative of the relative overall sensitivity of each LCA. A high sensitivity level does not necessarily mean that there is likely to be no capacity for wind energy development within a given LCA and conversely a low sensitivity does not mean that there are no constraints to development.

5.0 Northern Ireland Regional Landscape Character Assessment

5.1 The Northern Ireland Regional Landscape Character Assessment 2016 (NIRLCA) was developed by NIEA as a map based resource available online to provide advice and guidance to decision makers and the general public.

5.2 The main purpose and aims of the NIRLCA is to provide an up-to-date evidence base which will enable people to make informed decisions concerning the planning and protection of Northern Ireland's landscapes by :-

- Providing a regional framework for landscape character,
- Guiding strategic decisions about landscapes,
- Serving as an impartial evidence base,
- Giving context for more detailed local landscape studies,
- Outlining a basis for monitoring landscape change,
- Providing a comparable baseline with the rest of UK, and
- Being readily updateable and accessible via an online presentation.

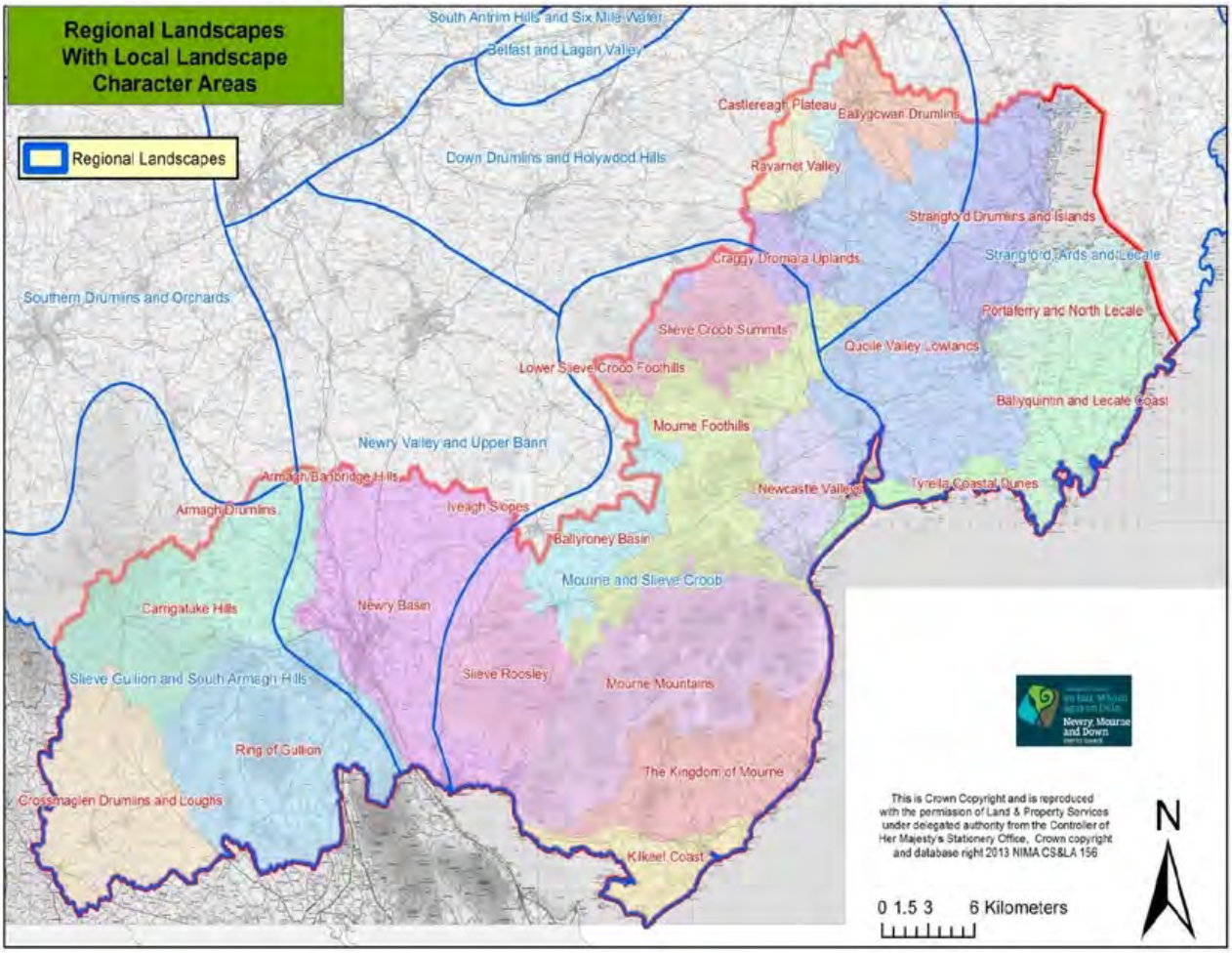
5.3 As outlined previously there has been substantial building and other development in both the urban and rural areas of Northern Ireland in recent years including single dwellings and renewable energy projects which have impacted on the character of many of our landscapes since the publication of the NILCA 1999. As such, the NIRLCA does not draw directly from this study, though the document serves as a valuable source of detailed information on the landscape.

5.4 This document has divided Northern Ireland into 26 discrete areas, referred to as regional landscape character areas (RLCA). The NIRLCA provides a strategic view of the landscape by drawing together information on both place and people which has facilitated in the creation of the unique landscapes found in Northern Ireland. It is intended that each of these areas is a recognisable landscape; with its own distinct character and sense of place with names which should be locally understood and clearly associated with the area. The assessment identifies 5 Regional Landscape Character Areas for the Newry, Mourne and Down Council Area with Figure 4 demonstrating how they read in relation to the 25 LCA's found within NMD.

22 - Down Drumlins and Holywood Hills
23 - Newry Valley and Upper Bann
24 - Slieve Gullion and South Armagh Hills
25 - Mourne and Slieve Croob
26 - Strangford, Ards and Lecale

5.5 Within this document NIEA has taken the opportunity to encourage all individual Councils to review and refine landscape character assessments at a local scale. Concerns however have been raised by various bodies that if work is carried out in a piecemeal approach the independence of the existing LCA document will be called into question. It is felt that the NIRLCA document offers a significant generalisation of the previous work carried out within this area of expertise and offers a broad strategic and regional overview of the intrinsic landscape of the province.

Figure 4: Regional Landscape Boundaries overlaid with Local Landscape Character Areas



5.6 Figure 5 which details the 'The Landscape Wheel' classifies the various influences which contribute to our surrounding landscapes. Through identifying these different elements which include both natural and human influences within the landscape it aids in the ability to recognise the distinct patterns which make one area of landscape different from another.

5.7 As outlined below there are concerns that the NIRLCA remain vague and lack significant detail to aid in the Development Plan while also lacking sufficient detail so to allow informed decisions to be made within the Development Management process when assessing planning applications for wind turbines and wind farm proposals.

Figure 5 - The landscape wheel

5.8 It is felt that the Landscape Character Assessment provides a more comprehensive analysis of landscapes of the province and therefore supports both areas of planning by identifying distinct areas which are vulnerable to change and other areas which may be worthy of additional protection or designations such as Areas of High Scenic Value, Local Landscape Policy Areas or Countryside Policy Areas.

5.9 The 5 regional landscapes areas within the Council District are identified below along with some of the concerns that are associated with these designations.

(a) *NIRLCA 22 - Down Drumlins and Holywood Hills*

5.10 It is acknowledged that this RLCA is generally recognisable at a regional level and possesses similar characteristics throughout the area. The difficulties which arise from a plan making perspective centre around the fact that the area extends across 5 different Councils. Therefore agreement would need to be sought from each Council to ensure that a consistent approach is taken when classifying the condition and sensitivity of the area.

(b) *NIRLCA 23 - Newry Valley and Upper Bann*

5.11 In the southern section of this NIRLCA the Newry Basin LCA (69) along with narrow eastern sections of the Carrigatuke Hills (68) and Ring of Gullion (71) LCAs are incorporated into this designation with the landscape being dominated by Newry

City and an extensive drumlin topography to the south and east. These lands are nestled between the uplands of the Mournes to the east and Slieve Gullion to the west and therefore both these boundaries are easily recognisable while the northern boundary merges into the adjoining Armagh, Banbridge and Craigavon Council District.

5.12 Due to its intrinsic location between 2 distinctive landforms this landscape therefore plays a pivotal role in providing panoramic views of both mountain ranges and in doing so heightens the visual sensitivity of the landscape. Therefore grouping the area together with less distinct landscapes to the north raises concerns that this may detract from the area.

(c) *NIRLCA 24 – Slieve Gullion & South Armagh*

5.13 This RLCA encompasses 3 of the original LCAs and it is considered that due to the significant and distinct variations in the sensitivity of the landscape there may be merit in having retained the designations as per the 1999 publication. The topography of this large area includes smooth rolling hills, deep wooded valleys, rolling drumlins, bogs, loughs and the striking Ring of Gullion. In grouping these 3 areas together in terms of landscape there may therefore be a risk diminishing the integrity of The Ring of Gullion.

5.14 These concerns are intensified by the fact that the Ring of Gullion is designated as an AONB and is therefore recognised as having a unique landscape. In grouping these 3 areas together it may lead to a relaxation in granting certain types of development which may not be deemed acceptable under the previous Landscape Character Areas such as wind energy development, which in turn may lead to a further degradation of these protected landscapes.

5.15 On the contrary it is recognised that there is a strong social and community cohesion already existing within this area even when taking into consideration the sparse settlement arrangement.

(d) *NIRLCA 25 - Mourne and Slieve Croob*

5.16 The Mourne and Slieve Croob NIRLCA contains 13 of the original Landscape Character Areas and therefore covers a significant portion of the Newry Mourne & Down District. The fact that the original Character Assessment document felt it both appropriate and beneficial to divide the area into so many sections highlights the diversity and complexity of this given landscape. The new designation groups together the Mourne Mountains (84) and Slieve Croob summits (87) with numerous other landscapes including coastal areas, flat open expansive areas, rolling hillsides and geometric pastures. It is therefore felt that due to their distinct and unique dramatic peak formation of the Mournes and the rugged rounded summits of these landscapes that there would be considerable merit in retaining the original individual designations of these mountainous landscapes.

5.17 On the contrary it is however accepted that almost all this RLCA is highly sensitive to wind energy development and this may have played a significant role in designating the regional boundary.

(e) *NIRLCA 26 - Strangford, Ards and Lecale*

5.18 This RLCA groups 5 of the former LCA's together. The flat open and exposed coastal area along with lough shores define the eastern and southern limits of this character area and contain extensive sand dunes, mudflats, islands and inlets and therefore contrast significantly with the undulating drumlin landscapes of the Quoile Valley Lowlands, Strangford Drumlins and Islands and Portaferry and North Lecale.

5.19 Grouping together a deeply rural area which includes a substantial number of small coastal settlements with the large town of Downpatrick, the largest settlement in the eastern portion of the District may have the potential to introduce conflicts in terms of landscape policy. The introduction of this larger RLCA has also led to both the Tyrella Coastal Dune LCA and the Quoile Valley Lowlands LCA being distributed between 2 of the regional zonings which in turn has led to the river courses of the River Quoile and Blackstaff being separated along with significant differences in the complex topography of the landscapes.

