



April 5th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 10th April 2024** at **10:00 am** in **Boardroom Council Offices Monaghan Row Newry**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for entire item

Item 6 - Cllrs Finnegan, Hanna, Larkin, D Murphy and Rice attended a site visit on 26/03/2024

4.0 Minutes of Planning Committee held on 6 March 2024

 *DRAFT Planning Committee Minutes 2024-06-03.pdf*

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5.0 Addendum List - Planning applications with no representations received or requests for speaking rights

 *Addendum list - 10-04-2024.pdf*

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Development Management - Planning Applications for determination (with previous site visits)


6.0 LA07/2022/1696/O - Lands approx. 58m east of No.11 Flagstaff Road, Newry, BT35 8NP - Proposed dwelling and detached garage on an infill site

For Decision

REFUSAL

In line with operating protocol, no further speaking rights are permitted on this application.

Declan Rooney, agent, will be present to answer any questions Members may have.

 *6-LA07.2022.1696.O.pdf*

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Development Management - Planning Applications for determination

7.0 LA07/2023/3577/F - The Health Centre, Summer Hill, Warrenpoint, Newry, BT34 3JD - Proposed extension to the existing Health Centre at Warrenpoint, accommodates a store at ground floor and office space on the first floor. The existing first floor has proposed room layouts. The works will also include proposed site works.

APPROVAL

 [7-LA07-2023-3577-F.pdf](#)

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8.0 LA07/2022/0546/F - Lands on public footpath to the rear of ASDA 51 Newcastle Street, Kilkeel - Installation of a 20m street pole to host integrated Antenna and 2 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets

For Decision

APPROVAL


Speaking rights have been requested by David Campbell in objection to the application.

Speaking rights have been requested by Arlene McMath in objection to the application.


Speaking rights have been requested by Cllr Reilly in objection to the application.

 [8-LA07-2022-0546-F.pdf](#)


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 [8 - LA07.2022.0546.F - objection DC.pdf](#)

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 [8 - LA07.2022.0546.F - AM.pptx](#)

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 [8 - LA07-2022-0546-F - objection.pdf](#)

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9.0 LA07/2023/3188/F - Existing SRC car park site (formerly Newry Sports Centre) immediately north of Southern Regional College (SRC) 'East Campus' building at no. 61 Patrick Street, Newry, BT35 8DN - Proposed new 2-storey Southern Regional College 'Innovation Centre' to facilitate the relocation of SRC Model Campus at Catherine Street. Building to provide teaching rooms, laboratories, workshops, new management centre and office space. Proposal includes the retention of existing vehicular and pedestrian access

For Decision

APPROVAL

 [LA07.2023.3188.F -.pdf](#)

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10.0 LA07/2021/0334/F - Site adjacent to Strangford View Downpatrick Road Killyleagh - Residential Development comprising of 26no houses. (Renewal of Planning Permission R/2006/1097/F)

For Decision

APPROVAL

 [10-LA07-2021-0334-F.pdf](#)

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11.0 LA07/2023/3464/F - St Moninna Playing Field St Moninna Park, Meigh, Newry, BT35 8TS - Proposed creation of a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch

For Decision

APPROVAL

 [11-LA07.2023.3464.F.pdf](#)

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12.0 LA07/2023/3580/F - Jim Steen Playing Field Dungormley Estate, Newtownhamilton, BT35 OHY - Grass football pitch and ball stop

For Decision

APPROVAL

 [12-LA07.2023.3580.F.pdf](#)

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13.0 LA07/2020/1567/F - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL - Proposed GAA training pitch, multi Use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings)

For Decision


APPROVAL

Speaking rights have been requested by Sean Connolly and John Collins in objection to the application.

Speaking rights have been requested by Jim McMahon, Kevin Loughran and Dermot O'Hagan in support of the application.

 [13 - LA07-2020-1567-F.pdf](#)

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 [13 - LA07.2020.1567.F - objection.pdf](#)

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14.0 LA07/2022/0275/F - Land at 10 Downpatrick Road Killyleagh - Demolition of existing buildings and erection of 4 dwellings and detached garages, upgraded access, landscaping and ancillary works

For Decision

APPROVAL

15.0 LA07/2023/2543/O - Immediately SW of 99 Bryansford Road Kilcoo - Proposed 2no infill dwellings and garages

For Decision

REFUSAL

Speaking rights have been requested by Declan Rooney in support of application.

16.0 LA07/2022/1953/O - Lands at 24 Teconnaught Road Downpatrick - 2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works

For Decision

REFUSAL

Speaking rights have been requested by Andy Stephens in support of the application.

17.0 LA07/2022/1918/O - Land adjacent to 21 Newcastle Road

Drumaness Ballynahinch Down - Infill dwelling

For Decision

REFUSAL

Speaking rights have been requested by Tiernan FitzLarkin and John Scally in support of the application.

 [17-LA07-2022-1918-O.pdf](#)

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 [17 - LA07.2022.1918.O.pdf](#)

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18.0 LA07/2022/1746/F - 145 Central Promenade Newcastle - Proposed conversion and refurbishment of existing building at no.145 Central Promenade into 3no. self contained 2 bedroom apartments. Works to include demolition of existing rear return with new rear extension and associated site works.


For Decision

REFUSAL

Speaking rights have been requested by Barry Owens in support of the application.

 [18-LA07-2022-1746-O.pdf](#)

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 [18 - LA07.2022.1746.F.pdf](#)


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19.0 LA07/2021/1631/F - Lands located approximately 200m east of No. 25 Greenpark Road, Rostrevor BT34 3EZ - Erection of residential care home with site works and landscaping


For Decision

REFUSAL

Speaking rights have been requested by Michael Clarke in support of the application.

 [19-LA07-2021-1631.pdf](#)

Page 202

 [19 - LA07 2021 1631 F - support.pdf](#)

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20.0 LA07/2022/0411/RM - Lands located approximately 200m east of no. 25 Greenpark Road Rostrevor BT34 3EZ- Erection of 100 bedroom hotel and spa

For Decision

REFUSAL

For Noting

21.0 Tracking Action Sheet Arising from Planning Committee Meetings

For Information

Planning Historic Tracking Sheet - 20240306.pdf

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22.0 LDP Progress - April 2024 update

For Information

PC Report re LDP Progress - April 2024 Update.pdf

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Appendix 1 - LDP Progress - April 2024 Update.pdf

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Invitees

- Cllr Terry Andrews
- Cllr Callum Bowsie
- Fionnuala Branagh
- Cllr Jim Brennan
- Cllr Pete Byrne
- Mr Gerard Byrne
- Cllr Philip Campbell
- Mr Andrew Cassells
- Cllr William Clarke
- Cllr Laura Devlin
- Ms Louise Dillon
- Cllr Cadogan Enright
- Cllr Killian Feehan
- Cllr Doire Finn
- Cllr Aoife Finnegan
- Cllr Conor Galbraith
- Cllr Mark Gibbons
- Cllr Oonagh Hanlon
- Cllr Glyn Hanna
- Cllr Valerie Harte
- Cllr Roisin Howell
- Cllr Jonathan Jackson
- Cllr Geraldine Kearns
- Mrs Josephine Kelly
- Cllr Tierna Kelly
- Cllr Cathal King
- Ms Nora Largey (BCC)
- Cllr Mickey Larkin
- Cllr David Lee-Surginor
- Cllr Alan Lewis
- Cllr Oonagh Magennis
- Mr Conor Mallon
- Cllr Aidan Mathers
- Cllr Declan McAteer
- Cllr Leeanne McEvoy
- Jonathan McGilly
- Cllr Andrew McMurray
- Cllr Declan Murphy
- Cllr Kate Murphy
- Cllr Selina Murphy
- Cllr Siobhan O'Hare
- Cllr Áine Quinn

Cllr Henry Reilly
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Cllr Michael Rice
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Mr Pat Rooney
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Mr Peter Rooney
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Cllr Michael Ruane
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Cllr Gareth Sharvin
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Donna Starkey
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Nicola Stranney
.....
Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Cllr Jill Truesdale
.....
Mrs Marie Ward
.....

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 6 March 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber: Councillor C Enright Councillor A Finnegan
Councillor G Hanna Councillor M Larkin
Councillor M Rice

Officials in attendance: Mr Conor Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director of Regeneration
Mr Pat Rooney, Principal Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms A McAlarney, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Mr Michael McQuiston, Senior Planning Officer
Ms S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

P/020/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Byrne, Campbell, King, McAteer, S Murphy and Tinnelly.

P/021/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/022/2024: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item.

- Item 6 - LA07/2020/1651/F – Cllrs Byrne, Campbell, Finnegan, Hanna, Larkin, McAteer, D Murphy, S Murphy, Rice and Tinnelly attended site visit on 20-02-2024.

MINUTES FOR CONFIRMATION

**P/023/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING
WEDNESDAY 7 FEBRUARY 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 7 February 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 February 2024 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/024/2024: **ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 March 2024. **(Copy circulated)**

Councillor Hanna proposed that item 7, LA07/2022/0546/F, be deferred to allow objectors the opportunity to request speaking rights, as they were unaware of the process required to address the Committee. This was seconded by Councillor Larkin.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to defer Item 7, LA07/2022/0546/F, to a future Committee Meeting.**

On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 6 March 2024:

- **LA07/2022/1838/F** - Lands at Church Lane, Warrenpoint and to the rear of 9 & 11 Mary Street Warrenpoint, BT34 3NT - Erection of 2 apartments
APPROVAL
- **LA07/2021/0904/F** - Lands to the rear of 134-136 High Street, Newry, BT34 1HH - Erection of 1 No. 2 storey block, comprising 4 No. apartments.
APPROVAL
- **LA07/2019/1162** - Lands adjacent to and south-west of 7 Saintfield Road and north of 41 Moss Lane, Ballynahinch - Proposed erection of 5 detached dwellings and associated parking, 3 garages, landscaping, road widening and all other associated site and access works
APPROVAL
- **LA07/2022/1358/O** - Land adjacent to & east of 7 Spa Grange, The Spa, Ballynahinch - Detached single dwelling
APPROVAL

DEVELOPMENT MANAGEMENT –

P/025/2024

PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)(1) LA07/2022/0246/F**Location:**

Lands approx. 160m SE of Clanmaghery Road, Tyrella, Downpatrick

Proposal:

3 eco-pods, ancillary car park and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson noted that in line with Operating Protocol, no further speaking rights were permitted on this application, and requested questions from the Committee following the recent site visit.

Ms McAlarney noted that Members were aware of the location of the application following a recent site visit and gave a brief reminder of the details of the application and the reasons for the recommendation of a refusal.

Councillor Hanna advised that Council has a sustainable tourism strategy, and queried how much investment the applicants were proposing to put into the site. He further queried the accessibility of the site.

Mr E Hanna, applicant, responded that each pod was about £70,000 each, as they were bigger than a glamping pod. He further advised that everything was wheelchair accessible, and highlighted the possibility of purchasing a sand wheelchair in order to allow access to the beach.

Councillor Larkin proposed that the Committee support the officer's recommendation and issue a refusal in respect of this planning application. This was seconded by Councillor Hanna.

The proposal by was put to a vote by a show of hands and voting was as follows.

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Enright it was agreed to issue a refusal in respect of planning application LA07/2022/0246/F supporting the officer recommendation as contained in the Case Officer Report.

P/026/2024:

PLANNING APPLICATIONS FOR DETERMINATION(1) LA07/2023/1934/F

Location:

The Courtyard, 11 Scotch Street, Downpatrick.

Proposal:

Change of use from hairdressing salon to single bed apartment.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Ms McAlarney outlined the details of the application, and advised Members that the application was a full planning application for a pedestrianised street within the town centre, located in the primary retail core and a conservation area. She advised that there had been one letter of support and 2 letters of objection. Ms McAlarney outlined the reasons for a recommendation of refusal, advising that the Planning Department felt that a loss of retail in the area would be detrimental to the shopping environment.

Speaking rights:In Objection:

Mr Neale Weir spoke in objection to the application stating with approval of the application, a snowball effect would occur in the area. He stated that the pedestrianised street was used as a car park, and therefore forcing pedestrians into the street, which was unsafe. He reiterated that the key to achieving footfall for a business was to have other retail opportunities nearby, and he noted that since a business had relocated to a premises near his business, he had noted an increase in footfall. He advised that the premises was not vacant as stated, as a local business had moved into it following the recent floods in the District.

In Support:

Mr Michael Bailie spoke in support of the application and advised that the Case Officer had overlooked the lack of demand for retail rentals, as evidenced by the number of vacant properties on the street. He understood the references to the primary retail core as outlined but noted that demand for housing was on the rise and this needed to be considered. He further advised that his letting agent was unable to rent out the property, despite offering a lowered rent. He argued that the location of the application lay outside of the primary retail core, and noted that Market Street, had a large number of vacant retail premises. He stated that housing in this location could help reduce anti-social behaviour and could foster a greater sense of community.

In support:

Councillor Sharvin noted that the street in question already had a mix of domestic and non-domestic properties, and that consideration was needed to balance the vacant and non-vacant properties. He noted that town centres have changed, and bringing people to live within a town centre would help bring footfall also. He noted that the application detailed no changes to the frontage of the premises, only the interior. He also made reference to the vacant and derelict levels within the town and noted that these mostly commercial premises.

Councillor Enright noted that there was a large percentage of units within the District vacant and stated that a different approach was needed to reverse this dereliction.

Mr Pat Rooney advised that while the face of retail had changed, and that needed to be acknowledged, the form of future retail was unknown, therefore the Planning Department

had to take a balanced approach. He referenced the Council's approach was "living over the shop", to still allow people to live in a town centre.

Councillor Rice queried the efforts the applicant had made to fill the premises during the two years it had been vacant. Mr Bailie advised that a letting agent had tried to lease it over this period of time.

Councillor Murphy noted that it was difficult to predict the shape of retail in the future, and queried whether Mr Neale he could elaborate on his plans for retail in the location.

Mr Neale advised he had plans for a number of properties on the street and had correspondence with various stakeholders regarding establishing a bookshop café. Mr Neale advised he had not noticed the advertisement for the applicant's premises, as he stated he would have approached the letting agent to discuss the premises.

In a response to Councillor Hanna's query, Ms McAarney advised that while the street was a pedestrianised street, there were two nearby car parks that would prove sufficient for tenant parking, should the decision for an approval be made by the Committee. In response to a further query, she advised that the policies were designed to protect the retail core, and that the retail core consisted of more than shops, it also included entertainment and leisure in a bid to generate activity into a town centre.

Councillor Murphy then offered the opportunity to Mr Weir and Mr Bailie to rebut any inaccuracies they had heard during the discussions.

Mr Bailie advised that the premises had only been let recently due to the flooding within the District, while Mr Weir advised that the current tenant had advised she was likely to remain in situ for a period of at least a year.

Following the discussions, the proposal was put to a vote by a show of hands and voting was as follows.

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue a refusal in respect of planning application LA07/2023/1934/F supporting to officer recommendation as contained in the Case Officer Report.**

(2) **LA07/2023/2331/F**

Location:

Lands 80m to the west of Moss Road, Ballynahinch.

Proposal:

Dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney outlined details of the application, and noted that the proposed access was an existing lane. She noted no objections had been received. She referenced the policies that the application was judged against, and pointed out the application included the removal of some roadside vegetation. She further noted that the agent had submitted some new information, after the application was placed on the delegated list. She advised that this new information appeared to show an alternative access route, which the Planning Department believed should warrant a new application.

Speaking rights:In Support:

Mr Declan Worthington noted that the new information was submitted on 26 January, while he believed a decision was still to be issued. He advised that he believed that it was not a new application as suggested but was rather an amendment to the red line boundary. He advised Members that the detail they had been shown was inaccurate, as he believed that the amended red line should have been submitted to the Planning Portal. He asked Members to defer any decisions to allow for proper procedure to take place, in the form of statutory and neighbourhood notifications.

Mr Worthington referenced a building on the land that the Case Officer noted did not have a roof, however he advised there was a roof as the building was used for storage, and therefore should be taken into account when looking at visually linked buildings. He argued that the farm was not a nucleated farm stating it was spread out over a large area, was currently being expanded and noted that any alternatives offered were unsuitable for various reasons.

Following a brief discussion regarding neighbourhood notifications and a similar application that had been tabled at the February Committee, Mr Peter Rooney advised that in line with the Planning Committee Operating Protocol,

"A deputation shall not be permitted to raise any new matters or produce information which was not before officers at the time the recommendation was made, unless they can demonstrate to the satisfaction of the Committee that the matter could not have been raised before that time..."

Mr Peter Rooney noted that this was a complete change of access, the detail before the Committee was what the agent and applicant had submitted and was therefore correct. He stated that any new information was considered a material change to the application, as it had already been placed on the delegated list, and a decision had been made regarding the application.

Councillor D Murphy noted that he had the impression that this change had been sent in before a decision had been made. Mr Worthington noted that he had acted immediately upon receipt of the Case Officer's Report. He drew Members' attention to a legal case relating to Belfast City Council and advised it had bearing on this case.

Mr Pat Rooney noted that late submissions can be an issue for the Planning Department and advised that there were ongoing discussions to change legislative, procedural and process issues, however despite this, the Planning Department made the decision based on the information at hand on the original application, and any changes would require a new application.

Mr Peter Rooney advised that he had no knowledge of the legal case referenced by the agent, and therefore advised he was unable to offer any opinion on it, or whether it had any bearing on this application.

In light of the discussions regarding the legal case, Councillor D Murphy proposed that the application be deferred to allow clarification on any legal bearing on the case. This was seconded by Councillor Finnegan.

The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Finnegan, it was agreed to defer planning application LA07/2023/2331/F for Members to receive legal advice regarding the application.**

(3) **LA07/2022/1696/O**

Location:

Approx. 58m East of No. 11 Flagstaff Road Newry BT35 8NP.

Proposal:

Proposed dwelling and detached domestic garage on an infill site.

Conclusion and Recommendation from Planning Official:

Refusal.

Power-point presentation:

Mr Pat Rooney notified Members that a recent letter of support dated 5 March 2024 from a Councillor raised a point in support of the application. The Planning Department assessed the content and noted that there was not significant weight attached to it to defer the application. The Committee advised they were happy to proceed with the application.

Mr Pat Rooney detailed the application, and outlined which policies it was judged against and what requirements were not met, noting that there were no objections to the application. He stated that the Planning Department did not feel the proposed development constituted continuous built-up frontage and felt that various elements broke up the frontage. He further advised that some buildings did not form part of the same frontage. He noted that the Planning Department felt that the site could hold 3 dwellings, and anything less would lead to a suburban type of development.

Speaking rights:

In Support:

Mr Declan Rooney presented the reasons he believed that the policy usage was incorrect. He noted that the applicant was applying for permission for one dwelling, not two or three. He stated that the site was irregular in size and felt that this was not acknowledged by the

Planning Department. He stated that a possible third dwelling would be forced into a small corner of the irregular sized plot.

Councillor Hanna queried whether a break in frontage of a road, was set in stone within the policy or subject to opinion for the Committee to decide on.

Mr Peter Rooney advised that planning officers and the agent were reliant on differing planning appeal cases to support their decisions and advised that it was up to Members if they recognised a break or not with the case having to be decided on its merits.

Following this advice, Councillor Larkin proposed a site visit, which was seconded by Councillor Hanna. The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to defer planning application LA07/2022/1696/O to allow for a site visit.**

FOR APPROVAL

P/027/2024 LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

Read: Communication from the Department of Communities regarding the listing of several special architectural building and historical sites. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Larkin, seconded by Councillor Finnegan, to note the list as approved.**

P/028/2024 HISTORIC ACTION SHEET

Read: Historic action sheet for agreement **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Finnegan, seconded by Councillor Larkin, to note the historic action sheet.**

P/029/2024 CALL FOR EVIDENCE: FUTURE FOCUSED REVIEW OF THE SPSS ON THE ISSUE OF CLIMATE CHANGE

Read: Report from Mr J McGilly, Assistant Director Regeneration, regarding the Call for Evidence Response: Future Focused Review of the Strategic Planning Policy Statement (SPSS) on the issue of Climate Change **(Copy circulated)**

Councillor Enright suggested amendments to the document as follows:

- Question 1 should reference to energy transition, not simply climate change.
- Question 2 should reference to the increased use of permissive development.
- Question 3 should reference to a more balanced approach to planning permission on landscaping, to allow for natural energy resources.
- Question 5 should strengthen the mention of rural issues, such as the need to install EV charging or PV Panels, this shouldn't necessarily be a Planning Committee remit.
- Question 6 – he urged the Department to look at other jurisdictions' guidelines on zero or low carbon approach to their building regulations.
- Question 7 he urged a full review of the LDP or address a climate change specific amendment.

Mr Michael McQuiston noted the recommendations and advised that this was a call for evidence at this stage as the Department had indicated that they were unsure whether a full SPPS review was to be undertaken. He further noted that on some issues, the Council Local Development Plan went further than some Department recommendations on issues such as flooding prevention.

AGREED: **It was agreed on the proposal of Councillor Enright, seconded by Councillor Larkin, to agree the proposed Council response to the future focused review of the SPPS on the issue of Climate Change, with the agreed amendments included.**

There being no further business the meeting ended at 11.45am

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 10 April 2024

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

- **LA07/2023/3577/F** - The Health Centre, Summer Hill, Warrenpoint, Newry, BT34 3JD - Proposed extension to the existing Health Centre at Warrenpoint, accommodates a store at ground floor and office space on the first floor. The existing first floor has proposed room layouts. The works will also include proposed site works.
APPROVAL
- **LA07/2023/3188/F** - Existing SRC car park site (formerly Newry Sports Centre) immediately north of Southern Regional College (SRC) 'East Campus' building at no. 61 Patrick Street, Newry, BT35 8DN - Proposed new 2-storey Southern Regional College 'Innovation Centre' to facilitate the relocation of SRC Model Campus at Catherine Street. Building to provide teaching rooms, laboratories, workshops, new management centre and office space. Proposal includes the retention of existing vehicular and pedestrian access
APPROVAL
- **LA07/2021/0334/F** - Site adjacent to Strangford View Downpatrick Road Killyleagh - Residential Development comprising of 26no houses. (Renewal of Planning Permission R/2006/1097/F)
APPROVAL
- **LA07/2023/3464/F** - St Moninna Playing Field St Moninna Park, Meigh, Newry, BT35 8TS - Proposed creation of a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch
APPROVAL
- **LA07/2023/3580/F** - Jim Steen Playing Field Dungormley Estate, Newtownhamilton, BT35 OHY - Grass football pitch and ball stop.
APPROVAL
- **LA07/2022/0275/F** - Land at 10 Downpatrick Road Killyleagh - Demolition of existing buildings and erection of 4 dwellings and detached garages, upgraded access, landscaping and ancillary works.
APPROVAL
- **LA07/2022/0411/RM** - Lands located approximately 200m east of no. 25 Greenpark Road Rostrevor BT34 3EZ - Erection of 100-bedroom hotel and spa.
REFUSAL



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

Application Reference: LA07/2022/1696/O

Date Received: 20.10.2022

Proposal: Proposed dwelling and detached domestic garage on an infill site.

Location: Approx. 58m East of No. 11 Flagstaff Road, Newry, BT35 8NP.

Site Characteristics & Area Characteristics:

The site includes a roadside portion of a larger agricultural field that is located just outside the development limit for Newry City and within the countryside and designated AONB. The site is above the public road and the remaining land falls quite significantly to the East. The surrounding area is generally agricultural and residential with economic activity also notable. Development pressure is increasing in the area.

Site History:

Application Number: LA07/2020/0815/O

Decision: Permission Granted

Decision Date: 10 September 2020

Proposal: Off site replacement dwelling and detached garage

Application Number: LA07/2021/0191/RM

Decision: Permission Granted

Decision Date: 05 May 2021

Proposal: Off-site replacement dwelling and detached garage

Consultations:

DFI Roads –No objections subject to compliance with attached condition.

NI Water – approval with standard conditions.

Objections & Representations

7 Neighbours notified on 26.01.2023 and the application was advertised on 15th and 16th of November 2022. No objection or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2

Building on Tradition

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The site is located in the countryside / Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections from the Area Plan and decision making is deferred to the retained policies which will be considered below in this report.

Planning Policy Statement 21 – Sustainable Development in the Countryside / Strategic Planning Policy Statement for Northern Ireland

Policy CTY 8 of PPS 21 makes an exception to ribbon development for the development of a small gap site sufficient only to accommodate up to a maximum of two houses provided the dwelling is located within an otherwise substantial and continuously built up frontage and also that it respects the development pattern of the frontage. The definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In terms of the gap to be developed, the agent has advised in his supporting statement that he takes this to be between the closest part of the industrial building (Crilly's Sweets) and the new dwelling immediately west of the site recently constructed. This gap amounts to approximately 87m. However, taking out the Brogies Road section which is obviously undevelopable and measuring the frontage between the corner of the field and the boundary fence of the new build to the west of the site, this leaves a road frontage of approximately 90m. The agent describes the average road frontage to be 37m however this figure must be considerably lower given only the newbuild dwelling immediately west of the site is 36m with the remaining development in the mid-20s according to the additional information sent by the agent. Further west towards Nos 9 and 11 the frontage becomes smaller again.

