



August 11th, 2016

**Notice Of Meeting**

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 17th August 2016** at **5:00 pm** in **the Boardroom Monaghan Row Newry.**

**The Committee Members are:**

**Chair: Councillor R Mulgrew**

**Vice: Councillor T Andrews**

**Members:**

- Councillor S Burns**
- Councillor C Casey**
- Councillor G Craig**
- Councillor D Curran**
- Councillor G Fitzpatrick**
- Councillor V Harte**
- Councillor D Hyland**
- Councillor J Macauley**
- Councillor P O'Gribin**
- Councillor G Stokes**
- Councillor D Taylor**
- Councillor J Tinnelly**
- Councillor J Trainor**

# Agenda

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

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*Committee Business*

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2. **Declarations of conflicts of interest.**

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*Committee Business*

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3. **Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 22 June 2016. (Attached).**

*Action Sheet - 22 June 2016.pdf*

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*For Consideration and/or Decision*

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4. **2016/2017 Business Plan. (To follow).**

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*For Consideration and/or Decision - Building Control*

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5. **Implementation of the Licensing of Pavement Cafes Act (NI) 2014. (Attached).**

*Item 5 - NM&D Licensing of Pavement Cafes Act.pdf*

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*For Consideration and/or Decision - Planning*

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6. **July 2016 Planning Committee Performance Report. (Attached).**

*Item 6 - July 2016 Planning Committee Performance Report.pdf*

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7. **Appeals and Decisions. (Attached).**

8. **Record of meetings between Planning Officers and Public Representatives. (Attached).**

*Item 8 - meetings between Planners and Public Representatives.pdf*

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9. **Meeting with Public Representatives 1st quarter - April/June 2016. (Attached).**

*Item 9 - REGISTER OF CONTACTS - Q1 Apr - June 2016.pdf*

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10. **Publication of Northern Ireland Planning Statistics: 2015/16 Annual Statistical Bulletin. (Attached).**

*Item 10 - Publication of NI Planning Statistics.pdf*

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*For Consideration and/or Decision - Facilities Management and Maintenance*

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11. **Report re: request for Council to improve entrance to Ardglass through provision of planting. (Attached).**

*Item 11 - Council to improve entrance to Ardglass through provision of planting.pdf*

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12. **Report on options for securing the amenity space at Castlewellan Square, Castlewellan. (Attached).**

*Item 12 - Castlewellan Square Report.pdf*

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13. **Report on bus shelter requests. (Attached).**

*Item 13 - Report on Bus Shelter Requests.pdf*

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14. **Report re: request from Lislea Community Association. (Attached).**

*Item 14 - Lislea Community Association Request Report.pdf*

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15. **Report re: Council representatives' attendance at Britain in**

**Bloom RHS Awards Presentation. (Attached).**

*Item 15 - Newcastle Entry in Britain in Bloom.pdf*

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*For Consideration and/or Decision - Waste Management*

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**16. NILAS Sharing Protocol. (Attached).**

*Item 16 - NILAS 15-16 - Sharing Protocol.pdf*

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**17. Supply of wheeled refuse containers, bottle bank to the Suppliers Contracts. (Attached).**

*Item 17 - Supply & Delivery of Wheeled Refuse Collection Containers, Bottle Bank and Other Suppliers Contract.pdf*

Page 105

**18. NILAS final reconciliation. (Attached).**

*Item 18 - Newry Mourne & Down DC Draft Reconciliation 2015-16.pdf*

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**19. Report re: Drumanakelly Wind Turbine Project. (Attached).**

*Item 19 - Drumanakelly Wind Turbine Project.pdf*

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**20. Report re: final capping tender - Aughnagun Landfill site. (Attached).**

*Item 20 - Final Capping Tender Aughnagun Landfill Site.pdf*

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*For Noting*

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**21. Action Tracking Update. (Attached).**

*Item 21 - Actions tracking update - 17 August 2016.pdf*

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**22. Marine Construction Licence – variation 1 (Attached).**

*Item 22 - Marine Construction Licence - Variation 1 - 30th June 2016.pdf*

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**23. Arc21 Steering Group Meeting – Minutes of the meeting held on Tuesday 10 May 2016. (Attached).**



24. **Arc21 Joint Committee Meeting – Minutes of the meeting held on Thursday 19 May 2016. (Attached).**

25. **Arc21 Steering Group Meeting – Minutes of the meeting held on Tuesday 21 June 2016. (Attached).**

26. **Arc21 Joint Committee Meeting – Minutes of the meeting held on Thursday 30 June 2016. (Attached).**

27. **Arc21 Joint Committee Members' Monthly Bulletin 30 June. (Attached).**

28. **Arc21 Joint Committee Members' Monthly Bulletin 28 July. (Attached).**

29. **History of Drumanakelly Wind Turbine. (Attached).**

**ACTION SHEET – REGULATORY & TECHNICAL SERVICES COMMITTEE – WEDNESDAY 22 JUNE 2016**

<b>AGENDA ITEM</b>	<b>SUBJECT</b>	<b>DECISION</b>	<b>FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed</b>
RTS/94/2016	Times of future Committee Meetings	<b>It was unanimously agreed that the Regulatory and Technical Services Committee Meetings commence at 5.00 pm for the 2016/2017 term of office.</b>	Council diary updated. Revised schedule of meetings sent to Councillors and Directors.
RTS/95/2016	Dilapidated/dangerous structures and neglected sites legislation	<b>It was agreed to approve the above report and recommendation that the draft response be submitted on behalf of the Council by 30 June 2016.</b>	Actioned.
RTS/99/2016	DoE Consultation on Permitted Development Rights	<b>It was agreed to approve the draft response to the DoE in respect of their Consultation on Permitted Development Rights, subject to Mr McKay clarifying an issue raised by Councillor Casey, that the extension of permitted development rights for the installation of new or replacement telegraph poles and the installation of new overhead lines would not lead to a proliferation of poles in areas of outstanding natural beauty or areas of special scientific interest.</b>	Response on behalf of Council issued 30 June 2016. Response included concerns expressed by Councillor Casey

RTS/100/2016	Extension to the file storage and retrieval contract for planning fees	<b>It was agreed to approve the extension of the file storage and retrieval contract for Planning files for a further 2 year period until 30 June 2018 at a cost of approximately £10k per annum.</b>	Actioned
RTS/101/2016	Report on bus shelter requests	<ul style="list-style-type: none"> <li>• A cantilever type bus shelter be installed at A24 Newcastle Road/Ballinahinch bus stop and to include the provision of a seat subject to meeting TNI site requirements.</li> <li>• Council to write to Translink requesting that they give consideration to extending the bus shelter at Belfast Road, Saintfield. If this request was turned down the Council to consider asking Translink to transfer ownership of this bus shelter to the Council.</li> <li>• A cantilever type bus shelter be installed at Ballyholland Road, Ballyholland, and to include the provision of a seat subject to meeting TNI site requirements.</li> <li>• A cantilever type bus shelter be installed at this Carrivemaclone, Newry, and to include the provision of a seat subject to meeting TNI site requirements.</li> <li>• A cantilever type bus shelter be installed at Cloughreagh Park, Bessbrook, and to include the provision of a seat subject to meeting TNI site requirements.</li> <li>• An enclosed type bus shelter be installed at Drumaroad, Castlewellan.</li> </ul>	In Progress

- A cantilever type bus shelter be installed at 47 Belfast Road, Crossgar, and to include the provision of a seat subject to meeting TNI site requirements.
- Side panels be installed at the bus shelters adjacent to 65 Downpatrick Street, Crossgar and Drumaness/Newcastle Road, Drumaness – Belfast direction.

Bus shelter requests under consideration

<b>Location</b>	<b>Date Request Made</b>
Glassdrumman Road, Annalong – new bus shelter (x2)	August 2014
Sandbank/Hilltown Road, Mayobridge – new bus shelter	October 2014
Turleys Crossroads/Prospect Road, Moneyslane – new bus shelter	February 2015
Clanvaraghan Road, Castlewellan – new bus shelter	June 2015

		Roxborough Road, Dorsey – relocate bus shelter	July 2015		
		Bryansford Road, Newcastle – new bus shelter	September 2015		
		Castlewellan Road, Clough – new bus shelter	October 2015		
		Belfast Road, Newry close to Park n Share car park at Sheepbridge – new bus shelter	January 2016		
		Carnaney/Bavan Road Mayobridge – new bus shelter	February 2016		
		<p><b>An update on the request for a bus shelter at Turley's Crossroads would be tabled at the August RTS Meeting.</b></p> <p><b>In response to a query from Councillor Casey regarding the possibility of a bus shelter being provided at Drummond Road, on the main Armagh Road, Newry, Mr Scullion said he would speak to Councillor Casey about getting the details of residents who had asked for this bus shelter.</b></p>			

RTS/105/2016	Issues raised by Councillor Casey	<ul style="list-style-type: none"> <li>• His disappointment that no representatives from the Council had attended the Carnagat Interagency meeting although they had been invited.</li> <li>• Complaints from a household on Cabra Road, Hilltown that their bins were not being emptied despite being left out for collection (<b>Councillor Casey to give details to Mr L Dinsmore</b>).</li> <li>• Complaints regarding the cleanliness of the changing rooms/shower rooms at Newry Swimming Pool (<b>Councillor Casey to contact Mr R Moore about this issue</b>).</li> <li>• Damage to a property at 10 Hollywood Gardens, Rathfriland Road, Newry by a bin lorry (<b>Councillor Casey to contact Mr L Dinsmore about this issue</b>).</li> </ul>	<p>Attendance at this meeting is provided through Environmental Health Department</p> <p>Correspondence sent to Mr Woods on 5 July 2016.</p> <p>Comments passed to Duty Managers to ensure cleaning checks are being undertaken</p> <p>Matter was investigated and discussed with the householder and Council has accepted no liability. The matter is still ongoing.</p>
END			

<b>Report to:</b>	Regulatory and Technical Services Committee Meeting
<b>Date of Meeting:</b>	17 <sup>th</sup> August 2016
<b>Subject:</b>	Implementation of the Licensing of Pavement Cafes Act (NI) 2014
<b>Reporting Officer (Including Job Title):</b>	<i>Mr Colum Jackson, Assistant Director of Regulatory and Technical Services</i>
<b>Contact Officer (Including Job Title):</b>	<i>Mr Colum Jackson, Assistant Director of Regulatory and Technical Services</i>

<b>Decisions required:</b>	
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>The Licensing of Pavement Cafes Act (NI) 2014 (the 'Act') is a new piece of legislation and comes fully into operation with effect from 1 October 2016. The licensing scheme will allow café owners, restaurants, pubs or other premises selling food or drink to apply to Council for a pavement café licence; the Act places an onus on a council to grant a licence unless it has good reason to refuse it.</p> <p>However while the provision of street cafés is encouraged it is important that they are properly administered and managed to ensure that they meet the high standards expected in our towns. They should not obstruct the footway or create a hazard for pedestrians especially for blind, partially sighted and other disabled people or cause noise disturbance or other nuisance to residents or neighbouring businesses. They should also be attractive areas to sit in</p> <p>The Licensing forum has produced guidelines in relation to appropriate controls for the licensing of pavement cafes. (Appendix II)</p> <p>Councils will be able to impose a range of licence conditions, charge a reasonable fee and may vary, suspend or revoke the licence in certain conditions. Councils will also have the power to remove facilities at unlicensed pavement cafés.</p> <p>Councils will be required to consult with Transport NI and, where the premises are licensed for sale of alcohol, to consult with the PSNI.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<p><b>Pavement Café Designation Policy</b></p> <p>The Licensing of Pavement Cafés Act (Northern Ireland) 2014 concluded its legislative passage and received Royal Assent on 12 May 2014.</p>

2.2	<p>The Pavement Café Designation Policy is being produced and screened and will be brought to Council for approval in due course. The Policy produced will be integral to the successful implementation of this Act, the formal adoption of these guidelines is recommended.</p> <p><b>Duration of licence</b></p> <p>The Department for Communities has advised that the default position is that all pavement café licences are to be granted for an indefinite period unless a council has specified a period in the licence. Section 5 of the Act gives district councils the power to decide how long a licence should last. A council can also decide whether licences should all terminate (and hence fall for renewal) on a common date.</p> <p>If a council limits the duration of a licence it will need to be able to justify this. The Licensing Forum would support an initial limit of 3 years for first licence duration in line with the Council's timeframe for policy review.</p>
2.3	<p><b>Setting of licence Fee</b></p> <p>Section 12 of the Licensing of Pavement Cafés Act (NI) enables a District Council to charge:-</p> <p style="padding-left: 40px;">(a) for the grant, renewal or variation of a pavement café licence;</p> <p>Section 12 of the Licensing of Pavement Cafés Act (NI) 2014 contains the power to charge a fee to enable it to offset the cost of administering the pavement cafe licence scheme.</p> <p>Section 12 further places a requirement on a council to publicise the fees it intends to charge and make available the details of how these were calculated. It also states the circumstances where refunds of fees must be made (i.e. refusal to grant, renew or vary a licence, less any administration costs necessarily incurred)</p> <p>The following detailed costing for pavement café licence fees are based on actual costs of administering the District Council's functions in dealing with applications, enforcement of licensed traders and designation (in relation to pavement cafes) costs.</p> <p>The proposed Pavement café licence fees are detailed in Table 1, below.</p>



		<b>Administration costs (Non-refundable)</b>	<b>Compliance monitoring (2 visits)</b>	<b>Actual cost for 3 year licence</b>
	Grant of pavement café licence	£280.00	£95.00	£375.00 total
	Renewal or Variation of pavement café licence	£185.00	£95.00	£280.00 total

**Table 1**

<b>3.0</b>	<b>Recommendations:</b>
3.1	Approve a 3 year initial licence duration
3.2	Approve the Licence Fees
<b>4.0</b>	<b>Resource implications</b>
4.1	There are potential staffing implications for councils in the implementation of the Act and these are set out in the Fees
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	There are a number of equality implications associated with the introduction of the Act which will need to be considered such as ensuring the pavement café does not impede those with a physical or visual impairment.
<b>6.0</b>	<b>Appendices</b>
	Appendix I: Guidance for Applicants



## **Newry, Mourne and Down District Council**

### **Licensing of Pavement Cafés Act (Northern Ireland) 2014**

### **Guidance for Applicants**

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## Definitions

Furniture	includes tables, chairs, umbrellas, barriers, heaters, menu boards etc
Licensed area	a public area as defined on a plan approved by the Council as a pavement café.
Licensed period	the hours and days approved by Council when the licensed area can be used as a pavement café.
Licensing Order	the Licensing (Northern Ireland) Order 1996
Pavement café licence	the permission given by Council to allow you to place temporary furniture on a specified public area for customers to consume food or drink supplied from the licence holder's premises
Public area	a place in the open air, to which the public has access, as of right and which is not a market area
Public nuisance	noise disturbance or other nuisance caused to residents or neighbouring businesses
Temporary furniture	furniture that can be removed from the pavement within 20 minutes



## Introduction

Pavement cafes are becoming a familiar sight across the UK and Ireland. They can help develop a local café culture, which in turn can have a positive effect on urban environments, promote town and city centres, contribute to the general well-being of communities and appeal to tourists.

Tourism is a key driver for economic growth in Northern Ireland offering business opportunities to create jobs and generate wealth. Visitor attitude surveys undertaken by the Northern Ireland Tourist Board have highlighted the attractiveness of a vibrant café culture, especially for short breaks where shopping, good food and evening entertainment are high on the agenda. Well-regulated pavement cafes can contribute to an excellent visitor experience, enhance the attractiveness of a local area and encourage visitors to stay longer and spend more.

## Legislation

Council's power to regulate pavement cafés in the District is contained in the Licensing of Pavement Cafés Act (NI) 2014 and associated Regulations.

## How to use this guidance?

This guidance document has been prepared by Newry, Mourne and Down District Council to help you prepare an application for a Pavement Café Licence. Further advice or guidance in relation to the legislation can be found on the Department for Communities web site [www.newrymournedown.org](http://www.newrymournedown.org) or by contacting the Council on 0300 013 2233.