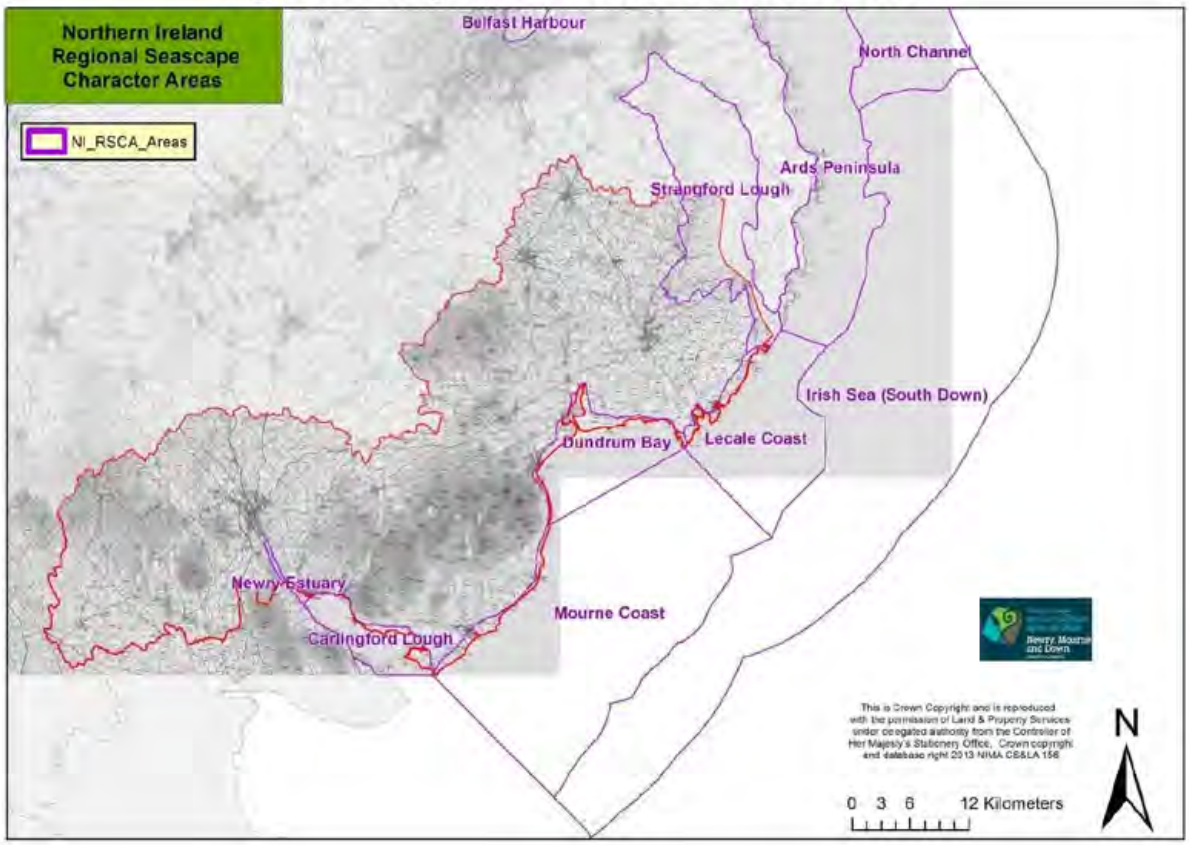
6.0 Northern Ireland Regional Seascape Character Assessment (NIRSCA)

6.1 The Northern Ireland Environment Agency (NIEA) commissioned and published the NIRSCA in 2014 which provided a strategic understanding of different areas of regional seascape character along the entire Northern Ireland coast. This will contribute to the aims of the European Landscape Convention through promoting the protection, management and planning of the seascape, and to support European co-operation on landscape issues. The objectives of the study includes relating the description of each seascape character area to its neighbouring terrestrial landscape character areas (as described in the Northern Ireland Character Assessment, 2000) and to take account of boundaries identified in relation to neighbouring seascape areas for the British and Irish coastline. A Seascape Character Area is defined as a unique geographic area of land, intertidal and marine area with a recognisable sense of place and identity.

6.2 As shown in Figure 6 the 7 Regional Seascape Character Areas within the Newry, Mourne and Down Council area include:

16 - Strangford Lough
17 - Lecale Coast
18 - Dundrum Bay
19 - Mourne Coast
20 - Carlingford Lough
21 - Newry Estuary
24 - Irish Sea (South Down)

Figure 6 : Regional Seascape Character Areas



6.3 A synopsis of the location, setting and key characteristics of the each of the Regional Seascapes can be found in Appendix 3.

6.4 The LDP area contains an extensive coastline measuring more than 100 miles, which is a critical element in the area's landscape, biodiversity, attractiveness and economy. Large parts of the coast are designated nature sites, due to their productive and biologically diverse ecosystems – such as mudflats, sand dunes, reefs and cliffs and therefore protection of this resource much be given careful consideration.

6.5 The undeveloped coast is generally included within the countryside and plays a fundamental role in the Landscape Character of the District. As outlined in the SPPS the coast must be protected from inappropriate development through conserving the natural character and landscape of the undeveloped coast while protecting it from excessive, inappropriate or obtrusive development.

6.6 Within the LDP process an opportunity therefore exists to review and consider the best manner in which to ensure suitable protection to the coastal zone. As detailed in Paper 8: The Coast the previous draft Banbridge, Newry & Mourne Area Plan 2015 (dBNMAP) contained a Coastal Policy Area (CPA) (Policy COU 2). Following the introduction of PPS21 and the loss of the majority of Green Belt/Countryside Policy Area designations this limited coastal policy designation was removed from the plan prior to final adoption.

6.6 The opportunity now exists as part of the new plan process to review this previous CPA and consider whether it should form part of an enlarged coastal zone with both a landward and seaward element. A synopsis of the information contained with the Draft Plan is detailed below.

6.7 The CPA in the Plan Area extended from an area in Newry City south of the Greenbank Industrial Estate to beyond Maggie's Leap, 1km south of Newcastle. It extends to the Low Water Mark, and included the narrow strips of coast between the High Water Mark and the Low Water Mark along with other selected land.

6.8 The CPA followed the shores of Carlingford Lough and then travelled along the east coast of the Mournes between Greencastle and Maggie's Leap. The Policy Area was contained totally within the Newry and Mourne District, with breaks at Warrenpoint Port, Warrenpoint Watersports Centre, Kilkeel Harbour and Annalong Port. The CPA runs parallel to the protected A2 route between Newry and Killowen and then moves away from the road to follow the coast before coming together again between Glassdrumman and Maggie's Leap.

6.9 The CPA included portions of a number of landscape character areas including Newry Basin, Mourne Mountains, Kilkeel Coast and The Kingdom of Mourne, with descriptions included in Appendix 3A of this report.

6.10 The CPA can be considered in three sections:

1. Newry City to Rostrevor;

2. Rostrevor to Kilkeel; and
3. Kilkeel to Plan boundary, north of Shannaghmore Outdoor Pursuits Centre.

6.11 Newry City to Rostrevor

The CPA began south of the Greenbank Industrial Estate in Newry City and followed the channel of the Carlingford Lough inlet, past Victoria Lock towards Warrenpoint. It included mud and shingle either side of Newry River between Greenbank and Narrow Water Castle. The CPA excluded Warrenpoint Port area, before resuming at the Warrenpoint Marina and travelling along the coast between Warrenpoint and Rostrevor. It consisted of all land between the road and the Lough, except for occupied dwellings along the coastline past Dobbins Point and Rosetta towards Rostrevor. In Rostrevor, the Policy Area passed the weir, excluding the Ghann River and continues to the Quay on Shore Road, east of the village.

6.12 Rostrevor to Kilkeel

The second leg of the CPA extended from Rostrevor Quay through to Kilkeel. This area contains a strip of land that travels past Killowen point, Sheep Rock, Greencastle Point, Soldiers Point, Cranfield Point, Nicholsons Point, along the beach at Kilkeel, south of Mourne Esplanade and concludes at Kilkeel Harbour. The first 3-4 km of this leg included undeveloped land south of the A2 coastal road from Rostrevor to Killowen Cottage at Sheep Rock. The next 7-8 km was principally the rock / sand / shingle / mudflats area between Sheep Rock and Greencastle Point. The final 9-10 km of this leg ran from Greencastle Point to Kilkeel Harbour.This portion of the Policy Area includes undeveloped land and rock/sand/shingle/ mudflats south of Greencastle Pier Road, Ameracam Lane, Cranfield caravan park and Windmill Road. This final segment finished by following the sand and shingle coastal strip south of Mourne Esplanade to the harbour in Kilkeel.

6.13 Kilkeel to Plan boundary, north of Maggie's Leap

The final section of the Policy Area resumed east of the Kilkeel Harbour along the shore front, and continues past Kilkeel Point, Lee Stone Point, Ballykeel Point and Mahulas Well, south of Ballymartin. It then follows the sand and shingle coastal strip south of Ballymartin and continues as a thin strip beyond Long Point, Black Rock, Murphy's Point to Wreck Port south of Annalong to the Port where the CPA broke before resuming on the northern side of the port. It resumed on the northern side of Annalong Port, with the shore area of shingle and flat rock to LWMMT, continues to Mullartown Point, Glassdrumman Port, east of Dunmore Cottages, Dunmore Head and includes the area around the Crock Horn Stream between Green Harbour and Ballagh Bridge. The CPA then continued north beyond Portmore, east of the Ballagh Road, past William's Harbour and includes the ruins of St. Mary's Church, before carrying on past The Broad Cove to the Plan boundary 100m north of Maggie's Leap.

7.0 Local Biodiversity Action Plans

7.1 As outlined in the Environmental Assets Paper, paragraphs 2.14 to 2.25 conserving the biodiversity of the District is best achieved by the designation, protection and the management of the most important nature conservation sites within out Council area, many of which fall within the rural areas of the District.

7.2 At a local level the aim of the 3 Biodiversity Action Plans which currently serve the District is to guide the conservation and enhancement of the biodiversity within the locality while identifying a sample of the rich natural heritage and habitats that also exist. It is also intended that the delivery of agreed actions for priority habitats and species that are both under pressure and in decline will continue through local partnerships.

7.3 Outlined below are a number of the habitats and species within the District which add to the rich tapestry of biodiversity and landscape within our locality. Those represented in the Council Area include

- Woodlands including mixed ashwoods, oakwoods, parkland and species rich hedgerowns
- Wetlands including rivers, streams, lakes, fens and reedbeds
- Peatlands including lowland raised bog, European dry health and montane heath
- Coastal areas including maritime cliffs and slopes, sand dunes and saltmarshes
- Marine including mudflats and saline lagoons
- Grasslands including arable or cultivated land, lowland meadows and floodplain grazing marsh
- Urban habitats and green spaces, industrial sites and gardens

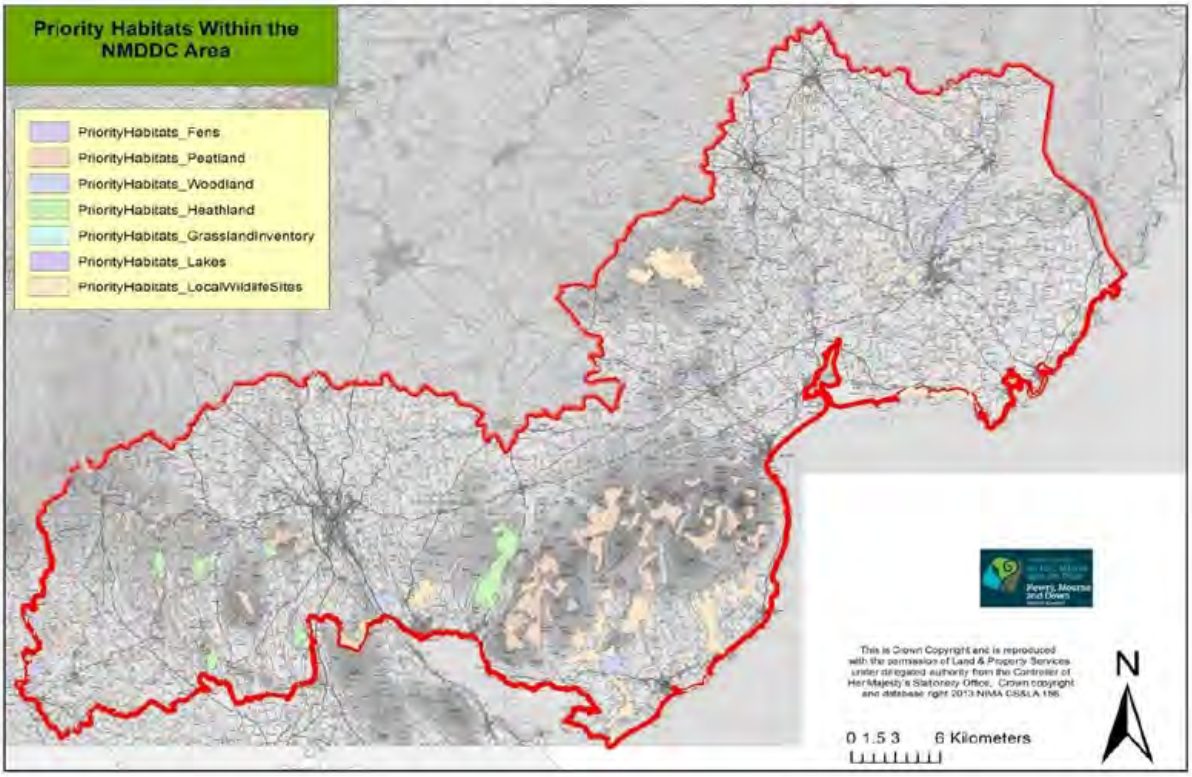
7.4 Detailed below and shown in Figure 7 are a number of examples of each of these diverse environments found within our District.