With the above in mind and a field frontage of 90m at least 3 dwellings at 30m each could be accommodated. A shorter site measurement could be used to give more room to the last dwelling in the corner of the field closest to the Brogies Road. Whilst the agent has ruled out this area and it is accepted that it may not neatly match the other dwellings, a smaller 'L' shaped dwelling could be accommodated with a frontage that matches the surrounding area and a refusal on other matters would prove difficult to justify.

The proposed arrangements that are before the Council leave a frontage of 59m which is considerably above any conceived average along the frontage no matter how generous you apply the mathematics to the frontage. For these reasons, I do not consider the gap to represent a small gap sufficient only to accommodate a maximum of two dwellings.

Considering the site in isolation, it is respectful to the pattern of development in that it is very close to the dimensions of the adjacent new build to the west and considerations around size, scale and siting could be conditioned. The issue for the Planning Dept is that the site must be considered in relation to the whole gap and not in isolation.

The policy notes that the definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The new build dwelling to the west of the site benefits from 2 substantial buildings particularly given the visual appreciation of the garage from the public road. The third building as considered by the agent is the industrial factory further east of the site (Crilly's Sweets). It is the Planning Departments view that the road between Crilly's and the proposed site (Brogies Road) represents a feature that breaks the frontage and therefore the frontage cannot be defined as 'continuous' – rendering the proposal contrary to policy.

The agent contends that this represents a break in the frontage and notes planning reference LA02/2023/1512/O which was an infill dwelling approved in Mid and East Antrim Council. Whilst the retained planning policies are considered province wide (unless a new LDP as been adopted) each Council area is autonomous on how it interprets that policy and similarly are not bound by decisions made by other Council areas. For this reason, the approval of this application does not material affect the decision-making process of Newry Mourne and Down District Council.

Planning Appeal Ref 2017/A0009 an appeal in this Council area and dismissed by the PAC is of particular note which deals specifically with this issue. Quoting from the Commissioner's report he says "Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and continuously (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road". I consider this PAC decision to reflect the ground conditions of the proposed site and consolidates the Planning Authority's position.

The agent has made reference to the visual linkage referred to by the Agent is misplaced in that the test for the exception to ribbon development is not noted as being a visual test within policy. Where a visual test is noted within policy is when defining ribbon development, not the exception to it.

Consequently, as a result of the above, I do not consider the proposal to meet the guidance in Building on Tradition and the exception test of policy CTY 8 and instead would add to the existing ribbon of development along Flagstaff Road. The proposal is also contrary to policy CTY 1 in that it does not meet any of the exceptions listed and there are no overriding reasons why the proposal could not be located within a settlement.

The site benefits from a good back drop of rising land to the rear. Whilst natural boundaries are poor for the site, I have attached weight to the context of the built up surrounding area and the siting of the newbuild dwelling immediately west of the site that has similar site conditions which would also offer a sense of enclosure to one side of the dwelling. On balance I consider the proposal to meet the policy requirements of policy CTY 13.

Whilst I do not consider the proposal prominent in the landscape, the proposal does not meet the exception test of policy CTY 8 and therefore would contribute to build up when considered with the surrounding development and add to ribbon development. For these reasons the proposal is contrary to policy CTY 14 part (b) and (d).

The applicant proposes to use a Septic Tank to deal with foul waste. Any approval notice could be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

Following consultation with DFI Roads, the Department has responded confirming it has no objections to the proposal in relation to PPS 3 subject to compliance with the attached RS1 form. This will form part of a condition for further consideration at RM stage.

Planning Policy Statement 2 – Natural Heritage

As the site lies within the AONB policy NH 6 is engaged. As the proposal does not meet the exception at policy CTY 8 and policy provisions of CTY 14 of PPS 21 I am not content the siting is sympathetic to the special character of the AONB in general and of the particular locality. The scale of the proposal can be conditioned to ensure it is appropriate for the area and will be a matter reserved. The proposal will not impact on features of importance to the character, appearance or heritage of the landscape and materials, design, colour boundaries and architectural styles will be assessed in further detail at RM stage. The proposal is contrary to policy NH 6 part (a).

The proposal has been considered in light of Planning Policy Statement 2 in terms of priority habitats and species. I have considered the site in light of DAERA guidance and conclude there is no perceived adverse impacts on priority species or habitats.

Planning Policy Statement 3 Parking Movement and Access / DCAN 15

DFI Roads was consulted with regard to the above policy and guidance and has confirmed it has no objection to the proposal subject to compliance with the attached RS 1 form to be conditioned and considered in detail at RM stage. For this reason, I am content the proposal is in compliance with PPS 3/ DCAN 15.

Recommendation:

Refusal – supporting statement from agent considered.

Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to a ribbon development along Flagstaff Road and is not considered to represent an exception to the policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the siting would, if permitted be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Ashley Donaldson 11/12/2023

Authorised Officer: Maria Fitzpatrick 12/01/2024



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

Application Reference:

LA07/2023/3577/F

Date Received:

Nov 2023

Proposal:

Proposed extension to the existing Health Centre at Warrenpoint, to accommodate a store at ground floor and office space on the first floor with associated site works.

Location:

The Health Centre, Summer Hill, Warrenpoint, Newry, BT34 3JD



Site Characteristics & Area Characteristics:

The site is located within the development limits of Warrenpoint (outside the boundary of the town centre and ATC) as designated within the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an AONB.

The red line boundary comprises a 2-storey building occupied by the library on the lower (ground floor) level and health centre on first floor. The site includes a car park to the side and rear and is bounded and enclosed by a BT Telephone Exchange and Baptist Church to either side and a residential property and choice (The Rowans) housing to the rear. The site fronts and opens onto a footpath along Summerhill road. The health centre is accessed to the front via a ramp or steps. On-street parking is also available along Summerhill.



Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 4: Economic Development
- PPS 6: Planning, Archaeology and the Built Heritage

Site History:

A history search was carried out for the site and surrounds whereby no relevant site history was observed.

The land use of the adjoining properties is also noted.

Consultations:

Having account the minor nature of the proposal, and constraints of the site and area consultation was carried out with NIW, DFI Roads, DFI Rivers, HED and Env Health.

NIW- Refusal recommended due to network capacity issues. A WWIA Assessment has been submitted to NIW.

DFI Roads- No objections in principle (on the basis the info provided on application form is accurate). DFI Roads noted the existing access is substandard, however have not requested amendments.

DFI Rivers- DFI Rivers Flood Maps indicate the site is not located in an area at flood risk from either the sea or rivers, although surface water may be an issue. Having account the design of the extension proposed, it is considered it will not cause or exacerbate flooding elsewhere. Aw final comment/clearance from DFI Rivers prior to issuing.

Env Health- No objections in principle.

HED (Historic Monuments) advised it has assessed the application and, has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements

HED (Historic Buildings), considers that the application poses no greater demonstrable harm to the setting of the listed building with respect to SPPS 6.12 and BH11 PPS6. HED notes that the site is separated from the listed building and screened by mature planting

Objections & Representations:

Neighbour notification and advertising was undertaken in line with statutory requirements.

No representations or objections have been received to date (26.03.24).

Assessment

Proposal

The application seeks Full permission for a proposed extension to the existing Health Centre at Warrenpoint, to accommodate a store at ground floor with office space on the first floor above. The existing first floor has proposed room layouts. The works will also include proposed site works.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

The site is located within the development limits of Warrenpoint (outside the boundary of the town centre and ATC) as designated within the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an AONB.

There are no specific policy provisions within BNMAP for this site.

A health centre is considered to fall with use class D1 of the Use Classes order 2015, whereby the provisions of the area plan and SPPS are considered applicable. Although not directly applicable, the general criteria for economic development contained within Policy PED9 of PPS4 will also be considered.

Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland is of relevance in regard to the impact on development affecting the setting of a listed building. As there has been no significant change to the policy requirements

regarding the setting of a Listed Building and as such, the retained policy PPS 6: Planning, Archaeology and the Built Heritage is also applicable.

Banbridge, Newry and Mourne Area Plan 2015

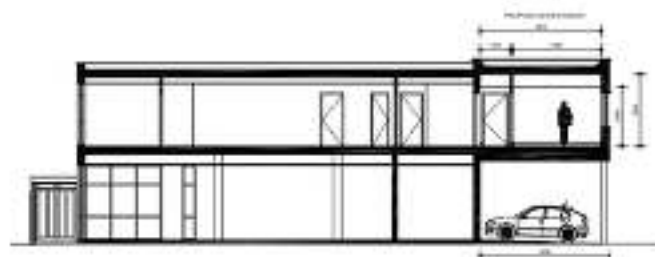
The site is located within the development limits of Warrenpoint (outside the boundary of the town centre and ATC) as designated within the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an AONB. The site is regarded as white-land within an existing urban area, which comprises a 2 storey building, the use of which has been long established and occupied as a library on the lower ground floor with health centre above.

PPS 4: Economic Development

Policy PED 1 outlines that *"a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9."*

Policy PED 9 – *General Criteria for Economic Development* outlines criteria (a-m) that the proposal is required to comply with.

The proposal includes an extension to the rear, with a new store at ground floor level, and extension to the upper floor level, constructed on columns/pillars with parking retained below. See cross section (side elevation) below.



The proposals will extend across the entire width of the building (approx. 25m) and will extend out approx. a further 5m from the rear of the existing building. The general size and scale of the building will respect that existing with flat roof, although will be marginally higher while the form and proportions of the windows will also be different to that existing, however are not considered to offend or detract from the appearance and character of the area, having account the mix of built form in this immediate area. The design proposals with pillars/columns in the style of Le Corbusier are noted, and although which are not present in this locality, are considered acceptable. This is due to the mix of existing designs, sizes and scale of built form in this area, the relatively small scale of the proposals, its location to the rear which will have limited impact from the street-scene, and as the general scale is in keeping with the existing building. It is considered the proposals therefore do not offend the character of the area. The age and general size, design form, proportions and massing of the existing building are also noted.

The use of this portion of the site as a health centre is long established, thus there is no objection in principle to the small extension in use proposed.

As stated, the extension proposed is small, whereby the separation distances to respective boundaries and adjoining properties is considered sufficient to prevent any significant increased or unacceptable impact or loss of amenity than that pre-existing. The use of the adjoining properties as set out above are also noted.

Environmental Health were also consulted as part of the processing of the application who offer no objections in principle.

Also, it is considered the proposals will not adversely affect features of the natural or built heritage due to its size, and the extent of the existing built form.

HED were consulted whereby comment was provided by both Monuments and buildings, offering no objections. Accordingly it is considered the proposals do not offend the requirements of the SPPS or PPS6

Given the urban context and location of the site, and size of the proposed extension, it is considered the proposal will not affect the AONB designation

DFI Rivers Flood Maps indicate the site is not located in an area at flood risk from either the sea or rivers and having account the design of the extension proposed, is considered will not cause or exacerbate flooding elsewhere.

The proposals do not impact on the boundary of the site and there are no proposed works to the site boundaries.

In respect of the parking requirements and provision for this site, it is noted there is a formal parking layout within the site boundary to the side and rear of the building at present, which appears to be shared between the health centre and library. On-street parking is also available (subject to availability) along the surrounding streets of Summer Hill, Clonallon Rd and Springfield Rd.

The proposals indicate a number of new rooms to the rear of the health centre (including 1 physio consulting room, 2 office's , 2 interview rooms, 1 meeting room and a consulting room).

The application form indicates the proposals will result in the following: 4 additional staff vehicles/members and no additional customer vehicles/persons will be attracted to the site as a result of the proposals, whereby the initial proposals indicated a slight loss of parking within the site.

This matter was raised with the nominated agent who subsequently advised the parking layout has been reconfigured with additional parking now proposed, with reference also made to the free on-street parking along the road.

A letter in support of the proposals has also been received from the Dept for Health, which has outlined the background to the case, and advised the Strategic Planning and Performance Group (SPPG) of the Department of Health (DoH), have been working collaboratively with GP practices in the Newry and District area in recent months to implement a radical change in the delivery of primary care services.

This change involves developing multi-disciplinary care teams wrapped around local GP practices. This new model of care will see local GP practices focus not just on managing ill-health, but also on the physical, mental and social wellbeing of communities. In the first instance this initiative involves the allocation of

Physiotherapists, Mental Health Workers and Social Workers into each GP Practice in these areas. These professionals will support GPs to deliver appropriate and timely care to their patient population, thereby reducing pressures on the GP workforce and improving quality of patient care. Evidence suggests this approach will see patient issues resolved more quickly, for instance by reducing the need for referrals and appointments elsewhere. This will also ease demand pressures on hospitals. This initiative is a core component of the plans for much needed health and social care transformation, helping provide care closer to people's homes and improving access times. In order to implement this major transformation initiative, it is necessary to create additional space at existing GP premises to accommodate the multi-disciplinary staff. These professionals will work closely as part of the GP team and therefore need to be co-located in the same building. This work has engaged with patients and their representatives in its planning, and in areas where it has already been implemented this enhanced level of service has been met enthusiastically by patients and their families. It should be noted from a planning approval perspective that this initiative is not about creating additional capacity / demand within the GP Practice, but rather is intended to equip GPs with immediate access to a broader specialist skill set such that the services delivered to their existing patient population can be improved and GP services sustained. It is therefore not anticipated that the implementation of these multi-disciplinary staff shall have a detrimental impact on daily footfall to the surgery, and indeed in the longer term should help reduce repeat visits to the surgery by patients.

In addition to the above the agents provided a revised site plan showing the parking layout reconfigured with a total of 25 formal parking spaces now proposed. (The existing plans indicated a total of 24 spaces within the site at present, although it was observed during a recent site visit some informal parking beyond this formal parking also occurs at present within the site).

Having account all information available and small increase in staff/vehicle numbers proposed, together with the new parking layout proposed and available parking capacity in the immediate and wider vicinity, balanced against the needs of the proposal, it is considered the parking provision is acceptable in this instance.

Summary

On balance, it is considered the proposals do not offend the area plan or any applicable policy and there are no grounds to sustain a refusal. Accordingly, Approval is recommended subject to conditions.

Recommendation: Approval

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 01 Rev A, SK03-B, SK04-C, SK05-D, SK06-B, SK07-A, SK08.

Reason: To define the planning permission and for the avoidance of doubt.

Informatives:

- This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Case Officer Signature: M Keane

Date: 26.03.24

Appointed Officer Signature: P Rooney

Date: 26-03-24

Committee Application

Development Management Officer Report	
Case Officer: Roisin Bird	
Application ID: LA07/2022/0546/F	Target Date: 1 July 2023
Proposal: Installation of a 20m street pole to host integrated Antenna and 2 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets	Location: Public footpath to the rear of ASDA 51 Newcastle Street Kilkeel
Applicant Name and Address: EE & Hutchison 3G C/O MBNL Thames Tower Reading RG1 1LX	Agent Name and Address: 401 Faraday Street Brichwood Park Warrington WA3 6GA
Date of last Neighbour Notification:	18 May 2023
Date of Press Advertisement:	20 April 2022
ES Requested: No	
<p>Consultations: HED</p> <ul style="list-style-type: none"> • Consultation response 5 September 2022 requested photomontages to assess impact on Crawtree Stone 160m SE of the site. <i>Further info. was received and re-consulted accordingly.</i> • Consultation response 29 August 2023 requested photomontage from the monument itself to assess impact on Crawtree Stone. <i>Further info. was received and re-consulted accordingly.</i> • Consultation response 29 November 2023 Advised scheme is acceptable following receipt of requested photomontages. <p>DFI Roads – No objection</p> <p>Environmental Health - have considered all third-party objections, and have reviewed the certificate of conformity provided by the applicant in relation to the International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines and have no objections to this application.</p>	
<p>Representations: One neighbour notification was issued on 3 May 2023. Note: Having account the extent of the application site outlined in red, and statutory requirements, while the proximity to various occupied buildings was noted, neighbour notification (NN) was only required to be undertaken with one property (No.51- Asda). The proximity to Gordons Chemist building in particular was noted, however NN was not required with this property. It is noted however this property is aware of the proposal having made comment.</p>	

Letters of Support	0.00
Letters of Objection	29
Petitions	4 pages with 64 signatures in total
Signatures	0.00
Number of Petitions of Objection and signatures	None
<p>Summary of Issues: A number of representations have been submitted on this application as detailed above. The issues/ concerns are summarised below:</p> <ul style="list-style-type: none"> • Proposed works are unsightly and will have negative impact on the street scene and surrounding area. <i>This issue is dealt with later in the report under visual impact.</i> • Tall structure is out of character with street scene, will create visual clutter and not blend with surroundings. <i>This issue is dealt with later in the report under visual impact.</i> • Proposal will be detrimental and impact negatively on the heritage trail and nearby Monument – Cawtree Stone <i>This issue is dealt with later in the report under PPS 6.</i> • Proposal will detract from the AONB. <i>This issue is dealt with later in the report under PPS 2.</i> • Proposal could have potential health risks – cancer from the radiation. <i>This is not a consideration under current planning policy, no definitive evidence has been provided to demonstrate this alleged claim. Consultation was undertaken with Environmental Health.</i> • Proposed works could negatively impact upon property prices in the area. <i>This is not a consideration under current planning policy/legislation.</i> • Proposed works will narrow the pavement and impact on people with prams and those in wheelchairs • Proposed works could create blind spots for children crossing road. • Proposed works could obstruct sightlines emerging from Asda car park. <i>These issues are dealt with later in the report under PPS 3.</i> • Other masts are available in the area – alternatives not explored and also on top of buildings not explored • Proposal will impact negatively to attract tourists to the area. <i>No definitive evidence has been provided to demonstrate this alleged claim.</i> 	

- Proposal may have impact on birds, insects and wildlife.
This issue is dealt with later in the report under PPS 2 and HRA.
- Proposal may impact on trees especially TPO trees located nearby.
The proposed works will not result in the loss of trees or vegetation.
- Proposal is too close to residential properties.
This issue is dealt with later in the report under PPS 10.

Site Visit Report

Site Location Plan:



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ENG NGR E: 138244 N: 470874
 NI NGR E: 330851 N: 314738

Characteristics of the Site and Area:
 The application site is located on the footpath to the eastern side of Moor Road, Killeel. It is sited west of 51 Newcastle Street known as Adsa supermarket and beyond the rear of Gordons Chemist.
 The application site comprises a small rectangular area of land at the edge of the existing pavement adjacent to the car park at the rear of 57 Newcastle Street known as Gordons Chemist. The topography of the site is flat. The surrounding context consists of commercial buildings typical of a town centre environment with car parks to serve these to the east and west and further east are single dwellings which front Newcastle Street.



Description of Proposal:

Installation of a 20m street pole to host integrated Antenna and 2 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets

Planning Assessment of Policy and Other Material Considerations:

This application is considered against

- Banbridge Newry and Mourne Area Plan 2015,
- SPPS (NI)
- PPS 10 Telecommunications
- PPS 3 Access, Movement and Parking
- PPS 2 Natural Heritage
- Development Control Advice Note 14 Siting and Design of Radio Telecommunications Equipment.

Planning History:

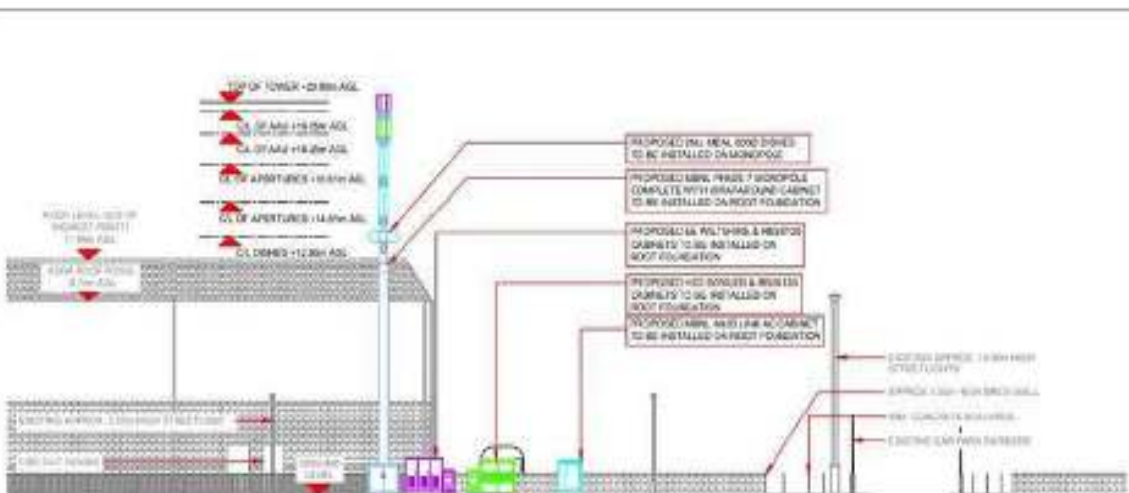
No specific site history. All history in this area relates to Asda supermarket and other retail premises adjacent.

Consideration and Assessment:

Proposal:

This application seeks permission for the following (as shown on the elevation drawing below)

- 1 20m street pole with integrated antenna
- 4 cabinets, one of which is located at the base of the street pole.



Banbridge Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located within the settlement limit of Killeel, Killeel Town Centre, within consultation zone of Crawtree Mount to the north and within the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge / Newry and Mourne Area Plan 2015. There are no specific policies in the plan relevant to the determination of this application. The application will be considered under the operational policies of the SPPS and PPS 10. The impact of the development on the AONB will be considered under PPS 2 and the impact on the monument will be considered under PPS 6.

Strategic Planning Policy Statement (SPPS)

The SPPS supersedes PPS 1 General Principles and introduces transitional arrangements which will operate until the Council's Plan Strategy has been adopted. During this period planning authorities will apply the existing policy (contained in the PPSs, referred to as the retained policy) together with the SPPS.

Para 6.235 - 6.250 of the SPPS states that modern telecommunications are an essential and beneficial element of everyday living for the people of and visitors to this region and that it is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic wellbeing. The aim of the SPPS in this respect is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

Furthermore, paragraph 6.243 of the SPSS states that when considering telecommunications development, planning authorities are to consider the effects on visual amenity and environmentally sensitive features and locations. There is no conflict between the provisions of the SPPS and the current policy provisions in Policy TEL 1 of PPS 10, therefore the proposed development will be assessed under PPS 10.

PPS 10 Telecommunications

Policy TEL 1 of PPS 10 permits proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to or harm to environmentally sensitive features or locations. Developers of telecommunications infrastructure are required, under Policy TEL 1, to demonstrate that the proposed development have regard to technical and operational constraints and that the proposed development has been sited and designed to minimise visual and environmental impact.

Criteria A - the sharing of an existing mast or other structure has been investigated and is not feasible.

Criteria B a new mast represents a better environmental solution than other options.

The proposed 20m Streetpole will host integrated Antenna and 2no. 600mm Dishes and there will be 4no. equipment cabinets installed on the footpath. The highest part of the pole and antenna is 20m above ground level. The proposal is a new additional network site to resolve existing poor mobile phone connectivity in the town centre of Kilkeel. The existing coverage hole cannot be resolved by upgrading other network sites in the area as the nearest adjacent site is over 2km away to the east edge of the town. Without this new site there can be no 5G phone coverage for operators in the town centre. Justification has been provided to meet Criteria A.

Details of the consideration given to measures to mitigate the visual and environmental impact of the proposal;

The 20m pole and associated equipment would be inserted on the pavement outside a car park to the rear of a large retail supermarket and other retail premises. The area is already an established town area, there are utility cabinets and telecoms paraphernalia already in the surrounding vicinity close to the application site. The colour of the pole – grey will aid blending with the sky from a distance as it is light in colour. The proposed Streetpole will be partially screened by the adjacent buildings 11.66m (ridge height) Asda Supermarket and other adjacent properties and that will lessen its prominence within the town. Furthermore, the positioning of the equipment adjacent to the edge of the pavement with the backdrop of the car park and retail premises in the foreground it is not considered to be a prominent location given the surrounding retail buildings and street furniture development already in situ in this established urban area. (See the photomontages below.) In addition, the antenna on the new monopole will be mounted back-to-back tight against the pole without any headframe to minimize the profile and silhouette. A height of 20m is required both to meet the required coverage level in the area but also for radio wave safety (ICNIRP) on the nearby rooftop of Asda.