Please note that this document is for guidance only and is not intended to be a legal interpretation of the legislation.

## What is a Pavement Café Licence?

A Pavement Café Licence authorises a person who carries on a business involving the supply of food or drink (in or from premises) to place furniture (tables, chairs etc) on a public area for use by customers. This includes cafes, restaurants, pubs, retail outlets providing refreshments, takeaways, supermarkets with a deli counter etc.

Note: A licensed pavement café area will remain a public place for the purpose of public order, environmental or other legislation.

## Who may apply?

Any person or persons who carry on the business (in or from a premises) involving the supply of food or drink to the public, may apply for a licence.

## Is the area you want to use suitable for a pavement café?

This guidance document (Section 2) offers advice on what the Council will consider appropriate for a pavement café licence including:

- Pedestrian and vehicular access;
- Size and layout;
- Likely disturbance to other businesses or residents
- Furniture design
- Safety issues

In general, the pavement café area will need to be set-up immediately adjacent to the premises. However, a licence for a remote café may be granted where:

- The proposed café does not interfere with both vehicular and pedestrian traffic flow; and
- The licence holder is able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.

## Hours of operation

The Council will confirm the hours and days of use for the pavement café area having regard to the location, likely disturbance to local residents or other businesses and representations from interested parties.

Normally the Council will consider that licences will be granted for hours between 8am and 11pm.

## What enforcement powers do Council have?

Failure to obtain an appropriate licence or failure to comply with the conditions attached to a licence may result in enforcement action being instigated.

- **Unlicensed pavement cafés**

It is an offence to place furniture (for the use of consumption of food and drink) on a public area without a pavement café licence. The offence is liable to a fine of up to £1,000 on summary conviction.

- **Suspension/Compulsory variation of a licence**

Council may suspend a licence when maintenance of street utilities is required or road works are scheduled. The licence can also be suspended a breach of licence conditions, making false statements or failure to pay any fee to Council without good reason.



During any period of suspension, the pavement café licence is invalid and Council may remove any furniture placed in the public area during the period of suspension.

Council may also compulsorily vary a licence where part of an area has become unsuitable or its continued use is likely to result in interference or inconvenience to persons or vehicles in the vicinity or public order concerns.

Council will consult with PSNI before varying a licence on public order grounds.

- **Revocation of licence**

A pavement café licence may be revoked following breaches of licence conditions, where the licensed area is no longer suitable for temporary furniture, or where there is undue interference or inconvenience to persons or vehicles in the vicinity or public order concerns. Council will consult with PSNI before revoking a licence on public order grounds.

- **Notice of revocation, suspension or compulsory variation**

If the Council proposes to revoke, suspend or vary the licence condition you will be given 21 days' notice unless it is considered that such action needs to be taken in the public interest.

You can make representations to persuade us not to revoke, vary or suspend the licence, within a specified period of 21 days of receipt of notification of council's intention to do this.

## **Making an Application**

Before you submit your application you should read this guide thoroughly to check whether your proposal meet all the criteria. You are advised to contact the Council to discuss your proposals PRIOR to submitting your application. This may help to minimise time wasted and expenditure on fees for applications which may later be refused.

Applicants are advised to read the guidance document carefully and ensure they fully understand the requirements before they complete the attached application form.

All applications for a Pavement Café Licence must be accompanied by the following:

- **Licence Fee**

	<b>Administration costs (Non-refundable)</b>	<b>Compliance monitoring (2 visits)</b>	<b>Actual cost for 3 year licence</b>
Grant of pavement café licence	£280.00	£95.00	£375.00 total
Renewal or Variation of pavement café licence	£185.00	£95.00	£280.00 total

- **Location plan**

A plan must be provided to a scale not less than 1:2500 (preferably ordinance survey) showing the proposed pavement café marked in red and the adjoining streets and properties

- **Proposed Café plan**

A plan must be provided to a scale of not less than 1:100 the proposed pavement café area, the streetscape and all utilities and services including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and any other items of street furniture located within the immediate vicinity. The dimensions of the proposed pavement café area must also be shown. Please see appendix 2 for examples of pavement café plans.

- **Details of the furniture**

Provide details of the number, materials and types of chairs, tables, umbrellas, etc, to be provided in the cafe. (Photographs/manufacturers detailed brochures or of existing furniture would be an advantage).

- **Public liability insurance** cover with minimum indemnity of £10m.
- Evidence of **planning permission** where appropriate.
- If the café is to be located away from the main premises or patrons/ staff will need to cross a public pavement to reach the café area then you must provide a risk assessment and a managed control plan.



## Public notice

Applicants are required to fix a public notice (See appendix 4) to the premises on the day the application is made to the Council. The notice must be positioned so as to be visible and legible to the public for 28 days to allow for representations. In addition the Council will make the application available to be viewed by the public on the Council's web site, until the end of the period allowed for representations. You must complete the declaration on the application form that you have erected the notice and that you will maintain it for 28 days from the date of application.

## Consultation

It is recommended that businesses discuss their proposals with adjacent property occupiers to inform them of the application.

When an application is made for the grant, renewal or variation of a licence the applicant must display a public notice indicating that they have made application for a pavement café licence and that any objections can be made in writing to Council within 28 days of display.

Twenty eight days will be given for comments and any objections will be considered prior to the licence determination.

The Council will also give notice of the application on its web site [www.newrymournedown.org](http://www.newrymournedown.org)

We will also consult with the following:

- the Transport NI to ensure that any implications for vehicular traffic, pedestrians and public safety impacts are properly taken into account; and
- the Police Service for Northern Ireland where the premises is licensed to sell alcohol;
- the Planning Department; and
- any other Council Department, organisations or individuals as appropriate.

## Can my licence application be refused?

Yes. Due to factors such as visual impact, width restrictions, obstructions or very heavy pedestrian flow it may not be possible to accommodate pavement cafes in all locations. However we will consider each application on its own merits. We will normally follow the policy however if we have to depart substantially from the policy we will explain why.

Following consideration of your application Council may make changes to your proposal to meet the licensing criteria including amending the size and shape of the licensed area. Once these changes are agreed by the applicant and implemented the licence will be granted.

If your proposal fails to meet the criteria and your application is refused by the Council you will be informed of that decision and you will be refunded the administrative fee.

Following refusal of an application the applicant may appeal against the refusal to the Magistrates' Court within 21 days of being notified of the Council's decision. Licence holders may also appeal a decision to suspend or revoke a licence or vary the area and conditions of a licence (as an alternative to revocation), or to limit the duration of a licence.

## **How long will it take to process my application?**

Council aims to provide you with a determination within 6 weeks from date of receipt of a completed application including all the required plans and licence proposal. This is to allow full and proper consultation in line with statutory guidance, site visits and consideration of any objections or other input from consultees.

## **Appendix 1: Suitability Criteria for Licence**

### **1. Design**

The applicant will need to demonstrate that the café will make a positive contribution to the street scene and is in keeping with the surrounding street scene and other buildings and public realm. Simple robust designs will be preferred and excessive or elaborate detail or signage should be avoided unless clearly justified by the particular context. Applicants should also demonstrate commitment to the care and/or refurbishment of the external appearance of the building in which the business is housed, to ensure that the appearance of the street scene will be maintained and, where necessary, enhanced.

Street café proposals should not hinder reasonable use of the footpath, cause nuisance to adjacent frontages, or interfere with apparatus or access to apparatus within the footpath. To this end the applicant shall comply with all statutory requirements and obtain all necessary permissions before making a licence application.

### **2. Size and layout**

The extent of the area to be licensed will depend on the site characteristics, safety considerations and the criteria set by the Council and Transport NI to maintain adequate space for both pedestrian and vehicle movement.

The outdoor seating area should:

- Avoid conflict with the principal lines of pedestrian movement.



- Avoid conflict between customers going in and out of the café, passing pedestrians and neighbouring premises.
- Ideally be confined to the frontage of its own premises with close integration of internal and external activities however this does not preclude a remote location.

In order to safeguard the interests of pedestrians, particularly disabled people, older people and those with mobility needs including pram and wheelchair users, a minimum width of 1.5 metres clearance must be maintained on the pavement including at the kerbside. This figure may be increased or reduced depending on overall pavement width, footfall, safety etc. Where the seating area is adjacent to a road junction or vehicular access, 10 metres clearance should be left to allow for junction visibility. In pedestrianised areas, 6 metres of unobstructed space must be left. For examples of pavement cafes please refer to appendix 3.

The area to be used must take into account other needs in the immediate vicinity (e.g. kerbside parking, loading bays, bus stops, emergency vehicle access, emergency exits, street cleaning machines, and pedestrian crossings). Where an application contains a proposal to establish a pavement café abutting neighbouring premises, the Council would advise that the applicant should discuss their proposal with the owners or occupiers of the adjoining premises before an application is made.

The limits of the approved café area will be agreed as part of the application process and it is important that no obstructions such as tables, chairs, portable advertising boards, planters or barriers are placed outside this approved area or left on the pavement or any part of the licensed area outside approved hours. A copy of the Pavement Café Licence (including approved plan) should be available on the premises for inspection on request.

### 3. Boundaries

When in use, the pavement café area should ideally be enclosed, by way of adequate screening, to demarcate the licensed area and contain the tables and chairs, in order to make it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians. Portable, sturdy barriers with a tap rail are recommended. Bases should not cause an obstruction or tripping hazard to pedestrians.

The enclosure shall be removed both outside the licensed period and when the pavement café is not operating within the licensed period. The materials should, therefore, be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked into or overturned by a sudden gust of wind.

The design of the barrier should complement the character of the surrounding area and may be required to be of a specific design in order to maintain continuity along the street frontage. The colours and materials used for the



enclosure should ensure that it is not visually dominant in longer views but will allow key elements to stand out against the background in close up.

Well maintained planters can be particularly attractive and can be appropriately used as part of the means of enclosure, but must be positioned within the licensed area. In certain circumstances, it may be possible to utilise existing street railings, planters and bins as a suitable means of enclosure.

#### 4. Furniture

The furniture must be of a high quality design and suitable for outdoor commercial use. Poor quality furniture will not be permitted.

The use of parasols, along with their locations, materials and colours must be specified as part of the design and must be positioned so that their extent is contained within the boundary to ensure they do not present a danger to any user of the pavement café or any other pedestrians.

Limited advertising may be permitted on both the enclosure and parasols only. Proposed details should be provided with the application.

Non furniture items, e.g. menu boards, signs and portable gas heaters also need to be approved as part of the licensed area. Where heating is to be provided, this must be of a type suitable for outdoor use and placed within the licensed area. If patio style liquid petroleum gas (LPG) heaters are to be used, they need to be adequately secured upright, be fitted with a flame failure device and to be maintained in an efficient working order.

All furniture must be of a temporary nature that can be removed swiftly within 20 minutes at the end of the permitted period or when access to the area is required by any statutory body or in the event of an emergency.

If the main premises operate for longer than the licensed period the applicant should give consideration where furniture is to be stored, this should be made clear within the application.

#### 5. Environmental implications and other requirements

It will be the responsibility of the pavement café operator to keep the area clean and free of litter, during licensed/operational hours and after the conclusion of business each day.

The conduct of customers using the outdoor seating area will also be the responsibility of the operator.

All food premises should be registered with the Council.

The licence does not imply an exclusive right to the area and others have rights over it for events, maintenance, repairs etc.

No amplified music or loudspeaker equipment shall be used in the pavement café area.

Proprietors must promote a safe, clean and generally welcoming environment in the pavement café area. Councils may make it a requirement that patrons using the area are seated at the furniture provided.

Proprietors should give consideration to dividing their outside café area into smoking and non-smoking sections, with each section clearly marked.

## 6. Safety and Control

It is the responsibility of the applicant to ensure that the pavement café and equipment used comply with all appropriate legislation in relation to food safety, health and safety and alcohol sales requirements.

Applicants are reminded of their duties, to carry out a risk assessment, under the Health and Safety at Work (NI) Order 1978 as they relate to the area and activities covered by the pavement café.

Applicants proposing to licence a café which is separate from their main premises or where you need to cross a public pavement to reach the café area must provide a risk assessment for the café and a proposal as to how the café will be controlled and supervised.

Individual pavement café operators with the required Pavement Café Licence will be responsible for securing full and proper insurance cover which should also indemnify the Council against public liability claims from members of the public arising from café users on the footpath.

## 7. Other statutory bodies

You should also consider the requirement of Planning and Rates before making your application.

### **Planning Service**

#### **Applications within Conservation Areas**

Depending on the circumstances of a proposed pavement café on a public area, a planning application may be required if development is to be undertaken. Anyone considering the establishment of a pavement café is advised to contact the planning office of the relevant council for advice and guidance on whether an application for planning permission is required or not. To this end, the council planning office may request from a potential applicant, full details of a proposed pavement café, including drawings identifying the site, proposed layout and means of enclosure, as well providing details of proposals such as alteration works, canopies, blinds, awnings and details of proposed



advertisements/signage. Other consents, such as Consent to Display an Advertisement and Listed Building Consent may also be required and if so an application in each appropriate case should be submitted to the planning office of the relevant council.

### **Rates liability on grant of licence**

The Department for Finance and Personnel has advised that for the vast majority of cases a marginal, seasonal increase in seating of a temporary nature under the terms of the licence would be regarded as de-minimus in rating terms and would not warrant a change in Net Annual Value (NAV). Where the type of arrangement goes beyond the marginal, seasonal or temporary arrangement and it is assessed or evidenced that it adds to the rental value of the premises, an adjustment to the NAV may be warranted. Each case will be judged on its merits and will be the decision of the District Valuer. Councils will wish to refer prospective applicants, who have concerns in this respect, to the District Valuer, Land and Property Services.

### **8. Consumption of Alcohol**

Alcohol **may** be consumed (but not sold) in a pavement café area unless:

- The business is an 'off sales' as defined under Article 5(1) (b) of the licensing Order; or
- The Council is satisfied that permitting persons to consume intoxicating liquor in a pavement café would be likely to result in disorder; or
- The premises are not licensed under the licensing Order (see note below) and are located within an area designated under bye laws prohibiting the consumption of intoxicating liquor.

**Note** : Only premises licensed under the Licensing Order as a public house, a hotel, a restaurant or a guest house with a restaurant will have their licensed area for the consumption of alcohol extended to include the pavement café area.

# Appendix 1

## APPLICATION FOR A PAVEMENT CAFÉ LICENCE

I / We hereby make application to Newry, Mourne and Down District Council under the provisions of the Pavement Cafes Act (Northern Ireland) 2014 for the:

**Application type** - *tick as appropriate*

<b>Grant of a Pavement Café Licence</b>		<b>Variation of a Pavement Café Licence</b>	
<b>Renewal of a Pavement Café Licence</b>			

**Applicant details** - Name : \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ BT \_\_\_\_\_ Tel : \_\_\_\_\_

Email : \_\_\_\_\_ D o B : \_\_\_\_\_

Designation : Owner / Director / Manager - or otherwise state \_\_\_\_\_

**Premises details** - Type : \_\_\_\_\_

Name : \_\_\_\_\_

Address : \_\_\_\_\_

\_\_\_\_\_ BT : \_\_\_\_\_ Tel : \_\_\_\_\_

### **Operating details**

Proposed days and hours of operation of the Pavement Cafe

**Licensing details**

Is alcohol to be consumed in the curtilage of the Pavement Café ?							YES	NO
Are the premises licensed under the Licensing (N I) Order 1996 ?							YES	NO
Public House		Off Sales		Restaurant		Hotel		Guest house with restaurant

**Proposal details:**

Total width of footpath \_\_\_\_\_m

Is the area within 10metres of a road junction: Yes  No

Dimensions of café area: \_\_\_\_\_ Number of tables & chairs \_\_\_\_\_

Barrier Height: \_\_\_\_\_ Barriers/Tap Rails: Yes  No

**Site details** – (see guidance document)

Provide an area Location Plan, scale 1:1250, depicting location of Pavement Cafe and sufficient surrounding area with infrastructure.	Here enclosed	To follow
Provide a proposed Site Plan, scale not less than 1:100, depicting street space occupied, size and type of barriers, number and type of tables and chairs, and any other pavement café furniture.	Here enclosed	To follow
Where will the Pavement Café furniture be stored when it is not in use? <b>(Ensure furniture is stored remote from designated fire escapes)</b>	State	

I confirm that I wish to apply for a Pavement Café Licence for the development as described within this application.	Tick
I confirm that that the information provided in this application is correct.	Tick



I confirm that I have placed the appropriate notice in a prominent place at or near the premises that it can easily be read by the public, and that the notice shall be displayed for 28 days from the date of this application.