7.5 Woodlands play an important part in the heritage, culture and biodiversity of Northern Ireland. Northern Ireland remains the least wooded country in Europe with only 6% of the available land. Examples within our District include Bohill Forest Nature Reserve, Castleward Country Park, Tollymore and Castlewellan Forest Park, Fathom Mountain, Rostrevor Oakwood, Creggan Poets Glen

7.6 Wetlands support a variety of plants and animals such as invertebrates, fish, amphibians, mammals and birds. Examples of wetlands include the Newry River, Shimna River ASSI, Aughnadarragh Lough ASSI, Loughkeelan ASSI and Greenan Lough ASSI

7.7 Peatland and Heathland are characteristic of the Irish landscape due to the cold, wet climate found in this area. Areas of interest with regards to this habitat include the Eastern Mournes, Black Lough ASSI, Drumlougher Lough ASSI and Cashel Lough which are home to areas of lowland and blanket bog alongside upland and montane heath.

Figure 7: Priority Habitats within Newry, Mourne & Down District



7.7 Coastal The Districts coastline is a characteristic feature extending from Killyleagh including Strangford Lough around the coast to Carlingford Lough. It supports an array of valuable coastal habitats such as maritime cliffs and slopes, coastal vegetated shingle, saltmarshes, sandy beaches, extensive sand dunes systems and many important species. Important coastal features within the area include Murlough National Nature Reserve, Dundrum Bay dunes, Tyrella Beach, Killard Point (ASSI), Mill Bay (ASSI).

7.8 Marine The District includes Strangford Lough which is the only Marine Nature Reserve in Ireland and is also designated as a Special Protection Area (SPA) and Special Area of Conservation (SCA). There is a diverse marine habitat in the district which supports a number of internationally important species. The Council area also contains many other diverse habitats including Carlingford Lough and Dundrum Bay.

7.9 Grasslands Grassland habitats found within the Council area include lowland meadow, lowland dry acid grassland and purple moor grass. Agriculture is one of the major land uses in the district which has an impact on both the landscape and biodiversity of the District.

7.10 Gardens and green spaces Often overlooked urban spaces which include gardens, urban parks and industrial sites offer special importance in relation to biodiversity and the species they offer shelter and a haven for.

Each of the above areas contain many of our key flora and fauna species with further information included within the Biodiversity Strategies covering the District.

8.0 Local Landscape Policy Areas

8.1 At a local level Local Landscape Policy Areas (LLPAs) are those areas within or adjoining settlements that are considered to be of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development. In accordance with SPPS and PPS 6, LLPAs are designated to help protect such environmental assets. LLPAs may include:

1. archaeological sites and monuments and their surroundings;
2. listed and other locally important buildings and their surroundings;
3. river banks and shore lines and associated public access;
   attractive vistas, localised hills and other areas of local amenity importance; and
4. areas of local nature conservation importance, including areas of woodland and important tree groups

8.2 LLPAs will help to ensure that new development does not dominate areas of distinctive landscape and townscape character. They may also function as buffer zones between different uses and help to reduce the likelihood of over-intensive development. LLPAs will help to protect those features considered of greatest importance to the local landscape setting.

8.3 With regard to the Newry, Mourne & Down landscape it is worth noting that LLPA's have been designated across the District and are identified in the existing legacy Area Plans. The features or combination of features that contribute to the environmental quality, integrity or character of an LLPA are specific to individual settlements and differ from place to place. The Ards & Down Plan 2015 and the Banbridge/Newry & Mourne Area Plan 2015 have identified landscape features and spaces in and around the periphery of settlements which are deemed visually important. These designations can provide a setting to the settlement or represent individual features which enhance the settlement of the District. Further details of LLPA's, including maps indicating their boundaries is contained Paper 6: Environmental Assets.

8.4 In reference to the Landscape Character Assessment it is therefore important that all existing LLPA's are assessed and that survey work is undertaken to consider other notable areas which may be worthy of future designation, while also assessing whether any existing LLPA's should be undesignated due to unsuitable development or a detrition in the landscape.

9.0 Conclusions

9.1 The Newry, Mourne & Down Plan Area contains a diverse range of valuable and vulnerable landscapes. It is therefore evident that following careful consideration of a number of key documents including the Northern Ireland Landscape Character Assessment (NILCA) 2000, the SPG on Wind Energy Development, the Northern Ireland Regional Landscape Character Assessments and the Biodiversity studies carried out for the District that the landscape is highly sensitive to change with a high proportion of the District lying within some form of landscape designation.

9.2 The quality of the Newry, Mourne & Down landscape is world renowned. Its exceptional quality provides an important contribution to our sense of place, history and cultural identity. As the District is both rich and diverse in archaeological and built heritage assets alongside a distinctive and beautiful landscape and therefore must be managed in a sustainable manner to preserve and improve the built and natural environment and halt the loss of biodiversity.

9.3 The planning system therefore plays an important role in conserving, protecting and enhancing this valued environment whilst ensuring it remains responsive and adaptive to the everyday needs of society. This theme therefore remains a key focus of the wider objective of furthering sustainable development which planning authorities and committees have to consider in the preparation of their LDPs.

9.4 Areas identified as being vulnerable to change within the District include

- All of the iconic Mournes AONB, with particular reference being made to the high Mournes, the entirety of the Ring of Gullion AONB and the southern portion of the Strangford and Lecale AONB.

- Strangford & Carlingford Loughs are considered particularly sensitive to all types of development given its wealth of nature heritage features all of which are identified within Paper 6: Environmental Assets.

- All European designated sites, including 3 SPA's, 11 SAC's and 4 Ramsar Sites as also identified within the Paper 6.

9.5 It is therefore apparent that the Local Development Plan process plays an important role for Council in identifying key features and assets of the countryside while balancing the needs of the rural areas and communities against protecting the environment. Additional or amended local policies may therefore be brought forward in the LDP to complement or amplify regional policies on matters specific to the local circumstances.

9.6 This will involve consultation with local communities and the general public. Consideration must therefore also be given to whether the Area of High Scenic Value (AoHSV) included within the Magheraknock Loughs Area should be extended further into the District as well as considering whether other areas of the District would both merit and benefit from being designated as an AoHSV.

9.7 These designations represent a further tier in the landscape classification hierarchy. The District has areas of visually pleasing patterns or combinations of prominent landscape elements which may be free from major intrusion and therefore are particularly sensitive to change and may therefore require additional levels of protection.

9.8 With regards to other landscape designations consideration must also be given to whether all existing LLPAs should remain in the new Plan while also identifying any further areas merit of inclusion.

9.9 Other subjects which should also to be considered as part of this process include whether specific areas within the District should be zoned specifically for turbine development which would help to eradicate the piecemeal development which is currently found in some sections of the District.

9.10 The opportunity now also exists to review the previous Coastal Policy Area which was included within the dBNMAP 2015 and whether this should be extended along the full length of the Districts distinct coastal landscape, while working with adjacent authorities to ensure where possible that a consistent approach is undertaken.

9.11 While the countryside of the District has traditionally contained a substantial number of individual houses and other buildings, significant concern has been expressed by many about development trends and the enhanced pressures being exerted on the countryside.

9.12 It should also be noted that the Landscape Assessment forms part of the Countryside Assessment and will be taken into account when formulating the LDP. It will also form part of the Sustainability Appraisal and should be used to inform the Strategic Environmental Assessment (SEA).

Appendix 1 – Landscape Character Areas and Wind Energy Classification for Newry, Mourne & Down District

66. Armagh Drumlins

Only a small south easterly portion of this LCA lies within the plan area. The Armagh Drumlins cover an extensive area of rolling north - south orientated drumlins. They are overlooked by the Carrigatuke Hills to the south and fall towards the Loughgall Orchard Belt and fringes of Lough Neagh to the north. The area is drained by numerous small winding streams. Occasional loughs and sedgy mosses occupy the hollows between drumlins. The landform becomes progressively lower and the drumlins more pronounced to the north. Land use is dominated by improved pastures, which are separated by overgrown hedgerows and tree belts. Mature hedgerow ash trees are common.

There are a number of wooded historic estates, which are associated with stone walls and stands of mature trees. The largest estate in the area is at Mullaghbawn. There are numerous scattered dwellings and farms, connected by a network of winding, hedged roads. Large farm barns and ruined stone cottages are common features. There are open views across the landscape from higher points, whist the landscapes between the hills are intimate and enclosed.

Principles for Accommodating New Development

- New development can be integrated into the landscape if it is sited on the mid-slopes of drumlins, or close to the break of slope.
- Existing hedgerows should be retained or replaced in and around building sites to maintain a continuous landscape pattern and help integrate the edges of new development into the landscape.
- Scattered development in the countryside can be accommodated if located sympathetically between trees and hills and if constructed of traditional materials, either stone or white painted pebbledash, with grey roofs.
- There are opportunities for the restoration and reuse of traditional older buildings.

Wind Energy Development - High to medium sensitivity

This is a large LCA with a strong drumlin topography and a generally robust landscape pattern that should in theory contribute to a lower sensitivity. However wind energy development is strongly constrained by the relatively small scale and pronounced form of most drumlins. Archaeological settings on drumlin skylines are especially sensitive.

The foothills of Carrigatuke Hills in the south-west of the LCA may offer the best capacity for some form of wind energy development.

67. Armagh/Banbridge Hills

The southern tips of this LCA form part of the Newry, Mourne & Down Plan Area. The Armagh/Banbridge Hills character area traverses the border of Banbridge and Armagh Districts. The Upper Bann corridor runs north-south along this border from which hills rise eastwards towards Banbridge and westwards towards Markethill. The

landscape is characterised by rolling hills, ridges and shallow valleys. Most slopes have a relatively smooth profile but there are rocky outcrops on the slopes leading up to the summit of Knockiveagh to the south. This is a varied farmland landscape, with a diverse pattern of fields, woodlands and patches of scrub. There are areas of both arable and pasture land but pasture predominates overall. Arable land is generally concentrated on the broad, upper slopes of ridges. To the south, the fields become larger and more open in character as the landform flattens out at the base of the slopes. Here, there is extensive sheep grazing and stud farming. The broader valleys have flatter pastures subdivided by drainage ditches, with patches of moss and regenerating birch-alder woodland.

Substantial farmsteads and outbuildings are often prominent on the upper slopes. Many buildings are associated with shelter stands of mixed broadleaf trees but elsewhere there are typically few hedgerow trees. Many of the buildings are of stone. There are many groups of residential dwellings scattered along rural roads in this area, as well as larger farmhouses and estates.

Principles for Accommodating New Development

- Broadleaf woodland planting would help to reinforce the small-scale character of parts of the landscape and to contain recent and future built development.
- The use of local building materials, in particular local stone, will help to integrate new buildings into the landscape.
- Extensive woodland planting may be a suitable way to integrate new built development into the landscape.

Wind energy development - Medium sensitivity

The broad scale landform and landcover patterns of much of this LCA are of relatively low sensitivity to wind energy development. The landscapes convex form and undulations could offer some topographic screening while features of natural and cultural heritage interest are relatively infrequent on the higher lands. The settings of settlements, historic features and loughs are more sensitive.

The higher hills in the west and centre of the LCA, which lie outside the NM&D District may have the best capacity for some form of wind energy development.

68. Carrigatuke Hills

The southern half of this LCA forms part of the local plan area. The Carrigatuke Hills extend across southern Armagh from the Ring of Gullion to Keady. This is a large scale landscape of smooth rolling green hills and deep wooded valleys. The higher hills have a wild exposed character, with areas of blanket bog and heather moorland. The hills form a broad continuous upland area with few valleys. The rounded summits are separated by broad upland plateaux. Large conifer plantations create a series of straight edged blocks on the highest hills, where they stand out clearly against open moorland. On the lower rolling hills there are many small woodlands, mature trees and treebelts resulting in a landscape of well treed character.

Bushy hedgerows bound fields, giving a locally enclosed landscape and creating a strong field pattern which enhances the distinctive landform of rounded hills. Wooded streams and loughs are attractive features of the valleys which drain from the hills. These include the valleys of the Carnagh estate, Glen Anne and Ballymoye. Large houses, farms and buildings amongst rolling hills are linked by numerous winding roads, houses and farms, which are often at the end of long tracks. There are no small settlements and Newtownhamilton is the local market town. Archaeological features are associated with some of the hill-tops, such Mullyash Mountain. There are extensive and breathtaking views from the hill-tops particularly Carrigatuke, over the surrounding lowlands.