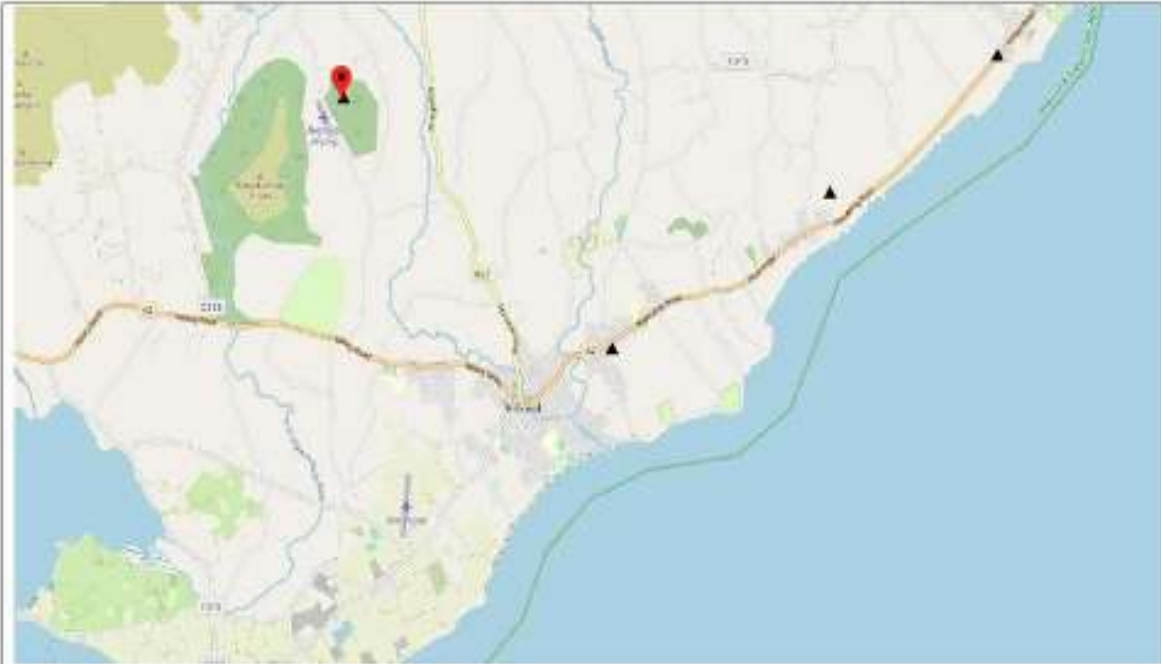


The nearest residential dwellings are to the east on Newcastle Street 31m from the site. In the context of this urban environment and the nature of the large scale retail building to the west (Asda), the amenity of residents will not be exacerbated to a degree any greater than the existing retail development and street furniture including bollards, street lights and trolley dock. The proposed antenna and associated equipment are considered to create no greater impact visually than the commercial developments already in situ. As outlined above, consultation has been undertaken with Environmental Health who offer no objections to the proposals; Environmental Health have considered all third party comments/objections in relation to the proposal.

Alternative Sites / Solutions

The agent states in their supporting statement there are no other existing surrounding network sites that could assist with meeting the technical requirements. The geographical area surrounding the site does not have high buildings / rooftops that could be utilised for a solution nor are there other existing third-party site shares that could be utilised.

The nearest neighbouring base station is approximately 2km to the east at 74 Newcastle Road as shown below with the black triangle. This site is too far away from Kilkeel centre to provide adequate 4G and 5G Coverage in the town itself. The distance of the nearest active base station means weak or non-existent 2G, 3G and 4G outdoor and indoor coverage. The agent states in their supporting statement - new proposed installation must be in a position where it can be physically constructed and underground services continue to be a significant obstacle to the deployment of this roll out. Hence the submission of this application.



The following sites were explored by the agent as stated in their supporting statement:



D1- Land to the North of Asda is exposed and elevated and any new site will be prominent and visible from several key ocean views. The impact on AONB is significant.

D2- Public footpath on Newcastle Street itself there are very few footpaths that are wide enough to allow minimum pedestrian passing distances and any locations where footpath is wide enough will result in significant visual impact especially to drivers and pedestrians of Newcastle Street.

D3- Rooney Road- Land height falls away (heading South) which will result in the need for a structure exceeding 20m in height and this is deemed will give too much of a negative impact on visual amenity within AONB. Furthermore, proximity and views from many residential dwellings becomes much more significant.

D4- Industrial Premises on Mill Road- While the existing land use is more appropriate for telecoms infrastructure this location is more exposed and elevated and any new site will be prominent and visible from several key ocean views. The impact on AONB is

significant. Furthermore, proximity and views from a large number of residential dwellings becomes much more significant.

D5- Farmland to the North West of Mill Road- exposed and elevated and any new site will be prominent and visible from several key ocean views. The impact on AONB is significant.

D6- Industrial Units on Alexander Drive- Land height falls away (heading South) which will result in the need for a structure exceeding 20m in height and this is deemed will give too much of a negative impact on visual amenity within AONB.

D7- Rooftops around Junction between Victoria Mews and Newcastle Site and Rooftops to the West. There are no flat roofs in this area that could accommodate the apparatus or are not of a necessary height (20m) to meet coverage requirements.

From the above site alternatives explored it is clear there are various reasons why they are unsuitable such as exposed AONB locations, elevated sites resulting in too much visual impact, land gradient, impact on road safety and pavement not adequate width etc.

Impact on Health

The agent has provided a certificate to confirm that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields. The Council's Environmental Health Dept. were consulted on the proposal given the residential properties nearby and have responded with no objections given the submission of the above.

PPS 3 Access, Movement and Parking

DFI Roads have no objection in principle to the proposed works. It is considered plans as submitted comply with the requirements of Policy PPS3, particularly policy AMP1, as they have taken account the needs of all pedestrians including people with disabilities and those impaired, ensuring the infrastructure does not obstruct the public footpath or create blind spots for pedestrians crossing the road. The location chosen includes a wide footpath whereby all pedestrians/users can continue to use this without obstruction while existing crossing points immediately adjacent are also unaffected by the proposals.

PPS 2 Natural Heritage

The proposal is sited along an existing pavement in an urban area and does not require the removal of vegetation. The proposal is not considered to have an adverse impact on priority species or habitats.

Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development is located within an urban area whereby the

proposal would unlikely harm the special characteristics which underpin the AONB, largely appearing as part of the street furniture.

PPS 6 Planning Archaeology and Built Heritage

Policy BH 3 - Archaeological Assessment and Evaluation

The proposed development is approximately 160m south-east of 'The Crawtree Stone' (DOW 056:025), a prehistoric portal tomb of regional importance that is scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995. The portal tomb sits prominently in an elevated position within a field boundary that forms part of a laneway. It is a well-preserved example of a portal tomb that would originally have had clear views south-east towards the coast, this would have formed part of the sites functional setting. The site now overlooks the settlement of Kilkeel to the south-east and is immediately surrounded by two large fields on the periphery of the town. Further out, the site is surrounded by housing developments to the east, north and west.

Policy BH 1 of PPS 6 applies in this case, which states:

The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

In order to fully assess the impact of the proposed development on the Crawtree Stone Monument HED requested photomontages from various viewpoints to assess any potential impact. These included the following:







Following the submission of the above images HED advised the photomontages demonstrate the proposed scheme will read with existing built infrastructure in the townscape and will not have an adverse impact upon the setting on DOW 056:022. Consequently, the scheme is acceptable to Policy BH 1 of PPS 6.

The site is outside the boundary of the ATC and Area of Arch Potential.

Other Material Considerations

HRA

A HRA was not carried out as there is no watercourse directly abutting this site. Therefore, it is unlikely that there will any adverse effects from the proposed works on the integrity of any National or European site. There are no trees or landscape features on this site which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

EIA

This application has been screened by Council and as the development does not meet any thresholds, as set down in The Planning Environmental Impact Assessment Regulations.

Summary

While it is noted there is local opposition to the proposals, it is considered the plans, will not result in any unacceptable visual or environmental impact for the reasons stated, and there are no grounds to sustain a refusal. Accordingly, approval is recommended subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation: Permission Granted
Conditions: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. The development hereby permitted shall take place in strict accordance with the following approved plans: 002A, 100A, 215A3, 265A3 Reason: To define the planning permission and for the avoidance of doubt, Within three months of cessation of the use and operation of the telecommunications mast and equipment on this site the mast, compound and all associated equipment and paraphernalia shall be removed, and the land restored to its former condition. Reason: To satisfactorily protect the character and appearance of the area.
Case Officer Signature: Roisin Bird
Date: 20 th February 2024
Appointed Officer Signature: M Keane
Date: 20-02-24

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date

LA07/2022/0546/F

Thank you for the opportunity to express the very serious concerns of many local residents and those who work within the area surrounding the application site.

In our representation before you, we wish to focus on the requirements of the planning policy which is central to the consideration of this application i.e. Policy TEL 1 of Planning Policy Statement 10. Policy TEL 1 states that:

"The Department will permit proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations."

"Developers will therefore be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact."

"Proposals for the development of a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- (b) a new mast represents a better environmental solution than other options."

We wish to emphasise the requirements of this planning policy that "a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- (b) a new mast represents a better environmental solution than other options."

In addition, Paragraph 6.19 of Policy TEL 1 states that, "All applications for new masts will need to be accompanied by evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored and should outline the specific reasons why this course of action is not possible."

We have read through all of the supporting information submitted by the agent and it has most certainly not been demonstrated that the sharing of an existing mast or other structure has been investigated and is not feasible or that a new mast represents a better environmental solution than other options.

Although the agent has referred to the existing mast at Stevenson's Motors, 74 Newcastle Road, they have not referred to the other masts located within Killeel. The agent has stated that, "The new selected site location has been considered against a substantive list of alternative sites as detailed in the Supplementary Information. The existing coverage hole cannot be resolved by upgrading other network sites in the area as the nearest adjacent site is over 2km away to the East edge of the town. Without this new site there can be no 5G phone coverage for both operators in the town centre." This is incorrect, as the site at Stevenson's Motors referred to by the agent is not "over 2km away" but is

approx. 970 metres away, and there is a mast approx. 690 metres away, at 55 Greencastle Street, and a mast adjacent to 42 Newry Road, approx. 877 metres away.

As you can see in the slideshow, these masts could be easily extended and added to without the need for an additional new mast. With regards to the 15 metre mast at 55 Greencastle Street, approval has been recently granted for its replacement with a 19.5 metres mast (planning application reference LA07/2022/0194/F), thereby allowing even further equipment to be added to its frame.

In addition, please be aware that there is an existing live planning approval for a telecommunications mast at 60 Harbour Road, Kilkeel (planning application reference LA07/2020/0535/F), which could also be easily extended and added to. The developer still has over year left within which to begin development of this approved mast. There is also an existing live approval for a 20 metre telecommunications mast at 2 Moor Road, Kilkeel (planning application reference LA07/2022/0664/F), which could be easily extended and added to. Kilkeel town and its surrounding area is well served by telecommunications equipment and there is clearly no need for an additional mast.

Paragraph 6.3 of Policy TEL 1 states that, "In submitting proposals for telecommunications development applicants should seek a solution which minimises visual and environmental impact" and Paragraph 6.17 of Policy TEL 1 states that, "The sharing of masts will be strongly encouraged where it represents the best environmental option in a particular case." The use of existing telecommunications masts within Kilkeel would minimise both visual and environmental impact, while the erection of a new mast would not minimise visual and environmental impact, we are of the view that this planning application is clearly contrary to planning policy.

Policy TEL 1 further states that, "Where information on the above matters is not made available or is considered inadequate the Department will refuse planning permission." Given that the agent has not addressed the requirements of planning policy, we are absolutely shocked that the planning authority is recommending this application for approval.

Thank you for allowing us the opportunity to share our concerns before the Council's planning committee, and we request that you refuse this planning application as it most certainly does not meet the clear requirements of planning policy.

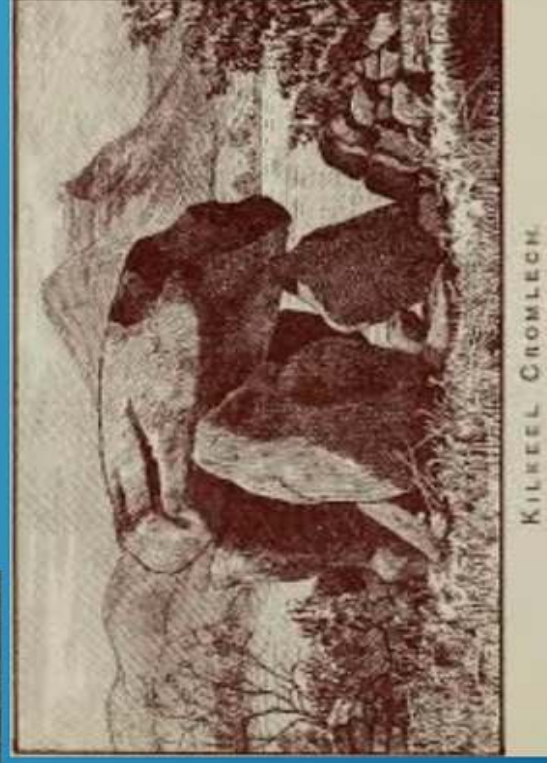
LA07/2022/0546/F

Objection to Telecommunications mast -
Newcastle Street, Kilkeel

Arlene McMath



Cromlech Stone -
scheduled monument
 'any nationally important
 archaeological site'
 (www.gov.uk)



KILLEEL CROMLECH

Draft Plan August 2006

**Designation KL 31 Local Landscape Policy Area
 Aughrim River Corridor**

A LLPA is designated as identified on Map No. 3/04a - Killeel.

Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed below:

- River corridor of Aughrim River is important for wildlife, archaeology and history;
- The landform and vegetation surrounding Dunaman House contribute to the character of the area.

**Designation KL 32 Local Landscape Policy Area
 Cromlech House**

A LLPA is designated as identified on Map No. 3/04a - Killeel.

Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed below:

- Cromlech House (landmark building), with adjacent trees and vegetation contributing to the character of the area;
- Historic Monument (dolmen), contributes to the distinctive character and heritage of the area.

**Designation KL 33 Local Landscape Policy Area
 Berylagh House**

A LLPA is designated as identified on Map No. 3/04a - Killeel.

Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed below:

- Large house and gardens are important in the local landscape.

**Designation KL 34 Local Landscape Policy Area
 Killeel River Corridor**

A LLPA is designated as identified on Map No. 3/04a - Killeel.

Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed below:

- Killeel river corridor traverses the area, providing significant local landscape, wildlife and heritage interest;

BANBRIDGE/NEWRY & MOURNE AREA PLAN 2015

Policy CVN 3

Located in the local Strategic Plan Framework it states the Department will use its development control powers to ensure the setting of the monument is preserved.

features make to the local landscape. It also seeks to encourage the public, as well as owners, to value and support the protection and maintenance of such sites.

Areas of Significant Archaeological Interest

In accordance with PPS 6 - Planning, Archaeology and the Built Heritage, an Area of Significant Archaeological Interest (ASAI) is designated at the Dorsey as identified in Volume 3 of the Plan.

Policy CVN 3 Areas of Significant Archaeological Interest

Within designated Areas of Significant Archaeological Interest, planning permission will not be granted for proposals for large scale development, unless it can be demonstrated that there will be no significant impact on the character and appearance of this distinctive historic landscape.

The Department will use its development control powers to ensure that the setting of the monuments is preserved, and that development does not have a detrimental effect on sites and monuments, or the character, appearance or visual amenity of the surrounding landscape. Accordingly, there will be a general presumption against large-scale developments within the ASAI, such as quarrying or mining operations, waste disposal, industrial units, major tourism schemes and the erection of masts, pylons or wind turbines as it is considered the scale and overall impact of such proposals could be particularly damaging to the distinctive appearance, character and heritage interests of the area. Other development proposals will be determined on their merits having regard to the prevailing regional planning policy and the policies and proposals in the Plan.

In exceptional circumstances where planning permission is granted for development within an ASAI, the Department will require the implementation of appropriate mitigation works.

Areas of Archaeological Potential

In accordance with PPS 6 - Planning, Archaeology and the Built Heritage, the following Areas of Archaeological Potential (AAPs) are highlighted for information in Volumes 2 and 3 of the Plan.

Banbridge District

Banbridge
Dromore
Gifford
Rathfriland
Lawrencetown
Loughbrickland
Scanva
Devantrass

Newry and Mourne District

Newry
Crossmaglen
Kilkeel
Newtownhamilton
Annalong
Attical
Camlough
C

PLANNING POLICY - STATEMENT 6



Planning Policy Statement 6 (PPS 6)

Planning, Archaeology and the Built Heritage

Policy BH 1

The Preservation of Archaeological Remains of Regional Importance and their Settings

The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

Justification and Amplification

3.5. State Care and scheduled monuments together represent those archaeological sites and monuments which are of greatest importance within Northern Ireland. It is particularly important that they are preserved in situ and within an appropriate setting. Accordingly the Department will operate a presumption against proposals which would damage or destroy such remains, or which would have an adverse impact on their setting. While the Department will take into account all material considerations in assessing development proposals affecting sites of regional importance, exceptions to this policy are likely only to apply to proposals of overriding importance in the Northern Ireland context.

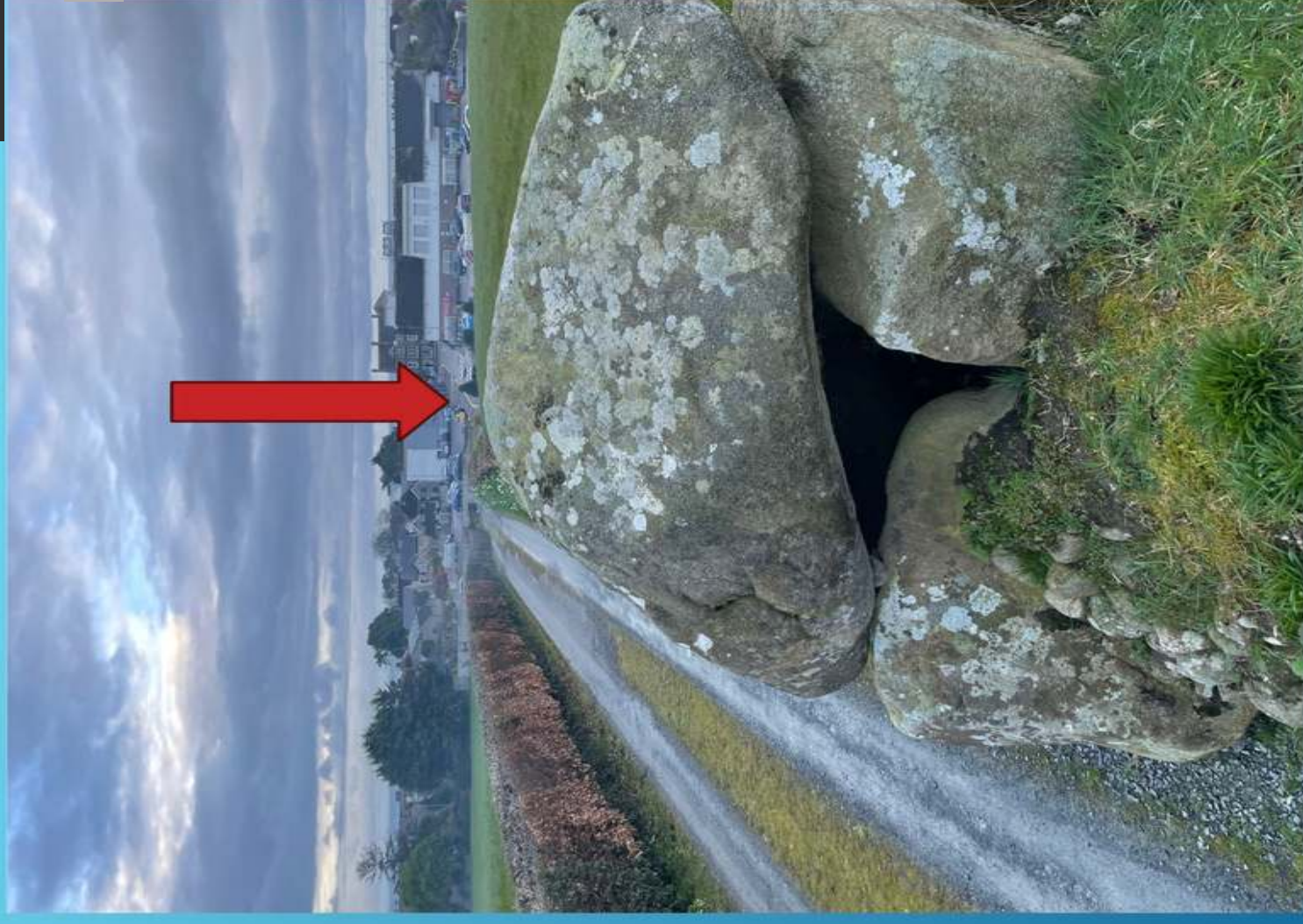
3.6. Monuments in State Care are protected and managed as a public asset by the Department's Environment and Heritage Service on behalf of present and future generations. They represent that part of the rich archaeological and historic heritage of Northern Ireland which is presented for public access, education and enjoyment. In assessing proposals for development in the vicinity of these monuments the Department will pay particular attention to the impact of the proposal on:-

- the critical views of, and from the site or monument
- the access and public approaches to the site or monument; and
- the understanding and enjoyment of the site or monument by visitors.

3.7. There are some 1,350 scheduled monuments in Northern Ireland. Once a site or monument has been scheduled it benefits from statutory protection and scheduled monument consent is required from the Department for any works affecting it (see Annex B). Accordingly where applications for planning permission are submitted

VIEW FROM CROMLECH STONE

- 1. The footpath serves the site having a negative impact on the approach to the monument/site
- 2. Critical views from the monument will be interrupted and clearly out of time sync with a telecommunications mast in clear view from the stone
- 3. Understanding and enjoyment of the monument/site by visitors will be impacted. Radiocarbon dating dates these tombs to around 3,800BC which would be in major conflict with a 21st Century telecommunications



Policy TEL 1 Control of Telecommunications Development

The Department will permit proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.

Developers will therefore be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

Proposals for the development of a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- (b) a new mast represents a better environmental solution than other options.

Applications for telecommunications development by Code System Operators or broadcasters will need to include:

- (1) information about the purpose and need for the particular development including a description of how it fits into the operator's or broadcaster's wider network;
- (2) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal; and
- (3) where proposals relate to the development of a mobile telecommunications base station, a statement:
 - indicating its location, the height of the antenna, the frequency and modulation characteristics, details of power output; and
 - declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields.

Where information on the above matters is not made available or is considered inadequate the Department will refuse planning permission.

The Proposal does not meet Policy TEL 1:

Point a - There are at least 3 existing telecommunications structures in the Kilkeel area which could accommodate the required telecommunication service

Point 1 - this proposal has not been accompanied by any information relating to the purpose, need or how it fits into the operator's wider network.

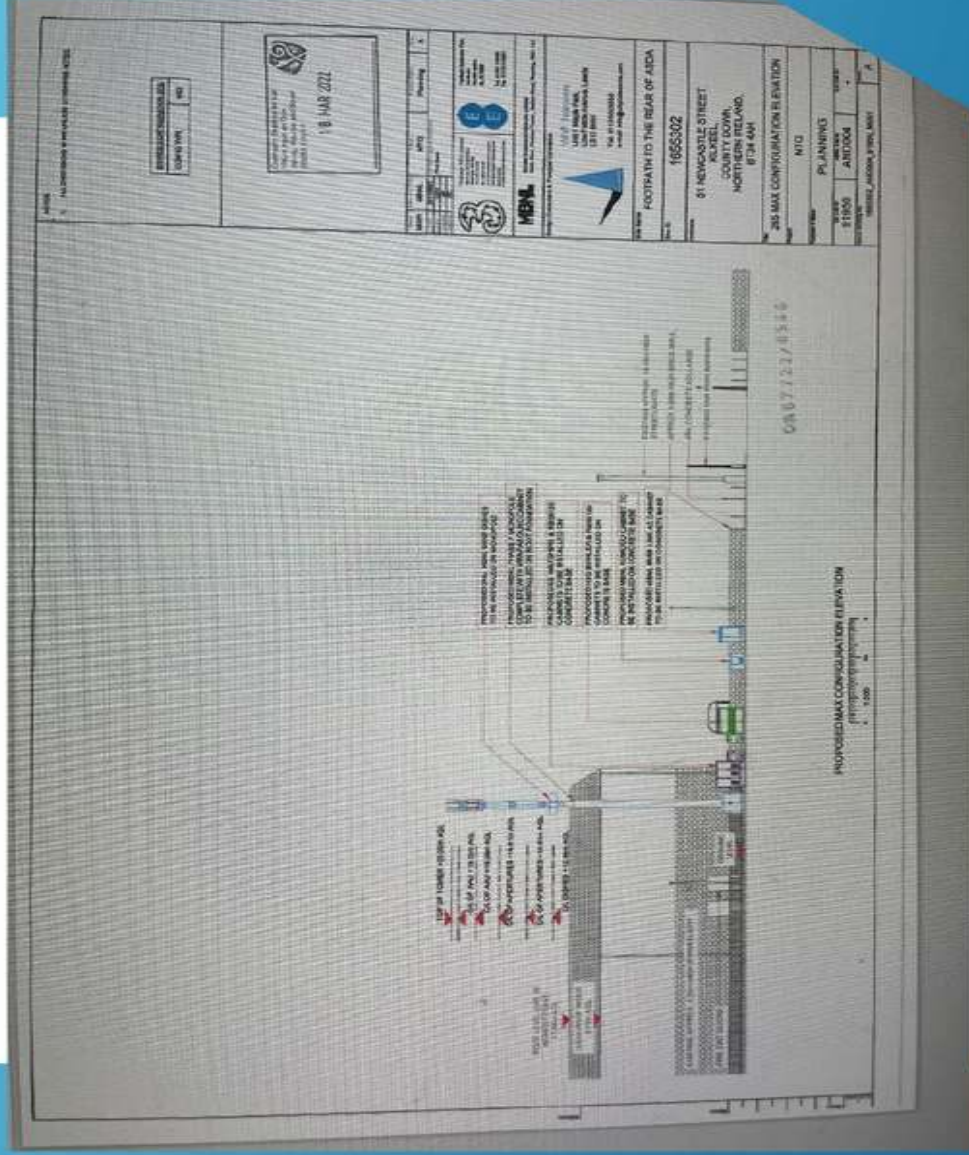
Point 2 - no details have been submitted as to how consideration has been given to mitigate the visual and environmental impact.