Tick

**Applicant signature :** \_\_\_\_\_

**Date :** \_\_\_\_\_

DRAFT

## CHECKLIST

	<b>Application form</b> , signed and dated.
	<b>Location plan</b> to a scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.
	<b>Site plan</b> to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.
	<b>Details of the furniture</b> including photographs/manufacturers details.
	<b>Risk Assessments</b>
	<b>Fee</b>
	<b>Public liability insurance</b>
	<b>Planning permission</b> , if appropriate.
	<b>Site Notice</b>

# Appendix 2

## NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

### Licensing of Pavement Cafes Act (Northern Ireland) 2014

#### PUBLIC NOTICE

#### APPLICATION FOR A PAVEMENT CAFÉ LICENCE

**NOTICE IS HEREBY GIVEN THAT**

*(Name of applicant)* \_\_\_\_\_

*(Address of applicant)* \_\_\_\_\_

has applied to Newry, Mourne and Down District Council for a Pavement Café Licence at

*(Name and address of premises)* \_\_\_\_\_

Any objection relating to the application should be made within 28 days of the date of this Notice. The objection should be addressed to Newry, Mourne and Down District Council, Licensing Section, Regulatory and Technical Services Department, Monaghan Row, Newry, BT35 8DJ

Any objection must be in writing and must specify the grounds of the objection, the name and address of the person making it and must be signed by them or their agent.

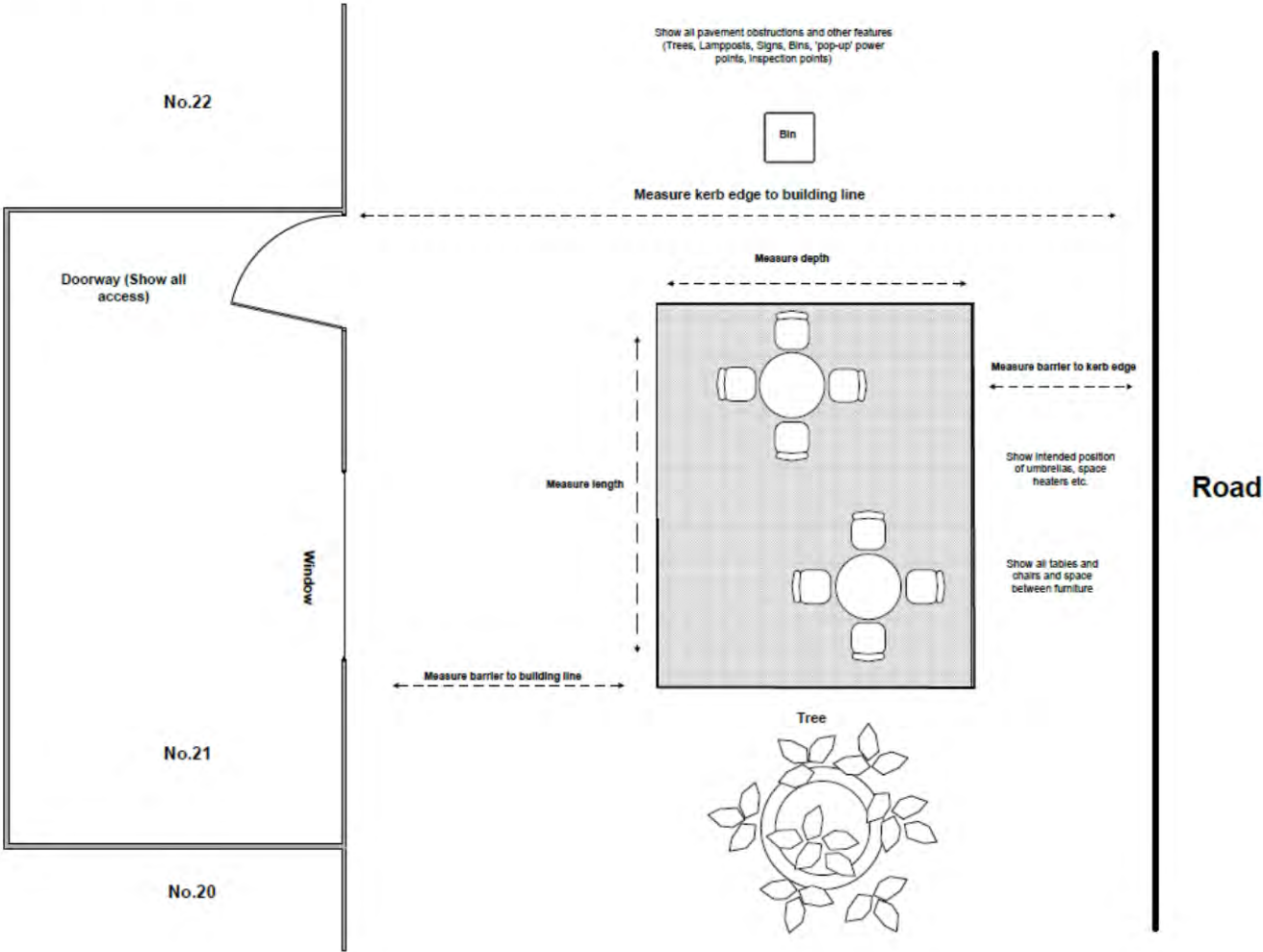
It should be noted that where an objection is made after the 28 day time period referred to, but before a final decision is taken on the application, it is appropriate for the Council to consider it, if there is sufficient reason why the objection was not made within the stated time period.

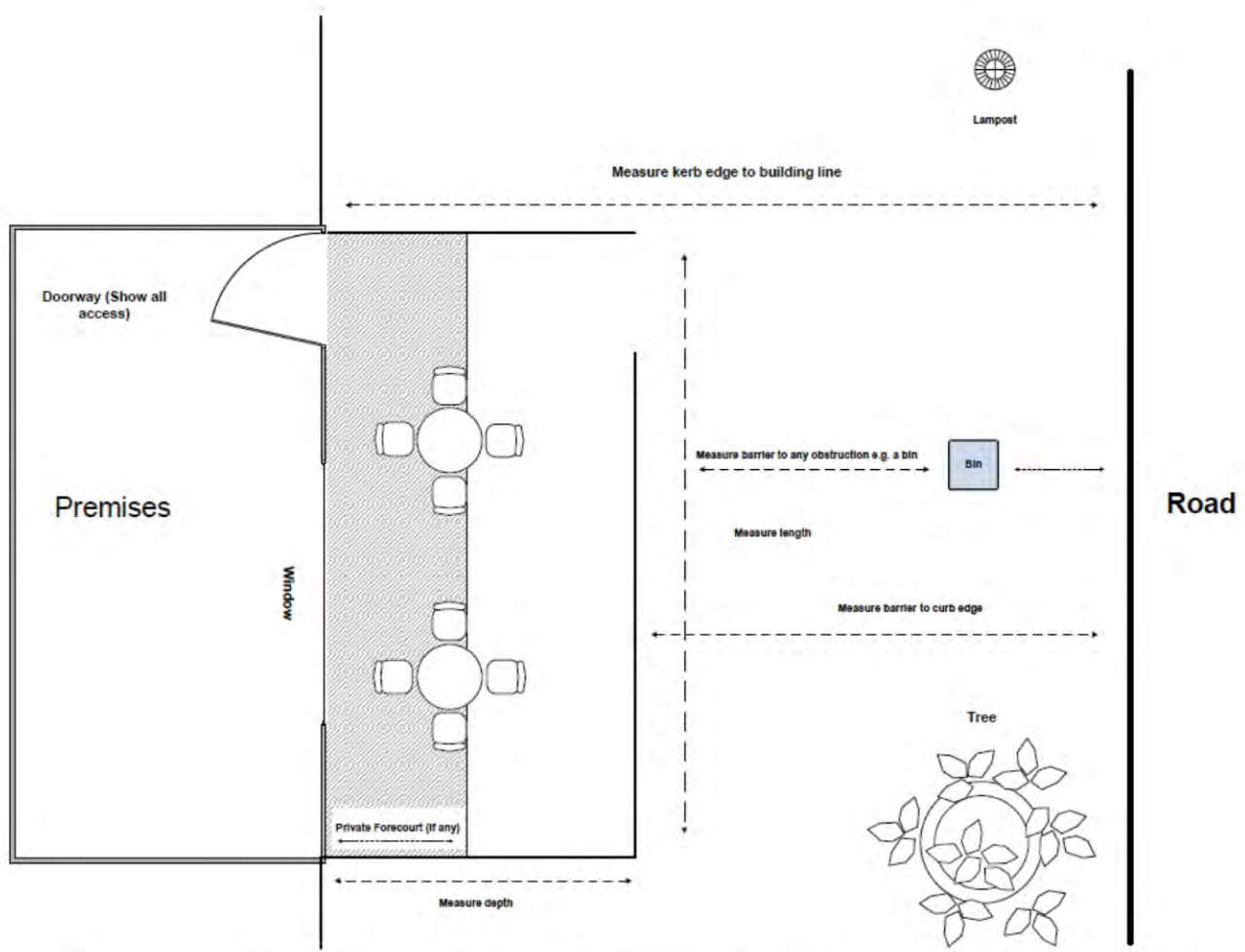
*(Applicant's Signature)* \_\_\_\_\_ *(Date)* \_\_\_\_\_

**This site notice must be displayed for the whole of the period of 28 days in a prominent place at or near the premises so that it can be conveniently read by the public.**

# Appendix 3

## Examples of pavement cafes







## Newry, Mourne & Down District Council – July 2016

### 1. Live Applications

MONTH 2016	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425

### 2. Live Applications by length of time in system

Month 2016	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	<b>1,389</b>
May	549	331	222	86	147	<b>1,335</b>
June	511	249	195	77	146	<b>1,178</b>
July	501	221	196	78	151	<b>1,147</b>

### 3. Live applications per Case Officer

Month 2016	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46

## Newry, Mourne & Down District Council – July 2016

### 4. Decisions issued per month

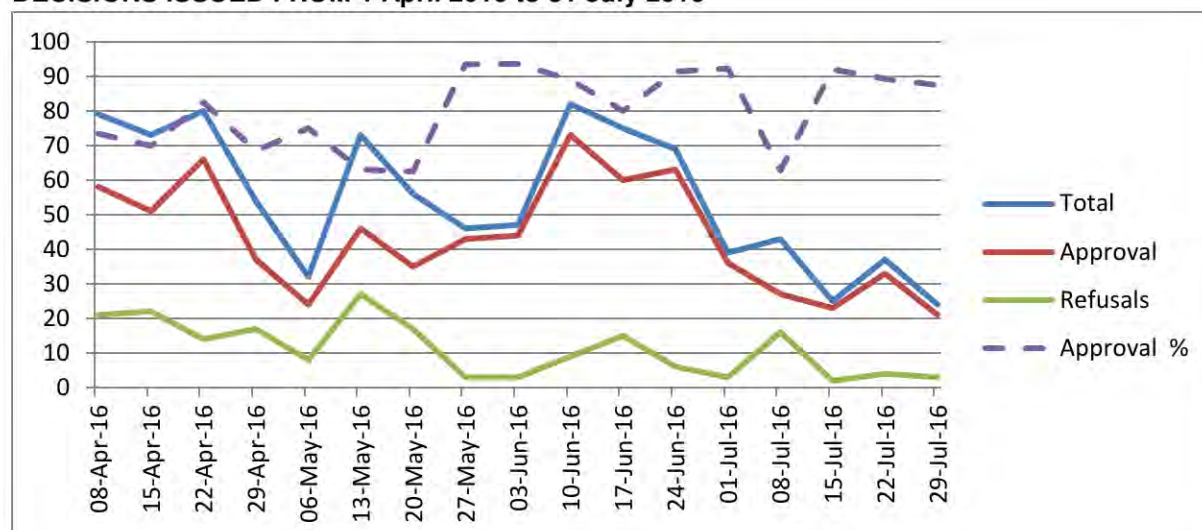
#### Decisions Issued

Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114

### 5. Decisions Issued YTD

Month 2016	Number of Decisions Issued	Average processing Time	Breakdown of Decisions	
April	168	35.52 weeks	Approvals (156)	93%
			Refusals (12)	7%
May	342	33 weeks	Approvals (324)	95%
			Refusals (18)	5%
June	640	34 weeks	Approvals (587)	92%
			Refusals (53)	8%
July	781	33.4 weeks	Approvals (115)	82%
			Refusals (26)	18%

DECISIONS ISSUED FROM 1 April 2016 to 31 July 2016



## Newry, Mourne & Down District Council – July 2016

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### 6. Enforcement

#### Live cases

Month 2016	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
<b>Totals</b>	<b>126</b>	<b>84</b>	<b>42</b>

\*2 Applications called in by DfI

### 8. Appeals

Area	Number of current appeals
Newry & Mourne	13
Down	4
<b>TOTAL</b>	<b>17</b>



## Newry, Mourne & Down District Council – July 2016

32

### 9. Statutory Targets Performance Data

Statutory targets monthly update to April to June 2016 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
August	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Sept	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Oct	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Nov	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Dec	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Jan	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
<b>Year to date</b>	<b>9</b>	<b>87.8</b>	<b>11.1%</b>	<b>617</b>	<b>27.2</b>	<b>21.9%</b>	<b>46</b>	<b>81.7</b>	<b>50.0%</b>

Source: NI Planning Portal

#### **Notes:**

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures
2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".
3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

## Current Appeals

33

**AUTHORITY**      **Newry, Mourne and Down**

<b>ITEM NO</b>	<b>1</b>		
<b>Planning Ref:</b>	R/2015/0089/F	<b>PAC Ref:</b>	2015/A0150
<b>APPELLANT</b>	Rob Jennings		
<b>LOCATION</b>	Land 200m North Of 97 Crossgar Road Saintfield		
<b>PROPOSAL</b>	Restoration and extension dwelling (Amended access details received).		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>03/11/2015</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>2</b>		
<b>Planning Ref:</b>	P/2014/0578/F	<b>PAC Ref:</b>	2015/A0178
<b>APPELLANT</b>	Mr Shane Quinn		
<b>LOCATION</b>	Adjacent And South West Of No.56 Drumalt Road Dorsey Cullyhanna		
<b>PROPOSAL</b>	Erection of domestic shed and associated hardstanding, access provision and site works with associated change of use of agricultural lands to domestic purposes (and access via existing laneway immediately north of No. 56 Drumalt Road. with extended section)		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>16/12/2015</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

### Current Appeals

**ITEM NO** 3  
**Planning Ref:** P/2014/0054/O **PAC Ref:** 2015/A0188  
**APPELLANT** Mr Michael McCarthy  
**LOCATION** 40m North East And Adjoining 11 Rock Road  
 Newry  
 RT34 1PI  
**PROPOSAL**

**APPEAL TYPE** Plg Refusal: permissions  
**Appeal Procedure** **Date Appeal Lodged** 12/01/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 4  
**Planning Ref:** LA07/2016/0048/F **PAC Ref:** 2015/A0247  
**APPELLANT** Mr James & Mr John McKibbin  
**LOCATION** 85m Northeast Of 181 Moyad Road  
 Kilkeel  
 RT34 4HI  
**PROPOSAL** Infill dwelling and associated domestic garage

**APPEAL TYPE** Non Determination: Plg Permission  
**Appeal Procedure** **Date Appeal Lodged** 24/03/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