Principles for Accommodating New Development

- TV masts on the hill summits should be kept to a minimum.
- Large farm buildings require sympathetic siting so that they are sheltered by landform and existing vegetation. New native planting alongside developments would help integrate development into the landform. Non-native planting would not fit well into the landscape.
- The large scale rolling hills provide opportunities to shelter pockets of development. It would be out of character on tops of the higher hills and moorlands but the lower hills and valley sides are more typical locations.
- The restoration of old stone cottages and farms is preferable to the construction of new buildings.
- Traditional buildings are typically at the end of long access drives rather than on roadside locations. Stone or white painted pebbledash with grey slate roofs are the traditional building materials.
- The settings to historic monuments and open hilltops would benefit from protection against development.

Wind Energy Development – Medium sensitivity

The large scale landscape of the LCA, the extent of the upland area and the fact that there are relatively few short-range views mean that parts of this LCA are well suited to the accommodation of wind energy development.

The lower and more prominent slopes to the east of the area are more sensitive to wind energy development as is the south-east section of the LCA because of its proximity to the Ring of Gullion. Care should therefore be taken to avoid adverse impacts on the highly sensitive landscape settings of the parts of the uplands that lie close to Newry and the Ring of Gullion.

69. Newry Basin The Newry Basin is a large scale rolling drumlin landscape situated between the Ring of Gullion and the Mourne Mountains. The area is drained by tributaries of the Newry River which flow in attractive river valleys. The drumlins are orientated north-north-west to south-south-east. To the south east, the drumlins are displaced by broader ridges separated by narrow, flat-bottomed valleys with ribbon loughs and bogs such as Derryleckagh Lake and Greenan Lough. To the south of Newry, the Newry River flows in a dramatic, steep sided narrow valley. The Newry Basin is a very diverse area, with a rich heritage of historic landscapes and

archaeological sites. The rolling fields have a neat and artificially green appearance, although pastures become increasingly marginal with rocky knolls, bracken and gorse hedgerows towards the foothills of the Mourne Mountains. Elsewhere, well trimmed low hedges and tree belts separate fields, creating an intact and unified landscape pattern. Small woodlands, such as Derryleckagh Wood, are often found on valley sides.

There are occasional panoramic views of the Mourne Mountains from the tops of the drumlins. The landscape seems open and exposed on ridge-tops and enclosed and sheltered within the valleys. There are scattered individual bungalows and large farms throughout the area and the many new immaculate dwellings have a neat suburban feel. New bungalows and derelict stone cottages are often sited on drumlin tops, particularly towards Slieve Roosley. There is a network of small hedged and hedge banked winding roads connecting scattered dwellings. These and the major roads 'roller coaster' over the drumlins, creating a confusing and often disorientating landscape for the traveller. The town of Newry is at the head of the Newry River which leads to Carlingford Lough, the port of Warrenpoint and the small town of Rostrevor are located in sheltered bays along the coast. Narrow Water Castle is an important historic landmark at the entrance to the Newry River.

Principles for Accommodating New Development

- Ribbon and scattered rural development within the broader fringes of Newry is visually intrusive where it is sited on ridge-lines. Development should be concentrated in coherent groups located on lower slopes, close to existing buildings.
- Development is inappropriate in the broad tranquil valleys at Derryleckagh.
- Single dwellings in the countryside could be integrated more easily if located on lower slopes amongst native vegetation. Non-native species are inappropriate. It is important to keep views of the Mournes open. Restoration of old stone cottages would be beneficial.
- Large new elements would be visible but the rolling landform can easily accommodate carefully sited development, providing that it is associated with new planting which is designed to link with local field patterns.

Wind energy development - High to medium sensitivity

This diverse landscape contains a number of elements that are sensitive to wind energy development around the fringes of the area. South of Newry the LCA is located between Slieve Gullion and the Mourne Mountains which heightens its landscape and visual sensitivity.

The least sensitive parts of the LCA are the broad drumlin ridges to the north-east, the area around Burren and the rivers edge and industrial landscape south of Newry city centre.

70. Crossmaglen Drumlins and Loughs

Crossmaglen Drumlins and Loughs is a lowland landscape on the southern border which is confined to the north and east by the uplands of the Carrigatuke Hills and

the Ring of Gullion. This is a diverse and well structured landscape of rolling green drumlins and some elevated hills with scrub, bog or small loughs occupying the land in between. Some lough shores are wooded and many are inaccessible as they are fringed with extensive areas of moss. Fields are predominantly pasture and are of a regular shape and size.

They are enclosed by dense hedgerows with numerous hedgerow trees, which create strong field patterns. Some pastures are abandoned and scrubby. Rivers, including Creggan River, pass inconspicuously between drumlins and are crossed by attractive stone bridges. Roller-coaster roads wind across the drumlins making orientation difficult. They connect roadside houses, which are traditionally situated at the ends of access tracks. Scattered derelict stone cottages and wooden bungalows are prominent on drumlin summits and there is piecemeal new development. The principal settlement is Crossmaglen, at the junction of several rural roads. Archaeological features, such as the Drumhill standing stone, are important.

The Ring of Gullion creates a strong backdrop, with hilltop towers overlooking the drumlins. Isolation of the area by the uplands has given it a remote and deeply rural character.

Principles for Accommodating New Development

- Dereliction of traditional dwellings could be curbed by their restoration. The use of vernacular styles and materials in new buildings (ie stone bungalows with slate roofs) would help conserve the landscape character. Traditional locations for houses are on the tops or sides of drumlins.
- Small-scale development may be accommodated within this rolling, well structured landscape, provided it is accompanied by new planting. Development should occur within the existing landscape framework, retaining hedgerows and trees where possible; large-scale development may be prominent in views from the adjacent uplands.
- Development should not impinge on the wider landscape setting of archaeological features such as crannogs and raths.

Wind Energy Development – High to medium sensitivity

The higher ground towards the centre of the LCA may have greater capacity than other areas to accommodate wind energy development

The role of the area as forming part of the setting of the nearby Ring of Gullion together with its strong rural and relatively unspoilt character alongside its wealth of archaeological sites increase this areas sensitivity.

71. Ring of Gullion

Situated on the southern border of Northern Ireland, the Ring of Gullion is a distinctive circle of hills around the striking landmark of Slieve Gullion, which originated as a volcanic plug. The 'Ring' is underlain by a dome of intrusive igneous rocks. The volcanic hills create a knobbly, uneven skyline with many rocky outcrops. Between the steep hills are river valleys and extensive areas of bog. Cam Lough is a linear lough within a valley to the north of Slieve Gullion. The vegetation is

predominantly upland grass, heather and moorland on the hilltops, with pasture on the lower land, bordered by stone walls and gorse hedgerows. Field boundaries form striking patterns on some hill sides, particularly in areas where there are long 'ladder farms'. Commercial forestry plantations occur in large blocks on the hillsides.

In the southern part of the area, these extend across the summits and diminish the apparent scale of the landform. The lower slopes are dotted with a mixture of stone small holdings and modern pebbledash bungalows. The majority of the new development is sited in an ad-hoc fashion, often at a distance from the roads. Forkill and Meigh are two of the main settlements within the area. The whole area has an enclosed, isolated character, with derelict stone walls on the upper slopes and abandoned stone farmsteads and barns. It has long been an important 'gateway' landscape at the border between the Republic and Northern Ireland. The area is extremely rich in archaeological and historical features, including a variety of cairns, castles and cashels. Radio masts and towers dominate the skylines.

Principles for Accommodating New Development

- The uplands are very scenic and wild and over development would not be characteristic.
- The restoration of traditional dwellings should be encouraged.
- Development on ridges would be highly visible but the landform may accommodate some small scale development within low undulating areas.
- The proliferation of scattered piecemeal development throughout the inner basin of the Ring is already threatening the special scenic qualities of this distinctive landscape; further ad hoc development should be discouraged and the use of building materials carefully controlled.

Wind Energy Development – High

Sensitivity to wind energy development is very high due to the topography of the landscape, the dispersed settlement pattern and a high concentration of cultural and natural assets.

Slieve Gullion is located centrally within the LCA and turbines located within this vicinity could dominate the entire area. Care should therefore be taken to avoid adverse impacts on the extremely sensitive, open, exposed hills or upper slopes. It should also be noted that due to its close proximity to Carlingford Lough there may be seaward issues to consider in the future.

72. Slieve Roosley

Between Newry and the Mourne Mountains in the south of the country, the Slieve Roosley landscape comprises a group of open, exposed hills with a rugged profile. These rise to 364m at Slieve Roe and include the surrounding farmed footslopes, which are dissected by river valleys. The Rostrevor Glen and Kilbroney River together form a marked feature along the eastern boundary of the area, which is underlain by a complex geology of igneous and sedimentary rocks. The hills are used for sheep grazing and are characterised by rough, open, unfenced pastures of moorland grasses, gorse, bracken and sedges. The fringes comprise semi-improved

pastures of small fields enclosed by stone walls and gorsey hedgerows, which progressively becomes rougher as the land rises. There are a few trees in the hedgerows on the footslopes and in the glens but no trees on the hilltops.

Scattered settlement is concentrated around the edges of the hills and along the glens, including the village of Mayobridge. There is a mixture of old cottages and farms, as well as some new buildings, which are predominantly small in scale. Narrow roads are unfenced on the hilltops and enclosed by stone walls at lower elevations. They connect settlements and wind across the hills providing long, open, panoramic views to the dramatic horizon of the Mourne Mountains and into the intricate patchwork of the valleys below. This is an attractive open landscape of windswept, wild hilltops and more intimate valleys and footslopes. The area is rich in archaeological remains such as raths, standing stones, graves and earthworks. On the upper slopes, the historic townland boundaries are prominent in areas enclosed during the potato famine, adding interest and diversity to the landscape.

Principles for Accommodating New Development

- Radio masts are the main threat to the open summits and should be kept to a minimum.
- The restoration of derelict stone cottages would help conserve traditional buildings within the area.
- New buildings would be least intrusive if they were constructed near to Mayobridge and built in traditional styles using local building materials.

Wind Energy Development – High

The combination of an elevated landscape which includes intimate valleys and footslope landscapes gives rise to an area of high scenic quality.

The outer hills to south and north of Mayobridge may be better equipped to accommodate wind energy development. Particular care should be taken to avoid adverse impacts on the distinctive skyline of the upland ridges and views to and from the Mournes, Carlingford Lough and Carlingford Mountain.

Transboundary issues and seaward issues may arise if wind energy development were to occur within areas of County Louth or Carlingford Lough

73. Kilkeel Coast

The Kilkeel Coast extends from Killowen Point to Ballymartin. It comprises gently undulating, coastal lowland between 0 m and 30 m AOD. The land falls gently and flattens out towards the shallow, sandy coastline. The lowland is dissected by numerous rocky burns and by the larger Kilkeel River, White Water and Cassy Water. The rivers flow in deep, narrow channels strewn with rocks and boulders. They are not prominent in the wider landscape but are attractive local features. The steep gullies are often clothed with trees and scrubby vegetation. Medium sized fields are separated by open banks, hedgerows and a few trees, as well as distinctive, robust walls built from rounded granite boulders. The walls are often topped with hedges. There are small attractive areas of tall yellow reeds and marsh associated with the

ponds and wetlands near to the mouth of the White Water and an extensive salt marsh at Mill Bay.

There is a scattered mix of old cottages and more recent development along the A2 coastal road and numerous minor roads. Extensive ribbon development has blurred the fringes of Kilkeel and is a prominent element in this open landscape. Caravan sites are located along flat grassy headlands of the coastal fringe. Green Castle is a local landmark on Greencastle Point and is one of a number of sites of archaeological interest in the area. The flat landscapes just inland from the coast are pitted with sand and gravel quarries, many of which are disused. There are open, expansive views across the coast, Carlingford Lough and mudflats, into the farmland of the 'Kingdom of Mourne' and the Mourne Mountains. It is a peaceful landscape of calm lapping water, salty air and calling sea birds along muddy estuary sides.

Principles for Accommodating New Development

- Existing ribbon development already detracts from local landscape character. Further development should be clustered in small coherent groups of buildings to reduce further intrusion and should be associated with tree planting.
- A combination of planting and gently graded embankments may help to reduce the impact of existing works to the west of Kilkeel.
- Pressure from tourism and the continued expansion of caravan sites requires careful management to avoid detracting from the existing landscape character. Strategic shelterbelts and minor earth mounding may help screen existing and new developments.