Point 3 - there has been NO statement that the proposal will meet ICNIRP guidelines



(workers and residents are concerned about the impact on human health as demonstrated by the following petitions)

Proposed elevations

- A highly visible location in the centre of town with no attempt made to harmonise this tower into the surrounding area
- The tower is four times the height of current lampposts(5m) towering above Asda and surrounding buildings
- The equipment cabinets are large and a prominent feature on the street scene creating visual clutter



PLANNING POLICY STATEMENT 3: ACCESS MOVEMENT AND PARKING

Planning Policy Statement 3
(PPS 3 Revised Feb 2005)

Access, Movement and Parking

Policy AMP 1

Creating an Accessible Environment

The Department's aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development.

Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;
- convenient movement along pathways and an unhindered approach to buildings;
- pedestrian priority to facilitate pedestrian movement within and between land uses; and
- ease of access to reserved car parking, public transport facilities and taxi ranks.

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

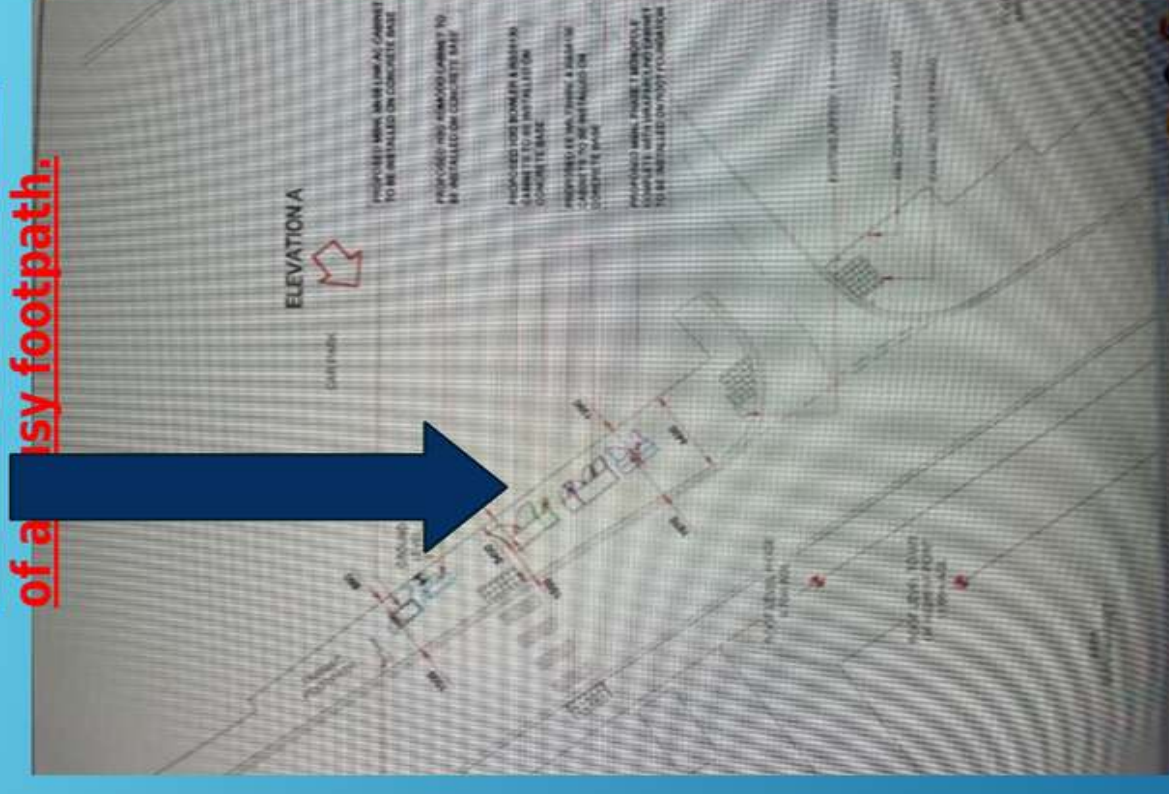
The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

Contrary to AMP1 and PPS 3 - unacceptable narrowing of the footway width prejudicing the safety and convenience of road users

- The busy footpath facilitates families, trolleys, prams and wheelchairs - additionally the visually impaired will be obstructed not allowing safe passage

- You will notice Gordons chemist building had to be stepped in to allow for sightlines however on the opposite side the same consideration has not been applied to the tower and cabinets causing a visual obstruction for drivers exiting the car park

Proposed 20m mast and associated cabinets in the middle of a busy footpath.





44 Newry Road,
Kilkeel



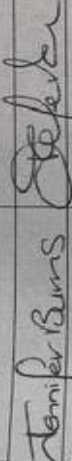
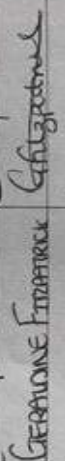

53 Greencastle Street,
Kilkeel



74 Newcastle Road, Kilkeel

PLANNING REFERENCE LA/07/2022/0546/F (ASDA, NEWCASTLE STREET, KILKEEL)

WE DO NOT WISH TO WORK WITHIN THE HIGH RADIATION LEVELS AND FURTHERMORE THE SETTING / AREA IS NOT RIGHT TO ABSORB SUCH AN UNSIGHTLY MAST.

NAME (BLOCK CAPITALS)	SIGNATURE	GORDON'S CHEMIST JOB POSITION	DATE
Temper Burns		Accuracy checking technician	26/4/22
GERARDINE FITZPATRICK		Dispensing technician	26/4/22
KATELYN NORMAN	K. NORMAN	Claris Counter manager	26/4/22
MARIA CLEMENS		Pharmacy Manager	26-4-22
ALISON GRADY	Alicia Grady	Dispensing assistant	26/4/22
ROSALEEN SLOAN	Rosaleen Sloan	Sales Coordinator	30/4/22
Nilda Campbell	Nilda Campbell	Dispensing Assistant	30/4/22
JAMIE MORGAN	Jamie M.	Sales Assistant	30/4/22
Amy Mc Gills	Amy McKeel	Sales Assistant	30/4/22
Paula Arnett	Paula Arnett	Sales Assistant	30/4/22

Additional numerous objections and petitions have been signed by residents and submitted via the portal and postal votes and I urge you to consider the local people who live and work in the area and who have voiced their concerns.

FINALLY

I feel major errors have been made in this particular telecommunications mast getting this far in Planning. Major planning policy has been missed and not taken into account when decision making has been made up to this point.

I would like to urge you the representatives for the people of the local area and as custodians for local Archaeological Heritage, to firmly oppose this planning application considering the following...

1. The policy already in place recognises this an area of Archaeological and historical significance and the placement of a telecommunications mast does not respect the scheduled monument.
2. There is already adequate provision in place with masts in the local area and the developer has not demonstrated how the sharing of existing masts/structures in the area has been investigated. (omitting the need to detrimentally impact the visual amenity and safe footpath provision along Newcastle Street).
3. This is a highly visible location in the centre of town with no attempt made to harmonise this tower into the surrounding area, creating visual clutter and a danger to footpath users
4. The impact on human health in a highly populated residential/commercial (residents/workers) area has not been considered meeting with ICNIRP guidelines.
5. The proposal is contrary to BNMAPP 2015, PPS6, PPS10 and PPS3.

RESPECTFULLY I REQUEST THE COUNCILLORS TO EXERCISE THEIR 'DEVELOPMENT CONTROL POWERS' AND REFUSE THE APPLICATION.

The following points clearly demonstrate that the proposal does not comply with the present planning policy as pertains to Newry Mourne and Down District Council.

There is no local demand for a additional communications tower in the area as mobile devices have optimum connectivity at present and the area is now served with state of the art terrestrial hi speed fibre broadband.

- 1)These works are NOT essential for the residents of Kilkeel so consequently, they should not be allowed.
- 2)The proposed development is wholly inappropriate for this area and will have a detrimental effect on it's character and should be discounted on visual amenity grounds
- 3)The proposed design is not in keeping with its surroundings in both terms of its scale and appearance. It will not preserve, conserve or enhance the character of the area, quite the contrary, and it should be discounted on visual amenity grounds.
- 4)The application should not be permitted as it will be detrimental to the visual amenity of the nearby residential properties.
- 5)The proposed development will not enhance our social communities or benefit Kilkeel economically, as the applicant claims.
- 6)Local resident's social and environmental conditions will not be improved by the proposed development, quite the opposite.
- 7)The proposed development is not essential for our economic growth or social wellbeing.
- 8)As per UK Government guidelines the number of radio and electronic communications masts, and the sites for such installation, should be kept to a minimum consistent with the needs of consumers". The proposed development is not consistent with our local needs and, as such, there is no necessity for the proposed new mast at this location.
- 9)The proposed design is unattractive and will be an eyesore. The visual impact will be detrimental to the surrounding rural area and should be discounted on visual amenity grounds.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3188/F

Date Received: 3rd August 2023

Proposal: Proposed new 2 storey Southern Regional College 'Innovation Centre' to facilitate the consolidation of Model Campus and the Green shoots building on the Greenbank Campus. Building to provide teaching rooms, laboratories, workshops, new management centre and office space.

Proposal includes the retention of existing separate vehicular and pedestrian accesses onto Patrick Street and pedestrian link onto Monaghan Street.

Retention of stone wall along Patrick Street boundary. New vehicular access to Newry East car park to the north of the site, turning circle and drop off area car parking (75no. spaces) hard and soft landscaping and all associated site works

Location: North of no. 61 Patrick Street, Newry, BT35 8DN

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The application site is located within an urban context within both the settlement development limit and city centre boundary of Newry. The surrounding area is characterised by a mix of established uses including: residential, educational, commercial and community buildings.
- 1.2 The site which measures 2.06Ha, is located along Patrick Street and is directly adjoined to an existing Southern Regional College building (East Campus,) to the south, which is included within the application site boundary. There are no existing buildings on the northern portion of the site at present (the location of the proposed development,) however this part of the site previously hosted a sports complex building, which was demolished in 2021. The site is predominantly flat, with a negligible fall from south to north and from west to east. A new temporary car park (serving surrounding Southern Regional College campuses) was subsequently installed in its place and exists as the site's current use. The site has an established vehicular and pedestrian access

off Patrick Street. There is also a short path from Monaghan Street at the northeast corner of the site (currently redundant), this is intended to remain as redundant.

- 1.3 In terms of surrounding development / uses, the site is located opposite a terrace of two storey and three storey residential properties and the entrance to a Southern Regional College building (East Campus) to the west (further west of Patrick Street,) whilst the eastern site boundary adjoins the carpark associated with a commercial facility at 30 Monaghan Street (serving Iceland, Estate Agents and Accountants) in addition to a pharmacy building located within Newry Health Village (further south-east of the site.)
- 1.4 To the north, the site adjoins the rear of No's 32-46C Monaghan Street, which comprise an established hardware and homeware shop, barbers, hot food takeaway and café buildings.
- 1.5 The surrounding built form varies in scale and finishes, with dwellings ranging from two to three storeys in height and existing campus buildings appearing to range from 10-20m in height and red brick prevalent in terms of visual appearance.

2.0 PLANNING HISTORY:

- **LA07/2023/2181/DETEIA** – EIA Determination, Environmental Statement not Required 06.03.2023
- **LA07/2023/2558/PAN (received 13.03.23)** - New 2-storey Southern Regional College (SRC) 'Innovation Centre' building adjacent to existing East Campus building on Patrick Street to facilitate the relocation of SRC Model Campus, Catherine Street. Proposal includes vehicular and pedestrian accesses, car parking, hard and soft landscaping and all associated site works, PAN acceptable 08.06.2023
- **LA07/2022/1660/PAD-** Proposed new 2 storey Southern Regional College 'Innovation Centre' to facilitate the consolidation of Model Campus and the Green shoots building on the Greenbank Campus. Building to provide teaching rooms, laboratories, workshops, new management centre and office space. Proposal includes the retention of existing separate vehicular and pedestrian accesses onto Patrick Street and pedestrian link onto Monaghan Street. Retention of stone wall along Patrick Street boundary. New vehicular access to Newry East car park to the north of the site, turning circle and drop off area car parking (75no. spaces) hard and soft landscaping and all associated site works, DECIDED 22.05.2023
- **LA07/2022/0095/F** - Full application for remedial works to existing parapets. Works to include demolition of existing sloped brick parapets, and re-construction vertically to prevent water ingress. All materials to match existing, PERMISSION GRANTED 12.05.2022

- **LA07/2021/1985/A** - 1 no LED digital screen and new totem sign at Southern Regional College, East Building, Patrick Street, Newry, BT35 8DN, CONSENT GRANTED 06.07.2022
- **LA07/2021/0935/A** - 2 no. totem signs at Southern Regional College, East Building, Patrick Street, Newry, BT35 8DN, CONSENT GRANTED 12.08.21
- **LA07/2018/0687/LDP** - Removal of existing boundary wall facing onto Patrick Street. This will then be replaced with road bollards of 'Manchester Type' measuring approx. 960mm in height. The finish of the internal college grounds will be a tarmac coat to match the existing public footpath. No change will be made to the current vehicular entrance and the site will be secured with removable bollards, REFUSED 05.06.2018
- **LA07/2018/1235/F** - Removal of boundary wall at the front of the Southern Regional College (East Campus) facing onto Patrick Street which will open up the building to be more visible to the public and highlight the range of facilities and courses being offered. We are looking to remove to the existing wall to ground level matching the existing footpath with an ash felt coating and using street bollards similar to Manchester type to mark the boundary line and provide security from cars driving over the public footpath. No change will be made to the vehicular entrance and the site will be secured using removable bollards, APPLICATION WITHDRAWN 25.09.2018
- **P/2002/2152/F** - Newry Sports Centre, 61 Patrick Street, Newry, Co Down, BT35 8TR - Extension at first floor level to form new fitness gym, PERMISSION GRANTED 28.02.03
- **P/2001/1789/F** - Newry Sports Centre, 61 Patrick Street, Newry, Co Down, BT35 8TR Erection of temporary 10m x 7m sectional building to the south west corner of site, PERMISSION GRANTED 11.12.01
- **P/1986/0783** - Newry Sports Centre, 61 Patrick Street, Newry, Co Down, BT35 8TR - Extension to sports centre to provide fitness room, PERMISSION GRANTED 17.09.86
- **P/1981/0385** - Alterations to cattle market, sales yard, PERMITTED DEVELOPMENT 23.06.81

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The Planning EIA Regulations (NI) 2017,
- The Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015
- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry Mourne and Down Area Plan 2015 (BNMAP)

- A Planning Strategy for Rural Northern Ireland (PSRNI) – DES2, SP18
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning Archaeology and the Built Heritage
- PPS13 – Transportation and Land Use
- PPS15 (Revised) – Planning and Flood Risk
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards

4.0 CONSULTATIONS:

- NI Water (response dated 21.09.23) – Refusal recommended, however subject to the applicant engaging with NI Water as outlined in their detailed response, NI Water may reconsider its recommendation (foul sewerage network capacity issues.)
- NIE (response dated 26.09.2023) – No objection to make to the planning application based on the application and associated documentation that has been submitted. (Guidance provided for the applicant.)
- NMDDC Environmental Health (response dated 02.10.2023) – No objections to the proposal in principle, subject to guidance being following (in relation to construction / demolition activities, waste management and land contamination,) informatives attached.
- Loughs Agency (response dated 11.10.23) - has considered the information provided within the ecological assessment and Outline Construction Environmental Management Plan and have no objection in principle to the proposed development upon adoption of all proposed mitigation measures adopted into the final Construction Environmental Management Plan.
- SES (Informal response dated 13.10.23, formal response dated 13.02.2024) - Following NIW comments in relation to a sewage network capacity issue, SES were formally consulted on this application. Following an appropriate assessment, SES advises that the project would not have an adverse effect on the integrity of any European Site, subject to conditions being met (included below.)
- DfI Roads (21.11.2023 and 21.02.2024) – additional / amended details required. An amended PSD Drawing (Drawing No. NIC-MCA-ZZ-ZZ-SK-C-6000- REV P1) has been issued to DfI Roads which is pending DfI's final approval.
- DfI Rivers Agency (response dated 26.09.2023) – Content, informatives provided.

- DfC Historic Environment Division (response dated 17.01.2024) - HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.
- DAERA (response dated 28.12.2023:)
 - Water Management Unit has considered the impacts of the proposal on the surface water environment and advise that while it has no objection in principle, the development as it stands has the potential to have an adverse effect on the aquatic environment.
 - Regulation Unit Land and Groundwater Team have no objections to the development provided Conditions and informatives are placed on any Planning Decision Notice, as recommended.
 - Natural Environment Division has considered the impacts of the proposal on Designated Sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.
- NI Fire and Rescue Service (response dated 29.12.2023) –_Advice provided. A condition will be necessary to ensure NIFRS is provided with details on the facilities, access and water supplies and be provided with a site layout plan showing these for emergency planning purposes both during and after the construction stages.

5.0 OBJECTIONS & REPRESENTATIONS:

- 5.1 The application was advertised initially in local papers on 27.09.2023, with the statutory advertising period expiring on 11.10.2023;
- 5.2 46 neighbouring properties were notified of the application by letter on 20.09.2023, with the statutory neighbour notification period expiring on 04.10.2023;
- 5.3 Several letters were returned by Royal Mail as 'address inaccessible,' including from No's 46A, 46B, 46C and 48 Monaghan Street and No. 1 Kilmorey Terrace, In addition, 1 letter was also returned marked as 'no such address' from No. 59 Patrick Street.
- 5.4 No third-party objections or representations have been received at the time of writing this report (February 2024.)

6.0 CONSIDERATION AND ASSESSMENT:

6.1 Proposal Summary:

- 6.1.1 The proposals relates to a new 2-storey 'Innovation Centre' to facilitate the relocation and consolidation of the existing SRC Model Campus at Catherine Street and the proposed building seeks to provide teaching rooms, laboratories,

workshops, new management centre and office space. The proposed scheme includes the retention of existing vehicular and pedestrian accesses, with the provision of a new one-way vehicular system throughout the site.

6.1.2 A Drop off area is also provided for in addition to new in curtilage car parking provision (75no. spaces). Proposed details also include the relocation of an existing controlled pedestrian crossing, bus stops and some on street car parking on Patrick Street.

6.1.3 The existing stone wall along the front boundary of the site to Patrick Street is to be retained, with use of some stone material to construct a new wall at the rear of the site.

6.1.4 The key elements within the proposal include:

- New two-storey college 'Innovation Centre' (2,345 m²) for the provision of teaching rooms, laboratories, workshop, management centre and office space,
- 75no. car parking spaces,
- Cycle parking shelter for the provision of 24no. bicycles,
- New one-way vehicular system through the site, linking with the existing college parking area at the rear of the existing East campus,
- Vehicular drop off zone next to a new pedestrian plaza to the front of the building
- Soft landscaping with seating areas. Retention of 14no. existing trees, provision of 16no. extra heavy standard specimens, shrub and hedge planting and grassed areas,
- Hard landscaping (with seating areas and bins) constructed with three types of high quality precast concrete plank paving to mark main entrances, path and seating areas, Car and cycle parking and security lighting and low level lighting at seating and pedestrian access route areas.
- Construction of a new stone wall at the rear of the new car park, using stone from the existing wall fronting Patrick Street,
- New LPG tank and hydrogen gas storage area,
- Relocation controlled pedestrian crossing (on Patrick Street) in line with the new building entrance and adjacent access to SRC West campus. The result of which is relocation of near and far bus stops and some on street car parking.

6.1.5 In terms of design, the proposed building has evolved from a 'rectangular' double height form, projecting north from north/north east. The linear projection from the East campus maximises the urban context within the surrounding area. The building has one active frontage on Patrick Street. This elevation provides a linear clad first floor, which sits on a brick ground floor plinth. The ground floor brick is proposed to demonstrate the appearance of individual piers with the glazing height reaching from ground floor to soffit. Zinc standing seam cladding forms the first-floor mass. The linear first floor glazing line is divided within a "bar code" appearance provided by the vertical column spandrel panels. Above the entrance the first-floor cantilevers over the foyer. In addition the SRC logo is incorporated as a stainless-steel sign with backing halo lighting.

A feature corner window is included at the end of the right side to help highlight the entrance location.

6.1.6 The following supporting information has been considered in the assessment below, together with application forms and detailed drawings, as submitted and / or amended:

- Design and Access Statement
- Pre-App Community Consultation Report
- Flood Risk Assessment
- Drainage Assessment
- Acoustic Report Phase 1
- Traffic Statement
- Travel Plan
- Tree survey
- Landscape Management Report
- Outline Construction Environmental Management Plan
- Preliminary Ecological Assessment
- Ecological Impact Assessment
- Contamination Phase 1 PRA Report
- Geotechnical Phase 1 PSSR Report
- Contamination Phase 2 GQRA Report
- Noise Impact Assessment
- Archaeological Impact Assessment

6.2 RDS, SPPS and PSRNI

6.2.1 The RDS identifies Newry as a gateway along the Belfast-Dublin corridor, with the potential to cluster with Dundalk to become a significant axis of development within the wider European context. This has provided the impetus for joint working to develop their roles as regional Gateways and to develop the wider eastern seaboard corridor. The RDS notes that in developing two strong sustainable centres, this will play a key role in regeneration strategies, efficient public transport, job creation and academic co-operation. The proposal seeks to redevelop a brownfield urban site to improve the facility at the Southern Regional college – this is in principle, in line with the aims of the RDS of developing Newry as a strong sustainable centre, within the wider regional context and spatial planning framework.

6.2.2 The SPPS is a material consideration in the assessment of all planning applications and sets out core planning principles to achieve sustainable development. Of particular relevance to this application are the aims of supporting sustainable economic growth, good design and positive place making, while preserving and improving the built and natural environment.

6.2.3 As there is no significant change to the policy requirement for educational facilities following the publication of the SPPS, the provisions of the Area Plan will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, together with the retained policies listed above.

6.2.4 Policy PSU 1 of PSRNI recognises the need to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities. The policy places emphasis upon making the best possible use of existing sites.

6.2.5 The proposal relates to the regeneration of a brownfield urban site, which in principle, is in line with the sustainable development principles and policies of both the SPPS and PSRNI.

6.3 Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

6.3.1 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan (LDP,) so far as material to the application, and to any other material considerations. BNMAP 2015 operates as the current LDP plan for this site and identifies the site as being located within the settlement development limits of Newry (NY01,) and Newry City Centre (NY75,) with no particular land use or identified zoning (white land.) The site is also located within an Area of Archaeological Potential (AAP01) and Patrick Street is identified as a Protected Route. There is also a disused Transport Route which runs adjacent to the rear boundary of the application site.

6.3.2 There are no specific requirements set out within the Area Plan in relation to the use of the site. The proposed educational facility is in principle acceptable to the provisions of BNAMP 2015, subject to meeting all other prevailing planning policy requirements.

6.3.3 Additional constraints affecting the site and considerations within this assessment relate to: Residential amenity, flood risk, drainage, cultural heritage, access / road safety, access, movement and parking provisions, design / visual impact, natural heritage, land and groundwater contamination, and utilities / servicing of the proposal.

6.4 Environmental Impact Assessment (The Planning EIA Regs. (NI) 2017, DCAN 10)

6.4.1 An EIA determination was completed under LA07/2023/2181/DETEIA which determined on 06.03.2023 that an Environmental Statement is not required for the proposal.

6.4.2 A further EIA screening has been completed following receipt of the full application details and it has been further determined on 16th October 2023 that the environmental effects of the proposal are not likely to be significant and matters relating to environment effects can be dealt with through the normal application process and regulated through the imposition of planning conditions, if necessary.