35

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	P/2014/0303/O	<b>PAC Ref:</b>	2016/A0005
<b>APPELLANT</b>	Michael Horner		
<b>LOCATION</b>	Adjacent To And North Of 36 Belmont Road Kilkeel		
<b>PROPOSAL</b>	<sup>Newrv</sup> Erection of Infill Dwelling and Detached Garage		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>05/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	P/2014/0798/O	<b>PAC Ref:</b>	2016/A0009
<b>APPELLANT</b>	Mr And Mrs McParland		
<b>LOCATION</b>	Adjacent To No. 63 Ballycoshane Road Rathfriland		
<b>PROPOSAL</b>	<sup>Newrv</sup> Site for farm dwelling and garage (Farm Maps and supporting information date received 20 October 2014 and 27 October 2014)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>07/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

36

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	R/2013/0347/F	<b>PAC Ref:</b>	2016/A0010
<b>APPELLANT LOCATION</b>	Mr & Mrs Peter O'Hare Adjacent 15 Blacks Lane Glasdrumman Ballynahinch (Amended Address)		
<b>PROPOSAL</b>	Proposed general purpose agricultural/forestry shed and part retrospective access arrangements, foundation and hard standing area.		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>07/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	P/2015/0097/F	<b>PAC Ref:</b>	2016/A0011
<b>APPELLANT LOCATION</b>	Carlingford Lough Pilots Ltd Adjacent To 92 Greencastle Pier Road Greencastle Kilkeel		
<b>PROPOSAL</b>	Retention of existing office		

<b>APPEAL TYPE</b>	Plg Conditions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>08/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

## Current Appeals

37

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	P/2015/0103/F	<b>PAC Ref:</b>	2016/A0048
<b>APPELLANT LOCATION</b>	Mr Joe O'Hare Between 47 And 47a Ballintemple Road Ballintemple Newry		
<b>PROPOSAL</b>	Retention of existing agricultural building and access		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	<b>31/05/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	P/2015/0121/O	<b>PAC Ref:</b>	2016/A0058
<b>APPELLANT LOCATION</b>	Mr O Slane Land 30m North West Of 1 Tullyet Road Newtownhamilton		
<b>PROPOSAL</b>	Proposed site for infill dwelling and detached garage.		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>17/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	P/2015/0210/F	<b>PAC Ref:</b>	2016/A0063
<b>APPELLANT</b>	Mr Brendan McNamee		
<b>LOCATION</b>	Immediately North East And Opposite No.62 Carran Rd		
<b>PROPOSAL</b>	Retention of metal fence, gates, granite piers and granite kerbs to front boundary of property		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>20/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2015/0286/C	<b>PAC Ref:</b>	2016/A0066
<b>APPELLANT</b>	Ms Edel Rooney		
<b>LOCATION</b>	Site Approximately 20 Metres South West Of 10 Head Road Moyad		
<b>PROPOSAL</b>	Site for dwelling with detached garage (gap site)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>24/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

## Current Appeals

39

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2015/0292/C	<b>PAC Ref:</b>	2016/A0071
<b>APPELLANT</b>	Mr Thomas W Meaney		
<b>LOCATION</b>	40m North West Of 55 Magheralone Road Ballynahinch		
<b>PROPOSAL</b>	Proposed new infill dwelling and garage		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>28/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	P/2015/0236/F	<b>PAC Ref:</b>	2016/A0073
<b>APPELLANT</b>	Mr Francis McGuinness		
<b>LOCATION</b>	Lands To The Rear Of No 41 Newtown Road Killeen		
<b>PROPOSAL</b>	<sup>Newrv</sup> Extension to existing dwelling curtilage and erection of domestic garage.		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>28/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			



## Current Appeals

<b>ITEM NO</b>	<b>15</b>		
<b>Planning Ref:</b>	P/2015/0221/F	<b>PAC Ref:</b>	2016/A0074
<b>APPELLANT LOCATION</b>	Mr Francis McGuinness Adjacent And South Of No 41 Newtown Road Killeen		
<b>PROPOSAL</b>	Newry Erection of Vehicle Maintenance Shed and retention of existing yard for the storage of vehicles.		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>28/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	<b>16</b>		
<b>Planning Ref:</b>	P/2014/1049/O	<b>PAC Ref:</b>	2016/A0077
<b>APPELLANT LOCATION</b>	Tracy McKenzie Adjacent And N Of No.9A Corcreechy Road Newry BT34 1LR		
<b>PROPOSAL</b>	Site for dwelling and garage (infill)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>30/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

**Current Appeals**

41

<b>ITEM NO</b>	<b>17</b>		
<b>Planning Ref:</b>	LA07/2015/0342/C	<b>PAC Ref:</b>	2016/A0084
<b>APPELLANT</b>	Patsy Malone		
<b>LOCATION</b>	Approximately 110 Metres North East Of 151 Ballydugan Road Downpatrick		
<b>PROPOSAL</b>	Replacement dwelling		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>14/07/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

Park House  
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<b>Appeal Reference:</b>	2015/A0193
<b>Appeal by:</b>	Mr John Perry
<b>Subject of Appeal:</b>	The refusal of full planning permission.
<b>Proposed Development:</b>	Erection of dwelling and garage (proposed change of house type previously approved under P/2008/0825/RM)
<b>Location:</b>	Council Road, 450m west of Ballykeel House, 8 Anthony's Road, Kilkeel.
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	P/2015/0002/F
<b>Procedure:</b>	Written representations and accompanied site visit on 27 April 2106.
<b>Decision by:</b>	Commissioner J B Martin dated 27 June 2016

## Decision

1. The appeal is dismissed and full planning permission is refused.

## Reasoning

2. The main issue in the appeal is the principle of a dwelling on the site. Relevant policy is found in Planning Policy Statement (PPS) 21 under policies CTY1 and CTY 10. CTY 1 sets out circumstances when planning permission will be granted for a dwelling in the countryside, one of which is a dwelling on a farm in accordance with Policy CTY 10. The planning history of the appeal site and the status of work already carried out on it is also a material consideration.
3. Outline permission for a dwelling and garage on the appeal site was approved by the previous planning authority, the Department of the Environment (the DoE) on 7 March 2006. An application for approval of the reserved matters (including the proposed house type) was subsequently approved by the DoE on 22 June 2009. The effect of Condition 1 on the outline permission required the development to be begun by 22 June 2011 at the latest.
4. Condition 1 also allowed for the submission of an alternative house type to be made to the DoE up to 7 March 2009. The appeal proposal was submitted to the Council on 5 January 2015. The appellant argued that the previous permission had been implemented by provision of the approved access to the site and construction of the foundations for the approved garage. The Council accepted at the site visit that the garage foundations were in the approved

position, and it has not refuted the appellant's statement that they were inspected by Building Control on 11 May 2011.

5. As a result of the aforementioned works the appellant argued that he could lawfully build the previous dwelling approved on the site. The Council argued that was not the case as the access to the site was not provided until the latter half of 2015 and by a condition on the reserved matters approval, its provision was required prior to the commencement of any other work on the site.
6. Unlike the current appeal, in appeals 2004/A420 and 2011/E047 raised by the appellant, there was no dispute between the planning authority and the appellant over the date of commencement of works and their extent and significance. Those cases are therefore not comparable to the situation in the current appeal. Section 169 of the Planning Act 2011 (the Act) provides a specific statutory scheme for the determination of lawful use or development and case law has established that the appellant must follow that procedure to ascertain the lawfulness of development on the appeal site. This argument is therefore not one that I can consider in the appeal.
7. The appellant introduced at appeal stage a case for the appeal proposal under Policy CTY10. The Council has drawn attention to the provisions of Section 59 (1) of the Act, which state that a party to appeal proceedings is not to raise any matter that was not before the Council at the time the decision appealed against was made. Paragraph (2) of Section 59 however provides that nothing in paragraph (1) affects any entitlement or requirement to have regard to any other material consideration. The appellant's argument under CTY 10 is a material consideration, which I therefore must take into account. The Council has also had the opportunity to consider that argument and make comments to the Commission.
8. Policy CTY 10 states that permission will be granted for a dwelling on a farm where all of the following 3 No. criteria can be met:
  - (a) the farm business in question is currently active and has been established for at least 6 years
  - (b) 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 planning application (this provision only applies from 25 November 2008) and
  - (c) the new building is to be visually linked or sited to cluster with an established group of buildings on the farm.
9. In support of his case the appellant submitted P1C forms with his statement of case and aerial photographs indicating numbered fields. Each photograph was entitled '*Business Ref. 625050 - Mr. John Perry - your 2015 Scheme Map*'. Each photograph is referred to as a 'Page' and are numbered from '3 of 8' to '8 of 8'. The appellant stated the information satisfied criteria (a) and (b) above, but accepted the site failed to meet criterion (c). However in practice he stated that planning authorities had tended to accept isolated dwellings where no alternative sites were available on the farm or an out-farm.



10. Page '4 of 8' shows the appeal site and some land adjoining it and 'Page 6' shows land lying to the south of the appeal site at Leestone Road and Newcastle Road, Kilkeel. The other 4 pages indicate land in County Antrim, which the appellant stated were on a different farm.
11. After consulting with the Department of Agriculture and Rural Development (DARD) on the information submitted by the appellant, the Council accepted the farm business met the '6 year' criterion (a) of CTY 10. It stated a site on the lands contained in the County Antrim part of the appellant's farm business under the business number 625050 had been the subject of an application for a dwelling in 2009 that had been refused only on grounds of lack of integration (Policy CTY 13). The Council also stated there had been 4 No. planning approvals for dwellings granted on land contained within the farm business, and the appellant had not demonstrated whether these had been sold off during the relevant 10 year period of criterion (b). Additionally it stated the farm business maps were lacking 2 No. maps to make it complete, and as a result a full assessment under criterion (b) had not been possible.
12. All of the 6 No. map pages submitted indicate the land shown in County Down and County Antrim to be contained under the one farm business number 625050 and the Council state the same business number was used in the 2009 application I have referred to in paragraph 11 above. Policy CTY 10 relates to a dwelling on an area of land operating as a farm business. In this case all of the areas of land submitted by the appellant are included under one business number / the maps submitted are incomplete and a full assessment of the holding has not been possible in respect of criteria (b) and (c). The appellant has failed to demonstrate that his proposal meets those criteria and as such it is contrary Policy CTY 10. No other policy case under CTY 1 has been argued.
13. The Council's reason for refusal is also sustained.

This decision relates to the following drawings as numbered on the Council's decision notice:-

The site location map  
The site layout plan  
The ground floor plans and elevations

**COMMISSIONER J B MARTIN**

**2015/A0193****Appearances at Site Visit**

Planning Authority: -

Mr G Kerr

Appellant: -

Mr J Perry (Appellant) and Ms S Clarke  
Mr C O'Callaghan (Agent – O'Callaghan  
Planning).**List of Documents**

Planning Authority: -

Statement of Case and Comments

Appellant: -

Statement of Case and Comments



# Appeal Decision

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<b>Appeal Reference:</b>	2015/A0115
<b>Appeal by:</b>	Paul Mc Ateer
<b>Appeal against:</b>	Conditional grant of planning permission
<b>Proposed Development:</b>	Erection of agricultural building and four silo tanks to provide feedstock for existing farm business subject to conditions which remove permitted development rights and restrict the use of the building
<b>Location:</b>	77 metres south west of 56 Chapel Road, Ballyholland, Co Down.
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	P/2014/0217/F
<b>Procedure:</b>	Written Representation and Accompanied Site Visit on 2 February 2016
<b>Decision by:</b>	Commissioner Rosemary Daly, dated 28 June 2016

## Decision

1. Condition 4 is varied as set out below and Condition 5 is retained.

## Reasons

2. The main issue in this appeal is whether planning conditions 4 and 5 are necessary to protect the surrounding residential amenity.
3. Planning permission (P/2014/0217/F) was granted on 17 July 2015 for the 'erection of an agricultural building and four silo tanks to provide feedstock for an existing farm business'. Five planning conditions were attached to the planning permission. This appeal seeks the deletion of conditions 4 and 5 from this planning permission. This appeal was advertised by the Commission on 30 September 2015.
4. Condition 4 states that notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 7, no building, structure, hard surface or enclosure, or access onto an unclassified road, shall be erected, provided, maintained or improved within the area outlined red and blue on the site location map Drawing No 01 Rev 03 dated stamped 23 Feb 2015. Condition 5 restricts use of the approved building for the production and storage of animal feed for the sole use of Curly Brae Farm Ltd and no livestock is permitted to be housed within the building at any time.
5. The appeal site is located within remit of Banbridge/Newry and Mourne Area Plan 2015. The site is located in the countryside and does not fall within any

designations in the plan. No specific policies for agricultural buildings in the countryside are set out by the plan. The plan directs considerations of such proposals to operational policy contained in Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21).

6. The Strategic Planning Policy Statement Planning for Sustainable Development (SPPS), published September 2015, sets out a statement of policy on important planning matters that should be addressed in Northern Ireland. The SPPS cancelled policies set out by Planning Policy Statement 1 General Principles (PPS1). Paragraph 2.3 of the SPPS recognises that the planning system operates in the public interest and does not exist to protect private interest of one person against the activities of another. It poses the question whether a proposal would unacceptably affect the amenities and existing use of land and buildings that ought to be protected in the public interest. Paragraph 5.65 of the SPPS states that planning authorities have the power to attach conditions to a grant of planning permission. Such conditions can enable planning authorities to approve development proposals where it would otherwise be necessary to refuse planning permission. However, conditions must be:
  - Necessary;
  - Relevant to planning;
  - Relevant to the development permitted;
  - Precise;
  - Enforceable; and
  - Reasonable.
7. The appellant also provided a copy of Development Management Practice Note 20, Use of Planning Conditions, published by Department of Environment in April 2015 which is designed to guide planning officers and relevant users on the use of planning conditions in decision notices and deals primarily with procedures as well as good practice.
8. PPS21 sets out policies for development in the countryside. Policy CTY1 states there are 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. For non residential development planning permission will be granted for agricultural development that is in accordance with Policy CTY12.
9. At the time of the application the appellant provided information in support of the need for the agricultural development in the countryside. The information included the following elements:
  - The main farm business is separate from the appeal site located some 716 metres south east of the appeal site.
  - The land around the main holding consists of a dense number of piggery buildings. The land beyond the buildings is steep sloping and would require substantial land works to develop. The steep nature of this land would provide numerous problems for access and traffic. The appeal site was presented as the only viable and feasible field for the proposed development on the farm enterprise
  - Curly Brae Farm Ltd is an existing third generation pig farm. It has evolved over 50 years and has become a large scale piggery business. The



business is registered under Farm Business ID 649677 and the applicant has a Pig Herd Number UK8AJE. For the most part there are approximately 2000 pigs on the site at any one time and this requires a great deal of resources to keep the operations working efficiently, including heating, water and food stuffs.

- Feedstock is procured from Gortavoy Feeds in Pomeroy, Dungannon which is an expensive cost to the farm business. The development will create a facility within which the farm business can produce its own feedstock. Thereby reducing the working costs of this farm enterprise and making it more efficient in an increasingly competitive market.
- The design of the building will be typical of many agricultural buildings in the rural area. The scale of the building has been designed to ensure that it is sufficient to accommodate the proposed use and will blend unobtrusively into the landscape. The siting of the building on the site is in the lowest corner of the agricultural field dropping away from the road side.
- The development on the appeal site seeks to utilise the existing access. Raw material will be taken from the Warrenpoint docks/Newry and produce final food stock on the appeal site. At a maximum there will be 2 deliveries by lorry per week from Newry to serve the site, some weeks there may be less.
- The location of the building on the site exceeds the minimum separation distance, as noted by the Environmental Health, of 75 metres from the nearest residential property.
- As an assurance to the third party objections the appellant stressed that the proposal is for the erection of an agricultural building in a rural area which seeks to provide food stock for an existing business only. It is not the intention to use the building for the rearing and keeping of pigs. All operations will be carried out internally and the two deliveries every week to the site that will take place during day time hours.