Wind Energy Development – High to medium

A large portion of this LCA forms an important setting and foreground to views of the Mournes and Carlingford Lough and Mountain. Towards the south-east coast the influence of development and limited inland views tend to reduce landscape sensitivity. The open, exposed uninhabited coastal areas should also be protected.

74. Kingdom of Mourne

The Kingdom of Mourne comprises the rolling footslopes of the Mourne Mountains, including the outlying mountain of Knockchree. The land falls to the coastal fringe to the south and is dissected by numerous parallel streams and rivers running broadly north-west to south-east towards the coast. A patchwork of medium sized square pastures is divided by highly distinctive and robust stone walls of glacial granite boulders. These rounded boulder walls without mortar dominate the landscape, creating a unique and unified landscape pattern. Vegetation is limited to occasional scattered trees, distinctive yellow gorse along field boundaries and patchy deciduous woodland in the valleys.

Large regular shaped coniferous plantations clothe the summit of Knockhree and the valley slopes of Annalong River. There are numerous scattered individual houses and farms along a dense network of narrow roads, which are aligned perpendicular to the slopes and in parallel with the landform. Most roads run along spurs with occasional links across the valley streams via stone bridges. Buildings are a mixture

of old white painted stone cottages and farms and new pebbledash bungalows and houses. Most buildings are small in scale. There are long views to the coast and to the Mourne Mountains, the latter providing a backcloth to the intricate pattern of blocky stone walls and fields. This rural 'stone wall landscape', is known locally as the 'Kingdom of Mourne'.

Principles for Accommodating New Development

- Continued scattered housing and bungalow development throughout the area is leading to the erosion of its rural character. In particular, the impact of ornamental plants and garden 'furniture' often has a negative influence. The area has reached its capacity for such development and the restoration of any derelict stone buildings should be a priority over the construction of new buildings.
- Large scale or vertical development (including telegraph poles and telecommunication masts) would be particularly disruptive in this area, as would the use of any building material other than stone.

Wind Energy Development – High

This landscape is highly sensitive to physical and visual disruption due to the landscape being generally open with a distinctive pattern of small to medium field enclosures which appear visible from within the landscape and higher land.

Care should be taken to avoid adverse impacts on the sensitive visually prominent and open exposed upper slopes and shorelines. Transboundary and seaward issues may arise due to the proximity of County Louth and the coastline.

75. Mourne Mountains

The prominent pyramidal peaks of the Mourne Mountains form a stunning backdrop to views throughout south-eastern Northern Ireland. They comprise an area of distinct steep rocky summits rising to 850m at Slieve Donard. The underlying geology is granite which is reflected by the characteristic tors which cap the mountain tops. It is a landscape of exposed, thin grass cover, rock and scree slopes. There are no less than 12 high peaks grouped close together near the highest summit of Slieve Donard. The open mountain slopes are predominantly rough grass and heather, close-cropped by sheep. Stone walls snake up the lower slopes but higher up there are no field boundaries. Loughs, reservoirs and rocky mountain streams occupy the steep combes and glens, which dissect the mountain ridges. Areas of blanket bog on the narrow plateau between the peaks are punctuated by small rounded loughs, the sources of the many rivers and streams which radiate from the mountains. Broadleafed woodland extends up the glens from the surrounding lowlands, where there is also some commercial forestry. The Silent Valley, containing the Silent Valley Reservoir, is a popular tourist destination and the whole area is a mecca for walkers and climbers.

There is no settlement on the upper hillslopes and mountain tops and only sparse derelict stone cottages and barns on the lower hillside fringes. Very few roads penetrate the mountains, Spelga Pass being the only place where the landform allows the passage of a road. There are stunning, long distance, panoramic views to

the sea, across the unique stone wall landscape known as the 'Kingdom of Mourne' and across the lower land to the north. It is an open, exposed, wilderness mountain landscape and its distinctive character is reflected by its designation as an Area of Outstanding Natural Beauty. The Eastern Mournes are also designated as an ASSI, as a result of their geological and physiographical features as well as heathland and upland flora. The Mourne Wall is of historic interest.

- Any development on skylines or within open treeless landscapes would be highly visible. Its accommodation within hollows sheltered by scrub and traditional stone walls should be encouraged.
- The restoration of traditional, small stone cottages and barns is preferable to the construction of new buildings; the use of local stone is essential. Large scale barns would be inappropriate in this upland landscape.
- The development of wind farms, radio masts, reservoirs and associated infrastructure should be discouraged in this highly sensitive landscape. Careful visual analysis would be required before construction.

Wind Energy Development – High

Within this character area there is a collection of distinctive mountain summits, widespread visibility and memorable skyline profiles. Care should therefore be taken to avoid adverse impacts on the visually prominent and open, exposed upper slopes, ridges or rocky crags. There were no operational wind farms in this LCA.

76. Ballyroney Basin

The Ballyroney Basin occupies a lowland waterlogged area of land enclosed by the Slieve Croob Summits to the north-east, the Mourne Mountains to the south-east and the Iveagh Slopes to the west. The area is underlain by a solid geology of intrusive igneous rocks, resulting in a flat and waterlogged landscape of extensive moss and loughs, which is interrupted by distinct drumlins. The moss supports rushes and sedges, heather, gorse and scrubby woodland consisting of regenerating birch and willow. Lackan Bog, to the east of Ballyroney, has been assigned ASSI status and represents one of the largest single blocks of lowland peatland left in County Down. Drumlins are farmed and pastures are enclosed by gappy hedgerows with occasional hedgerow trees.

Built development is clustered on drumlins and is linked by roads, which cross the waterlogged basin on high embankments. A number of settlements are sited on drumlins in riverside locations but built development is scattered evenly across higher land. The small white-rendered settlements create attractive features in the landscape. The striking town of Rathfriland sits on top of a prominent hill which rises out of the flat plain. It is a major landmark and acts as a radial focus for roads across the Basin. Views are typically short as they are interrupted by drumlins and the dense pockets of gorse and birch on the waterlogged land. However, the Mourne Mountains form a striking backdrop to the Basin as a whole. The River Bann passes through the basin but its course does not influence the landscape as it winds its way inconspicuously between drumlins and under stone bridges.

Principles for Accommodating New Development

New development will be most inconspicuous if it is concentrated around existing hamlets rather than spreading across the rural countryside, or as dense ribbon development along the roads.

Wind Energy Development – High to medium

The variation in topography over short distances and the small scale drumlins mean that the landscape could become overwhelmed by poorly sited wind energy development

To the south of this LCA there are regular views out of the landscape to the Mourne Mountains and this section therefore plays an important role in providing a key setting. Within the northern section there are fewer sensitive sites and the landscape is less significant in forming a setting to the Mourne Mountains, however the majority of this portion lies outside the Newry, Mourne & Down District. There are also a considerable number of cultural heritage features worthy of protection.

77. Iveagh Slopes

The Iveagh Slopes are the northern slopes of Knockiveagh. They support marginal pasture which is grazed by sheep and some cattle; scattered patches of gorse add texture to the landscape. The upper plateau is undulating, with areas of bog within the numerous shallow depressions. These hollows are often emphasised by the hedgerow pattern, which radiates from the centre of the depression. The upper slopes of Knockiveagh are littered with rocky outcrops. There is a distinctive elongated field pattern, with hedgerows running parallel to the slope contours. The landscape is relatively open, with scattered hedgerow trees, particularly on lower slopes. However, many of the narrow roads have a more sheltered character and are bounded by hedgerows with hedgerow trees. The settlement pattern is a regular scattering of farmsteads and their outbuildings; villages are rare, although small clusters have grown up at the main road junctions. The farms are often situated at the end of long, straight lanes which sets them back from the road. There are long views across Northern Ireland to the Sperrins and the Mournes when visibility is clear.

Principles for Accommodating New Development

- The siting of built development at the end of long driveways, set back from the road, is appropriate to the character of the area.
- Siting new development on the lower slopes will ensure that the wild rocky character of the upland areas is conserved.
- The use of natural stone for built development and farm outbuildings is characteristic of this upland area.
- Small clusters of dwellings are sited at road junctions; ribbon development spreading out from these junctions is not typical of the area.

Wind Energy Development - Medium

A small southerly portion of this LCA is contained within the Newry, Mourne & Down District Council Area. Care should be taken to avoid adverse impacts on areas with

long distance views to the Mournes as well as protecting prominent and open exposed upper slopes.

83. Lower Slieve Croob Foothills

The Lower Slieve Croob Foothills form a smooth, rolling, rural area of high ground (reaching approximately 200m) to the west of the craggy, pointed Slieve Croob Summits. It comprises rolling ridges and gently incised glens which are mostly aligned in a SW-NE direction. Pasture is the predominant land use and the strong geometric field pattern is an important and prominent feature of the landscape. Farms are relatively large and most have numerous outbuildings. They are often well integrated by a unified style or colour scheme. Those on the floor of the glen are often associated with stands of beech trees. The brightly coloured roofs of farm buildings are attractive, contrasting with the landscape and relating the outbuildings to their farms. Farms are evenly distributed and there are no major settlements within the area.

Principles for Accommodating New Development

- Colours and finishes applied to farm outbuildings may create a sense of unity between buildings. Traditional colours such as reds are common in this area.
- Inappropriate building styles and ornamental gardens associated with new housing could be intrusive within the tranquil rural landscape of the glens.

Wind Energy Development – High to Medium

A small easterly section of this LCA is located within the Newry, Mourne & Down District. The open landscape offers wide visibility to the landscapes beyond, most notably the Mourne AONB increasing the sensitivity of the area. Particular care should be taken to avoid adverse impacts on areas with distinctive views to the surrounding Slieve Croob Summits.

84. Mourne Foothills

The Mourne Foothills landscape wraps around the northern fringes of the massive summits of Slieve Croob and the Mourne Mountains. The area includes the town of Castlewellan which lies between these two major upland areas at a height of 100 m above sea level. The characteristic rugged scenery, which includes some distinctive hill summits, rocky outcrops and patches of gorse, has been moulded from intrusive igneous rocks, primarily granites. A strong landscape pattern of geometric pastures is reinforced by sturdy stone walls and well maintained hedgerows, which are often boosted by gorse; stands of wind-blown pines add further texture to the landscape. Sheep grazing dominates, especially on upper slopes. The scattered whitewashed dwellings and farms and red painted outbuildings stand out clearly against the greens and browns of the landscape. The traditional buildings are small in scale and are well integrated within the upland landscape.

Settlements are distributed densely across the valley sides, linked by a network of small roads, which follow local ridge-lines and valleys. Large conifer plantations clothe the lower slopes of the Mournes in this area. They include the Castlewellan and Tollymore Forest Parks and the plantations on the slopes above Newcastle.

Quarries are present, both working and disused and archaeological remains are commonplace including cashels, raths, forts and the famous Legananny Dolmen. Elevated points, such as White Hill, give dramatic views over the surrounding lowland landscapes of the Newcastle Valleys and the Quoile Valley Lowlands.

Principles for Accommodating New Development

- Traditional stone cottages should act as a reference for modern styles of housing in this area; simple designs using local materials and incorporating vernacular features are most appropriate.
- Features such as stands of pine should be conserved; they may be used to shelter dwellings in exposed positions or as a means for integrating new development.

Wind Energy Development – High

The majority of this landscape is highly sensitive to wind energy development. It is a varied and rugged landscape of high scenic quality which performs an important role in providing an outstanding setting to other more elevated landscapes adjacent. Care should also be taken to avoid adverse impacts on areas with distinctive views to the surrounding Slieve Croob Summits.

The north-eastern part of the LCA may be the best suited area to accommodate some form of wind energy development.

85. Newcastle Valleys

The Newcastle Valleys is an area of rolling ridges of pasture which links the Mourne Foothills to the Tyrella Coastal Dunes. It includes the river courses of the Burren, Ballybannan and Moneycarragh Rivers as far as Dundrum Bay. This is a diverse landscape, with medium-sized pastures divided by broken stone walls and gorse hedgerows. Hedgerow trees and shelterbelts around farms add some tree cover and the mature linear woodlands along some parts of the river corridors provide a visual link to the more extensive wooded landscapes of the Tollymore Forest Park to the north.