6.5 Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015,) SPPS and PPS2:

6.5.1 PPS2 Policies NH1 – European and Ramsar Sites (International) and NH3 – Sites of Nature Conservation Importance (National)

6.5.2 A Habitats Regulation Assessment screening has been completed for the development, which identifies a potential hydrological link from the site to European Designated Sites within Carlingford Lough (including SAC and Ramsar) via Derrybeg River located c.75m from the site. Given this, informal consultation has taken place with Shared Environmental Services, who note (response dated 13.10.23) that NIW has indicated a sewage network capacity issue. As such, SES require formal consultation to further consider any potential hydrological pathways to European sites, particularly due to the site being within the floodplain. SES having been formally consulted on the proposal on 8th January 2024 (following receipt of both NIW and DAERA WMU comments) advise (response dated 13.02.2024) that the project would not have an adverse effect on the integrity of any European Site, subject to conditions being met (included below.)

6.5.3 In terms of Nationally Designated Sites, DAERA's NED note that the application site is located within identified floodplains for rivers, sea (partially) and surface water, both present day and predicted, as shown on Flood Maps NI, and is located to the West of the Newry River. The Newry River flows into Carlingford Lough ASSI, designated under the Environment Order (Northern Ireland) 2002, approximately 3km downstream. NED acknowledge the mitigation measures as included in the Outline CEMP (v1.1) SRC Newry Innovation Campus (WM Associates, 09/06/2023), however NED have concerns regarding the potential impact on Designated Sites should a flood event occur during construction works.

6.5.4 NED would recommend that any storage of hazardous material is located outside of known floodplains, or other suitable mitigation is included that acknowledges the risk from the location of the site and proposes suitable mitigation to reduce pollution pathways from such hazardous materials. This has been included in a recommended condition below regarding the submission of a final CEMP. In the event of an approval, this matter will be dealt with by way of negative planning condition (as detailed at the end of this report.)

6.5.5 PPS2 Policy NH4 – Species Protected by Law

It was outlined in PAD discussions under LA07/2022/1660/PAD, that the proposal has the potential to impact on Protected Species. The supporting ecological details have been submitted to DAERA's Natural Environment Division, who having reviewed the documents provided advise that the application site does not contain any NI Priority Habitat, or habitat of ecological importance, consisting mainly of hardstanding, existing buildings and amenity grassland. NED are content that the ecologist has considered the impact of the development on bats and birds further, however, does not consider significant impacts on birds likely given that the application site is of no special importance for birds. With regards to bats, NED acknowledge that the ecologist has considered aspects of the granite perimeter wall on site to hold bat roost potential, assessed as being low potential based on the presence of suitable cavities considered to be potential roosting features.

6.5.6 NED are content that an emergence survey was undertaken, as detailed in Report on a Bat Survey of a Site of Proposed Development Southern Regional

College, Patrick Street, Newry (Hopkirk & Russ Bat Ecology, Summer 2023) and no bats were observed emerging from the granite wall, with no bat calls recorded during the survey. NED are content that no trees with moderate or above roosting potential were identified on site. NED do not consider significant impacts on bats likely as a result of the proposal and recommend that, as a means of enhancing the biodiversity value on site, a mix of native species is used for planting on site for any proposed tree, hedgerow or grassland planting (informatives and further guidance provided, to be included within the planning decision notice.)

6.5.7 PPS2 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance:

As the development site falls within the catchment area of Carlingford Lough and is potentially hydrologically linked (via flood plain and / or Derrybeg River,) this presents the potential to impact on the Lough and subsequently the aquatic environment and its species (for example from deleterious matter entering the watercourse.)

6.5.8 Loughs Agency has considered the information provided within the ecological assessment and Outline Construction Environmental Management Plan and would have no objection in principle to the proposed development upon adoption of all proposed mitigation measures adopted into the final Construction Environmental Management Plan. The applicant should demonstrate best environmental practice when working close to watercourses.

6.5.9 Several conditions are requested within Loughs Agency's consultation response dated 11.10.2023, including in relation to discharge of storm water, foul discharges, containment of chemical and oil storage, suitable protection measures to ensure work methods and materials do not impinge upon any nearby watercourses.

6.5.10 It is noted that an outline CEMP has been submitted with this application (as prepared by WM Associates, dated 9th June 2023.) A final CEMP will be required prior to construction of development, to include measures set out by Loughs Agency in their conditions, in the interests of protecting fisheries.

6.5.11 Overall, on the basis of information provided, it is determined that there would be no expected residual environment effects on natural heritage as a result of the proposal and any such matters can be adequately mitigated and controlled through planning conditions as necessary, to ensure the requirements of SPPS and PPS2 are met.

6.6 **SPPS, PPS3, PPS13, DCAN 15 and DOE Parking Standards:**

6.6.1 The proposal seeks to use the existing access off Patrick Street as the entrance point for vehicles, with a one way road system (removing the need to turn within the site) extending to the existing adjacent campus building and vehicular exist point / egress via the adjoining facility to the south. The layout also includes a drop off zone near the Patrick Street entrance, in addition to 75 car parking spaces (including 5 accessible spaces.)

- 6.6.2 A detailed Traffic Statement (including Transport Assessment Form) and Travel Plan have been submitted for consideration. The proposal relates to a new building to improve the adjoining educational facilities, and as such, there will be no expected increase in student numbers associated with this proposal, in relation to the existing SRC building on the adjacent site.
- 6.6.3 The site was formerly a leisure centre which had a carpark for circa 70 vehicles, similar to the level associated with this proposal. There are currently three SRC campuses; the Model at Catherine Street, and the East and West campuses along Patrick Street. Student numbers associated with the college have been decreasing over the past few years and are not expected to increase as a result of the proposed re-development.
- 6.6.4 In terms of parking provision, whilst there are 166 existing parking spaces on the site at present (including 8 no. accessible spaces,) as a temporary parking arrangement, it is noted the former sports centre car park had c.70 parking spaces and there are no planning records in relation to the current temporary car park on the site. The proposed redevelopment of the site includes a revised layout for parking, with 75 no. spaces proposed in total, including 5 accessible spaces, located to the rear of the new building. The road arrangement allows for one way road access linking to the existing parking at the adjacent SRC facility. Cycle parking is also included within the proposal (24 stands,) located adjacent to the main entrance along the gable end of the existing East campus.
- 6.6.5 Parking is currently split across the three SRC sites at Patrick Street and Catherine Street. The proposed development will include the addition of 75 formal car parking spaces for the SRC campuses, which represents a betterment of the current facilities and is anticipated will alleviate pressures for on street parking. On the basis of details provided, the proposed parking is considered acceptable to the (non-operational) requirements of 'DOE Parking Standards) and PPS3 Policy AMP9.
- 6.6.6 In terms of operational parking requirements, the proposed one way road and facilities allows for buses and cars to pick up and set down, safe manoeuvring / turning area, all without engaging reverse gear in accordance with DOE Parking Standards
- 6.6.7 DfI Roads originally considered the application unacceptable as submitted, with insufficient detail is available on transportation issues (response dated 21.11.2023.) DfI Roads require the following points to be addressed:
- *Please ask to applicant to demonstrate the Radii for the largest vehicle attracted to the site.*
 - *Road dimensions to be shown on Road Plan, access width needs to be a minimum of 6m.*
 - *Radii required at exit, also will require pedestrian crossing point at this exit*
 - *DfI Roads require the applicant to contact our Traffic Section official Robin Thom (028 3832 0402) to discuss street layout design with respect crossing points and on street parking.*
 - *Shortfall of 5 parking spaces on public road to be addressed during discussion with DfI Traffic section.*
- 6.6.8 The Planning Authority requested additional details to address the above and in response, amended drawings were submitted on 09.02.2024. Having

reconsulted DfI Roads in relation to the amended details, DfI Roads advised in further comments (dated 21.02.2204) that insufficient detail is available on transportation issues, with the following requirements to be addressed:

- 1:500 scale PSD drawing with a blue line around the rear of the footway for the entirety of the proposed works on the public road.
- This should also show:
 - any changes to the road drainage due to the re-location of the pedestrian crossing point and put a note on the drawing to state that any road drainage at proposed pedestrian crossing point will be suitably placed and the position of any new road gully's to be agreed with the private streets officer on site.
 - Please place a note on the PSD drawing to state that the existing pedestrian crossing point will be removed and footway to be reinstated to tie into the existing footway.
 - Please state the extent of any road / footway resurfacing which will be carried out in relation to this project.

In response to these requirements, a PSD drawing (drawing No. was submitted and issued to DfI Roads for further consideration. DfI Roads have informally advised this appears to address all remaining concerns, subject to final DfI approval and necessary conditions being complied with.

6.6.9 Overall, subject to the necessary planning conditions being met (as detailed at the end of this report,) the proposal is considered acceptable to The requirements of The SPPS, PPS3, PPS13, DCAN15 and DOE Parking Standards.

6.7 SPPS, PPS6 – Archaeology and Built Heritage

6.7.1 The proposal is located within an Area of Archaeological Potential (AAP01,) as identified by BNMAP 2015. Policy for the protection of archaeological remains is contained within PPS6.

6.7.2 The Archaeological Impact Assessment (AIA) provided details that the proposed development site lies within an area of moderate to high archaeological historical potential, as it is sited within Newry's AAP, with archaeological sites and monuments, including one Scheduled Monument, and industrial heritage sites located within 1km of the development site (including: DOW046:042, DOW046:500, IHR00478:026.00, 00538:011:00, 036:84:000:00) and listed buildings recorded within a 200m radius of the site.

6.7.3 The AIA notes that an assessment of archaeological impact for the known cultural heritage sites noted from within the study area will be neutral as these are located beyond the boundaries of the application site and will not be directly or indirectly impacted upon.

6.7.4 There have been previous development within the boundaries of the site (sports centre) and there is existing development in the form of the existing SRC campus and associated car park and associated ground works, which would suggest a lower to moderate potential for the identification of further previously un-identified sub-surface archaeological remains.

- 6.7.5 While there remains a potential for additional archaeological remains to survive within the site boundaries, albeit low to moderate, their exact location, nature and extent remains uncertain. Policy BH4 allows for the granting of permission for development; "which will affect sites known to contain archaeological remains", where upon "the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences." Given that there is a potential for sub-surface archaeological remains to survive within the site boundaries, but these are an unknown, it is recommended that archaeological mitigation measures are implemented in line with planning policy guidelines PPS6 BH2 – BH4. Such works may be carried out in association with conditional planning approval.
- 6.7.6 Having being consulted with the details provided, including AIA and its recommendations, DfC HED (Historic Monuments) having considered the impacts of the proposal, advise in comments dated 17.01.2024 that HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS. The relevant conditions are detailed at the end of this report.
- 6.7.7 Overall, subject to the necessary archaeological conditions being complied with, the proposal is in accordance with SPPS and PPS6 requirements.**
- 6.8 SPPS, PSRNI (DES2, SP18,) Living Places – Design including Landscaping/ Hard Surfaced Area/ Public Open Space / Pedestrian Links**
- 6.8.1 The site was previously developed and comprised of a former Sports Centre which covered approximately. 2,500 sqm (55m max. width and 49m max. length) and reaching approximately 10m in height, with flat roof incorporated into the design and also a substantial chimney to the northern elevation reaching some 15-20m in height. The visual appearance included red brick to the external walls at ground floor level, with dark cladding to upper walls and roofing.
- 6.8.2 The proposed building has evolved from a 'rectangular' double height form, projecting north from north/north east. The linear projection from the East campus maximises the urban context within the surrounding area. The building has one active frontage onto Patrick Street. This elevation provides a linear clad first floor, which sits on a brick ground floor plinth. The ground floor brick is proposed to demonstrate the appearance of individual piers with the glazing height reaching from ground floor to soffit. Zinc standing seam cladding forms the first-floor mass. The linear first floor glazing line is divided within a "bar code" appearance provided by the vertical column spandrel panels. Above the entrance the first-floor cantilevers over the foyer. In addition the SRC logo is incorporated as a stainless-steel sign with backing halo lighting. A feature

corner window is included at the end of the right side to help highlight the entrance location.

- 6.8.3 The proposed building is reflective of the former building on the site in terms of overall scale, and massing and, whilst it varies in design form, shall not have a visual impact much more significant than the original sports complex; and as such will respect the character and integrity of this area and overall streetscape. The proposed regeneration of a former disused and vacant site will have beneficial impact in bringing much needed regeneration and improvement of visual aspect to this derelict urban site within the city centre.
- 6.8.4 The proposal also includes for safe pedestrian linkages to, from and around the site, including relocation of existing crossing point along Patrick Street and internal paths. The scheme also provides areas for amenity, in the form of seating nodes and external plaza.
- 6.8.5 Landscape proposals include retention of existing trees along Patrick Street, augmented with grassed areas along the front of the site, creating an aesthetically pleasing outlook along Patrick Street.
- 6.8.6 A variety of both formal and informal amenity areas are proposed throughout the development, including: an extensive paved plaza to the western boundary of the site fronting Patrick Street with planting beds and seating nodes, with sheltering hedges. The west-facing aspect of this space will ensure year-round use. In the southeast corner of the site is a seating area of more secluded character as a quieter space. Footpaths follow the access roads linking feature paved entrance points and amenity areas. Extensive grassed amenity areas will also be provided for passive recreation, with associated tree planting. Grass swards can be maintained at different heights, where appropriate, to accommodate pedestrian circulation and enhance landscape and biodiversity interest.
- 6.8.5 Overall, the proposal offers visual betterment within this locality and the design proposed is of acceptable design, scale, form and materials that it is anticipated development will present visual improvement to this area without causing a significant effect to the visual quality of this area. It is noted that any associated signage on the proposed building may require separate advertising consent, this will be added as an informative to the decision notice.**

6.9 Land Contamination:

- 6.9.1 The site was formerly developed as a sports centre, with the building demolished in 2021 and the site currently in use as a temporary car park. DAERA's Regulation Unit, also having been consulted on the proposal, note that Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment (GQRA) has been presented in support of the above application and that no unacceptable risks to environmental receptors have been identified. Regulation Unit (RU) Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice, as recommended.

6.9.2 Environmental Health Dept also have no objections to the development provided conditional to works immediately ceasing if any unforeseen ground contamination be encountered during the development, and in order to protect human health. In this event, Environmental Health should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

6.9.3 The above requirements of both DAERA and Environmental Health in relation to contamination, will be dealt with by necessary planning conditions, as detailed at the end of this report.

6.10 SPPS and Residential Amenity:

6.10.1 The application site is located in close proximity to residential properties, with those closest located along Patrick Street. No objections or third party representations have been received at the time of writing this report.

6.10.2 The proposal has the potential to impact on residential amenity during construction stages (arising from noise, dust, odour and site traffic generation.) There may also be problems with subsequent potential contamination issues arising from fuel storage tanks, vehicles, use of paints and oils. Operational stages of the proposal are less likely to result in any adverse impact on residential amenity, with a Noise Impact Assessment submitted for consideration.

6.10.3 The agent has also identified in the HSC form that hydrogen and oxygen tanks will be stored at the site (science lab,) however these are contained within an enclosed and controlled area with no access to the public. The NIFRS have been consulted with the details and in response details dated 29.12.2023, do not raise any objections to the proposal, but note that the following measures in the event of a fire or other emergency, are relevant in this assessment:

1. the provision of means of escape;
2. the provision of a free flowing exiting system;
3. the means of securing the means of escape;
4. giving warning in the event of fire;
5. prevent false alarms;
6. reduce the risk of fire;
7. reduce the risk of spread of fire;
8. the means of extinguishing fires;
9. the means of detecting fires;
10. limit damage to the environment;
11. the provision of access routes and vehicle hardstanding areas for fire appliances; and
12. the provision of facilities for firefighting, including water supplies; fire mains, firefighting shafts, operating mechanisms, smoke venting and compartmentation.

6.10.4 The NIFRS detailed response provides further guidance for the applicant, which will be added to the decision notice by way of informatives. It was not considered necessary to consult with the Health and Safety Executive given the scale and nature of the proposal.

6.10.5 NMDDC's Environmental Health Department who have been consulted on the proposal, note that whilst there is the potential for noise and air pollution, do not object to the proposal, provided best practice measures during demolition and construction are implemented. This includes the following guidance:

- Demolition and construction activities should pay due regard to the current standards;
- BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014
- A2: Noise and Vibration Control on Construction and Open Sites and
- IAQM Guidance (2014): Guidance on the assessment of dust from Demolition and construction.
- Appropriate controls for noise, dust and vibration during demolition and construction should be implemented.
- During construction, noisy activities should be limited to the following times:
 - Monday – Fridays 07:00 -18:00
 - Saturday – 08:00 – 13:00
 - Sundays and Bank holidays – No noisy work

6.10.6 It is considered that any potential issues affecting human health / residential amenity can be overcome through careful management of the site and implement action of mitigation and planning conditions where necessary (including restriction on construction times and noise generating activities.) Overall, the proposal is not expected to result in a significant impact upon residential amenity, the wider environment or wider population area.

6.11 SPPS, PPS15 (Revised) – Flooding / Drainage:

6.11.1 DfI Rivers Agency flood maps indicate that the application site is within both the river and sea floodplain, the inundation area of Camlough reservoir and has predicted surface flooding issues (climate change maps.)

6.11.2 The Planning Authority deem the application to meet the exceptions test set out under Policy FLD1 of PPS15 (in relation to development within the floodplain) in that: it is of overriding sub-regional economic importance and demonstrates exceptional benefit to the sub-regional economy through provision of a new Innovation Centre to facilitate the relocation of SRC Model Campus. And the proposal is required to be located adjacent to the existing building and as such, an alternative site outside the flood plain are unsuitable.

6.11.3 Both a detailed Flood Risk Assessment and Drainage Assessment have been provided and subsequently submitted to DfI Rivers Agency for their consideration. In response comments dated 26.09.2023, DfI Rivers Agency advise the following (with policies FLD1, FLD3 and FLD5 of Revised PPS15 applicable to this assessment:)

6.11.4 Policy FLD1 - Development in Fluvial and Coastal Flood Plains - Dfl Rivers acknowledge that the Planning Department has deemed that this application meets the exceptions test in that it is of overriding sub-regional economic importance and demonstrates exceptional benefit to the sub-regional economy through provision of a new Innovation Centre to facilitate relocation of SRC Model Campus. The applicant has submitted adequate drainage drawings and calculations to support their proposals and also a Satisfactory FRA that demonstrates:

- a) All sources of flood risk to and from the proposed development have been identified.
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Dfl Rivers, while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions. The responsibility for justifying the assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors (section 5.1 of Revised Planning Policy Statement 15).

6.11.5 Policy FLD3 - Development and Surface Water– The applicant has submitted adequate drainage drawings and calculations to support their proposals. The applicant has also provided a PDE response from NI Water stating the Status of Public surface water sewer: Public Surface Water Sewer. A 225mm diameter public storm sewer located on Patrick Street, can serve this development based on a greenfield run off rate of 10 l/s/ha. The proposal is to attenuate the surface water and limit/restrict the discharge from the developed site to that of 70% of the existing 'brownfield' runoff at 68.0l/s (70% of 97.1 l/s). Evidence has been provided that the drainage will be installed to meet the standards of the NI Water Sewers for Adaption 1st Edition for a 30 year storm events including an allowance for climate change. For storm events greater than this exceedance flow paths have been identified showing that no properties will flood.

6.11.6 Dfl Rivers, while not being responsible for the preparation of the Drainage Assessment report, accepts its logic and has no reason to disagree with its conclusions. The responsibility for the accuracy, acceptance of the Drainage Assessment by McAdam dated June 2023, document number M03120-01_ and implementation of the proposed flood risk measures rests with the developer and their professional advisors (section 5.1 of Revised Planning Policy Statement 15.)

6.11.7 Policy FLD5 - Development in Proximity to Reservoirs – Dfl Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. Dfl Rivers is in possession of information confirming that Camlough Reservoir has 'Condition Assurance' consequently Dfl Rivers has no reason to object to the proposal, currently, from a reservoir flood risk perspective. For any subsequent planning consultation for development within the potential area of inundation of this reservoir the condition of the reservoir will need to be reconsidered.

6.11.8 Overall, on the basis of details provided, the proposal is acceptable to SPPS and PPS15 (Revised) requirements, with informatives to be included within the decision notice by way of guidance for the applicant and their responsibilities in relation to drainage and flood risk.

6.12 Water/ Sewerage

6.12.1 The application proposes to connect to NIW mains water supply, dispose of foul sewage to a NIW mains sewers via proposed pumping station and dispose of surface water via NIW drains. NIW have been consulted and have issued detailed comments (dated 22.09.2023, expanded on below:)

6.12.2 Surface Water: NIW advise that there is a public surface water sewer within 20m of the proposed development boundary which can adequately service these proposals. An application to NI Water is required to obtain approval to connect. This can be dealt with by way of planning condition and / or informatives to prevent disturbance / damage to existing watermains and in the interest of public safety.

6.12.3 Foul sewerage: NIW in their consultation response dated 22.09.2023 advise that the application should be refused as it stands. However subject to the applicant engaging with NI Water as outlined in their detailed response, NI Water may reconsider this recommendation.

6.12.4 Detailed comments note that there is an existing foul sewer within 20m of the proposed development and available capacity at the receiving Wastewater Treatment Works (WwTW,) however critically there is foul sewerage network capacity issues (the downstream catchment is constrained by an overloaded sewer, where existing customer properties have suffered internal and/or external flooding and remain at risk of further flooding. The addition of flow from this proposal establishes significant risks of detrimental effect to the environment and on existing properties.) For this reason, NI Water is recommending connections to the public sewerage system are curtailed.

6.12.5 The Applicant is advised to consult directly with NI Water and they will need to submit an application to NI Water for a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. Subject to successful outcome and subject to re-consultation, NI Water may reconsider its recommendation.

6.12.6 Following a request for further information from the applicant regarding this matter, the Planning Department have been advised that a Wastewater Impact Assessment was subsequently submitted to NIW in Sept 2023. The outcome of this has not yet been determined, but the Planning Department has been provided with correspondence between NIW and the applicant's consultant which confirms the WwIA has been submitted and is under consideration, with the outcome expected imminently.

6.12.7 NMDDC's Environmental Health Department also note (in response comments dated 02.10.23) that the proposed development should be connected to the

main sewer, with NI Water approval or alternative arrangements outlined for consideration.

6.12.8 Given this position, it may be necessary to impose planning conditions to ensure there is a suitable method of sewerage agreed prior to the commencement or occupational of development, as necessary, in the interests of public health and environmental protection.

6.13 Utilities

6.13.1 NIE (comments dated 26.09.23) note the existing High Voltage (HV) underground cable and Low Voltage (LV) overhead equipment within the area for development and advise the applicant to get a mark up to locate the exact positioning of this equipment. NIE also direct the applicant to the following HSE guidance which should be considered during the construction process.

6.13.2 The proposed development should take into account the position of any NIE Networks' equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE Networks' equipment during the construction and operational phases of the project and also during future maintenance programmes in accordance with HSE Guidance Note GS6 "Avoidance of Danger from Overhead Electric Lines" and HSE Booklet HS(G)47 "Avoiding danger from underground services". Details in relation to further information will be included as informatives.

6.14 Waste

6.14.1 In addition to foul waste (discussed above,) the proposal will generate waste during its construction / demolition and operational stages (general waste.) NMDDC Environmental Health Department advise that all waste generated by this development, e.g. demolition waste (as applicable) must be handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste will be included in informatives.

7.0 RECOMMENDATION: Approval

7.1 Summary recommendation: In having regard to the Local Development Plan (LDP,) so far as material to the application, and to any other material considerations, the application should be approved, subject to the conditions below being met:

8.0 SUGGESTED PLANNING CONDITIONS:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans:
 - NIC-MCA-ZZ 01-XX-SU-A-1001 REV P01 – Site Location Plan (issue date 28/07/23)
 - NIC-MCA-ZZ-ZZ-DR-A-1008-Architectural Site Plan
 - NIC-MCA-ZZ-ZZ-DR-A 3001 REV P01 - Elevations- Sheet 1 of 2 North and South (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 3002 REV P01 - Elevations- Sheet 2 of 2 East and West (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 2201 REV P01 - General Arrangement-Level 0 (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 2202 REV P01 - General Arrangement-Level 1 (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 2003 REV P01 - General Arrangement- Roof Plan (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 1006 REV P01 - Fences and Gates (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 1007 REV P01 – Cycle Shelter (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 1302 REV P01 - Site Section (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 4001 REV P01 - Sections Sheet 1 of 2 (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 4002 REV P01 - Sections Sheet 2 of 2 (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-A 1303 REV P01 - Proposed External Signage (issue date 21/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-C 1100 REV P05 - Proposed Layout – Levels (amended date 25/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-C 1300 REV P05 - Proposed Layout – Surfacing (amended date 25/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-C 1500 REV P06 - Proposed Layout – Fencing (amended date 25/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-C 2000 REV P05 - Proposed Layout - Drainage – Overview (amended date 25/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-C 3000 REV P03 - Construction Details - Pavement Build-ups (amended date 19/07/2023)
 - NIC-MCA-ZZ-ZZ-SK-C 4000 REV P1 - Proposed Visibility Splays (dated 20/07/2023)
 - NIC-MCA-ZZ-ZZ-DR-C-1600 REV P06 - Proposed Layout – White lining
 - NIC-MCA-ZZ-ZZ-DR-C-1700 REV P04 - Patrick Street Puffin Crossing
 - NIC-TBA-ZZ-XX-DR-E 9602 REV P03 - Electrical services installation – sitewide (dated 26/10/2022)
 - NIC-TBA-ZZ-XX-DR-E 9603 REV P02 - Electrical supply and comms arrangement – sitewide (dated 24/03/2023)
 - NIC-MLA-XX-XXDR-L-0001 – Site Layout and Landscape Plan (amended 24/07/2023)
 - NIC-MCA-ZZ-ZZ-SK-C-6000 REV P02– PSD Drawing (dated 13.03.2024)

- Landscape Management Plan Report (Prepared by McIlwaine Landscape Architects and dated June 2023)

Reason: To define the planning permission and for the avoidance of doubt.