Based on the appellant's information in support of the planning application the Planning Authority accepted that the development on the appeal site met the requirements of Policy CTY12 Agricultural and Forestry Development of PPS21. Criterion (e) of this policy requires that development will not result in a detrimental impact on the amenity of residential dwellings outside of the holding or enterprise including problems arising from noise, smell and pollution. Conditions 4 and 5 which remove permitted development rights and restrict the use of the building were considered to be necessary to protect and preserve residential amenity in the area. The appellant argued that Conditions 4 and 5 were not imposed correctly and failed to meet the tests of conditions.

10. Notwithstanding the Environmental Health Department's suggested conditions it is evident from the drawings that the approved building is over 75 metres from the nearest residential property and the second suggested condition is not precise in how the building should be maintained in a manner as to prevent nuisance from noise, dust and odour. Subject to the tests of conditions, as set out above, conditions on a planning permission are entirely a matter for the Planning Authority. The Planning Authority is entitled to make their assessment of the impact of the proposal on surrounding residential amenity even if the closest dwelling is 77 metres from the new agricultural building. I do not consider it necessary for the Planning Authority to justify why they did not use the Environmental Health Department's suggested conditions. I also note that in the

Planning Authority's 'Deferred Consideration Report' conditions relating to restrictions on the development were considered prior to issuing the decision.

11. The appellant argued that the removal of permitted development rights, by condition 4, was not necessary as the wording of the legislation referred to 'a group of principal farm buildings' and the approved development related to a building (singular) and therefore the appellant would not be able to avail of permitted development rights at this part of his farm.
12. Class A of Part 7 A of the GPDO permits the carrying out on agricultural land comprised in an agricultural unit of: - works for the erection, extension or alteration of a building; and any excavation or engineering operation. The legislation sets out where development is not permitted by Class A. Permitted development rights for agricultural buildings and operations require *the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings*. The description of development relates to the erection of an agricultural building and four silo tanks. Section 2 of the GPDO provides interpretation for the Order and states a "building" does not include plant or machinery or a structure or erection of the nature of plant or machinery and for the purpose of the Schedule does not include any, gate, fence, wall or other means of enclosure but includes any structure or erection and any part of a building as so defined. The GPDO also provides an interpretation of Class A and stated that "building" does not include anything resulting from engineering operations. Silo tanks are a structure and an erection and are not a result of an engineering operation. In terms of this legislative interpretation the description of the development relates to more than one building on the appeal site and when developed will amount to a principle group of farm buildings on the site. As such permitted development rights for the appellant are not restricted by A.1 (e) of the GPDO. Class C of Part 7 allows for permitted development rights for agricultural building and operations for the construction, formation, laying out or alteration of a means of access to a road. Development is not permitted if it is required in connection with development for which a planning application is necessary under Part 3 of the Planning Act (NI) 2011 or the land is within a site of archaeological interest. Consequently the appellant does have permitted development rights in respect of the agricultural development on this part of his farm in accordance with the provisions of the GPDO. The matter as to whether it is necessary to restrict these permitted development rights must therefore be considered.
13. Numerous objections were made to the Planning Authority at the application stage. These objections expressed concerns relating to the impact of the development on the surrounding residents in terms of odour, noise vermin, increased traffic, impacts on road safety and visual impact. Concerns were also raised about impact on natural heritage and surrounding watercourse. Third parties also highlighted their fears that the appellant could exercise his permitted development rights and that this could change the nature of the approved development on the site, to include buildings for housing pigs. Such permitted development rights mean this could be done without the requirement of a planning application. The appellant considered that condition 4 was imposed to appease third party objections.
14. The Planning Authority considered that intensive livestock units have the potential to cause adverse impacts on the local environment due to odours, noise, air

- quality, insects and vermin. The draft supplementary 'Guidance for Environmental Health on planning consultations involving agriculture and residential premises' is a document for the use of Environmental Health Officers. It notes that pig rearing has the most significant potential for an adverse impact upon a local area, primarily due to odour. It recommends, but for very small numbers of animals, new pig developments should be subject to a detailed site specific assessment if they are within 400 metres of non associated residential properties. The Planning Authority provided a map showing 12 residential properties within 400 metres and 8 of the 12 dwellings within 200 metres of the appeal site. As agreed at the site visit the closest residential property to the site is 56 Chapel Road, some 77 metres east of the building and 60 metres from the curtilage of this property.
15. The appellant referred to 'The Pollution Prevention and Control (Industrial Emissions) Regulations 2013' being a statutory document for determining what is classified as intensive pig farming. Such farming activities are licensed by the Northern Ireland Environment Agency (NIEA). Part A, Section 6.9 of Chapter 6 of these regulations defines 2000 places for production pigs (over 30kg) to be intensive farming. The evidence before states that there are around 2000 pigs on the appellant farm. No specific details relating to the exact herd numbers or weight of the animal was presented. Based on the information before me I have not been persuaded that the appellant pig farm business definitely falls above or below the threshold of what is intensive pig farm. In any case the size of the farm of around 2000 pigs is large scale and with that comes issues of concerns that should be considered in relation to the protection of the neighbouring residential amenity.
  16. Taking account of the Environmental Health Department's advice the Planning Authority is entitled to make its own site specific assessment in relation to the development. The removal of the appellant's Permitted Development rights mean that any alteration or changes that constitute development on this part of the farm would require planning permission. Even when taking into account Part 7 Class A.1 (f) that development would not be permitted if the nearest part of any building or structure so erected or extended is less than 75 metres from a dwelling house (other than a dwelling house of any person engaged in agricultural operation on that unit) there is no guarantee that agricultural development, in the form of new buildings, including buildings for the housing of pigs, structures, hard surfaces or enclosures in association with the appellant pig farm would not be developed and would not be located closer to residential properties in the area. Given the high number of existing residential properties surrounding the appeal site combined with the nature of the appellant's farm business, relating to a large scale pig farm further development on this site could have a greater impact on the amenity of the surrounding residents.
  17. Furthermore the creation of external hard surfaces and enclosure could expand the use of the site for storage of feedstock externally which could increase concerns relating to dust, odour and other nuisances. I am satisfied the third parties concerns are genuine which if not controlled could result in a detrimental impact on their amenity. The removal of the appellants permitted development rights so that no building, structure, hard surfaces, enclosures are provided, maintained or improved is necessary to minimise the effect of such development on the surrounding residential amenity. It is in the public interest that the effects of such development would be considered through the submission of a planning application in accordance with good neighbourliness and fairness. The restriction

- of these permitted rights as stated by Condition 4 are reasonable and necessary and meet the tests of conditions and should not be removed from the planning permission P/2014/0217/F.
18. Chapel Road is a minor road with narrow alignment. No information was provided by either party relating to its classification. The proposal utilises the existing access, which has been laid out at the time of my site visit. Deliveries to the site will be no more than twice a week when the development becomes operational. The Planning Authority provided no explanation as to why the appellant's permitted development rights in terms of maintaining, improving the existing access or the creation of a new access should be withdrawn or how a new access would have a detrimental impact on the amenity of residents in the area. Third parties raised concerns relating to increased traffic and road safety as a result of the development but provided no persuasive evidence to demonstrate how a new access would impact on their residential amenity. The approved access layout meets the necessary requirements to provide a safe access onto the Chapel Road. Should the appellant wish to maintain or improve this access or create a new access and such development created an obstruction to the view of persons using any road at or near a crest, bend, corner, junction or intersection so as to be likely to cause danger to such persons then provisions set out in Part 7 of the GPDO do not authorise this development by virtue of Article 3(5) of the GPDO. Accordingly I find no reasoned justification for restricting the appellant's permitted development rights in the respect of the creation of a new access. As such this restriction should be removed from Condition 4 of the planning permission P/2014/0217/F.
  19. The appellant stated that Condition 5 imposed the following two restrictive elements:
    - 1) Limiting the use of the building for production and storage of animal feed for the sole use of Curley Brae Farm Ltd; and
    - 2) Prohibiting the housing of livestock in the building at any time.
  20. The development approved was considered to be necessary for the efficient use of the agricultural holding. The information presented in support of the application related to the long established large scale pig farm, named as Curley Brae Farm Ltd and owned by the appellant. No evidence was presented by the appellant to state if there is or has been any change in ownership or name of the farm business. The proposal before the Planning Authority met the requirements of Policy CTY12 in that it was accepted that the building was necessary for the efficient use of the agricultural holding.
  21. Paragraph 2.3 of the SPPS states the planning system does not exist to protect the private interests of one person against the activities of another. Restricting the business to the appellant's farm business gives control of the scale of operation to only supply the appellant's farm business and not other farms in the area. It is not the responsibility of the planning system to protect the financial, asset value or economic sustainability of the appellant's farm business. Should the building become redundant or no longer viable for its use a new planning application could be considered on its own merits for any alternative use. Should the ownership, shareholding status of the farm holding change, then if necessary, these are matters which can be presented to the Planning Authority through a separate planning application and considered on its merits. Notwithstanding the number of



permutations as set out by the appellant I am not persuaded that condition 5 affects the overall legal and financial entity or personality of the farm business

22. The appellant helpfully set out the definition of 'agricultural' in accordance with Article 4 of the European Council Regulations (EC). The definition covers a range of activities and processes which can take place under the remit of agriculture and includes the breeding and keeping of animals for farming purposes. Whilst the description of development on the planning permission already limits the development to provision of feedstock for the existing farm business the wording of condition 5 reinforces which farm business the development is related to and prohibits the housing of livestock in the building. The description of development nor the condition as worded does not prevent the production of feedstock for other animals should the appellant's farm business wish to diversify. The condition does not prevent the appellant diversifying his farm business into cattle or sheep farming provided that he does not use the approved building for housing livestock. Should the appellant wish to use the building for storage of animal bedding the appellant is entitled to make a planning application for such changes where the impacts of an alternative farm business can be fully considered.
23. The appellant's suggested wording for 'agricultural purpose only and for no other purpose' is very wide and open in the context of the definition of agriculture. This wording would not control the use of the building in its surrounding context where there are genuine residential amenity concerns arising from the nature of the appellant's farm business. Likewise to amend the wording of the condition so that the 'building would not be used for intensive pig farming' means it could conflict with the use of the building for the provision of feedstock for the existing farm business.
24. The condition is enforceable as it relates to the landowner, whom at present is the appellant, should the landownership of the farm business change then any enforcement action would be carried forward to the next landowner.
25. Condition 5 therefore ties the development to the efficient use of the appellant's agricultural holding. The evidence before me is that his business is a large scale pig farming, which is noted by the Environmental Health guidance to have the most significant potential for an adverse impact upon the local area, primarily due to odour. Under the definition of 'agriculture' any livestock, including pigs, could be housed within the approved building or the building could be used for a different farming purpose or used by another farmer in the area. The restrictions set out in condition 5 are necessary and reasonable to assist with the protection of the surrounding residential amenity. I have not been persuaded that condition 5 is onerous as the development was allowed on the basis of the agricultural need for the existing farm business operating as Curly Brae Farm Ltd. The condition is necessary and reasonable in the interests of the surrounding residential amenity that the building is for the sole use of Curly Brae Farm Ltd and no livestock should be housed within the building. This condition as worded should remain on the planning permission P/2014/0217/F.
26. The appellant stated that the Planning Authority unlawfully fettered their discretion in a manner consistent with the European Convention on Human Rights, particularly Article 1, protocol 1, the right for the enjoyment of property. However, with exception to the arguments relating to the justification of the conditions no

convincing evidence was presented to justify this claim. I have not been persuaded that planning conditions 4 and 5 would restrict the appellant enjoyment of his property, except for the withdrawal of his rights to maintain, improve or make a new access to his land at this location. Equally the Planning Authority has a duty to protect the enjoyment of all of the properties in the area which in this case I consider the protection of their residential amenity to be significant.

27. Third parties made comments in relation to the restriction of hours of working. This is not a restriction imposed on the planning permission. I note the development and operations involved on the site will be housed internally within the building. No persuasive information was presented to demonstrate why restrictions should be applied to the hours of working on the site. In respect of third party concerns relating to impact on the natural environment including the neighbouring watercourse I have considered the background information in respect of the planning application and I am satisfied that there is no unacceptable adverse impact of development on these matters.
28. The Planning Authority and third parties concerns in respect of the protection of residential amenity are sustained. No persuasive evidence was presented to justify the removal of the appellant's rights in respect of an access onto an unclassified road. Condition 4 is amended as set out below and condition 5 remains as worded on the planning permission. As such Condition 4, as amended and Condition 5 are necessary to preserve and protect the surrounding residential amenity they should form part of the planning permission for this development on the site.

### **Conditions**

4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 7, no building, structure, hard surface or enclosure shall be erected, provided, maintained or improved within the area outlined in red and blue on the site location map Drawing Number 01 Rev 3 dated stamped 23<sup>rd</sup> Feb 2015.

This decision relates to drawing 01 Rev3 dated Area Planning Office Received 23 Feb 2015 and drawing 02 Rev 1 dated Area Planning Office Received 23 Feb 2015.

**COMMISSIONER ROSEMARY DALY**

**List of Appearances**

Planning Authority:-	Gareth Kerr, Newry, Mourne and Down District Council
Appellant(s):-	Stephen Hughes, ERES Limited Barney Mc Kevitt, ERES Limited Paul Mc Atteer Wendy Mc Ateer
Third Parties:-	Gary Bradley Teresa Brien Briege Brady Matthew Brady Mark McLaughlin Annemarie McLaughlin

**List of Documents**

Planning Authority:-	“A” Statement of Case and appendices Newry, Mourne and Down District Council
Appellant:-	“B” Statement of Case and appendices, ERES Limited “B1” Rebuttal Statement, ERES Limited
Third Parties:-	“C” Objection Letter from: John Smith Junior John Smith Senior Pat McAnulty  “C1” Rebuttal statement: John Smith Junior John Smith Senior Pat McAnulty  “C2” Collective objection: Mark McLaughlin Annemarie McLaughlin Matthew Brady Senior Mary Catherin Brady Matthew Brady Junior Briege Brady Gary Brady Brenda Brady Patrick McKevitt Teresa Brien



# Appeal Decision

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<b>Appeal Reference:</b>	2015/A0117
<b>Appeal by:</b>	Mr Michael Matthews
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Farm dwelling and garage
<b>Location:</b>	37m south-east of No.69 Fathom Road, Killeen
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	P/2013/0459/F
<b>Procedure:</b>	Hearing on 15 <sup>th</sup> January 2016
<b>Decision by:</b>	Commissioner Julie de-Courcey, dated 7 <sup>th</sup> July 2016

## Decision

1. The appeal is dismissed.

## Reasons

2. The key issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. There is no specific policy in the local development plan, Banbridge, Newry & Mourne Area Plan 2015, that is material to this appeal.
4. The Strategic Planning Policy Statement for Northern Ireland '*Planning for 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. Notwithstanding the appellant's evidence relating to questions to the Minister of the Environment prior to September 2015, internal Department of the Environment (DoE) advice on the interpretation of Policy CTY 10 and the Ministerial Written Statement on the review into the operation of PPS 21, the SPPS is the most recent expression of policy. It retains policy for the countryside within existing planning policy documents until a new plan strategy for the Council area has been adopted. Accordingly the operational requirements of the policies contained in PPS 21 are material to the assessment of this appeal.
5. Policy CTY 1 of PPS 21 sets out a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where 3 criteria can be met. It



follows that if a proposal complies with Policy CTY 10, it will also satisfy Policy CTY 1.