Houses are scattered throughout the area; vernacular single storey white-finished cottages are prominent, although there has been a proliferation of the modern bungalows, especially on the low ground around Newcastle. Newcastle is sheltered by the looming silhouettes of Slieve Donard and Slievnacloy, which dwarf the surrounding landscape. The scattering of individual roadside houses in the vicinity of Newcastle tends to blur the edges between the larger settlement and the distinctive neighbouring villages of Maghera, Bryansford and Dundrum. The relatively dense road network has encouraged this pattern of piecemeal development. There are small conifer plantations and patches of linear woodland in the upper reaches of the valleys and numerous archaeological remains including raths, standing stones, chambered graves and souterrains.

Principles for Accommodating New Development

- Built development, which is located within the valleys and avoids prominent ridge-lines, will be most easily accommodated.
- The siting of new built development in a concentrated form, around existing settlements, will avoid continuous urban sprawl along the roads.
- The conservation of the 'green tongues' of linear woodland along the river valleys would protect the setting of the villages and the integrity of the wider landscape pattern since the woodlands provide valuable links to the more extensive Forest Parks to the north.
- Traditional cottages should be conserved where possible to retain the character of the area. New buildings may use traditional architectural forms and features to integrate them into this rural area.

Wind Energy Development – High

The mixture of ridges and valleys contained within this LCA on the margins of the Mournes make this area very vulnerable to change due to their complex and varied character together with a high concentration of archaeological sites. The north eastern part of the LCA is the most likely to be able to accommodate some form of wind energy while particular care should be taken to avoid adverse impacts pm areas with distinctive views to the Slieve Croob summits.

86. Tyrella Coastal Dunes

The Tyrella Coastal Dunes is a strip of coastline which lies behind Dundrum (Outer) Bay on the south Down coast, between St John's Point in the east and Newcastle in the west. The area is dominated by extensive sand dunes. Their hummocky forms are covered in windswept Marram grass backed by flat farmland which supports rough grazing. A long sandy beach and the extensive mudflats at Dundrum Inner Bay together create a flat expanse which contrasts dramatically with the looming peaks of the Mourne Mountains. The beach becomes progressively stonier towards Newcastle. The flat coastal strip also contrasts with the undulating land of the Quoile Valley Lowlands and Newcastle Valleys to the north and west. The main A2 road runs along the coast and is bordered by a ribbon of housing and development. Close to Newcastle, caravan sites and industrial development add to the variety of modern housing styles which back the dunes. The greens of the Royal County Down golf course provide a further contrast in landscape character on the fringes of Newcastle.

Principles for Accommodating New Development

- The vernacular style (ie low, white-finished cottages) may be replicated in modern architecture. Small clustered settlements should be sought rather than infill along the coastal road which would lead to continuous ribbon development; views to the dunes and sea should be conserved by ensuring that undeveloped sections are maintained between settlements.
- Boundaries around housing are most appropriate if they respond to traditional styles and materials; stone walls, hedgerows or post and wire fencing with gorse are all suitable forms of boundary. Ranch style fencing, brick walls or ornamental planting are inappropriate in this open, coastal and windswept landscape.
- Caravan parks should be sheltered by landforms and use local plant species to provide screening and some integration in the landscape. They should be set well back from the dunes where their visual and landscape impact would be minimised.

Wind Energy Development – High

The Tyrella Coastal Dunes are highly sensitive to wind energy development primarily due to their open and exposed character and the important role they play in providing a setting to the Mourne Mountains. Any form of wind energy development is likely to interrupt important skylines and would therefore be intrusive into this sensitive landscape.

Due to the proximity of Carlingford Lough and the south Down coast there may be seaward issues to consider in the future.

87. Slieve Croob Summits

The Slieve Croob Summits are a series of rounded summits formed from intrusive igneous rocks within a surrounding lowland area of sedimentary rocks. They stand out as distinct massive rocky summits with thin grass cover and shattered rocky screes. The land rises to a height of 534m at Slieve Croob. The lower slopes are marginal pasture divided by broken stone walls and small stone cottages, many of which lie derelict. Stunted, wind-sculpted trees stand against these cottages or nestle in the more sheltered slopes of this exposed environment. The summits are an open, rugged landscape, with only a few conifer plantations. Drumkeeragh Forest, on the slopes of White Hill, is the largest. Few roads cross the landscape but viewpoints such as Windy Gap allow panoramic views over the surrounding lowlands, as well as across to the Mourne Mountains. The prominent ridge-lines are visible from miles around, particularly those formed by the Slieve Croob/Slievenisky complex and Slievegarran. Cashels, raths and standing stones are found on many of the slopes leading to the Slieve Croob summits. The most important is the Legananny Dolmen, an important chambered grave site

Principles for Accommodating New Development

- This upland landscape is extremely sensitive to built development; renovation of traditional stone cottages should take precedence over building new dwellings.

Wind Energy Development – High

The openness of this landscape together with its high visibility and its important role in providing a gateway and mid-distance views to the Mournes AONB make this LCA very sensitive to wind energy development.

The lower slopes on the north-eastern fringe of this LCA away from the higher ridgelines may be the most appropriate location for wind energy development. Care should be taken to avoid adverse impacts on the sensitive prominent ridgelines of Slieve Croob.

88. Craggy Dromara Uplands

An elevated drumlin landscape to the east of Dromara with a rugged, relatively wild character and a rough texture. The summits are separated by a rolling plateau of marginal farmland and the rounded drumlin landform is broken by numerous rocky outcrops and clumps of gorse. Pastures are of varied shapes and sizes and many are enclosed by low, broken stone walls. Overgrown hedgerows, clumps of gorse, rocky

outcrops and patches of marshy farmland give the landscape an untamed character, although these pockets of rough land are interspersed by rolling pastures. There are no woodlands, but stands of Scot's pine and groups of mature oak trees shelter some of the older farmsteads. Holly is characteristic of hedgerows. Derelict farmsteads are often juxtaposed with more recent bungalow development along principal roads, such as the B2 and the roads alongside Lough Aghery and Cluntagh Lough. Traditional white farmsteads with stone barns are prominent and are often sited close to dramatic rocky outcrops. A rath, sited on a local skyline to the north west of Dromara, is a special local landscape feature and forms part of the setting for the attractive historic mill buildings at Woodford.

Principles for Accommodating New Development

- Local roads are already reaching their capacity to accommodate linear ribbon development.
- The presence of existing trees of stature and the planting of native species may assist the integration of new buildings in the landscape.
- Conservation of existing stone walls and gateposts, using local stone for repairs and building new stone walls will help to retain local identity.
- Restoration of derelict buildings and their adjacent paddocks will conserve the traditional built styles of the area.

Wind Energy Development – High

The eastern section of this LCA is located within the Newry, Mourne & Down District Council area. The landscape forms a foreground to views of the Mournes and Slieve Croob summits. Wind energy development on the drumlins found to the east may not be appropriate due to the scale of the landscape not being sufficiently large enough to accommodate this type of development.

90. Ravarnet Valley

Only the southern portion falls within the plan area. The Ravarnet Valley landscape is found to the south of Lisburn, in the broad valley of the Ravarnet River and its tributaries. The lowland has an undulating landform, with numerous shallow drumlins and elongated, rounded hills. Many of the drumlins have a rather amorphous form and are separated by shallow hollows; the inter-drumlin hollows are often poorly drained, with patches of marsh and a hummocky, uneven terrain. The broader floodplains have a more remote, tranquil character and the relatively long views in these areas contrast with the enclosure of the surrounding drumlin landscapes. The neat patchwork of fields and hedgerows on the drumlins is less predictable in the floodplains and is sometimes interrupted by patches of dense carr woodland, rushes and gorse. There are some loughs on parts of the valley floor, particularly in areas where the valley floor has a slightly undulating landform. The group of loughs to the north of Magheraknock are particularly attractive. The area has a fairly homogeneous character, with a patchwork of farmland and hedgerows, interspersed with numerous small farmsteads.

The farms are always sited on the midslopes of the drumlins and are linked by winding, narrow roads which follow the higher ground. Recent development has

been concentrated along these roads and forms a broadly linear pattern. Hedgerow trees are scattered thinly throughout the landscape and have an important visual presence. Stands of mature trees are concentrated around farmsteads and patches of damp woodland thrive in waterlogged areas. A larger area of woodland persists at Larchfield estate, on the eastern slopes of Windmill Hill, although it is largely hidden behind the high stone walls which surround the estate.

Wind Energy Development – High to medium

The most easterly quarter of this LCA is included within the Newry, Mourne & Down District. The area around Ballynahinch may be the most appropriate for wind energy development where existing quarrying activity has influenced the character of the landscape, however care must be taken to minimise turbines being associated with pylons.

91. Quoile Valley Lowlands

The Quoile Valley Lowlands extend north-south down the centre of Down District, encompassing the courses of the Ballynahinch, Annacloy and Blackstaff Rivers. To the west, the land rises to the summits of Slieve Croob and to the east, the numerous islands of the Strangford Drumlins and Islands stretch into the sea lough. The height and density of the drumlins varies; the landform becomes progressively shallower towards the south but the drumlins on the fringes of Strangford Lough are relatively steep and have a pronounced egg-shaped form. Water courses wind around the drumlins and form small inland loughs or bogs in the inter-drumlin hollows. The loughs often have wooded margins and the bogs show varying degrees of vegetational succession, from open heather and rushes to gorse scrub and small trees. The prominent field pattern is emphasised by well maintained stone walls and hedgerows. Small to medium sized farms support mainly sheep and cattle grazing, although there are arable fields on the better drained drumlins.

Avenues of beech and stands of pine are characteristic features which stand out in the landscape, especially where they occur on the summits of the smooth hillocks. The influence of estates adds to the appearance of a fairly well wooded landscape. Large, white-finished farm houses and small traditional stone dwellings are both present, as well as scattered modern housing; they are connected by a dense network of roads and lanes. Red painted outbuildings are common and add character to the landscape. The drumlin landforms create distinctive landscape settings for the many clustered settlements, including Ballynahinch and Downpatrick. Small roads cross the numerous watercourses on stone bridges. Raths, standing stones and mottes are prominent landscape features, creating a strong sense of landscape history.

Principles for Accommodating New Development

- Farm outbuildings may be landmarks within the landscape if they are painted appropriately; red finishes are characteristic of the area.
- Traditional stone cottages are particularly characteristic of the area; restoration of these is preferable to new built development.

Wind Energy Development – High

The small scale of the drumlins and topography, their distinctive profiles and the high concentration of natural and cultural landscape features heighten the areas sensitivity.

Due to the proximity of the south Down coast and Strangford Lough there may be seaward issues to consider. It should also be noted that although Carlingford Lough is located between 30-40km away from the LCA this relationship should be considered especially form higher ground to the south.

92. Ballyquintin and Lecale Coast

The Ballyquintin and Lecale Coast landscape character area is underlain by sedimentary rocks which have numerous Dolerite dykes aligned in a NE direction. It occupies the southern tip of the Ards Peninsula below Cloghy and the eastern section of Down District. This is a predominantly coastal landscape and its character is influenced by its extremely windswept position. The flat coastal topography becomes gently undulating towards Downpatrick where it meets the North Lecale Hills. Throughout the area, there are low drumlins with wide open inter-drumlin hollows, often with fen and wetland. The agricultural landscape has a deeply rural character, with extensive sheep grazing. Gorse, which has encroached into the hedgerows and grassland in exposed areas, adds texture to the landscape. The settlements tend to be small; Ardglass is the largest. Scattered dwellings are evenly distributed between the small hamlets and villages. Small vernacular cottages, which assume a simple one storey form, are plentiful. There is a disused airfield at Ringawaddy. Traditional small settlements may be seen throughout the area, notably the clachan of houses at Kearney which has been restored by the National Trust. The A2 runs the length of the coast, linking adjacent settlements. The area has a strong sense of history with numerous historical sites including standing stones, castles, chambered graves, crosses, churches, raths and holy wells. Landmarks such as forts, castles and windmills are highly visible in the open landscape and are often sited on hilltops.

Principles for Accommodating New Development

- There are opportunities for the conversion and upgrading of the traditional buildings, which contribute to the distinctive character of the local landscape.
- The architectural style and finish of any new buildings and their siting is of utmost importance in such a sensitive rural landscape. Simple, white- rendered finishes are the most appropriate.

Wind Energy Development – High

A significant proportion of this landscape is valued for its scenic quality and openness of the area, wide ranging views and high concentration of natural and cultural sites of interest, many of which are located along the coast. Due to the open low lying and gentle topography wind energy development has the potential to interrupt important skylines.

Care should also be taken to avoid adverse impacts on the historic character of Killough and Ardglass.