3. DfI Roads conditions to be confirmed.
4. No site works of any nature or development shall take place until a Programme of Archaeological Work (POW) which has been prepared by a qualified Archaeologist, has been submitted to and agreed in writing by Newry Mourne and Down District Council's Planning Authority (in consultation with Historic Environment Division, Department for Communities.) The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and;
 - Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

5. No site works of any nature or development shall take place other than in accordance with the Programme of Archaeological Work, as approved under condition 4.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

6. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the Programme of Archaeological Work approved under condition 4. These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

7. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) and finalised layout design including a site drainage plan shall be submitted to and agreed in writing by Newry Mourne and Down District Council's Planning Authority (in consultation with DAERA's Natural Environment Division, Water Management Unit and Loughs Agency) at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection

of the water environment. Development shall take place in accordance with the approved CEMP.

The final Construction Environmental Management Plan (CEMP) shall:

- a. reflect and detail all the mitigation, and avoidance measures to be employed as outlined in the Outline CEMP (v.1.1) (WM Associates, 09/06/2023),
- b. Identify the perceived risks to the aquatic environment e.g. from cement, concrete, grout, fuels/ oil/ hydrocarbons and suspended solids,
- c. Identify potential pollution pathways,
- d. Identify the mitigation measures employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) e.g.
- e. Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc.
- f. Emergency spill procedures should be addressed and should include the NIEA pollution hotline 0800 80 70 60 along with a timeframe for response;
- g. include management plans for the storage of hazardous materials outside of the known floodplain, or reference to other appropriate mitigation measures to ensure, in flood events, construction of the proposal will not significantly impact upon Designated Sites, Natural Heritage & Conservation Areas;
- h. contain all the appropriate environmental mitigation as advised by Loughs Agency in their response dated 11.10.2023.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to mitigate for any potentially significant impacts on Designated Sites.

8. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by Newry Mourne and Down District Council's Planning Authority, in consultation with NI Water.

Reason: To ensure the appropriate foul and surface water drainage of the site.

9. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 8, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

10. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment and to ensure the development will not have an adverse effect on the integrity of any European Site.

11. Prior to the commencement of any part of the development hereby approved, the applicant shall demonstrate in writing to the Council's Planning Authority that NI Water are content that the development will not affect the existing NI Water sewer/s and watermain/s traversing the site, and sufficient drawings have been submitted, which clearly indicate the required wayleaves. No construction, trees planted or other obstruction is permitted over the existing sewer/s or watermain/s traversing the site, or within the permitted wayleave width. A diversion may be necessary.

Reason: To prevent disturbance / damage to existing sewers and watermains and in the interest of public safety.

12. In the event that piling is required, no development or piling work shall commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing by Newry Mourne and Down District Council's Planning Authority (in consultation with DAERA's Regulation Unit.)

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works shall cease and the Planning Authority shall be notified immediately.

This new contamination shall be fully investigated in accordance with the Land Contamination and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures shall be prepared and submitted in writing to Newry Mourne and Down District Council's Planning Authority for approval (in consultation with Environmental Health.)

In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed in writing by Newry Mourne and Down District Council's Planning Authority (in consultation with Environmental Health and DAERA's Regulation Unit.) Works shall be subsequently implemented in accordance with the agreed mitigation measures and remediation strategy.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. After completing any remediation works required by condition 13, and prior to any part of the Development hereby approved becoming operational, a verification report shall be submitted to and agreed in writing by Newry Mourne and Down District Council's Planning Authority (in consultation with DAERA's Regulation Unit and Newry, Mourne and Down District Council's Environmental Health Department.) This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance and shall present all the remediation and monitoring works undertaken and

demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use and in the interest of public health.

15. Construction of the development hereby approved shall be limited to the following times:

- Monday – Fridays 07:00 -18:00
- Saturday – 08:00 – 13:00
- Sundays and Bank holidays – No construction work

Reason: In the interest of residential amenity

16. During the first available planting season after the approved development becomes operational, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in strict accordance with the Proposed Site Layout and Landscape Plan (Drawing No. NIC-MLA-XX-XXDR-L-0001, amended 24/07/2023) and the approved landscaped areas shall be managed and maintained in accordance with the Landscape Management Plan Report (as prepared by McIlwaine Landscape Architects and dated June 2023) in perpetuity.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

17. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

18. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

Case Officer: O. Rooney **Date:** 26/03/2024

Authorised Officer: P. Manley **Date:** 26/03/2024

Committee Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2021/0334/F	Target Date:
Proposal: Residential Development comprising of 26no houses. (Renewal of Planning Permission R/2006/1097/F)	Location: Site adjacent to Strangford View Downpatrick Road Killyleagh
Applicant Name and Address: Strangford Lough Properties Limited 1 Catherine Street Killyleagh BT30 9QQ	Agent Name and Address: Pragma Planning & Development Consultants Ltd Scottish Provident Building 7 Donegall Square West Belfast BT9 7GT
Date of last Neighbour Notification:	16 March 2021
Date of Neighbour Notification Expiry:	30 March 2021
Date of Press Advertisement:	10 March 2021
Date of Press Advertisement expiry:	24 March 2021
ES Requested: No	
Consultations:	
<p>DFI Roads was consulted in relation to the application and following the request and submission of amended plans DFI Roads responded with no objections and have returned signed PSDs with associated conditions.</p> <p>NI Water was consulted and responded with no objections subject to conditions initially however given the passage of more than 18 months from the date of consultation response and the progressing of the application and given the known issues around NI Water network capacity it was necessary to reconsult NI Water, who responded to reconsultation with a recommendation to refuse with a note that subject to successful outcomes their opinion may be revised. A waste water impact assessment has been submitted directly to NI Water and discussions are ongoing in relation to this matter. Subject to imposition of negative condition by Planning Authority.</p> <p>NIEA was consulted and responded with no objections in relation to natural heritage following the submission of ecological information.</p> <p>Water Management Unit and Inland Fisheries responded to consultation with no objections.</p>	

<p>DFI Rivers was consulted and initially requested a drainage assessment and once submitted they responded with no objections to the proposal.</p> <p>Shared Environmental Services was consulted in relation to the application and responded with no objections, there was no likelihood of impact on designated sites as a result of the works and therefore can be eliminated.</p> <p>Environmental Health responded with no objections to the proposal however did request informatives are added to any approval to issue in relation to contaminated land.</p> <p>Historic Environment Division was consulted and Historic Buildings initially responded requesting additional information however once submitted were able to confirm they were content with the proposal. Historic Monuments was also consulted and responded with no objections to the proposal.</p>	
<p>Representations: Neighbour notification and publicity was carried out as detailed above and to date there have been no representations received in relation to the application.</p>	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
<p>Summary of Issues: There are no outstanding issues as a result of the neighbour notification or publicity processes associated with the application.</p>	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The characteristics of the site for the most part remains as per the R/2006/1097/F approval in that the site is a piece of land that has been cleared of any previous development and hilly in nature with undulating topography and is surrounded mainly by residential dwellings. The site has mature planting along boundaries of the site in particular the western boundary of the site in the form of mature trees and shrubs. The site remains open and exposed facing onto Downpatrick Road. Adjacent to the site is a recently constructed petrol station, shop and forecourt.

The site is located within the settlement development limits of Killyleagh as defined in the Ards and Down Area Plan 2015. The site is also located within the Strangford and Lecale Area of Outstanding Natural Beauty. The front part of the site abutting the Downpatrick Road is also within Killyleagh Conservation Area and a constraint of the site is proximity to ASSIs.

The rear of the site is located within a Housing Policy Area as defined in the Ards and Down Area Plan 2015 and the site accesses out onto a protected route.

Description of Proposal

Residential Development comprising of 26no houses. (Renewal of Planning Permission R/2006/1097/F)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

The most relevant planning history is outlined below.

LA07/2019/1186/F - 2-6 Downpatrick Road and 1-3 Irish Street, Killyleagh - Proposed demolition of the existing Spar retail unit with associated petrol filling station, demolition of the existing dwelling at 6 Downpatrick Road and demolition of the modern rear extension at 1-3 Irish Street in Killyleagh and proposed construction of replacement Spar retail unit [with ancillary food concession area] and petrol forecourt, jet wash and associated parking – Approval – 20.11.2020.

R/2006/1097/F - Site adjacent to Strangford View, Downpatrick Road, Killyleagh - Residential development comprising of 26 no. houses – granted – 01.03.2016 (as per decision notice)

R/2004/1897/F - 8 Downpatrick Road, Corporation, Killyleagh, Northern Ireland, BT30 9RG - Housing development and extension to nursing home, pedestrian access and sewer connection to Strangford View – application withdrawn – 09.06.2006

R/2002/1291/F - 8 Downpatrick Road and lands to south of 8 Downpatrick Road, Killyleagh - Proposed alterations to existing entrance. Development of roads, footprints together with storm and foul sewers – approval – approval – 05.12.2003

R/2000/0629/O - 8 Downpatrick Road and lands to the south of 8 Downpatrick Road, Corporation, Killyleagh, Northern Ireland, BT30 9RG - Residential development comprising of traditional town houses, apartments, landscaping and a landscaped hill top landmark – 09.01.2001

CONSIDERATION AND ASSESSMENT

The proposal has been assessed against the following policies and plans:

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 12 Housing In Settlements

- Planning Policy Statement 15 Planning and Flood Risk

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The SPPS has been introduced in the time since the granting of the previous approval on the site which this application seeks to renew. R/2006/1097/F was granted on 31.05.2016, the SPPS is no more prescriptive than the policies the previous permission was assessed under therefore the same policies are applied.

The application is considered against policy QD 1, Quality in new Residential Development which states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential development, all proposals for residential development will be expected to conform to all of the criteria set out in QD 1, and it was found to be the case that the policy was met when assessing and approving the previous permission R/2006/1097/F

Consideration has been given to the change in policy consideration with the introduction of SPPS and also the change physically on the site of which there has been very little change. Consideration is also given to permissions granted and histories surrounding the site including those implemented such as the replacement filling station and it is not considered that there has been change in circumstance in any of the above that would not allow for this application to no longer proceed. It is noted that the previous permission was granted on 01.03.2016 and an application to renew the permission was made valid on 18.02.2021 therefore within the five year time limit and within the lifetime of the application.

Under Article 3(5)(a) of the GDPO applications for such a renewal may be made simply by letter, referring to the existing planning permission, in this instance a full application pack including drawings etc has been submitted.

In consideration of the above there has been no material change in the planning circumstances since the original planning permission was granted, no new planning policies have been introduced, no new roads considerations, no publication of new planning policy guidance which would be material to the renewal application. This is the first renewal application from the applicant, so no weight can be attached to the fact that continued failure to begin development would contribute unacceptably to uncertainty about the future pattern of development in the area, nor is the application considered premature as the application was submitted just before it expired. Consideration has been given to any additional planning history either approved or sites developed since the previous permission was granted and it is concluded that the proposed development will not be impacted by or have any detrimental impacts as a result of these permissions, the extant permission would have been a material consideration in the consideration of recent surrounding development permissions.

As mentioned previously within the report NI Water now recommend refusal until such times as there have been successful outcomes of discussions. The agent has demonstrated that there has been engagement with NI Water in order to resolve the issues and find a solution and while discussions are ongoing it is considered acceptable to allow this application to proceed with the introduction of two negative conditions to ensure that development does not commence until a full solution is agreed.

As these circumstances and the policy context remain the same, and given that the siting, design, access and parking arrangements are all the same as previously and were deemed to be acceptable, it is therefore deemed that this renewal is considered acceptable. It is noted that there was a change in levels from the previous permission on the initial plans submitted however this has been amended back to what was previously approved and this is considered acceptable.

Application is subject to negative condition in relation to NIW Network Capacity issues. Application requires presentation to Planning Committee for their agreement.

Neighbour Notification Checked	Yes
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<p>Summary of Recommendation For the reasons outlined above a recommendation of approval is made.</p>

<p>Conditions:</p> <ol style="list-style-type: none"> As required by Article 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: Time Limit.</p>
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2. The development hereby permitted shall take place in strict accordance with the following approved plans: **LP01, 31, DM 1760-E01, DM 1760-A009 Rev P, DM 1760-A010 Rev P, DM 1760-A012 Rev P, DM 1760-A013 Rev P, DM 1760-A014 Rev P, DM 1760-A015 Rev P, DM 1760-A016 DM 1760-A017 Rev P1, IBH0822/1010 Rev D and IBH0822/1100 Rev D.**

Reason: To define the planning permission and for the avoidance of doubt.

3. The visibility splays of 4.5 metres by 70 metres at the junction of the proposed (access/access road) with the public road, shall be provided in accordance with Drawing No. **IBH0822/1010 Rev D** prior to the commencement of any other works or other development and shall be retained and kept clear thereafter.

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. **IBH0822/1010 Rev D.**

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

5. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

6. The development hereby permitted shall not be adopted until any highway structure/retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance CG300 of the Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of the Design Manual for Roads and Bridges.

7. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of **2** spaces.

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

8. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DFI Roads Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

9. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.

Reason – To safeguard against flood risk to the development and from the development to elsewhere.

10. All services within the development should be laid underground.

Reason: In the interests of visual amenity

11. The retaining wall hereby approved as part of the development shown on drawing ref **DM1760-A016** & detailed on drawing **DM 1760-A017** both dated stamp 31 October 2014 must be certified by a Chartered Civil or Structural Engineer. The retaining wall should be designed in accordance with the current British Standards/Eurocodes and Codes of Practice.

Reason: To ensure adequacy of design and stability of structure.

12. A landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Department prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

13. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of both and hard and soft landscape works have been submitted to and approved in writing by the Department and these works shall be carried out as approved.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

14. Soft landscape works shall include planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; an implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscaping design.

15. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place unless the Council gives written consent to any variation.

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

16. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

17. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 16, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

Case Officer Signature: Fionnuala Murray **Date: 25 March 2024**

Appointed Officer: A.McAlarney **Date: 26 March 2024**

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3464/F

Date Received: 10/10/2023

Proposal: Proposed creation of a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch.

Location: St Moninas Playing Field St Moninas Park, Meigh, Newry, BT35 8TS



Site Characteristics & Area Characteristics:

The site is located within the settlement limit of Meigh as defined within the Banbridge / Newry and Mourne Area Plan 2015. The site is within a 'Major Area of Existing Open Space' and is situated within An Area of Outstanding Natural Beauty (AONB).

The proposed development is within the grounds of an existing area of open space that includes a playing field with four sets of football goals and two ball stops. There is car parking and children's play park located towards the existing southern entrance to the playing field.

The site is bounded by wire fencing and is a largely within a residential area with the northern, eastern and southern boundaries next to residential development. The western boundary is adjacent to an undeveloped field that contains a large number of trees. This application aims to provide creation of a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch.

Site History:

- P/1984/0118 – Meigh, Newry – Site for Playing Field.
- P/1991/0983 – Playing Fields Adjacent to Berna Park And St Monnina Park Meigh Newry – Erection of Changing Rooms.

Planning Policies & Material Considerations:

- SPPS - Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- PPS8 - Open Space, Sport and Outdoor Recreation
- PPS2 – Natural Heritage
- DCAN15 - Vehicular Access Standards

Consultations:

- DFI Rivers – No objection

Objections & Representations

In line with statutory requirements the application was advertised in the local press on 08/11/2023. Neighbours were notified of the proposal on 05/02/2024 and to date one objection has been received. The objection was from the owner/occupier of no 25 Tobar Blinne, Meigh.

The main issues raised by the objector was in relation to privacy and concerns the proposal would create a safety/parking issue due to increased traffic to the site.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015. The application site is located in the settlement development limit of Meigh within the site of an existing playing field which is part of a Major Area of Existing Open Space. The proposal seeks to install a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch. Policy ECU 1 of Volume 1 (Banbridge/ Newry and Mourne Area Plan 2015) states that planning permission will be granted for education, health, community and cultural uses within settlement development limits provided all the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity;

- the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- the proposals are in keeping with the size and character of the settlement and its surroundings;
- where necessary, additional infrastructure is provided by the developer;
- there are satisfactory access, parking and sewage disposal arrangements.

Case Officers are content that the proposal will have no additional unacceptable impact on the amenity of surrounding residents. The playing field is already open to the public and the inclusion of walking track around the field whilst facilitating more convenient access to the open space is not associated with any new or unacceptable public access already in existence. In view of the existing use of the site, Case Officers are content that the development will have no further impact on amenity. Given that the proposed plans show no significant removal of vegetation or proposed changes to surrounding habitats it is the professional opinion of Case Officers the proposal is unlikely to add significantly or pose a detrimental effect on biodiversity particularly given the present use of the wider site. Case Officers are satisfied that that proposal would not be considered to have a significant detrimental effect on biodiversity, nor would it prejudice the development of surrounding lands. The development is proposed on an existing playing field and as such the proposal is in keeping and complementary to the existing use of the site and surrounding area. The proposal includes an additional pedestrian access and upgrading of an existing access for wheelchair access. The access arrangements are considered to be a betterment and are unlikely to have any impact on the existing parking associated with the wider area. Concerns were raised that the walking track would attract a greater number of cars to the site potentially causing parking issues and safety concerns for children playing. Case Officers noted on site that there is an existing play park and adjacent car park with access to the park, given this is the closest access point to the proposed site it is Case Officers opinion that the new pedestrian access and walking track would be unlikely to cause an unacceptable level of increased traffic. The proposal is considered to be in accordance with Policy EDU1.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for outdoor sport developments following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 8 - Open Space, Sport and Outdoor Recreation

The development is located within an established open space used for community recreational purposes. PPS8 OS1 Protection of Open Space, states that development will not be permitted that would result in the loss of existing open space. An exception will be permitted where it is clearly shown that the redevelopment will bring substantial community benefits outweighing the loss of the open space. In this instance the development proposed is ancillary to the open space zoning and adding development which supports the use of the lands as open space. The proposal is considered in line with this policy.

PPS 3 - Access, Movement and Parking

The proposal includes an additional pedestrian access and upgrading of an existing access for wheelchair access. The access arrangements are considered to be a betterment and are unlikely to have any impact on the existing parking associated with the wider area.

PPS 2 - Natural Heritage NH 6 - Areas of Outstanding Natural Beauty (AONB)

The Planning Department is satisfied that the proposed siting and scale of development is sympathetic to the existing locality and AONB and therefore, meets the criteria of Policy NH6.

Recommendation:

Having considered the relevant policy, the proposal does meet with the criteria as set out in Policy ECU 1 of Volume 1 (Banbridge/ Newry and Mourne Area Plan 2015, OS1 of PPS 8 and approval is recommended.

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 001, 002, 003a, 004 and 005.

Reason: To define the planning permission and for the avoidance of doubt.

3. The materials to be used in the construction of the external surfaces of the walking track hereby permitted, shall be in accordance with those detailed on the approved drawing 003a.

Reason: In the interest of visual amenity

Case Officer Signature: Matthew Hunniford

Date: 22.03.2024

Authorised Officer Signature: Maria Fitzpatrick

Date: 22.03.2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3580/F

Date Received: 03/11/2023

Proposal: Grass football pitch. The site already has one ball stop at the southern end of site and the proposal is to match this with the same style of ball stop to the north of site behind other set of goals.

Location: Jim Steen Playing Field Dungormley Estate, Newtownhamilton, BT35 0HY



Site Characteristics & Area Characteristics:

The site is located within the settlement limit of Newtownhamilton as defined within the Banbridge / Newry and Mourne Area Plan 2015. The site is within a 'Major Area of Existing Open Space'.

The proposed development is within the grounds of an existing area of open space that includes a playing field, parking and children's play park. The site includes existing football goals at each end of the playing field with one ball stop already situated behind the football goals on the southern end of the playing field. This application aims to provide a matching ball stop for the goals on the northern end of the playing field. The site is located on the northeastern edge of the settlement limit and bounded by open fields on all sides.

Site History:

- P/1976/0463 – Site for recreation area. Approved – 14/08/1979.
- P/1983/1015 – Playing fields and boundary fence. Approved – 13/01/1984.
- P/2005/0658/F – Replacement of Portacabin – Application Withdrawn.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- PPS3 - Access, Movement & Parking
- PPS8 - Open Space, Sport and Outdoor Recreation
- DCAN15 - Vehicular Access Standards

Consultations: N/A**Objections & Representations:**

No objections or representations have been received to date.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015. The application site is located in the settlement development limit of Newtownhamilton within the site of an existing playing field. The proposal seeks to install 1 no. ball stop to match the existing ball stop directly behind the goals at the northern end of the playing field. Policy ECU 1 of Volume 1 (Banbridge/ Newry and Mourne Area Plan 2015) states that planning permission will be granted for education, health, community and cultural uses within settlement development limits provided all the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity;
- the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- the proposals are in keeping with the size and character of the settlement and its surroundings;
- where necessary, additional infrastructure is provided by the developer;
- there are satisfactory access, parking and sewage disposal arrangements.

Case Officers are content that the proposal will have no impact on the amenity of surrounding residents. The ball stop measures 6m in height with a length of 20m, with galvanised steel posts with PVC insert caps and wire mesh panels. In view of the existing use of the site, a similar ball stop at the opposite end of the playing field and the separation distance from any neighbouring properties, Case Officers are content that the development will have no impact on amenity. Given that the proposed plans show no removal of vegetation or proposed changes to surrounding habitats it is the professional opinion of Case Officers the proposal is unlikely to add significantly or pose a detrimental effect on biodiversity particularly given the present use of the wider site and the existing ball stop at the opposite end of the playing field. Case Officers are satisfied that that proposal would not be considered to have a significant detrimental effect on biodiversity, nor would it prejudice the development of surrounding lands. The development is proposed on an existing playing field and as such the proposal is

considered to be in keeping with the character of the site and surrounding area. The proposal does not require any additional access requirements and is unlikely to have any impact on the existing access and parking associated with the wider area. The proposal is considered to be in accordance with Policy EDU1.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for outdoor sport developments following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 8 - Open Space, Sport and Outdoor Recreation

The development is located within an established open space used for community recreational purposes. PPS8 OS1 Protection of Open Space, states that development will not be permitted that would result in the loss of existing open space. An exception will be permitted where it is clearly shown that the redevelopment will bring substantial community benefits outweighing the loss of the open space. In this instance the development proposed is ancillary to the open space zoning and adding development which supports the use of the lands as open space. The proposal is considered in line with this policy.

PPS 3 - Access, Movement and Parking

The proposed development will have no impact on existing access, parking or turning within the established leisure centre site and as such the proposal will not offend PPS3 or DCAN15. The proposed development is considered acceptable and in keeping with the existing sports use at the site.

Recommendation:

Having considered the relevant policy, the proposal does meet with the criteria as set out in Policy ECU 1 of Volume 1 (Banbridge/ Newry and Mourne Area Plan 2015, OS1 of PPS 8 and approval is recommended.

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 001a, 002, 003, 004 and 006a.

Reason: To define the planning permission and for the avoidance of doubt.

3. The materials to be used in the construction of the development hereby permitted, shall be in accordance with those detailed on the approved drawing No 006a.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding area.

Case Officer Signature: Matthew Hunniford
Date: 23/02/2024
Authorised Officer Signature: Pat Rooney
Date: 23/02/2024



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2020/1567/F
Date Received:	8 th October 2020
Proposal:	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works
Address:	Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL

1.0 SITE AREA AND CHARACTERISTICS:

- 1.1 The application site is partly located within the development limits of Ballyholland (BH01) and partly on rural lands with no additional designations. The portion of the site within the settlement limit is zoned as a 'major area of open space,' as identified by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP.)
- 1.2 The area is varied in terms of character, with recreational and residential uses on and surrounding the site. There is an existing housing development directly north of the application site, with low-medium density development primarily in the settlement limit to the north and additional dwellings located further north-west and east of the site. The site also adjoins an existing community centre building and playground to the east.
- 1.3 Lands to the south, east and west have a more dispersed settlement pattern and are more rural in nature. There are agricultural buildings immediately south of the site, with several detached dwellings further south of these again. The site adjoins open countryside to the west, with a steep drop in ground level at this point. There is a detached dwelling located further west of this area, some 40m west of the application site and which is sited on higher ground.
- 1.4 The site boundary (as amended) encompasses the existing GAA playing fields and associated facilities, together with additional lands directly west of this, currently disused scrub land. This area is largely overgrown and in poor condition at present.