6. Criterion (a) of Policy CTY 10 requires that the farm business to be currently active and have been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification text of the policy, in stating that the applicant will be required to provide the farm's Department of Agriculture and Rural Development (DARD) business ID number, explains how an applicant can demonstrate compliance with criterion (a) and does not introduce an additional policy test. The provision of a business ID number is a preferred means of demonstrating compliance with this criterion. However, there may be certain instances, in the absence of the appellant having a business ID number, where other evidence is provided to demonstrate that there is an active and established farm business.
7. Criterion (a) refers in the definitive article to the farm business (my emphasis) and the policy is framed in such a way that it enables an applicant to apply for a dwelling on a farm based on the activities of the person conducting and operating the farm business on which the application site is situated. The appellant's 1.4ha holding extends to 6 fields. 3 were inherited in 1995 and the remainder acquired in 2005. His farm business ID number (658135) was established in May 2013. The appellant gave contradictory evidence on whether he claims Single Farm Payment (SFP) or other subsidies in respect of his farm business. No corroborating evidence was submitted relating to any associated subsidy claim whereas DARD said that none have been claimed on foot of his business ID.
8. Since 2005 the appellant said that he has engaged in agricultural activity to keep the land in good agricultural and environmental condition included building ditches, hedge trimming, drainage works, removal of stones and erecting fences. No supporting documentary evidence of this activity was provided by way of, for example, any receipts for plant/equipment hire, materials etc. Whilst my site inspection showed the lands to be in in good agricultural and environmental condition, this is not indicative of the appellant's farm business satisfying criterion (a). Albeit that a farm business ID more than 6 years old is not the only way of showing that the farm business is currently active and has been established for the required period, he did not provide supporting evidence such as herd books, farm accounts, livestock, tax returns, bank statements etc. Proof that the appellant has owned the land for more than 6 years does not, of itself, satisfy criterion (a) of Policy CTY 10. The appeal decisions (2006/A02176 and 2007/A0973) relating to the appellant's holding do not assist his case in this respect.
9. Since acquisition of the additional lands, they have been let on conacre to Mr Michael Clarke. 2 of these fields are encompassed within the appeal site, including that on which the proposed dwelling and garage would be sited. The land is let on the basis of "gentleman's agreement" whereby, according to the appellant, he maintains the land and Mr Clarke has grazing rights. On foot of this undocumented agreement, there was no evidence of the exchange of payments for the duration of the licence. Whilst the entirety of the holding is shown on the appellant's farm map as being owned by his business, he said that Mr Clarke claims SFP on these lands under a separate Business ID number (603103). However, DARD advised that a Mr McDonnell appears to claim SFP and Julia Clarke appears to claim Less Favoured Land Subsidy. A copy of Mrs Julia Clarke's "2013 scheme map" for business 603103 shows that the appellant's three

- fields acquired in 2005 are included within the land covered by the unidentified scheme. Whilst these lands are owned by the appellant's farm business, the payment of subsidy to third parties does not support his contention that his farm business is currently active and has been established for at least 6 years.
10. DARD's undated letter to the appellant's wife does not contain his business ID number. The advice therein that award of a Category 1 Business Number enables her to claim subsidies is no indication that the holding would be entitled to such payment in this instance where subsidies are claimed by third parties. Notwithstanding that the level of agricultural activity within a farm business might ebb and flow, there is no persuasive evidence that the appellant's farm business is active and has been established for more than 6 years.
  11. The appellant referred to appeal and DoE decisions, relating to the absence of a farm business ID number that had been established for 6 years. However, each case has to be considered in its own evidential context. There appear to be some similarities between this case and P/2010/0880/F where a dwelling seems to have been approved on the strength of lands within a holding being let on conacre to two separate farm businesses but not actively farmed by the applicant. However, that approval is apparently at odds with a key requirement of Policy CTY 10 and one such decision does not establish a precedent that justifies the setting aside of policy requirements. The appellant did not satisfactorily explain how the cited cases are factually on all fours with the appeal proposal or provide persuasive evidence that there has been a pattern of inconsistency in the planning authorities' decision making. The field on which the proposed buildings would be sited forms part of the Clarke farm businesses and the appellant does not qualify in his own right for a dwelling under criterion (a).
  12. Criterion (c) of Policy CTY 10 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. Having concluded that the appellant does not comply with criterion (a) and the site is farmed as part of the Clarke holding, it follows that the assessment under criterion (c) must be on the basis of the latter's farm business. However, without further information on the Clarke holding, I cannot be satisfied that it is not possible to site the proposed dwelling in visual association with an established group of buildings on it. An exception for an alternative siting is identified in criterion (c) where there are demonstrable health and safety reasons or verifiable plans to expand the farm business. However, neither of these circumstances was advanced. Therefore the exception clause does not apply and the proposal fails to comply with the requirements of criterion (c).
  13. As the proposal is not one of the types of development that are acceptable in principle in the countryside and there are no overriding reasons why it is essential and could not be located in a settlement, it is contrary to Policy CTY 1 of PPS 21. Protocol 1 Article 1 of the European Convention on Human Rights confers qualified rights on the individual that do not impair the state's right to control the use of property in accordance with the general interest. In applying Policies CTY 1 and CTY 10 to the proposal, there is no persuasive evidence that the Council acted incompatibly with a Convention right. On the basis of the evidence presented, a decision to dismiss this appeal would not be administratively unfair. The proposal's failure to meet the policy requirement as set out above carries determining weight. Accordingly, the Council's reason for refusal is sustained.

This decision is based on Drawing PL-01 Revision D (stamped Drawing Number 01 Rev 03 by Council).

## **COMMISSIONER JULIE DE-COURCEY**

### **List of Appearances**

Planning Authority: Ms P Manley, Newry, Mourne & Down District Council

2015/A0117

Appellant: Mr M Matthews, Appellant  
Mr S Hughes, ERES

**List of Documents**

Planning Authority: "A" Statement of Case

Appellant: "B" Statement of Case & appendices



# Appeal Decision

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<b>Appeal Reference:</b>	2015/A0233
<b>Appeal by:</b>	Mr & Mrs Stewart
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Replacement dwelling
<b>Location:</b>	39 Killybawn Road, Clontaghmagh, Saintfield
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	R/2014/0678/F
<b>Procedure:</b>	Written representations and accompanied site visit on 30 June 2016
<b>Decision by:</b>	Commissioner Brigid McGlinchey dated 11 July 2016.

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether:
  - the existing structure represents a replacement opportunity;
  - the design of the proposed dwelling is appropriate;
  - the proposal would visually integrate into the landscape.
3. The appeal site lies in the countryside as defined in the Ards and Down Area Plan 2015. There is no specific policy in the plan that is material to the appeal proposal. The Strategic Planning Policy Statement (SPPS) is material to all decisions on individual planning applications and appeals. One of the policy documents retained by the SPPS is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context. Policy CTY1 of PPS21 sets out a range of the types of development which are considered to be acceptable in principle in the countryside. One of these is a replacement dwelling in accordance with Policy CTY3. Policy CTY3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. For the purposes of the policy the reference to "dwellings" includes buildings previously used as dwellings. The policy is clear that buildings of a temporary construction will not be eligible for replacement under this policy.
4. The structure on the appeal site is of wooden construction and sits on blockwork on top of a concrete base. The structure has a footprint of approximately 8m x 2m. The undisputed evidence before me is that it was erected on the appeal site in 1956 by the appellant's grandfather. The structure has an entrance doorway and



- four windows on its northern elevation, two windows on its southern elevation and doorway on its east elevation. The appellant indicated that the latter door provided access to a store whilst the remainder of the structure is subdivided into two rooms. The structure is not connected to mains water and there is no waste water outlet yet surprisingly there was a stainless steel sink with taps inside one of the rooms; the appellant stated at the site visit that waste water was collected in a bucket underneath the sink. He also stated that there had been a dry toilet in a shed located beside a stream adjacent to the appeal site but that the shed has since collapsed. There is no connection to electricity. Though the appellant indicated that lighting/electricity within the building was provided by a generator, there was however no evidence of any electrical fittings; the appellant stated at the site visit that the wiring was pulled out when the former occupants left. Whilst the structure is substantially intact and has windows and doors, given its utilitarian condition, I consider that it does not exhibit the essential characteristics of a dwelling. Nonetheless, the undisputed evidence from the appellant is that the structure was occupied as a dwelling until 4-5 years ago by an elderly lady.
5. Though it may have been in place for a considerable time and may have become a permanent feature in the countryside, this however does not mean that the structure is not of temporary construction. The size of the structure, its external timber sheeted walls thinly rendered in a tar like substance, felted roof and lack of connection to services are reminiscent of those seen on many portable or temporary buildings which are capable of being removed in one piece. Notwithstanding the submitted letter of support from a local MP, given all the foregoing, I consider that the structure could readily be described as being of a temporary construction. It is thus ineligible for replacement under Policy CTY3. The planning authority's objection to the proposal on that basis is therefore justified. As there is no replacement opportunity, the appeal proposal consequently would not meet the other criteria for a replacement dwelling under Policy CTY3 which includes reference to the design of the proposed replacement dwelling. The planning authority's objection on that basis is also justified.
  6. Policy CTY1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There was no evidence to demonstrate that there are overriding reasons why the development is essential. I conclude that the proposal is unacceptable in principle and contrary to Policy CTY1 of PPS21. Accordingly, the first and second reasons for refusal have been sustained.
  9. Policy CTY13 states that 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. The planning authority objection under Policy CTY13 related to the design of the proposed 1½ storey dwelling. Notwithstanding its modest size and proposed set back into the site that is partially bounded by mature vegetation, I consider that features of the proposed dwelling particularly the large glazed porch and gallery platform above, with overhangs to either side are suburban in design. Notwithstanding the eclectic mix of designs of other existing dwellings in the locality, the noted suburban design features on the proposed dwelling are not evident. I consider that the proposal would not respect the character of this rural site and would therefore not successfully integrate into the surrounding landscape. The planning authority's objection is therefore justified and its second reason for refusal based on Policy CTY13 is sustained.

This decision is based on the following drawings:-

Drawing No	PA Ref No	Stamp rec'd	Scale	Title
1459/04	01	22/12/14	1:100	Proposed floor plans, east and north elevations
1459/06	02	12/01/15	1:500	Proposed site layout
1459/07	03	22/12/14	1:500	Existing & proposed access
-	04	12/01/15	1:2500	Site location
-	05	22/12/14	1:100	Proposed south & west elevations

**COMMISSIONER BRIGID McGLINCHEY**

**List of Appearances**

Planning Authority:- M Keane

Appellants:- Mr & Mrs Stewart  
G Thompson, Agent

**List of Documents**

Planning Authority:- C1 Statement of case + Appendices  
C2 Rebuttal

Appellants:- A1 Statement of case + Appendices  
A2 Rebuttal

## Record of meetings between Planning Officers and Public Representatives

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns
14/01/16	A McKay	Margaret Ritchie MLA
20/01/2016	P Rooney	Cllr Cadogan Enright
25/01/2016	D Watson	Margaret Ritchie MLA
27/01/16	M Keane	Seán Rogers MLA
17/02/16	Jacqui McParland	Declan McAteer
19/02/16	Jacqui McParland	Jarlath Tinnelly
22/02/16	Jacqui McParland	Michael Ruane
22/02/16	Jacqui McParland	Gillian Fitzpatrick
24/02/16	David Watson	Seán Rogers MLA
25/02/16	Andrew Hay, James King	Seán Rogers MLA
25/02/2016	Annette McAlarney	Seán Rogers MLA
25/02/16	Anthony McKay	Margaret Ritchie MLA
26/02/16	M Keane	Cllr McGrath
15/03/16	J McParland	Cllr M Ruane
16/03/2016	J McParland	Sean Rogers
25/03/16	A Davidson	Cllr Taylor
30/03/16	J McParland	Seán Rogers MLA
5/04/16	A McKay	Seán Rogers MLA
8/04/16	A McKay	Margaret Ritchie MLA
12/04/2016	Annette McAlarney	Cllr Curran
14/04/2016	J McParland	Cllr Declan McAteer
25/04/2016	J McParland	Cllr Tinnelly
27/04/2016	J McParland	Cllr Tinnelly
28/04/2016	Annette McAlarney	Cllr Burgess
29/04/2016	Annette McAlarney	Cllr McGrath
18/05/2016	Annette McAlarney	Cllr Curran
23/05/2016	A McKay	Cllr Ó Gribín
10/06/16	P Rooney & J McParland	Carla Lockhart MLA
14/06/2016	J McParland	Cllr Quinn
14/06/2016	J McParland A McKay P Rooney	Cllr Tinnelly
15/06/16	P Rooney	Cllr G Fitzpatrick
15/06/2016	P Rooney A McKay	Harold McKee MLA, J Tinnelly & G Fitzpatrick
16/06/2016	J McParland	Cllr Quinn
20/06/2016	Clare Miskelly	Cllr Dermot Curran
21/06/2016	J McParland	Cllr Taylor
21/06/2016	J McParland	Cllr Hanna
27/06/2016	J McParland	Cllr Tinnelly

## Record of meetings between Planning Officers and Public Representatives

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30/06/2016	A McKay	Margaret Ritchie MP
4/07/2016	Andrew Hay	Jim Shannon MP
08/07/2016	J McParland	Cllr Quinn Cllr Doran
14/07/2016	P Rooney	Cllr W Clarke
21/07/2016	Anthony McKay	Margaret Ritchie MP
26/7/2016	J McParland	Sean Doran
27/07/2016	J McParland	J Tinnelly



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
1/4/16	Cllr L Devlin	-----	Speak to Colette McAteer	C McAteer	Call transferred	1/4/2016
" "	Nicola for W Irwin	-----	Andrew Davidsons e mail address	M McIlhone	-----	1/4/16
" "	Cllr L Devlin	-----	To rearrange meeting on 5/4/16	A McKay	E mail	April 2016
" "	Maria for M Ritchie MLA	Q/2014/0398/O	When will Decision Notice issue?	A McAlarney	Direct e mail	1/4/16
4/4/16	Cllr R Larkin	LA07/2016/0053/F LA07/2015/0796/F	Requires update	Andrew Davidson	Email	7/4/16
" "	Cllr P Clarke	LA07/2015/0361/F	Current Status	A McAlarney – Mark Keane	E mail from A McKay	5/4/16
" "	Cllr P Clarke	LA07/2015/1376/F	Current Status	A McAlarney	E mail from A McKay	April 2016
" "	Cllr P Clarke	LA07/2015/0832/F	Letter of Support	A McAlarney	E mail from A McKay	April 2016
" "	Cllr P Clarke	LA07/2015/0832/F	Letter of Support	A McAlarney	E mail from A McKay	April 2016
" "	Cllr P Clarke	LA07/2015/0084/F	Letter of Support	A McAlarney	E mail from A McKay	April 2016
" "	Cllr C Enright	Play Park, Strangford	Meeting request	A McAlarney	Call transferred	4/4/16
" "	Megan Fearon MLA's Office	LA07/2016/0390/F	-----	A Davidson	E mail	April 2016
4/4/16	Cllr W Clarke	Naiscoil NamBeann	When will Decision Notice be available?	J McParland	Direct e mail	5/4/16
" "	Cllr S Ennis	Gruggandoo Wind Farm	Update	J McParland	Direct e mail	5/4/16
" "	Cllr S Ennis	LA07/2015/0589/F	Update	J McParland	Direct e mail	5/4/16
5/4/16	Cllr Pete Byrne			A Davidson	E mail	April 2016
" "	John McCallister MLA			A McAlarney	Call transferred	5/4/16
" "	Cllr Robert Burgess		Update on decision	Mary /Suzanne		5/4/16

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
6/4/16	Cllr Patrick Clarke	LA07/2015/0077/F & LA07/2016/0317/F	-----	A McAlarney	E mail	April 2016
" "	Catherine for Megan Fearon MLA	LA07/2016/0390/F	Wished to discuss application	A Davidson	E mail	April 2016
" "	Cllr David Taylor	P/2014/1002/F	Update requested	A Davidson	Call transferred	6/4/16
" "	Cllr Sean Doran	LA07/2015/1403/RM	Update	J McParland	Direct e mail	6/4/16
" "	Cllr Laura Devlin	LA07/2016/0300/F	Letter of Objection	A McKay – A McAlarney	Direct e mail	6/4/16
" "	Cllr Sean Doran	LA07/2016/0069/O	Update	J McParland	Direct e mail	8/4/16
7/4/16	Annette for J McCallister	2014/A0290	Enforcement action	A McKay	Call transferred	7/4/16
8/4/16	Alice for M Ritchie MLA	Saul Parish centre	Query	A McAlarney	E mail	April 2016
" "	Gareth Sharvin	-----	-----	P Rooney	No reply Gareth to Email directly	8/4/16
11/4/16	Cllr M Ruane	F Morgan: Noel McKinley & LA07/2015/1145/O	Updates requested	J McParland	Direct e mail	12/4/16
" "	Cllr G Fitzpatrick	P/2006/2183/F	Meeting with applicant	J McParland	Direct e mail	12/4/16
" "	Cllr G Fitzpatrick	LA07/2015/1298/F	Update	J McParland	Direct e mail	15/4/16
12/4/16	Cllr Peter Byrne			A Davidson	No reply e-mail to contact	April 2016
12/4/16	Cllr Peter Byrne			A Davidson	No call back as yet	April 2016
12/4/16	Sinn Fein		Re Grade 2 Listed Buildings	A McAlarney	Call transferred	12/4/16
12/4/16	Cllr Enright		Re article in Down Recorder	A McAlarney	Call transferred	12/4/16
" "	M Ritchie MLA	LA07/2015/0877/F	Update	A McAlarney	Direct e mail	April 2016
13/4/16	Cllr Harold McKee	Various planning applications		J McParland	Email	15/4/16