It should also be noted that although Carlingford Lough is located between 30-40km away from the LCA this relationship should be considered

93. Portaferry and North Lecale

The North Lecale Hills extend from Downpatrick, along the southern edge of Strangford Lough, to Portaferry on the Ards Peninsula, where they create a `gateway' at the mouth of Strangford Lough. The strong visual connection between Strangford and Portaferry is reinforced by the wooded estates on both shores and the physical link provided by the ferry between the two settlements. The hills form a highly visible undulating ridge of gorse covered hills which create a setting for Downpatrick at one end and settings for both Portaferry and Strangford at the other. The hills rise to over 100m at Castlemahon Mountain and at Slieve Patrick, where the landmark of St Patrick's shrine is visible from the surrounding low ground. The foothills support grazing and well structured farmland with well maintained stone walls and white-rendered buildings. Estates and shoreline parkland are an important influence in the landscape contributing stone walls, deciduous woodland and buildings of stature. The overall effect is that of a well managed landscape and the use of traditional colours such as red painted doors, windows, gates and outbuildings create a sense of continuity throughout.

Principles for Accommodating New Development

- Conversion of traditional vernacular dwellings is preferable to modern housing styles; new buildings which respond to the vernacular style (rural white-rendered buildings) are most appropriate.
- Small scale development of isolated rural dwellings or small clusters of buildings on lower slopes will be most easily accommodated; large scale built development is inappropriate.
- There is much potential for improved public access within the hills and some selective access to shoreline areas. Visitor pressure may be accommodated by providing parking facilities and signed footpaths through more robust areas; small, rough surfaced car parks and lay-bys, which avoid urban elements, are most suitable. These may be sheltered by gorse, stone walls and shelterbelts which are typical of the area.

Wind Energy Development – High

This landscape is of exceptionally high sensitivity to wind energy development due to its small scale and complexity, prominent skylines, important settings, and high visibility. There is also a very strong concentration of valued landscape characteristics and features, reflected in the areas AONB designation.

94. Strangford Drumlins and Islands

This waterside landscape of drumlins and loughs, islands and inlets, occupies the southern and western shores of Strangford Lough. The influence of glacial action has produced a complex, convoluted coastline with rocky islets or `pladdies' which is a

haven for wildlife and provides a variety of experiences, including long sweeping views, colourful quays, isolated islands and tranquil inlets. The drumlins form a dense pattern and many of the hills are unusually high. Inland, drumlin farmland with a robust network of stone walls predominates. The hollows between the drumlins contain marshy pasture or loughs, which often have well wooded margins. The many small wooded estates make a significant contribution to the wooded character of the area. White-finished farm houses, some large and complex in form, stand out as features in the landscape. Farm outbuildings are often painted red and contrast attractively with the subdued colours of the landscape.

Towards the shores of Strangford Lough the pattern is reversed, with water dominating and the drowned drumlins rising out of the water as small round islands. Their isolated and tranquil character has made them favoured sites for churches, castles and chambered graves, as well as the restored monastic site on Mahee Island. Small settlements lie clustered around local quays and small vernacular white-finished cottages may still be seen in their original form. Sheep grazing dominates, particularly at the edge of the lough. Numerous small roads wind around and across the drumlins, linking small farms and coastal settlements. However, the main A22 cuts directly SE/SW across the landscape, traversing and cutting through drumlins, rather than winding around them. Stone walls and stands of pine and beech are familiar features which enhance the experience of the rolling farmland and water's edge.

Principles for Accommodating New Development

- Traditional cottages should be restored or converted before building new dwellings; new houses should be of a small scale, especially along the lough edge and should incorporate traditional features, materials and colours such as simple shapes and white-rendered finishes.
- The potential for views across the lough from high points should be maximised by providing viewing places and by ensuring built development is not intrusive.

Wind Energy Development – High

This landscape consists of small drumlin formations, valued landscape characteristics and features including Strangford Lough. Care should be take taken to avoid impacting on the islands and shores of Strangford Lough and on the sensitive prominent drumlin skylines.

95. Ballygowan Drumlins

The Ballygowan Drumlins area is underlain by ancient Silurian rocks which have been covered by glacial deposits. The smooth, rolling drumlin landforms create a dynamic landscape pattern and the eye is constantly drawn to landmarks, such as prominent houses and hilltop features. Ground levels fall gradually towards Strangford Lough and in more low-lying areas, the drumlins exhibit a relatively waterlogged character (and with amore extensive network of watercourses than amongst the drumlins of the adjacent Castlereagh Plateau). This is an open, rolling farmland landscape of large pasture and arable fields divided by low, trimmed

hedgerows or wire fences. The occasional hedgerow tree stands out in silhouette against the sky.

Large farmhouses of complex architectural form, with extensions and outbuildings, are scattered across the farmland but the settlements of Ballygowan, Saintfield and Comber form clustered nuclei which are linked by fast main roads and a dense network of country roads which are aligned NE/SW. Loughs and damp woodland are found within lowland hollows between drumlins, providing an organic landscape element within a relatively regular landscape pattern. These marshy patches make a valuable contribution to the diversity of the landscape. To the south east of Dundonald, the Enler Valley has a particularly subtle, intimate landscape. The scenic, lush valley slopes provide a contrast to the wetlands and meadows of the valley floor, where the abandoned, overgrown railway embankments are a local landscape feature.

Principles for Accommodating New Development

- Siting of new housing should take account of the existing density of development in the countryside. Dwellings which are positioned too close together will create disharmony but the careful use of materials and simple vernacular architectural features may be used to unify a group.
- Views from Scrabo Hill are an important issue when considering the siting of new development in the eastern part of the character area.
- Some shelter and potential screening for development is provided by the rolling landform; development on drumlin ridge-tops will usually be prominent.
- The subtle meadow landscape of the Enler valley is particularly vulnerable to the impact of large scale development; only small groups of buildings can be accommodated here, provided they are associated with informal groups of trees and provided development site boundaries are carefully integrated with surrounding field patterns.

Wind Energy Development – High to medium

The southern half of this LCA is located within the District. Wind energy development is constrained due to the open character of the landscape with minimal drumlin formations.

96. Castlereagh Plateau – High to medium

Only southern tip of this LCA forms part of the plan area. This landscape character area occupies much of Castlereagh District and extends into adjacent areas to the west and south. It is underlain by Silurian sedimentary rocks but its geomorphology has been strongly influenced by glaciation which has created a compact rolling landform of small hummocks and narrow valleys. Its fertile soils create rich pasture which is the predominant land use of the area. Small fields are partitioned by hedges which rise and fall across the landscape, emphasising its contours. The hedges, although often unmanaged and gappy, imbue the landscape with a prominent structure and texture, occasionally enhanced by hedgerow trees. Although large

woods are scarce, hedgerow trees and small copses create the impression of a well wooded landscape, especially within low-lying hollows and valleys. Occasional areas of marsh also help to break up the impression of uniform pasture.

Due to its proximity to Belfast, the area is well settled. The edges of towns and villages are ill-defined because of the sprawl of new housing and peripheral cottages. Numerous modern houses and bungalows, often in prominent locations and emphasised by white walls and manicured gardens, are scattered across the open countryside. The traditional grey stone farm buildings are heavily outnumbered by this rural housing. The area is dissected by a network of roads and small lanes. Transmission lines are also prominent and detract from the rural character of the area. The landscape possesses an intriguing mix of scales, sometimes offering long distance views to the sea or the mountainous backdrop of Slieve Croob across a rhythmic rolling landform, and sometimes presenting a more intimate, small scale experience due to the enclosure by hills, hedges and trees.

Principles for Accommodating New Development

- The establishment of compact, contained communities rather than disparate, isolated properties will improve the relationship between new buildings and their landscape context and will encourage a more co-ordinated approach.
- The use of native planting on the boundaries of developments and of a limited range of building materials - for garden fences and walls, as well as for the buildings themselves, will improve the unity and integration of buildings within the countryside.

Wind Energy Development – High to medium

A small southerly portion is included within the Newry, Mourne & Down District.

Key constraints to wind energy development in this location are the presence of small scale landscape features and views towards Strangford Lough and Slieve Croob within a landform that shows variation in terms of scale and enclosure.

Appendix 2: Criteria for Assessing Landscape Sensitivity to Wind Energy Development

Criterion	Comments
Scale	A large scale landscape, where the turbines may be in proportion with the landscape, is likely to be of lower sensitivity to wind energy development than a small scale landscape, where the turbines may appear to dominate the landscape and where features such as field patterns, individual trees and buildings may be compared with and highlight the size of the turbines.
Landform	Landform that is smooth, regular and convex, or flat and uniform, is likely to be less sensitive to wind energy development than dramatic or rugged landform. This is because the former types of landform tend to be less prominent and less distinctive in character. Convex landform may in addition provide partial screening for turbine structures.
Enclosure	A sense of enclosure provided by topography or vegetation – especially in areas with large scale topography or woodlands – may increase the ability of the landscape to provide screening for the lower parts of turbine structures and for associated access and infrastructure and hence indicate lower landscape sensitivity. However note that woodlands and forestry should be a long term feature if their screening effects are to be relied upon.
Complexity of landcover and features	Simple, uncluttered landscapes with sweeping lines and extensive areas of consistent ground cover are likely to offer greater potential for wind energy development than areas with more complex, irregular or intimate landscape patterns (for example ancient, irregular field systems) which tend to be more sensitive.
Man-made influence	A high degree of man-made influence on the landscape may mean that it is less sensitive to change due to wind energy development. Turbines are likely to be less conspicuous in brownfield or industrial landscapes already affected by built structures such as masts, pylons or chimneys, provided there are no visual conflicts where the structures are seen in close proximity. Commercial forestry may also introduce a temporary man-made influence to upland landscapes that would otherwise seem natural and wild.
Skylines and settings	Landscapes that do not form a distinctive backdrop or context tend to be less sensitive to wind energy development than those with strong visual features and focal points such as hilltop monuments, church spires or designed landscape features, which may form important skylines, landmarks or settings for settlements.
Visibility and views	Landscapes that are visually contained or have limited inward and outward views may be less sensitive to wind energy development than areas with extensive inward and outward views. Extensive

	close or middle range views from scenic routes, well-known vistas or tourist viewpoints may increase a landscape's sensitivity to wind energy development, as may close proximity to settlement.
Landscape quality (condition)	Areas where the condition and integrity of landscape patterns, elements and features are relatively good may be more sensitive to wind energy development than areas where condition is poor. In areas where landscape condition is good the fabric and character of the landscape are likely to be more highly valued and also more vulnerable to change.
Scenic quality	Scenic quality, that is visual appeal due to important views, visual interest and variety, contrasting landscape patterns, or dramatic topography, may increase landscape sensitivity to wind energy development. Land of high scenic quality occurs within designated landscapes (World Heritage Site, proposed National Park, AONBs) but also elsewhere; the approaches to and settings of areas of high scenic quality may also be sensitive.
Wildness and tranquillity	The presence of a relatively wild and/or tranquil character (due to remoteness, freedom from disturbance and factors such as openness and perceived naturalness) tends to make the landscape more sensitive to wind farm development. The introduction of wind turbines may alter perceptions of wildness and tranquillity, introducing movement, sound and light effects and possibly bringing a more industrial character to the affected landscapes.
Natural and cultural heritage features	The presence of natural and cultural heritage features such as interesting and valued habitats, wildlife, archaeological, historical or built features that enhance the landscape experience may increase sensitivity to wind farms, particularly where these features may be directly affected by construction works and/or access tracks; or where or enjoyment of these features may be diminished.
Cultural associations	Specific cultural (ie historical, folklore, literary or artistic) associations relating to the landscape may result in increased sensitivity to wind energy development if the character or perceptions of the landscape concerned are likely to be significantly altered.
Amenity and recreation	Areas offering access to high quality landscapes, memorable places, special experiences and to a range of opportunities for open-air recreation may be more sensitive to wind energy development due to potential effects on accessibility and/or on the quality of the recreational experience that will be obtained.

Appendix 3 – NMD Regional Seascape Character Areas

Strangford Lough - Seascape 16

Strangford Lough is a nearly land locked and sheltered marine inlet with a highly indented coastline that contains a highly distinctive and visually stunning composition of numerous whale-backed islands produced from the drowning of countless drumlins by the sea. The drumlins are found mainly on the west coast with most of those on the east coast having been removed by marine erosion forming small islands and numerous rocky reefs known as 'pladdies'. Strangford Lough is of particular importance for its marine flora and fauna and is Northern Ireland's only Marine Conservation Zone. The intimacy experienced along the seclusion of the western shore contrasts with the larger scale and more open appearance of the northern and eastern shores. The area has a long history of settlement with religion, industry and pleasure reflected in a large number of historical features associated with the Lough.