2.0 PLANNING HISTORY:

- LA07/2020/0109/PAN: Development of new grass Training Pitch with floodlighting and ball stops, new multi-use games area with ball wall, new walking jogging trail with pedestrian access at Innisfree Park and existing playground/Community Centre – **PAN Acceptable**
- LA07/2019/1812/PAD: Proposed New Pitch - **PAD Concluded**
- LA07/2018/1934/F: Proposed new village playpark – **Permission granted 18.02.2019**
- P/2012/0618/F: Proposed alterations, extension and reorientation of existing junior football pitch, with adjacent new 3G multisport pitch, new grass training pitch, provision of new flood lighting, ball stops - **Permission granted 10.07.2014**
- P/2011/0333/F: Extension and alterations to existing changing room facilities to provide additional changing rooms gymnasium and public toilet- **Permission granted 20.06.2012**
- P/2007/0208/F: Demolition of existing hall and erection of two storey building to include new bar and lounge- **Permission granted 10.10.2007**
- P/2004/2643/F: Erection of additional loop style fencing (1300mm high) within the curtilage of the existing playing field - **Permission granted 18.02.2005**
- P/2002/0618/F: Provision of covered terracing area- **Permission granted 29.07.2002**
- P/1997/0832: Erection of replacement Community Centre- **Permission granted 19.09.1997**
- P/1996/0691: Extension to existing G.A.A Club to provide a youth club and weights room - **Permission granted 16.05.1997**
- P/1993/0036: New playing field- **Permission granted 26.07.1993**
- P/1987/0674: Extension to Social Club - **Permission granted 07.08.1987**
- P/1987/0182: Temporary Community Centre - **Permission granted 09.04.1987**
- P/1986/0313: Changing rooms - **Permission granted 16.05.1986**
- P/1986/0784: Football pitch - **Permission granted 10.10.1986**

<u>P/1986/0558:</u>	Temporary community centre- Permission granted 31.07.1986
<u>P/1983/1027:</u>	Extension to social club - Permission granted 18.01.1984
<u>P/1982/0109:</u>	Proposed community hall and pavilion - Permission granted 15.04.1982
<u>P/1977/0561:</u>	Proposed upgrading of existing playing pitch- Permission granted 09.08.1977
<u>P/1975/0524:</u>	Proposed extension to club rooms- Permission granted 09.01.1976

Enforcement records:

<u>LA07/2020/0346/CA:</u>	Alleged unauthorised floodlighting– Case closed 17.11.2021 (No breach.)
<u>LA07/2015/0016/CA:</u>	Alleged unauthorised development – Case closed 08.01.2016 (No Breach.)
<u>P/2012/0096/CA:</u>	Alleged unauthorised deposition of waste material, Case Closed 14.08.2014 (Planning permission granted.)

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI) (Policy DES2)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS15 (Revised) – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- DOE Parking Standards
- Third party representations
- Site history

4.0 CONSULTATIONS:

- 4.1 NMDDC Environmental Health Dept (final response dated 26/03/2024) – Proposal acceptable, subject to necessary conditions being adhered to in the interest of residential amenity.
- 4.2 DAERA Water Management Unit (WMU) (response dated 26/01/2021) – WMU has considered the impacts of the proposal on the surface water environment

and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained

- 4.3 DAERA Regulation Unit (RU) (response dated 27/08/2021) - A Generic Quantitative Risk Assessment has been provided by MCL Consulting in support of this application. RU has no objection to this development subject to necessary conditions and informatives being attached to any Decision Notice, should the application be approved.
- 4.4 DAERA Natural Environment Division (NED) (final response dated 21/03/2024) NED has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.
- 4.5 DfI Roads (final response dated 25/10/2021) - No objections, on the basis that Planning are content there is sufficient in-curtilage parking for the proposal and that the information supplied in P1 form, Question 25 is deemed accurate.
- 4.6 DfI Rivers Agency (final response dated 09/03/2021) - No objections, with relevant informatives attached to meet PPS15 (Revised) requirements.
- 4.7 NI Water (26/11/2020) - Public water supply within 20m and has capacity to serve this proposal. Application to NIW is required to obtain approval to connect. No foul sewer connection required for this application Applicant proposes to discharge surface water within site soakaway – informatives attached.

5.0 OBJECTIONS & REPRESENTATIONS:

- 5.1 The application was initially advertised in one local press on 10th November 2020 and re-advertised on two occasions (26th January 2021 and 6th October 2021) following receipt of additional and amended information. The statutory advertising period expired on 20th October 2021.
- 5.2 20 neighbouring properties were notified of the application by letter on 10th November 2020 and re-notified on four occasions (26th November 2020, 12th January 2021, 21st September 2021 and 26th January 2022) following receipt of amended drawings and additional information. The statutory neighbour notification period expired on 9th February 2022.
- 5.3 8 No. objections have been received at the time of writing this report (March 2024, including:
- 2 no. anonymous objections;
 - 3 no. objections from No. 74 McAteer Villas;
 - 1 no objection from no's 17 Innis Free Park;
 - 1 no objection from no. 18 Innis Free Park and;
 - 1 no. objection from 10 Moor Hill Road.

5.4 Summary of Objections

The following is a summary of the material planning issues raised in the objections to date, with the detailed objections on file for full consideration:

5.4.1 Natural Heritage and Environmental:

- The proposal will have an irreversible detrimental impact on this area of conservation and biodiversity;
- Protected Species rely on this area of biodiversity to breed and survive and the area must be protected;
- An independent environmental study must be carried out;
- An investigation should be carried out into the groundwater level below the proposed field of up to 3m, potential flooding / pollution, biodiversity impact, wildlife habitat and protected species impact, structural ground concerns;
- The construction and positioning of gabion wall/s in relation to the existing watercourse would have a detrimental impact on the existing wildlife and ecosystem;
- The proposed flood lights would shine on water and bogland where protected species feed;
- In relation to PPS2, the proposal will have a detrimental impact on existing habitat due to light and noise pollution and extensive land works along the eastern boundary including removal of grass land and mature vegetation;
- The proposed works (including extensive ground works) will result in pollution to the existing bogland, which must be protected;

5.4.2 Several specialist reports have been prepared by suitably qualified independent consultants (as amended,) throughout the processing of this application, to satisfy the necessary planning policy requirements. This includes a Preliminary Ecological Appraisal, Invasive Species Management Plan, Breeding Bird Survey, Bat Emergence Survey, Newt Survey and Mitigation Plan, Surface Water Management Plan, Preliminary and Generic Quantitative Risk Assessment, Construction Environmental Management Plan.

5.4.3 In consultation with DAERA, who are the competent authority on matters relating to Natural Heritage (Natural Environment Division) and impact on the water environment (Water Management Unit,) it has been determined that the proposal would not result in an unacceptable impact on conservation, biodiversity, would not harm any protected species and would not result in any unacceptable risk to the water environment, subject to necessary planning conditions being complied with. Further consideration of these matters is included in the detailed assessment below, with determining weight given to the advice of DAERA, who are the competent authority to advise on these matters.

5.4.4 Sewerage, Flood Risk, Drainage and impact on watercourse and ground water:

- Has the applicant received approval from Rivers Agency for the proposed culvert of land works in close proximity to the existing watercourse?

- The proposed culvert will impact on natural water flow from existing bog land;
- 5.4.5. DfI Rivers Agency has noted that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973, however the site may be affected by an undesignated watercourse, of which DfI Rivers Agency has no record. DfI Rivers Agency has also advised in their comments dated 9th March 2021 that Policy FLD4 (Artificial Modification to Watercourses) is not applicable to this site, therefore comments in relation to DfI's consent for proposed culverting works are not considered relevant.**
- 5.4.6 DAERA's Water Management Unit has the responsibility for the protection of the water environment whilst DAERA's Inland Fisheries is responsible for the conservation and protection of fishery resources. DAERA has assessed the potential impact on the water environment including the detailed GQRA provided and offer no objection to the proposal, subject to conditions being complied with in relation to the discovery of contaminants or new risks to the water environment, during works being carried out.**
- 5.4.7 In considering these concerns, determining weight is given to the statutory advice of DAERA and DfI Rivers Agency in relation to these matters.**
- 5.4.8 Visual Amenity / Local Character:**
- Proposed retaining walls (including up to 6m high) proves the proposal does not fit within the landscape. Extensive land works together with rising topography will not allow for the development to be readily absorbed into the landscape;
 - Major land works are outside the settlement limit and should be compliant with PPS8 Policy OS3;
 - There is no indication of any landscape treatment to the north and eastern site boundary;
 - Scale of proposal is inappropriate to the local area and is unsympathetic to the surrounding environment in terms of siting and layout
- 5.4.9 In considering the impact of the development on the local area (including surrounding rural area) the development is considered in the context of the existing development, which includes a substantial terrace structure, readily visible on approach along Ballyholland Road. The proposed development is located on lower ground relative to the existing development and is proposed to be softened with landscaping, including the planting of new native species trees along the western boundary of the application site. The proposal offers a betterment of the site in terms of visual enhancement and for reasons considered in more detail below under both PPS21 and PPS8, on balance, it is concluded that the proposal would not result in any demonstrable visual harm when considered in the context of the existing development and surrounding context.**

5.4.10 Residential Amenity / Anti-social behaviour:

- The location and size of the development will cause unacceptable harm (which cannot be mitigated against) to surrounding residents – which can be avoided through a reduction in scale, screening with evergreen trees, reduce the time of and type of lighting used;
- The proposed flood lighting will have a significant impact on neighbouring land and residents, including loss of private amenity;
- Noise pollution will cause unacceptable impact to neighbouring properties. The Noise Impact Assessment indicates that the most noise is measured on the side lines, an area which is close to an existing residential area.
- The development will impact on the privacy of surrounding residents;
- The development will have a detrimental impact on surrounding residents' way of life, mental health and wellbeing;
- The proposal will affect neighbouring land and could give rise to vandalism and litter;

5.4.11 In consultation with the Council's Environmental Health Department, following the provision of additional information to assess these matters in detail (including the provision of clarification on the zoning of the site and additional detailing in relation to the proposed floodlighting) it has been concluded that conditional to the controlled use of the flood lighting, the proposal would not result in any unacceptable degree of noise or light pollution to surrounding residents.

5.4.12 Further consideration of the above matters is included in the detailed assessment below, with determining weight given to the advice and guidance from Environmental Health Department, the competent authority in advising on such matters.

5.4.13 Anti-social Behaviour

- Several residents from Innis Free Park object to the existing pedestrian access gate from the application site leading to Innis Free Park being 're-opened,' (proposed layout plan show this pedestrian access to be maintained,) with the existing gates having been closed over the last two years as a result of the ongoing health pandemic.
- The objections relate to high levels of anti-social behaviour and activity arising from this access, including being used as a short cut to the rear of the community centre and playpark. The levels of anti-social behaviour are reported to be unacceptable to the extent where it is impacting on the health and wellbeing of residents. They note that the existing alternative access off Betty's Hill Road is sufficient to access the community centre and playground and urge that the pedestrian gate remains closed. All of the objections concerning this issue stress their support for the development as a whole, with their objections solely relating to the re-opening of the pedestrian gate connecting Innis Free Park and the application site.

5.4.14 Whilst the Local Planning Authority acknowledge the above concerns, the use of the pedestrian gate is a property management issue which is

beyond the control or remit of the Planning Department. As a section of the land is owned by Council and leased to Ballyholland GAA Club, these matters will be referred to the Council's Estate Management Department to address going forward.

5.4.15 Agricultural land and activities

- Due to introduction of new flood lighting close to the boundary, there will be light pollution to the existing agricultural land and outbuildings on neighbouring land;
- The noise pollution generated from the western side line of the proposed playing field will impact on neighbouring agricultural land which is used for horse breeding;

5.4.16 The planning policy requirements for flood lighting are set out under PPS8 (OS7.) Whilst the objector's concerns are noted in relation to the impact of flood lighting on neighbouring agricultural land and outbuildings, there is no provision in OS7 which would warrant a refusal on this basis.

5.4.17 As noted under PPS8 (OS5) consideration below, despite the potential for noise disturbance from the proposed development, the proposal is not considered to constitute a 'noisy sport' having regard to the types of 'noise generating' activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

Whilst the proposal is likely to generate a degree of noise disturbance whilst in operation as detailed in the Noise Impact Assessment, the nature of the proposal is unlikely to be disruptive to livestock and wildlife, including the use of neighbouring agricultural land.

5.4.18 Whilst the concerns are noted and considered, determining weight is given to the planning policy requirements in this regard and there is not considered to be any grounds for concern in relation to the above. EH in their consultation response dated 26.03.24 have no objections.

5.4.19 Road Safety and Pedestrian Safety

- The proposal will worsen existing traffic issues in Ballyholland. A smaller development on alternative available land would be much safer;

5.4.20 Following clarification on these matters, including parking availability for the facilities and expected increase in traffic volumes visiting the application site as a result of the development. It has been noted that the proposal is not expected to generate any increase in traffic visiting the site as it relates to an extension of the club's training facilities. DfI Roads offer no objections to the proposal on road safety grounds. Determining weight is therefore given to the advice of the statutory consultee (DfI Roads) in this regard.

5.4.21 Application Detailing

- The proposal description refers to 'training pitch' but the drawings refer to 'playing field' showing a scale of field which would be classified as a 'full sized playing field.' The nature of development is different for competitive games than team members training (i.e. different types of activities, intensity, amount of participants and spectators, operational hours, lighting requirements;)
- Drawing No. T-06.17-03 Rev p2 ('Details / Sections') shows a section through the proposed larger gabion wall. However the drawing fails to indicate the application site boundary and relationship to existing out-buildings at 21 Ballyholland Road and surrounding area;
- The 'Proposed Site Plan and Landscaping' drawing indicates a 2m wide jogging trail in close proximity to this wall. Section AA on Drawing No. T-06.17-03 Rev p2 ('Details / Sections') fails to show the required space for it between the training field and gabion wall;
- The Site Plan does not appear to be showing the full footprint of the gabion wall and area required for foundations / groundworks to construct the 6m high gabion wall;
- In relation to luminaire schedule and lux level contours, the proposed Site Plan fails to show location of 25 lux and below as presented on the proposed lighting layout;
- NIEA's comments dated 7th October 2021 were based on inaccurate information showing only 1 lux level outside the applicant's site boundary. Planning should clarify this and reconsult NIEA;
- The accuracy of the Noise Impact Assessment is queried in relation to references to distances between existing properties and the potential impact from side-lines as proposed;
- High levels of noise generated at the side of the pitch have not been considered in the Noise Impact Assessment on the boundary with 21 Ballyholland Road, which has agricultural land used for horse breeding;

5.4.22 The Planning Department must assess the proposal as described which in this case is "*Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works.*" Should the development be approved, it would have permission only for the operational use as described.

5.4.23 Drawing No.01 – 'Proposed Lighting Layout' has been submitted to the Council since this objection was received (to assess the impact on residential amenity.) This additional drawing details the site layout in relation to surrounding development, including the out-buildings at 21 Ballyholland Road, with a separation distance of c.12.5m from the proposed retaining wall and the closest point of these existing buildings. The Planning Department do not consider any further information is required to assess the proposal in context to the surrounding development and third-party lands in this regard.

5.4.24 The 2m wide jogging trail is included on section AA under the area labelled 'run off.'

- 5.4.25** Details of the groundworks in relation to the proposed 6m retaining wall are clearly indicated on Section AA of Drawing No. T-96.17-03 which also includes the proposed Site Layout detailing, which is considered sufficient in terms of the proposed detailing;
- 5.4.26** Since this objection has been submitted, further detailing in respect of lighting has been provided – including Drawing 01 ‘Proposed Lighting Layout,’ which details the lighting plot for floodlighting (including light levels on adjacent residential property amenity spaces.) A photometric report for lighting levels has also been provided. The additional information is considered sufficient to adequately assess the impact of the proposed lighting on residential amenity;
- 5.4.27** DAERA NED in their comments dated 27th August 2021 requested amended Landscape Plans showing the location of additional tree planting within an area of land subject to no greater than 1 lux of light-spill as a means of compensation for the artificial illumination of existing mature vegetation. Drawing No. BGAA-JNP-00-SI-DR-A-0002 (Proposed Site Plan and Landscaping) has subsequently been provided, which details the 1 lux contour in relation to proposed landscaping. DAERA were consulted on two further occasions since this information was submitted and has raised no further concerns in relation to the artificial illumination, with their comments dated NED are content that the Proposed Site Plan & Landscaping drawing submitted shows light spill of 1 lux around areas of existing vegetation and proposed areas for planting.
- 5.4.28** The alleged inaccuracy within the Noise Impact Assessment (NIA) is noted. The NIA has been reviewed by Environmental Health, who has considered the expected noise levels associated with the proposed activities (including side line activity) and has no objection in relation to noise impact subject to conditions on the use of the facility (discussed in further detail in PPS8 assessment below.)
- 5.4.29** The concerns around noise impact on land (including agricultural) to the west are noted, including the suggestion that the NIA fails to consider this element (i.e. the midway from the side-line); the NIA primarily relates to the impact on residential amenity and as noted above, Environmental Health confirm that the impact on all surrounding residential properties has been considered. The proposal is not considered to constitute a ‘noisy sport’ that would impact on surrounding agricultural activity.
- 5.4.30** Other
- An alternative site is available which would be more appropriate and acceptable to policy requirements (will not impact on any neighbouring properties, the environment / biodiversity if controlled properly);
 - For the 6m high gabion wall to be constructed, foundations would need to be located much closer to the site boundary, which would very close to or within the existing watercourse, leading to structural problems. The works

will require excavation works on the boundary of the applicant's land or encroaching onto neighbouring lands. Given the proximity of the wall to third party lands, it is unclear how it will be constructed;

- The edge of the proposed 2m high gabion wall is shown to run along the site boundary. Therefore the base of the wall would need to be constructed on third party lands relating to 23 Ballyholland Road;
- The impact on potential future (including residential) development rear of 23 Ballyholland Road and west of the site, given close proximity of the training field to the shared boundary;

5.4.31 The Planning Department's role is to assess the application as submitted. For reasons set out in the detailed assessment, the proposal is considered acceptable to prevailing planning policy requirements and the Planning Department would have no policy basis to reasonably request an alternative site for the development.

5.4.32 Proposed works in relation to the two retaining walls are shown to be located within the application site boundary, with the 2m high retaining wall close to / on the boundary and the 6m high wall located c.4m from the site boundary. As noted, DAERA Water Management Unit are content with the proposal concerning the ground water environment. Comments in relation to the construction and use of third-party lands is a civil matter, beyond the remit of the Planning Department. Notwithstanding this an informative will be applied to highlight that works shall be contained within lands of their ownership and control.

5.4.33 The Planning Department must assess the application in the context of the current circumstances including existing and approved development. Planning history records show there are no approvals on the adjacent land that would be impacted as a result of the proposed development.

5.4.34 Non-material concerns:

The following issues are not material planning issues and cannot therefore be afforded any determining weight in this assessment:

- Reference is made to the pledges made by MLAs and Local Councils in protecting all habitats and wildlife (reference to NMDDC's Local Biodiversity Action Plan 2018-2022) – **this document is not Planning Policy and the relevant Planning Policy to assess impact on Natural Heritage is contained within Planning Policy Statement 2 -Natural Heritage – PPS2**
- Reference is made to the proposal being contrary to the 'Countryside Recreation Strategy' – **this document is not Planning Policy**
- Costs involved in developing the proposal, including suggested alternative site
- Impact on surrounding property values

5.4.35 In summary, all objections have been considered in full. Additional and amended information has addressed concerns regarding application detailing. Consideration has been given to the concerns in relation to

residential amenity (by way of noise and light pollution,) however it is concluded that these issues can be mitigated / controlled by way of necessary planning conditions as advised by Environmental Health. Concerns around anti-social behaviour are resulting from a management issue which is beyond the remit or control of the Planning Authority, however this issue will be brought before the Council's Estate Management Department. Determining weight also given to the relevant statutory consultees in relation to natural heritage / biodiversity, ground water, contamination, flood risk, drainage, as considered further below.

6.0 CONSIDERATION AND ASSESSMENT:

6.1 Summary of Proposal

The application seeks full permission for a proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works. The site location plan together with existing and proposed site layout plan are included in Annex A. The following submitted details have been considered in this assessment (as amended,) together with supporting correspondence etc:

- Drawing No's:
 - BGAA-JNP-00-XX-DR-A-0003 Rev A - Location Plan (dated 6th October 2020)
 - BGAA-JNP-00-SI-DR-A-0001 (Version P01) – Existing Site Plan (Dated 2nd September 2020)
 - T-06.17-06 Rev P1 - Contours (dated 18th August 2020)
 - T-06.17-03 Rev P2 - Details / Sections (dated 18th August 2020)
 - BGAA-JNP-00-XX-DR-A-0001 (Version P01) - Existing and Proposed Sections (dated 10th September 2020)
 - BGAA-JNP-00-XX-DR-A-0002 (Version P01) - Proposed Ball Wall Details (dated 10th September 2020)
 - BGAA-JNP-00-SI-DR-A-0002 (version P04) - Proposed Site Plan and Landscaping (dated 4th September 2020)
 - BGAA-JNP-00-SI-DR-A-0010 (Version P01) – Proposed Site Plan Google Map Overlay (dated 28th March 2022)
 - DWG01 - Proposed Lighting Layout (dated 21st January 2022)
 - BGAA-JNP-00-XX-DR-A-0004 – Ball Stops (dated 06.10.2020)
- Design and Access Statement (JNP Architects, Dated Dec 2020)
- Community Consultation Report (JNP Architects, Dated Dec 2020)
- Preliminary Risk Assessment (MCL Consulting, Dated Aug 2020)
- Flood Light Specification (Datasheet, dated 30.10.2019)
- Invasive Species Management Plan (MCL Consulting, dated Sept 2020)
- MCL Comments dated 11/08/23 in response to DAERA;
- Noise Impact Assessment (FR Mark Associates, REV1, dated March 2021)
- Generic Quantitative Risk Assessment (MCL Consulting, dated April 2021)
- Smooth Newt Mitigation Plan (MCL Consulting, dated Nov 2021)
- Flood Light Calculations (Signify, as revised - dated 14.03.2023)

- Revised Construction and Environmental Management Plan (CEM, as submitted 09.02.2024)

6.2 Regional Policy Considerations

The RDS seeks to create healthier living environments and to support healthier lifestyles by facilitating access to a range of opportunities for recreational and cultural activities and by promoting physical recreation as a basis for good health for all.

6.3 Relevant Planning History and the SPPS

The historical approval on this site by virtue of P/2012/0618/F (Proposed alterations, extension and reorientation of existing junior football pitch, with adjacent new 3G multisport pitch, new grass training pitch, provision of new flood lighting, ball stops, permission granted 10/07/2014) is material to this consideration. This former approval includes development both within (on lands zoned as major area of established open space) and out-with the development limits (including a multi-purpose training pitch and larger junior pitch.) The proposal was considered acceptable to both PPS8 and PPS21 requirements.

6.3.1 Since this approval, the SPPS has been introduced (September 2015) which is a material consideration in the assessment of all planning applications. Therefore, it's necessary to consider whether the SPPS introduces any new policy changes since the previous assessment under P/2012/0618/F.

6.3.2 The SPPS reinforces the requirements of PPS8 with a presumption against loss of open space and directs that any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact (Para 6.205.) The requirements of the SPPS are considered below together with the prevailing policy requirements of PPS8.

6.4 Development Plan Considerations (BNMAP 2015)

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

6.4.1 BNMAP 2015 identifies the site as being partly within the settlement development limits of Ballyholland (BH01) and partly in the countryside, with the portion within the settlement limits also identified in the Plan as a major area of existing open space. A copy of the relevant Map is included in Annex B.

6.4.2 Policy SMT2 of BNMAP 2015 directs that zoned land will be developed in accordance with all prevailing regional planning policy and with any relevant Plan Policies and Proposals, including, where specified, key site requirements. Major areas of existing open space, sport and outdoor recreation as identified, are safeguarded under Policy OS1 of PPS8 – Open

Space, Sport and Outdoor Recreation.

6.4.3 Having regard to The Plan, prevailing planning policy requirements and full list of material considerations above, the determining issues in this assessment relate to the following, with a detailed assessment expanding on each of these considerations below:

- **The principle of development and suitability of proposed detailing, including impact on the countryside and residential amenity (SPPS and PPS21 Policies CTY1, and PPS8 Policies OS1, OS3, OS7)**
- **The impact of the proposed development on natural heritage (SPPS and PPS2);**
- **Access, movement and parking considerations including road safety (SPPS, PPS3, DCAN15 and DOE Parking Standards)**
- **Flood risk, drainage and sewerage considerations (SPPS, PPS15 Revised and PPS21 Policy CTY16)**
- **Impact on Archaeology and Built Heritage (SPPS, PPS6)**
- **Development within the urban setting (PSRNI Policy DES 2 - Townscape)**

6.5 The principle of development and suitability of proposed detailing and impact on the countryside (SPPS and PPS21 – Sustainable Development in the Countryside Policies CTY1 and PPS8 (Open Space, Sport and Recreation) Policies OS1, OS3, OS7)

6.5.1 Part of the site is out-with the settlement development limit and the provisions of PPS21 are applicable to this part of the site. Under PPS21 Policy CTY1, planning permission will be granted for non-residential development in the countryside for outdoor sport and recreational uses in accordance with PPS8. PPS8 policies OS1, OS3 and OS7 are considered the relevant policy tests to be met in order to satisfy both PPS21 CTY1 and PPS8 requirements.