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
13/4/16	Cllr G Hanna	LA07/2016/0344	Treat as an urgent application.	A McAlarney – J McParland 13/4/16	Direct e mail	April 2016
" "	M Ritchie MLA	LA07/2015/0866/F	Request for reconsideration	A McAlarney	Direct e mail	13/4/16
" "	Cllr M Ruane	LA07/2015/0794/O	Update	J McParland	Direct e mail	14/4/16
" "	Cllr M Ruane	LA07/2015/0794/O	Update	J McParland	Direct telephone call	14/4/16
" "	Cllr W Clarke	LA07/2015/0342/O & La07/2015/0709/F	Updates requested	P Rooney – to A McAlarney 14/4/16	Direct e mail	18/4/16
14/4/16	Cllr M Murnin	Drumaness GAA application	Update	A McAlarney	Direct email	15/4/16
14/4/16	Cllr Gareth Sharvin			P Rooney	Call Transferred	14/4/16
15/4/16	Annette for J McCallister	LA07/2105/0491	Dates for meeting	A McKay	E Mail	April 2016
" "	Cllr G Fitzpatrick	P/2014/0894/F	Update requested	J McParland	Direct e mail	15/4/16
" "	Cllr C Enright	-----	Planning fee query	A McAlarney	Telephone call	15/4/16
" "	Marian for M Ritchie MLA	LA07/2015/0877/F	Advice requested	A McAlarney	Direct e mail	15/4/16
" "	Mgt Ritchie's Office			J McParland	Call Transferred	15/4/16
" "	Cllr T Hearty	P/2015/0210/F	Update requested	A Davidson from C O'Rourke	Direct e mail	15/4/16
" "	Cllr D Taylor	Numerous applications	Updates	A Davidson	E mail	15/4/16
" "	Teresa for M Ritchie	P/2014/0793/LDE	Update	J McParland	E mail	19/4/16
15/4/16	Cllr M Murnin	Drumaness GAA	Guide for reduction in size required	A McAlarney	E Mail	-----
16/4/16	Sean Rogers MLA	LA07/2015/0542/F	Letter of support	J McParland	Direct e mail	18/4/16
18/4/16	Cllr Harold McKee	LA07/2016/0243/F	Update	J McParland	Call transferred	18/4/16
18/4/16	Cllr Pete Byrne	LA07/2015/1009/O	Update requested	A Davidson	E mail	April 2016

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Cllr Valerie Harte	LA07/2015/0942/F & LA07/2015/1102/F	Updates requested	A Davidson	Direct e mail	18/4/16
" "	Glyn Hanna	P/2013/0752/F	Date for meeting	J McParland	Direct e mail	18/4/16
19/4/16	Teresa for M Ritchie MLA	P/2014/0793/LDE	Update	J McParland	E mail	19/4/16
" "	Shauna for M Ritchie MLA	LA07/2015/0431/O	Update	A McAlarney – J McParland	Direct e mail	19/4/16
" "	Shauna for M Ritchie MLA	LA07/2015/0431/O	Can application be held until meeting 28/4/16?	J McParland	Direct e mail	19/4/16
" "	Cllr Gary Stokes	LA07/2016/0353/NMC	Update requested to e mail of 4/4/16 to Planning mailbox	C O'Rourke – A McKay-A Davidson	Direct e mail	19/4/16
" "	Cllr Liz McKimmon	LA07/2015/0570/F	Update requested	A Davidson	Direct e mail	19/4/16
" "	Annette for J McCallister	-----	Dates for meeting	A McKay	E mail	April 2016
" "	Sean Rogers	LA07/2015/1355/O	Request for meeting	M Keane	Direct e mail	20/4/16
" "	Glyn Hanna	P/2013/0752/F	Date for meeting	J McParland	Direct e mail	25/4/16
20/4/16	Cllr David Taylor	-----	To cancel today's meeting	A Davidson	E mail	20/4/16
" "	Cllr Terry Andrews	LA07/2015/0958/F	Further Information from Agent	M Keane	Direct e mail	20/4/16
" "	M Ritchie	LA07/2015/0431/O	Update requested	P Rooney	Direct e mail	21/4/16
21/4/16	Cllr Robert Burgess	LA07/2015/0251/F & LA07/2015/0625	To hold applications	A McAlarney	E mail	April 2016
" "	Cllr Roisin Mulgrew	LA07/2015/0738/F	Update requested	P Rooney	Call transferred	21/4/16
22/4/16	Cllr Cadogan Enright	R/2013/0544 & R/2014/0091	Updates	A McAlarney	Call transferred	22/4/16
" "	Cllr Dermot Curran	-----	Planning Advice required	A McAlarney	E mail	April 2016
" "	Sean Rogers	R/2006/0662/); R/2010/0934/RM & R/2015/0175/F	New Development Bryansford Road, Newcastle	A McAlarney	Direct e mail	25/4/16
" "	Vincent for Chris	-----	Enforcement enquiry	D Watson	E mail	April 2016



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
	Hazzard					
25/4/16	Cllr Gillian Fitzpatrick	P/2009/1336/F	Update requested	J McParland	Direct e mail	26/4/16
25/4/16	Cllr Henry Reilly	P/2012/0474/O	Expiry date of planning permission	J McParland	Direct e mail	25/4/16
26/4/16	Cllr Henry Reilly	P/2012/0474/O	Wrong application number given for site in question	J McParland	Direct e mail	26/4/16
26/4/16	Sean Rogers MLA	LA07/2015/1088/F	Agree date for meeting	A McAlarney	Direct e mail	27/4/16
" "	Sean Rogers MLA	R/2008/0209/F	Details of application requested	A McAlarney	Direct e mail	27/4/16
" "	Cllr Glyn Hanna	P/2013/0752/F	Meeting to be rescheduled	J McParland	Direct e mail	26/4/16
27/4/16	Cllr Cadogan Enright	-----	New Play Park in Kilclief	A McAlarney	E mail	April 2016
" "	Alan Lewis UKIP	LA07/2016/0042/O	Enquiry	A McAlarney	E mail	April 2016
" "	Cllr David Taylor	P/2014/1002/F & PAN	Enquiries	P Rooney	Call transferred	27/4/16
" "	Cllr Robert Burgess	LA07/2015/0625/O	Would like a quick word tomorrow at 9am	A McAlarney	E mail	27/4/16
" "	Cllr Glyn Hanna	P/2013/0752/F	Agreed date of meeting	J McParland	Direct e mail	28/4/16
28/4/16	Cllr Roisin Mulgrew	LA07/2016/0315/F	Needs to speak urgently	P Rooney	E mail	28/4/16
29/4/16	David Taylor		Wished to speak to P Rooney/ Not available	J McParland	Call transferred	29/4/16
29/4/16	Cllr Laura Devlin			A McAlarney	Call transferred	29/4/16
" "	M Ritchie MP	R/2014/0499/RM	Meeting request from S Rogers	A McAlarney	C O'Rourke 4/5/16	May 2016
" "	Cllr C McGrath	LA07/2015/0296/F	Update	Laura O'Connor	E Mail	10/5/16
3/5/16	Cllr Sean Doran	Conafleece Rd, Burren	Update	J McParland	E mail	03/05/16
" "	Cllr Sean Doran	P/2014/0934/F	Update	J McParland	Call transferred	3/5/16
" "	Cllr Dermot Curran	3 Green Road, Ardglass	Advice required	A McAlarney	Call transferred	3/5/16
" "	M Ritchie MLA	R/2014/0271/F	Has Decision issued?	A McAlarney	Direct e mail	3/5/16
4/5/16	Cllr Harold McKee	24 Harbour Road, Kilkeel	Update required	J McParland	E mail	P Rooney 4/5/16



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Cllr Sean Doran	P/2014/0934/F	Update	J McParland	E mail	P Rooney 4/5/16
" "	Cllr Harold McKee	24 Harbour Road, Kilkeel	Update required	P Rooney	E mail	4/5/16
" "	Cllr Cadogan Enright	Playpark, Kilclief	PAD	A McAlarney	Call transferred	4/5/16
" "	Cllr Patrick Clarke	LA07/2015/1376/F	Update	A McAlarney	E mail	May 2016
" "	Cllr Patrick Clarke	Q/2014/0087/F		A McAlarney	E mail	May 2016
" "	M Ritchie MP	LA07/2015/0800/F	Update	J McParland	Direct e mail	9/5/16
" "	Cllr Terry Hearty	Duck farm, Mounthill Road, Crossmaglen	Cannot get a reply?	Anthony McKay	E mail from C O'Rourke	26/5/16 P Rooney
" "	Cllr Sinead Ennis	Bridge Mushrooms, Mayobridge	Information requested	J McParland	Direct e mail	6/5/16
5/5/16	Cllr Harold McKee			P Rooney	Call transferred	5/5/16
" "	Cllr W Walker	LA07/2015/0625/O	Letter of Support	A McKay – generic mailbox	C O'Rourke	10/5/16
6/5/16	Sean Rogers	R/2015/1225	Request to hold back recommendation to Committee	A McAlarney	Direct e mail	11/5/16
8/5/16	Cllr Roisin Mulgrew	LA07/2015/0738	Update	J McParland	Direct e mail	9/5/16
9/5/16	Cllr S Doran	LA07/2016/0075/F	Advice requested	J McParland	Direct e mail	9/5/16
10/5/16	Cllr Gillian Fitzpatrick	LA07/2015/0411/O	Update requested	Gareth Kerr	Direct e mail	10/5/16
11/5/16	Cllr David Taylor	P/2015/0173/F	Re meeting held last month	A McKay	E mail	May 2016
" "	Cllr Patrick Clarke	LA07/2016/0317/F	Consultations not viewable	A McAlarney	E mail	May 2016
12/5/16	Cllr Patrick Brown	LA07/2016/0317/F	Application on front page of Down Recorder	A McAlarney	Call transferred	12/5/16
" "	M Ritchie MP	LA07/2015/0361	Letter of support and update	M Keane	Direct e mail	20/5/16
16/5/16	Cllr Glyn Hanna	P/2013/0752/F	Request Environmental Health officer to attend meeting on 1 June 2016	J McParland	Direct e mail	17/5/16
16/5/16	M Ritchie MP	-----	G Gordon, 52a Majors Hill,	J McParland	Direct e mail	17/5/16

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
17/05/16	Jason McNulty MLA	LA07/2015/0661/F	Annalong re CTY10 of PPS 21	A McKay	Call transferred to Pat Rooney	12/5/16
" "	Cllr William Walker	-----	Enforcement query	D Watson	Call transferred	17/5/16
" "	M Ritchie MP	R/2013/0544/RM	When is application likely to be concluded?	A McAlarney	Direct e mail	17/5/16
" "	Cllr Valerie Harte	LA07/2015/0509	Update requested	J McParland	Direct e mail	17/5/16
" "	M Ritchie MP	LA07/2016/0447/O	Letter of support	A McAlarney	Direct e mail	17/5/16
" "	Cllr Sinead Ennis	LA07/2015/0511/O	Update requested	J McParland	Direct e mail	18/5/16
18/5/16	Cllr P Brown	R/2012/0153/F	-----	A McAlarney	Call transferred	18/5/16
" "	Cllr Roisin Mulgrew	LA07/2015/0738/F	Are consultations returned?	J McParland	Direct e mail	19/5/16
19/5/16	Cllr R Mulgrew	LA07/2015/0303/F	Update	J McParland	E mail	23/5/16
" "	Cllr Laura Devlin	LA07/2015/0702	Update	A McAlarney	Call transferred	19/5/16
" "	Colin McGrath MLA	LA07/2016/0197/O	Update	C O'Rourke-A McKay	Direct e mail	May 2016
23/5/16	Cllr Pol O'Gribin	-----	Meeting today	A McKay	Call transferred	23/5/16
" "	Cllr B Walker	LA07/2015/0961/F	Update	M Keane	E Mail	26/5/16
24/5/16	Cllr B Walker	LA07/2015/0961/F	Update	A Hay	Call transferred	24/5/16
" "	Cllr D Taylor	P/2014/1034/F	Update	A Davidson	E mail	May 2016
" "	Cllr Gareth Sharvin	-----	Parochial House, Saul	M Keane	Call transferred	24/5/16
25/5/16	Cllr Harold McKee	-----	O'Hare, Leestone Road	A Davidson	Call transferred	25/5/16
" "	Cllr Patrick Brown	-----	Enforcement, New Line, Crossgar	C Miskelly	Call transferred	25/5/16
" "	Cllr Laura Devlin	-----	Number of meetings	M Keane	Call transferred	25/5/16
" "	Cllr David Taylor	P/2014/1034/F	-----	A Davidson	Call transferred	25/5/16
" "	Cllr Roisin Mulgrew			A Davidson x2 calls	Call transferred	25/5/16
" "	Cllr Roisin Mulgrew	LA07/2016/0061/CA		D Watson	E-mailed to call back	May 2016
" "	Catherine McMahon for M Fearon	P/2013/0231	Also call backs on LAGAN calls	A McKay	E mail /L Hannaway/C O'Rourke	27/5/16 – P Rooney



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
26/5/16	Thomas O'Hanlon for Justin McNulty MLA	Drumnahunshin Rd., Whitecross	Also Camlough Lake	P Rooney	Call transferred	26/5/16
31/5/16	Cllr Roisin Mulgrew			J McParland	E mail	June 2016
31/5/16	Colin McGrath			Annette	E mail	June 2016
31/5/16	Caroline Lockart			P Rooney	Call Transferred	31/5/16
" "	V McDonald for Chris Hazzard MLA	LA07/2015/0958/F		A McAlarney	E mail	1/6/16
" "	V McDonald for Chris Hazzard MLA	LA07/2015/0958/F		M Keane	Direct e mail	1/6/16
" "	M Ritchie MP	LA07/2015/0800/F	Any response from NIEA?	J McParland	Direct e mail	1/6/16
" "	C Lockhart MLA	-----	David Meade, Cagabane Rd., Annagbane, Newry	A McKay	Direct e mial + mailbox	10/6/16
1/6/16	Caroline Lockart			P Rooney	Call Transferred	1/6/16
" "	Patrick Clarke	LA07/2015/0368/O	Update	A McAlarney	Call transferred	1/6/16
2/6/16	Cllr Mickey Ruane	Rostrevor GAA		J McParland	Call directly	2/6/16
2/6/16	David Taylor	LA07/2015/0473/F		J McParland	E-MAIL	June 2016
" "	Cllr M Ruane	Rostrevor GAA	Update	J McParland	Direct e mail	2/6/16
" "	M Ritchie MP	LA07/2016/0042/O	Update	M Keane	Direct e mail	3/6/16
" "	M Ritchie MP	Q/2014/0398/O	Update	C O'Rourke – A McAlarney	Direct e mail	8/6/16
3/6/16	M Ritchie MP	-----	Advice re fence at 5 Ardenlee Dr., Downpatrick	M Keane	Direct e mail	3/6/16
6/6/16	Harold McKee	P/2014/0827/F		J McParland	E-MAIL	June 2016
" "	Cllr J Tinnelly		Potential enforcement issue Rostrevor	J McParland	Direct e mail	6/6/16
" "	Cllr P Clarke	LA07/2016/0699/F	Is this a major application?	A McAlarney	E mail	7/6/16
" "	Cllr J Tinnelly	Enforcement	Unauthorised works at Rostrevor Square	J McParland	Direct e mail	6/6/16
" "	Cllr J Tinnelly	Enforcement	Unauthorised works at Rostrevor	J McParland	Direct e mail	7/6/16