Key Characteristics

- A large, sheltered and complex sea lough with a sinuous shoreline.
- A visually stunning composition and varied views of the many drumlin islands, pladdies and inlets.
- Long fast-running tidal narrows, with whirlpools and eddies.
- An exceptional diversity of marine life.
- Extensive areas of mudflats and saltmarsh.
- Dense concentration of cultural sites, reflecting the use of the Lough for settlement, religion, industry and pleasure for many centuries.
- Stone bridges and causeways cross water and link islands.
- Dense network of winding roads scattered with traditional white-painted cottages.
- Nearly entirely land locked and enclosed by soft rounded hills and wooded estates.

Lecale Coast – Seascape 17

(includes Ballyquinton and Lecale)

The *Lecale Coast* SCA extends along the east facing coast from Ballyquintin Point down to St. Johns Point and includes a relatively extensive circalittoral zone that extends several kilometres out to sea. There are long distance views across the *Irish Sea (South Down)* SCA towards the Isle of Man, backed by the more distant coast of north-west England. Inland, gently undulating farmland enclosed by stone walls provides a low lying backdrop with a localised visual influence on the setting of the seascape. The Mourne Mountains are also visible in the backdrop from some areas of open coast towards the southern part of the SCA.

With a horizontal emphasis, the SCA is a low-lying, exposed and windswept coastline with extensive views out to sea. The coastline is predominantly formed of intricate rocks with sections of low-lying soft cliffs, punctured by two small secluded inlets of Killough Bay and Ardglass Harbour which supports an important commercial fishing centre. There are many shipwrecks submerged in shallow water and a scattering of

archaeological remains along the coast. There are sheltered fishing harbours at Killough and Ardglass and the open coast road is separated from the sea by a narrow section of open farmland with patches of gorse and stone walls.

Key Characteristics

- An intricate and low lying rocky coast punctured by two small secluded inlets of Killough Bay and Ardglass Harbour.
- An open, exposed and windswept appearance with a strong horizontal emphasis.
- The open coastal road and Lecale Way coast path provide panoramic views across open sea with distant views towards the Isle of Man with the coast of north-west England beyond.
- High energy waves crashing against the rocky shore.
- Water of up to 50 m deep with infralittoral fine sands, circalittoral fine sands, mixed sediments and sandy muds with a large number of shipwrecks scattered across the sea bed.
- Sheltered historic fishing harbours at Killough Bay and Ardglass.
- Occasional drumlins and sections of low lying cliffs.
- At low tide, the patterns and textures of mud flats and rocky outcrops add to visual interest.
- Guns Island lies just offshore at Ballyhornan and its cliffs support a small colony of breeding seabirds.
- Gently undulating farmland along the coastal edge with patches of gorse, scrub and stone walls.

Dundrum Bay – Seascape 18
(Includes Ballyquintin and Lecale Coast, Tyrella Coastal Dunes, The Mourne Mountains)

Dundrum Bay SCA, incorporating Dundrum Inner Bay, extends from St John's Point down to Ballagh Bridge where the Mourne Mountains meet the coast, and includes the shallow waters in the sweeping bay. The Mourne Mountains provide a stunning backdrop to the SCA and the imposing summit of Slieve Donard (850 m) is prominent in views from across the entire seascape. There are distant views across the Irish Sea towards the Isle of Man and the north-west coast of England beyond. Views along the wider coastline are curtailed by intervening landform.

Dundrum Bay is the largest natural bay in Northern Ireland and its sweeping formation provides a contained and sheltered setting for the busy coastal resort of Newcastle, which hosts a range of popular visitor attractions. A huge swath of sandy beach, popular for recreation, is backed by the extensive Murlough dunes. The dune system, dating back 6000 years, has an unusually intact and extensive transition including sand dunes, yellow and grey dunes, dune grassland, heath and scrub. Intertidal mudflats in Inner Dundrum Bay and sublittoral sands in Dundrum Bay are important for wintering birds. Dundrum derives its name from its Norman Castle, in Irish *Dún Droma*, meaning "fort of the ridge" which is located just outside the SCA

boundary. The imposing outline of the Mourne Mountains is integral to the contained and instantly recognisable setting of the bay, particularly when viewed from the sea.

Key Characteristics

- A broad sweeping bay with extensive sandy beaches, backed by the imposing and dramatic outline of the Mourne Mountains.
- The huge sweep of sandy beach from Newcastle to Tyrella is backed by the Murlough dunes which comprise a series of important dune systems.
- Extensive submerged sand banks.
- Intertidal mudflats in Inner Dundrum Bay and sublittoral sands in Dundrum Bay are important for wintering birds.
- Beyond the shelter of the inner bay, the coastline has an open and relatively exposed, windswept appearance.
- Distant views across the Irish Sea towards the Isle of Man.
- A section of low-lying rocky shore west of St John's Point.
- Shallow waters over infralittoral fine sands with mixed sediments and occasional rocks close to the shore.
- A concentration of archaeological sites reflecting long history of settlement, with many industrial sites associated with coastal trade and industry.

Mourne Coast – Seascape 19
(The Kingdom of Mourne, The Kikeel Coast)

The *Mourne Coast* SCA extends from St John's point, across the outer reaches of Dundrum Bay to Ballagh Bridge, and along the coast to Cranfield Point. It also includes a relatively extensive area of shallow sea in the circalittoral zone. The Mourne Mountains provide a stunning backdrop to the SCA and the imposing summit of Slieve Donard (850 m) is prominent in views from across the entire seascape. There are distant views across the *Irish Sea* SCA towards the Isle of Man and the north-west coast of England beyond and further south, the Cooley Mountains located above the southern side of Carlingford Lough. Inland, the gently undualting coastal plain forms a localised setting to the seascape.

With an imposing and dramatic backdrop of the Mourne Mountains, the SCA has a prevailing open, exposed and windswept appearance with panoramic views of the extensive Irish Sea. The low-lying coast bulges out into the sea and is exposed to the east and south-east to high energy waves. A series of rock platforms alternate with sand beaches with greywacke rock outcrops and gravel beaches further north. Maritime cliffs and slopes and coastal vegetated shingles occur at the northern end of the SCA. Kilkeel is an important commercial fishing centre and there are a large number of shipwrecks scattered across the sea bed.

Key Characteristics

- The coast bulges out into the Irish Sea and is exposed to the east and south-east to waves crashing against rocky platforms.
- An open, exposed and windswept appearance with panoramic views of the Irish Sea.

- A gently undulating, coastal lowland with much of the coast composed of low to moderate sized cliffs, many formed of boulder clay.
- Maritime cliffs and slopes and coastal vegetated shingles occur at the northern end of the SCA.
- From Cranfield Point to Ballymartin, a series of rock platforms alternate with sand beaches.
- From Ballymartin to Green Harbour, there are greywacke rock outcrops and gravel beaches.
- Igneous dyke swarms abound along the northernmost stretch of coast, with 130 dykes occurring between Ballymartin and Newcastle.
- Circalittoral fine sands, infralittoral mixed and coarse sediments and rocks with significant populations of scallop.

Carlingford Lough – Seascape 20
(Kilkeel Coast, Mourne Mountains, Newry Basin)

The *Carlingford Lough* SCA follows the road near to Lough shore from Cranfield Point at the Lough mouth, to the edge of Warrenpoint, and along the southern coast (within the Republic of Ireland) to the outermost headland. To the north, the Mourne Mountains and to the south, the Cooley Mountains combine to form a dramatic backdrop and a partly wooded sense of enclosure to the Lough. Contained by headlands at the Lough mouth, there are long distance views across the Irish Sea.

Carlingford Lough is a shallow and relatively broad sea lough sheltered from the rough waters of the Irish Sea, and is particularly noted for its glacial fjord or sea inlet form. The surrounding summits of the stunning Mourne and Cooley Mountains, with large areas of wooded slopes, are integral features to its contained setting. It is a particularly dynamic and busy seascape with a diversity of land and sea uses and busy shipping lanes leading out to sea. The Newry River and the Newry Canal link the Lough to the nearby city of Newry. There is an extensive shellfish culture and the Lough is also a very popular visitor attraction, offering a wide range of recreational activities. There are extensive mudflats and areas of saltmarsh supporting large numbers of wintering water birds.

Key Characteristics
A relatively shallow and broad glacial fjord sheltered from the rough waters of the Irish Sea.

- Contained by the wooded slopes of the Mourne Mountains to the north of the Lough, and Carlingford Mountain and Black Mountain to the south.
- A predominantly dynamic and busy seascape with a diversity of land and sea uses, - including an extensive shellfish culture.
- A deep, marked shipping channel is busy with passing ferries and container ships.
- Greenore and Warrenpoint are significant commercial freight ports.
- Extensive mudflats with saltmarsh occur in Mill Bay, supporting large numbers of wintering water birds.
- Undeveloped headlands provide pockets of remoteness and tranquillity.

- Several marinas, sailing clubs, jetties and slipways provide an important resource for water-based recreation.
- A long history of settlement, defence and maritime industry.

Newry Estuary – Seascape 21
(includes Newry Basin)

The *Newry Estuary* SCA is centred on the lower reaches of the Newry River before it empties into the expanse of Carlingford Lough. It extends up river from the narrow mouth at Warrenport, as far north as the embankment at the south end of the Greenbank Industrial Estate, where the character becomes more riverine in nature. It also includes the Newry Canal that follows the path of the river on its western side. The steep wooded valley sides along much of its length are particularly important to its contained setting. Port and industrial development at Warrenport and Newry also contribute to its setting. Medium range views out to Carlingford Lough are contained by development at the narrow mouth of the river.

With a long association of maritime trade, the SCA is centred on the narrow lower reaches of the Newry River set within a dramatic, steep-sided narrow valley. Running alongside the river, the Newry Canal links the Lough to the nearby city of Newry. The gently meandering river is flanked by a series of historic navigational features with channel markers along its length. Newry Canal, with its impressive archaeological features including pump houses, quays, locks and lock houses, contribute to a strong sense of place. The seclusion of the wooded valley sides contrast with areas of busy large-scale land use of port infrastructure, industrial and commercial development.

Key Characteristics
- A very gently meandering tidal river enclosed by dramatic, wooded valley sides.
- Channel markers and navigational features, including the two lighthouses which replicate round towers on either side of the river, are distinctive features.
- A long history of settlement, defence and maritime industry with a number of important Scheduled Monuments.
- Newry Canal and associated impressive industrial archaeological features including pump houses, quays, locks and lock houses.
- The historic Narrow Water Keep is a striking landmark feature on the bank of the Newry.
- Prominent large-scale land use of port infrastructure, industrial and commercial development.
- Deep mudbanks along the river are important feeding areas for wintering wildfowl and waders.

Irish Sea South Down - Seascape 21
(does not include any Landscape Character Areas)

The *Irish Sea (South Down)* SCA is located off the south-east coast and adjoins the outer marine extents of several SCAs located along the coast. Formed above the deep circalittoral zone, sea depth extends to approximately 200 m along the outer northern boundary, becoming progressively shallower to the south and towards the coast where depth is up to approximately 50 m. Habitats are predominantly deep circalittoral mud with smaller areas of deep circalittoral sand, faunal communities on circalittoral rock, with deep circalittoral course and mixed sediments to the north of the SCA. At this distance, features along the low-lying coastline would be hardly discernible although the dramatic outline of the Mourne Mountains and the Cooley

Mountains form a distinctive skyline. To the east, there are distant views the Rhins of Galloway, the Isle of Man and the north-west coast of England beyond. The SCA is notable for its important prawn grounds.

Key Characteristics

- A relatively deep sea bed with low energy waves and strong currents.
- Commercial shipping lanes with passing container ships, passenger ferries and cruise ships.
- Important prawn grounds and fisheries.
- Sea fishing and sailing across the SCA.
- The dramatic outline of the Mourne Mountains and the Cooley Mountains form important visual features.
- Compared to the *North Channel* SCA, the SCA has a greater sense of exposure to open sea.
- Habitats are predominantly deep circalittoral mud with smaller areas of deep circalittoral sand, faunal communities on circalittoral rock with deep circalittoral course and mixed sediments to the north of the SCA.
- Several ship wrecks scattered across the sea bed.