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			Square			
6/6/16	Cllr G Hanna	P/2014/0288/LDE	Request for meeting	J McParland	Direct e mail	7/6/16
6/6/16	Cllr Byrne			A Davidson	Call transferred	6/6/16
6/6/16	Mgt Ritchies office		Tullyframe Road Attical	A McKay	Call transferred	6/6/16
" "	M Ritchie MP	LA07/2015/0303/F	Update	M Keane	Direct e mail	22/6/16
7/6/16	Cllr P Clarke	LA07/2016/0699/F	Is this a major application?	M Keane	Call transferred	7/6/16
" "	Cllr J Tinnelly	Enforcement	Lower Square, Rostrevor	D Watson	Direct e mail	June 2016
" "	Cllr L Devlin	-----	Enquiry re site at 29A Carmeen Rd, Mayobridge	J McParland	Direct e mail	7/6/16
" "	Cllr S Ennis	LA07/2015/0589/F	When will decision issue?	J McParland	Direct e mail	9/6/16
" "	Cllr G Sharvin	R/2015/0069	Update requested	A McAlarney- K Cunningham	Direct e mail	15/6/16
8/6/16	Cllr Carla Lockhart	LA07/2015/0910/F	Additional app. for meeting 10/6/16	P Rooney	E mail	10/6/16
8/6/16	Harold McKee	-----	-----	J McParland	E Mail	June 2016
" "	Cllr S Burns	-----	Wished to call back tomorrow	M Keane	Telephone call	8/6/16
" "	M Ritchie MP	LA07/2016/0447/O	Update	A McAlarney	Direct e mail	9/6/16
9/6/16	Cllr S Burns	LA07/15/1066	-----	M Keane	Phone call	9/6/16
" "	Cllr C Casey	LA07/2016/0113/F	Request for meeting	J McParland	Direct e mail	9/6/16
10/6/16	J Shannon MP	LA07/2016/0182/F	Permitted Development query	A McAlarney-M Keane	Mailbox	June 2016
" "	Cllr P Brown	-----	Appeal 28 Ringdufferin Rd	D Watson	Call transferred	10/6/16
" "	Cllr H McKee	P/2014/0827/F	Update	P Rooney	Call transferred	10/6/16
" "	Cllr D Taylor	P/2014/0104/F; LA07/2015/1181/F & LA07/2015/0199/O	Updates	P Rooney	E mail	14/6/16
" "	Cllr W Walker	LA07/2016/0365/O	Suggested dates for a meeting	P Rooney	Direct email	10/6/16
" "	Cllr G Stokes	-----	Millach Alainn, Newry	P Rooney	Direct e mail	10/6/16
" "	Cllr T Andrews	R/2014/0576/F	Update requested	A Hay	Direct e mail	13/6/16



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
10/6/16	Cllr T Andrews	LA07/2016/0434/F	Update requested	A Hay	Direct e mail	10/6/16
" "	Jim Shannon	LA07/2016/0182/F	Update	M Oliver	Generic e mail	14/6/16
" "	Cllr G Fitzpatrick	P/2014/1041/O	Update requested	J McParland	Direct e mail	14/6/16
13/6/16	Cllr P Clarke	Q/2014/0398/O	-----	A McAlarney	E mail	June 2016
" "	Cllr D McAteer	-----	-----	P Rooney	Call transferred	13/6/16
" "	Cllr Sean Doran	LA07/2015/1184/F	Update	J McParland	Direct e mail	20/6/16
" "	Cllr V Harte	LA07/2015/1102/F	Update	J McParland	Direct e mail	20/6/16
14/6/16	Patrick Clarke	-----	-----	A McAlarney	Call transferred	14/6/16
" "	Cllr G Fitzpatrick	LA07/2015/0802/O	Request for meeting	P Rooney	Direct e mail	14/6/16
" "	Cllr M Ruane	-----	-----	J McParland	Direct call 9am	14/6/16
" "	Cllr M Ruane	-----	-----	J McParland	Direct call 4.10pm	14/6/16
" "	Cllr M Ruane	-----	Clud Application for Michelle McGivern	J McParland	Direct e mail	20/6/16
15/06/16	Cllr Pol O'Gribin	-----	App in Castlewellan area	A McAlarney	Call transferred	15/6/16
" "	David Taylor	LA07/15/0473/F LA07/16/0307/O	Update requested	J McParland	E mail	20/06/2016
" "	Harold McKee	LA07/15/1365/F	Update requested	J McParland	E mail	20/06/2016
" "	M Ritchie MP	R/2014/0425/F & LA07/2016/0120/RM	Updates	A McAlarney	Recent enquiry	15/6/16
" "	Cllr B Walker	LA07/2016/0143/F	Update	A McAlarney	Direct e mail	15/6/16
" "	Cllr D Taylor	P/2014/0104	Update	P Rooney	Recent enquiry	15/6/16
" "	Cllr S Doran	LA07/2015/0163/F	Request for meeting. Incorrect reference.	J McParland	Direct e mail	20/6/16
16/6/16	Cllr H McKee	LA07/2015/1365 & P/2014/0827	Update	P Rooney	Call transferred	16/6/16
" "	Cllr Liz McKimmons	-----	-----	J McParland	Direct call	16/6/16
" "	David Taylor	LA07/15/0473/F LA07/16/0307/O & LA07/2015/1219	No call back from Jacqui. Emailed on 15/6/16. No answer from Jacqui's extension	P Rooney	Call transferred	16/6/16



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
16/6/16	M Ritchie MLA	Drumnaconagher Rd	Update	A McAlarney – M Keane	Direct e mail	16/6/16
" "	M Ritchie MP	LA07/2015/0431/O	Update	J McParland	Direct e mail	20/6/16
17/6/16	Cllr Kate Loughran	LA07/2015/0199/O	Update	P Rooney	Direct e mail	17/6/16
" "	Cllr B Walker	LA07/2016/0365/O & LA07/2016/0182/F	Request for meeting with Jim Shannon	Andrew Hay	Direct call	17/6/16
" "	M Ritchie MP	R/2014/0442/O	Update requested	A McAlarney	Direct e mail	17/6/16
" "	M Ritchie MP	-----	Advice re infill site at Roneystown, St Patrick's Road, Raholp	M Keane –A McAlarney	Direct e mail	20/6/16
20/6/16	Justin McNulty MLA	P/2013/0140/F		Jacqui McParland	Direct email	20/6/16
" "	Thomas for Justin McNulty MLA	P/2013/0140/F		Jacqui McParland	E mail sent	20/6/16
21/6/16	Cllr Gillian Fitzpatrick	-----	Extension requested	J McParland	Direct e mail	21/6/16
" "	Cllr G Hanna	-----	Advice re: soil for site	J McParland	Direct e mail	21/6/16
" "	Cllr L Kimmons	LA07/2016/0165/F	Update	J McParland	Direct e mail	21/6/16
" "	Cllr Laura Devlin	LA07/2015/0161/F	Deferred – when will site visit for Planning Committee take place?	A McAlarney	Call transferred	21/6/16
" "	Cllr H Harvey	LA07/2016/0173/F	Update requested	A Hay	Direct email	21/6/16
22/6/16	Cllr B Quinn	P/2013/0752/F	Requested copy of CO report	M McIlhone	Telephone call	22/6/16
" "	M Ritchie MP	LA07/2016/0571/O	Name of applicant and purpose of development	M McIlhone	Telephone call	22/6/16
27/6/16	Cllr D Taylor	P/2014/1034/F	Update	J McParland	Call transferred	27/6/16
" "	M Ritchie MP	-----	Advice re PAD for Mr Higgins	A McAlarney	Direct e mail	27/6/16
" "	Cllr P Clarke	LA07/2015/1066/F	Update	A McAlarney	E mail	27/6/16
28/6/16	Cllr P Brown	-----	12 Station Road, Saintfield	C Moane	Call transferred	28/6/16
" "	Cllr P Brown	Planning Appeal	28 Ringdufferin Road, Killyleagh	A McAlarney	Call transferred	28/6/16
" "	Cllr D Taylor	LA07/2016/0069/O	Update required	J McParland	Call transferred	28/6/16

**CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2016**

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
30/6/16	Cllr D Taylor	LA07/2015/0473/F	Update required	L O'Connor	Call transferred	30/6/16



## DEPARTMENT FOR INFRASTRUCTURE

30 June 2016

**Publication of Northern Ireland Planning Statistics: 2015/16 Annual Statistical Bulletin**

Northern Ireland Planning statistics for 2015/16 are now available. These data provide an overall view of planning activity across NI. Alongside this there is a summary of council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

The publication is available on the ASRB website at: <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2015-march-2016>

## Key points

- There were 12,220 planning applications received in Northern Ireland (NI) during 2015/16, a decrease of 5.0% over the previous financial year. This comprised 12,069 local development, 145 major development and 6 regionally significant development applications.
- During 2015/16, 11,034 planning applications were decided, down 5.3% on the previous year and 63.4% below the peak level of 30,161 recorded in 2005/06 before the economic downturn.
- In 2015/16, the average processing time for major development applications across all councils was 46.4 weeks, over sixteen weeks longer than the statutory processing time target of 30 weeks. Average processing times ranged from 28.2 weeks in Antrim and Newtownabbey to 70.2 weeks in Fermanagh and Omagh. Antrim and Newtownabbey was the only council to meet the statutory target.
- The number of local planning applications received in NI during 2015/16 was 12,069, an average of just over 3,000 applications each quarter. Belfast City (1,557), Newry, Mourne and Down (1,423) and Mid Ulster (1,371) received the highest number of local planning applications.
- In NI, across councils it took on average 19.4 weeks to process local applications to decision or withdrawal in 2015/16, over four weeks longer than the statutory target. The shortest average processing time was 14.0 weeks in Antrim and Newtownabbey whilst the longest was 34.8 weeks in Newry, Mourne and Down. Three of the 11 councils, namely Antrim and Newtownabbey (14.0), Fermanagh and Omagh (14.4) and Mid and East Antrim (14.4) were within the 15 week target whilst Mid-Ulster was just a little above it at 15.2 weeks.
- The number of enforcement cases opened in Northern Ireland during 2015/16 was 2,914, an increase of 15.8% compared to a year earlier. This is the highest number of enforcement cases opened in any year since 2010/11 when 3,117 cases were opened. Belfast City (406) and Ards and North Down (338) opened the largest number of cases in 2015/16.
- Nine of the eleven councils met the statutory enforcement case target to process 70% of cases to conclusion within 39 weeks of complaint with a high of 85.9% concluded within 39 weeks in Mid and East Antrim followed by Antrim and Newtownabbey (84.2%).

Newry, Mourne and Down (54.1%) and Fermanagh and Omagh (63.8%) did not meet the target although the performance of the latter did improve in the second half of the year.

- The overall Northern Ireland approval rate for all planning applications for 2015/16 was 93.7%, an increase of half a percentage point over the year from 93.2% in 2014/15. Over the last four years, the approval rate of planning applications in NI has been fairly stable. Annual planning approval rates varied across councils from highs of 96.7% in both Derry City and Strabane and Mid Ulster down to 90.8% in Newry Mourne and Down.
- In 2015/16, renewable energy applications received fell by 38.6% when compared to the previous year and were down by three fifths when compared to 2011/12. More than 7 out of every 10 renewable energy applications received in 2015/16 were for single wind turbines. Although single wind turbines continue to dominate renewable energy applications, over the last year applications have decreased by a very sizeable 41.8%.

<b>Report to:</b>	Regulatory & Technical Services Committee
<b>Date of Meeting:</b>	17 <sup>th</sup> June 2016
<b>Subject:</b>	Request for Council to improve entrance to Ardglass through provision of planting
<b>Reporting Officer</b>	Canice O'Rourke
<b>Contact Officer</b>	Kevin Scullion

**Decisions required:** Members are asked to note the contents of the report and recommend that Council maintain its current level of grounds maintenance works of the Transport NI owned grass verges on the entrance to Ardglass but do not extend this at present.

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>Councillor Curran has on a number of occasions raised the issue of what he perceives as the poor presentation of the grass verge on the right hand side of the road entering Ardglass.</p> <p>Attached at Appendix 1 is a site plan of the area with the grass verge being referred to shaded in green dots. Below are three photographs showing the grass verge area. The first is of the widest grass verge available and is taken looking towards the entrance into Ardglass. The second two photos are of the narrower part of the grass verge and are taken looking at the road out of Ardglass.</p> <div style="display: flex; justify-content: space-around;">    </div> <p>This grass verge is owned by Transport NI (TNI) and the Council has maintained this area through cutting the grass as part of scheduled works. A number of years ago a pathway, as shown in the photos above, was placed along this verge which resulted in its narrowing. Immediately adjacent to this grass verge is a factory premises. Along the boundary line between the factory and the grass verge is a broken fence line, which can also be seen in the above photos.</p> <p>It should be noted that the Council does not own this land and with funding restrictions imposed on TNI they did not pay any contribution towards the Council's maintenance of</p>



	<p>this land during 2015/2016.</p> <p>At the Regulatory and Technical Services Committee in November 2015 the following recommendation was approved.</p> <p><b><i>It was agreed on the proposal of Councillor Stokes, seconded by Councillor Doran that Council Officers, in conjunction with Transport NI and relevant private landowners, meet to discuss what improvement can be carried out to this area.</i></b></p> <p>Council wrote to TNI and also to the owner of the factory which is adjacent to this site on the 11th February 2016 raising the issue with them both. With TNI to see if they would be willing to fund improvements to this verge and the Factory owner to see if they would be willing to replace the defective fencing along the road verge.</p> <p>No reply was received from the factory owner. TNI did respond to indicate they had no funds available for such work but would be willing to meet on site.</p> <p>Without financial support from TNI or the adjacent premises owner the Facilities Management and Maintenance Department is reluctant to extend its maintenance of this site beyond what it is currently doing.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<ul style="list-style-type: none"> <li>• The three grass verges are owned by TNI but have been maintained by Council through scheduled cutting. TNI did not pay for the maintenance of this site last financial year.</li> <li>• Given the absence of funding from TNI it is difficult to justify further expenditure on this site at present.</li> <li>• There are a number of entrances from this site so care would be required in consideration of any planting in this area so as to ensure sight lines are not affected.</li> <li>• The size of the grass verges left following the inclusion of the footpath has rendered two of them too small to place flower beds within them and it is considered that placing a flower bed within the wider of the three verges would not provide any significant aesthetic improvement but would increase maintenance costs.</li> <li>• The legacy Down District Council Grounds Maintenance staff resources are already under pressure to maintain its agreed schedule of works. The site is easily maintained and is kept presentable in its current form. If beds were added, it would change the cutting regime from ride-on machinery to hand mowers, greatly increasing time spent at the site by grass cutters and would require additional unplanned work from the horticulture team for weeding/maintaining any planting placed on site.</li> </ul>
<b>3.0</b>	<b>Recommendations:</b>
3.1	Given the current financial restrictions and staff resource limitations the Council shall maintain its current level of grounds maintenance works of the TNI owned grass verges on the entrance to Ardglass but not extend this at present.
<b>4.0</b>	<b>Resource implications</b>
4.1	None if recommendation accepted.

<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	None.
<b>6.0</b>	<b>Appendices</b>
	Appendix I: Site Plan – Entrance Road to Ardglass



Comhairle Ceannairí  
 an Iúir, Mhúirín  
 agus an Dúin  
**Newry, Mourne  
 and Down**  
 District Council

Project :

Proposed planting /  
 improvements along  
 Downpatrick Rd, Ardglass

Council reference no. :

Drawing Title :

Site Plan

Drawing no. :

Scale :

1/500

Drawn by :

SR

Date :

July '16