6.6 PPS8 Policy OS1 – Protection of Open Space

Notably only part of the site is zoned as an existing major area of open space, with the remainder of the site being located within the countryside. (An overlay map of the zoning is included in Annex B together with relevant extract from the Area Plan.) Policy OS1 applies to the protection of existing open space – in this case, the policy test of OS1 is only applicable to those parts of the site located within the settlement limit which are zoned as an existing area of major open space.

6.6.1 Proposals as submitted will not result in any loss of existing open space, rather the reconfiguration of this area, with extension, which will bring about substantial community benefit. Proposals fully comply with OS1 for these reasons.

6.7 PPS8 Policy OS3 – Outdoor Recreation in the Countryside

This policy test is applicable given part of the site is within the countryside. Under Policy OS3, the development of proposals for outdoor and recreational uses in the countryside will be permitted where all the following criteria (as set out under i-viii) are met. The Planning Department has assessed all supporting information and third-party representations. It has established, in its assessment and in consultation with the relevant statutory bodies, the following:

- I. There will be no adverse impact on nature conservation, archaeology or built heritage (see PPS2, PPS6 assessment.)
- II. The proposal does not result in a permanent loss of agricultural land nor would it impact on any nearby agricultural activities;
- III. The site is bound by a steep embankment to the west and the development requires retaining structures to support part of the development along the western boundary. In the context of the existing stadium structure, the proposed retaining features would not result in any greater detrimental impact by way of visual amenity than the existing built structures on the site and will be set at a lower level so as to integrate satisfactorily into the landscape and prevent any impact on the character of the local landscape.
- IV. Following consideration of additional information in relation to noise and lighting, the proposal subject to operational conditions being adhered to (in relation to hours of operation of floodlighting) would not result in an unacceptable impact on the amenity of nearby and surrounding residents;
- V. Development is in keeping with existing land uses and public safety is not prejudiced
- VI. The proposed retaining structures will be sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment, which includes new tree planting along the western portion of the site to soften these works;
- VII. The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car, including accessible pedestrian linkages to and from the site in addition to a proposed walking / running path around the perimeter of the overall site;
- VIII. The proposal is not expected to generate any increases in traffic volumes that currently visit / use the site, with no changes proposed to the current access and parking arrangements. In terms of drainage and waste disposal, DfI Rivers Agency are content that the proposal meets PPS15 (Revised requirements) – informatives will be necessary to ensure the applicant is aware of their responsibilities in relation to drainage. The

proposal by its nature, does not comprise any changes to the existing sewerage facilities on the wider site.

- 6.7.1 **Determining weight is also given to an established approval on the site under P/2012/0618/F which included development in the countryside to extend the facility. In summary, conditional to the necessary planning conditions and informatives being adhered to, the proposal is considered acceptable to Policy OS3 in relation to the extension of development into the countryside.**

6.8 PP8 Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities

Despite the potential for noise disturbance from the proposed development as considered above under Policy OS3, the proposal is not considered to constitute a 'noise generating sports and outdoor recreational activities' for the purposes of Policy OS5, having regard to the types of "noise generating" activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

6.9 PPS8 Policy OS7 - The Floodlighting of Sports and Outdoor Recreational Facilities

Under Policy OS7, the development of floodlighting associated with sports and outdoor recreational facilities will only be permitted where all the following criteria are met:

- (i) there is no unacceptable impact on the amenities of people living nearby;
- (ii) there is no adverse impact on the visual amenity or character of the locality;
- and
- (iii) public safety is not prejudiced.

- 6.9.1 Objectors comments in relation to flood lighting have been considered further above. In considering the nature of the proposed development and its close proximity to residential properties, there is the potential for loss of amenity at these properties due to light pollution. Details of proposed flood lighting were initially submitted to Environmental Health for their consideration who sought additional information and clarification; including details of the lighting plot for the floodlights in use, overlaid on the same scale map of the surrounding residential property and clarification from the Planning Authority as to which Environmental Zone the development should be considered under in relation to lighting.

- 6.9.2 The Planning Authority confirmed the following to Environmental Health and provided a copy of the relevant settlement development limit map and site location boundary map, for the avoidance of any doubt:
- There are 6 No. 18m high lighting columns situated in the larger pitch to the north of the site. And that the vast majority of this pitch is within the existing urban settlement of Ballyholland, with exception of a single column located to the SW portion of the site;
 - The smaller multi games area located to the southern portion comprises of 4 No. 10m high lighting columns which are located outside the development limits of Ballyholland within a rural area.
- 6.9.3 In addition, a Proposed Lighting Layout (amended with the required detailing) and Photometric Report on lighting levels has been submitted (and subsequently amended following Environmental Health response dated 05.09.2022) which shows the potential light intrusion likely to be experienced at some nearby residential properties when the floodlights are operational.
- 6.9.4 Environmental Health has assessed the Environmental Zone for the application area to be an E2 zone (as described in the 'Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011') and concluded (in their response dated 23.08.2023) that there is the potential for the floodlighting to be intrusive late at night and would request that a planning condition is attached to any approval to restrict the times of use of the floodlighting in order to protect residential amenity, with the operating hours for all floodlighting to be limited to 14:00hours - 21:00hours Monday to Sunday.
- 6.9.4 Following receipt of Environmental Health's advice and response dated 23.08.2023, the Planning Department received a call on 06.02.2024 on behalf of an anonymous objector seeking clarification in relation to EH's position. Concerns were specifically expressed in relation to the Lighting Assessment Report submitted being based on a different lighting zone to that assessed by EH. As such, the caller queried if EH have considered the objectors concerns and the claim that the lighting assessment provided is based on a different lighting zone (E3/34) rather than E2.
- 6.9.5 It is noted that these concerns are similar to earlier concerns raised in relation to initial lighting details submitted (dated 21.01.2022.) These were subsequently revised following earlier advice from Environmental Health (dated 05.09.2022) who advised:

"Environmental Health have noted that the lighting report assumes an Environmental Zone E3/E4 and would highlight to Planning Service that we would require the applicant to review their lighting report and submit a further

report which assumes the Environmental Zone to be E2 as determined by Environmental Health. If Planning Service are content with the Environmental Zone being E3/E4 they should advise accordingly. Further comment will be made when the revised lighting report has been submitted."

(extracted from EH response dated 05.09.2022)

- 6.9.6 The most updated lighting details assessed by EH are those dated 14.03.2023, and it is noted that EH reviewed these prior to their response dated 23.08.2023. Given these further concerns however, EH were reconsulted for clarification on this and advise in a final consultation response dated 26.03.2024 that they deemed the proposal acceptable, subject to necessary conditions being adhered to in the interest of residential amenity.
- 6.9.7 In considering the existing flood lighting on the site and overall context of the proposed development (conditional to restrictions on the hours of use,) the proposed flood lighting would not result in an unacceptable degree of adverse impact on the visual amenity or character of the locality and is acceptable to criterion (ii of Policy OS7.)
- 6.9.8 The proposed flood lighting would arguably, improve public safety of the area, by way of surveillance when in use. Environmental Health and DfI Roads have not expressed any concerns in relation to resultant glare from excessively bright or poorly aimed floodlighting that would potentially dazzle transport users and pedestrians. The proposed floodlighting is not considered likely to prejudice public safety in this regard and is acceptable to criterion (iii of Policy OS7)
- 6.9.9 In summary, following review of the additional information provided and subject to the necessary planning condition being met, the proposal is considered acceptable to PPS8 Policy OS7.**

6.10 Environmental Impact Assessment

As the proposal does not fall within any of the thresholds listed in Schedule 1 or 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, an EIA determination is not required.

6.11 Habitats Regulation Assessment

This proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) in addition to the Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015. A Habitats Regulation Assessment (HRA) screening has been carried out (in informal consultation with Shared Environmental Services,) which shows there is no viable pathway

links to any European Site feature from the proposed development.

6.12 Natural Heritage considerations (SPPS and PPS2)

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) as amended. The proposal would not have any likely significant effect on the features of any European site. This is satisfactory to policies NH1, NH3 and NH4 of PPS2.

6.12.1 In consultation with DAERA's Natural Environment Division (NED,) it is established that the proposal is unlikely to harm a protected species in accordance with PPS 2 NH2, subject to necessary planning conditions being complied with. It is noted that this area of assessment involved *extensive* re-consultation and submission of amended and additional details to DAERA, including:

- Breeding Bird Survey completed by MCL Consulting Ltd (date stamped 22/07/2021)
- Smooth Newt Presence & Absence Survey completed by MCL Consulting Ltd (dated Nov 2021;)
- Proposed Site Plan & Landscaping BGAAJNP-00-SI-DR-A-0002;
- Surface Water Management Plan completed by MCL Consulting Ltd (dated November 2021)
- Construction Methodology Report CEM;
- Photometric Report on Lighting;
- Construction and Environmental Management Plan (prepared by CEM, and
- Correspondence received from MCL Consulting, dated 07/09/2022;)
- Revised Construction and Environmental Management Plan (prepared by CEM, submitted 09.02.2024)

with the final substantive response from DAERA's NED received on 21st March 2024.

6.12.2 Following initial assessment, NED requested a breeding bird survey (in relation to waders) and a newt survey to be carried out to enable a full assessment. Further to provision of the breeding bird survey, NED agree with the ecologist's recommended mitigation in that any necessary vegetation removal must be completed outside of the bird breeding season (1st March – 31st August inclusive), however if this is not possible, a detailed check for active birds nest may be completed prior to removal and mitigation/protection provided where necessary.

6.12.3 NED acknowledge the findings of the submitted bat roost potential survey and whilst there is no bat roost potential, advised the proposed lighting can impact on foraging / commuting bats, however, acknowledge the use of directional hoods to minimise light-spill. An amended landscape plan was requested showing the location of additional tree planting within an area of land subject to no greater than 1 lux of light spill as a means of compensation for the artificial illumination of existing mature vegetation.

- 6.12.4 In a further response dated 07.07.23, NED advised that an amended lighting plan has been submitted, including a revised Lighting Calculations document and a revised Lighting lux levels document. Some additional information regarding lighting plans for the site has also been included in an email from JNP Architects to the Planning Authority (NMD pm – Ballyholland GAA response to NIEA comments dated 23.01.23.) From the email submitted, NED note the Architect references acknowledgement by the ecologist that 1 LUX of light spill is not achievable for all the western boundary vegetation of the application site. The ecologist is noted to have found this acceptable on this occasion, considering that the proposed lighting is only to be utilised during the autumn and winter months when bat activity is reduced, with a shut off time noted as approximately 8 or 9pm for those autumn/winter months when the lighting is in use.
- 6.12.5 NED consider that conditions can be implemented to ensure that, while the requested limited light spill has not been achieved as required, the limited use of the proposed lighting, subject to imposed planning conditions, may reduce the level of impact to bats and other light sensitive species to a lesser significance (DAERA responses dated 07.07.2023 and 21.03.24)
- 6.12.6 The newt survey findings conclude a presence of newts on site. In considering the presence of newts on site, within an area likely to be impacted and altered by development both during construction and operation, NED (in consultation with NIEA's wildlife team) requested a Newt Mitigation Plan (NMP) to detail the proposed mitigation for the site in order to minimise the potential impact on newts. A surface Water Management Plan (SWMP) was also required to detail the proposed mitigation to prevent the potential impacts on neighbouring waterbodies, including the prevention of spoil or earthworks entering the waterbodies, and to ensure these areas are protected for newts.
- 6.12.7 In response dated 15.12.2021, NED advised that from the Surface Water Management Plan submitted, NED are content with the mitigation and management techniques as described in the report and conclude that subject to the implementation of such mitigation, significant impacts on aquatic habitats will be minimised, which will also minimise the potential significance of impacts on protected/priority species which will utilise such features. NED also advised they are content with the mitigation plan proposed for smooth newts and consider the proposed plan suitable to mitigate against significant impacts on newts as a result of the proposal.
- 6.12.8 Further to NED comments dated 15.12.2021, NED advised the Planning Authority that they needed to carry out further assessment of the proposal to reconsider this advice. A meeting was subsequently held on 16.11.2023 with the Local Planning Authority and DAERA's NED to discuss the remaining concerns with the proposal as this change in advice resulted in significant delays within the assessment.
- 6.12.9 At this meeting, it was noted that DAERA's remaining concerns related to the proposed CEMP and Newt Management Plans not aligning. It was agreed an on-site discussion was required to clarify requirements to be addressed as DAERA advice to date was based on desk-based responses.
- 6.12.10A subsequent on site meeting was held with the Planning Authority, DAERA's NED, JMP Architects (Agent,) MCL Consulting (Ecologist,) CEM (Civil

Engineer,) and the applicant, whereby detailed discussions clarified the concerns of NED. Following on from this meeting, further details were submitted for final consideration, including a revised CEMP (Prepared by CEM, submitted 09.02.2024.) DAERA in final comments dated 21.03.24 advise that subject to the implementation of the mitigation and management measures as described, NED are content that the significance of impacts to smooth newt as a result of the proposal will be minimised.

- 6.12.11 In relation to badgers, while no evidence of badger activity or setts was identified during initial site surveys (Preliminary Ecological Appraisal, MCL Consulting Ltd, acknowledged in NEDs response dated 26/01/2021), field evidence observed during the site visit conducted on 15th December 2023 by NED identified the presence of badger. Due to the time elapsed from the initial preliminary survey of the application site and the field evidence observed, NED have included a recommended condition regarding a pre-commencement badger survey of the application site.
- 6.12.12 The recommended conditions regarding the implementation of protected species mitigation are included at the end of this report.
- 6.12.13 In relation to the construction methods and potential impacts, NED acknowledge the submitted Revised Construction Environmental Management Plan (CEMP) as received by NED on 09.02.2024. From the site visit conducted and the revised CEMP submitted, NED acknowledge that further detail regarding the construction of the proposed retaining wall to the west of the application site has been provided. Based on the information submitted, NED consider there to be adequate mitigation measures proposed to reduce the significance of impacts from construction activities on protected species.
- 6.12.14 Subject to construction activities being undertaken as described in the revised CEMP, NED consider that, with mitigation as proposed, construction activities will have a minimal impact to natural heritage interests protected by legislation and planning policy (including The Wildlife Order and PPS2).
- 6.12.15 As noted in NEDs first consultation response, dated 26/01/2021, Invasive Plant Species Japanese Knotweed and Giant Hogweed have been identified on site. In 2019, several non-native plants (and animals) were removed from Schedule 9 of the Wildlife (NI) Order 1985 and put on the Invasive Alien Species (Enforcement and Permitting) Order (NI) 2019. Japanese knotweed *Fallopia japonica* is listed under Schedule 9 of the Wildlife Order, and Giant hogweed (*Heracleum mantegazzianum*) is listed under the Invasive Alien Species Order. Where any of the species listed on Schedule 9 of the Wildlife (NI) Order 1985 or Invasive Alien Species (Enforcement and Permitting) Order (NI) 2019 are found on site, or their presence has been highlighted in a survey, details will be passed to the NIEA Invasive Species team for advice. Standard informatives will be included in any forthcoming decision notice regarding Invasive Species.
- 6.12.16. Subject to the recommended conditions (as detailed at the end of this report,) being complied with, NED are content with the proposal which is considered to be acceptable to Policies NH2 and NH6 in this regard and the relevant requirements of the SPPS and PPS2.**
- 6.13 Access, movement and parking and road safety considerations (SPPS,**

PPS3, DCAN15 and DOE Parking Standards)

There are no changes proposed to the existing access and parking arrangements at the site. Following an initial assessment by Dfl Roads, the site boundary was amended to ensure the application site adjoins the public road network at Betty's Hill Road. Following further consideration, Dfl Roads offer no objections on the basis that Planning are content there is sufficient in-curtilage parking for the proposal and that the information supplied in the P1 form, Question 25 is deemed accurate.

6.13.1 The proposal relates to an extension and reconfiguration of the existing training facilities. The application form indicates that there will be no increase in vehicles to the site as a result of the proposal. Regardless of these figures submitted, there are 88 parking spaces at present in the southern part of the facility (at the existing playing fields) and a further 46 parking spaces in the northern part of the facility at the community centre building, equating to 134 spaces, in addition to 50 spaces in a car park along the opposite side of Betty's Hill Road, shown to be in the applicant's ownership. The existing parking provision is considered sufficient to facilitate the proposed development in accordance with PPS3 AMP7 and DOE Parking Standards.

6.13.2 In summary, following amendments and subject to conditions, the proposal is considered acceptable to PPS3, DCAN15 and DOE Parking Standards.

6.14 Impact on Archaeology and the Built Heritage (SPPS, PPS6)

There are no known archaeological sites or monuments in proximity to the application site. There are two listed buildings in the wider locale, at No's 9 and 61 Betty's Hill Road. The proposal is significantly removed from these existing listed features and does not raise any concerns under PPS6 in this regard.

6.15 Flood risk, drainage, sewerage and land contamination (SPPS, PPS15 Revised and PPS21 Policy CTY16)

The proposal seeks the use of public water supply and proposed to use ground infiltration (site soakaway) to dispose of surface water and by its nature will not generate foul sewage or raise any concerns in relation to PPS21 CTY16. NIW confirm public water supply is available to serve the proposal and that and application to NIW is required to obtain approval to connect.

6.15.1 Dfl Rivers Agency initially advised that a Drainage Assessment was required (PPS15 Policy FLD3) as the development is on a site exceeding 1 hectare and it relates to a change of use involving new buildings and or hard surfacing exceeding 1000 square metres. A DA was subsequently prepared and submitted, detailing the use of soil infiltration to drain storm water run-off from the site.

6.15.2 DAERA's Water Management Unit has the responsibility for the protection of the water environment who having considered the impacts of the proposal on

the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained.

6.15.3 DAERA's Regulation Unit (RU) in assessing this application consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. RU having reviewed the Preliminary Risk Assessment (PRA) provided, note the potential for unacceptable risks to the water environment and a Generic Quantitative Risk Assessment (QGRA) was subsequently requested in order to conduct a full assessment. Following assessment of the GQRA subsequently provided, RU advise that no unacceptable risks to the water environment have been identified and DAERA RU has no objection to this development provided the necessary planning conditions and informatives as attached are adhered to.

6.15.4 The proposal in summary is acceptable to PPS15 (Revised) and PPS21 CTY16 subject to the necessary conditions and relevant guidance (by way of planning informatives) being followed.

6.16 Development within the urban setting (PSRNI Policy DES 2)

The application site is partly located within the urban area, i.e. the settlement development limit of Ballyholland, as identified by the BNMAP 2015 (see Annex B.) Policy DES 2 requires new development proposals in towns and villages to make a positive contribution to townscape and to be sensitive to the character of the area surrounding the site in terms of design, scale and the use of materials. The proposal comprises of two new pitches and associated items in addition to a new jogging path around the existing and new pitches. The training pitch is 80 x 130m, with a 2.5m run-off around the pitch. The MUGA is 33 x 56m. The training pitch will have 6No. lighting masts, 18m high and the MUGA will have 4No. lighting masts, 10m high. Two retaining walls are proposed along the western part of the site, one 6m high and the other 2m high.

6.16.1 The proposed detailing is considered appropriate in the context of the existing development including GAA pitch, and associated club rooms, in addition to the community centre building. Materials of the materials of the ancillary features such as fencing and lighting have been carefully selected so as to minimise their impact on the landscape. In addition, the proposed ball wall associated with the MUGA is lower than the eaves of the existing spectator stand and located behind it thus minimising any visual impact on the streetscape. The visual impact of the lights and columns will be minimal as the masts are few in number for such a large area of site when viewed from outside the site, they will not appear significant. It is considered that the ancillary elements which are arguably the more prominent features of the proposal, such as lighting, fencing and pathways would be in keeping with the

existing features of the same, which are all readily available in the context surrounding the site.

6.16.2 On this basis, the proposal is considered acceptable to the requirements of DES 2 and appropriate in uses and sensitive to the context by way of siting, scale, layout, design and materials and would not conflict with or detract from the character, amenity or design of the surrounding area.

7.0 Recommendation: Approval (subject to conditions)

7.1 Consideration and Assessment Summary:

- Having regard to the Development Plan and all other material considerations (including the SPPS, DES2 of PSRNI, PPS2, PPS3, PPS6, PPS8, PPS15, PPS21, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable development proposal which complies with planning policy, for the reasons set out above.
- Third party representations have been considered and addressed through the receipt of additional and amended detailing.
- The application is therefore recommended for approval subject to the necessary planning conditions outlined below being adhered to.
- Additional guidance will also be attached to the decision notice for the applicant's awareness in the form of informatives.

8.0 PLANNING CONDITIONS:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans and detailing:
 - BGAA-JNP-00-XX-DR-A-0003 Rev A - Location Plan (dated 6th October 2020)
 - T-06.17-06 Rev P1 - Contours (dated 18th August 2020)
 - T-06.17-03 Rev P2 - Details / Sections (dated 18th August 2020)
 - BGAA-JNP-00-XX-DR-A-0001 (Version P01) - Existing and Proposed Sections (dated 10th September 2020)
 - BGAA-JNP-00-XX-DR-A-0002 (Version P01) - Proposed Ball Wall Details (dated 10th September 2020)

- BGAA-JNP-00-SI-DR-A-0002 (version P04) - Proposed Site Plan and Landscaping (dated 4th September 2020)
- BGAA-JNP-00-SI-DR-A-0010 (Version P01) – Proposed Site Plan Google Map Overlay
- DWG01 - Proposed Lighting Layout (dated 21st January 2022)
- Invasive Species Management Plan (MCL Consulting, dated Sept 2020)
- Noise Impact Assessment (FR Mark Associates, REV1, dated March 2021)
- Smooth Newt Mitigation Plan (MCL Consulting, dated Nov 2021)
- Flood Light Calculations as amended (Prepared by Signify, dated 14.03.2023)
- Revised Construction and Environmental Management Plan (CEM, as submitted 09.02.2024)

Reason: To define the planning permission and for the avoidance of doubt.

3. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Local Planning Authority and subsequently implemented in accordance with the approved details and timeframe.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. After completing all remediation works required under Condition 3 and prior the development being operational, a verification report shall be submitted to and approved in writing by the Local Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: For the protection of environmental receptors to ensure the site is suitable for use.

5. Within 3 months prior to works commencing on site, a badger survey of the application site shall be conducted. The details of which, shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction DAERA's Natural Environment Division. Should any setts be discovered during surveying, advice shall be sought from the NIEA Wildlife Team, and subsequent surveying or licencing be obtained as required.

Reason: To protect badgers and their setts.

6. The mitigation and management measures as proposed in the Smooth Newt Mitigation Plan (MCL Consulting Ltd, dated Nov 2021) shall be implemented and completed under appropriate licensing obtained from the NIEA Wildlife Team. The details of which shall be submitted to and agreed in writing by the Local Planning Authority and shall be subsequently implemented in accordance with the approved details and timeframe.

Reason: To protect smooth newts.

7. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to and agreed in writing by the Planning Authority to the satisfaction of NIEA within 6 weeks of works commencing.

Reason: To protect breeding birds.

8. The operating hours for any floodlighting shall be restricted to 14:00hrs-21:00hrs Monday to Sunday.

Reason: To reduce the level of significance of impacts on light sensitive species utilising the application site and in the interest of residential amenity.

9. Prior to the commencement of the development hereby approved, a Schedule 6 Consent to Discharge shall be submitted to and agreed in writing by the Newry, Mourne and Down District Council's Planning Authority in consultation with DfI Rivers Agency.

Reason: As required by the terms of Schedule 6 of the Drainage (NI) Order 1973 and to ensure surface water can be safely discharged from the proposed development.

10. The proposed landscape measures as detailed on the drawing No BGAA-JNP-00-SI-DR-A-0002 (dated 04/09/2020 - Proposed Site Plan and Landscaping) shall be implemented during the first available planting season prior to the operational use of the development hereby approved and shall be maintained thereafter.

Reason: In the interests of visual and residential amenity and natural heritage.

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local

Planning Authority gives its written consent to any variation.

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

12. The retaining walls hereby approved shall be designed in accordance with the relevant British Standards and Codes of Practice and the retaining wall design shall accommodate any lateral loading from the retained slope. Any such designs and assessments should be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed meet relevant British Standards and Codes of Practice

Annex C – Case Officer Photographs (22/10/2021 and 16/12/2021)



View from the application site looking west



View from the application site towards existing terrace structure



View from the western area of the application site looking south



View from the application site looking south-west towards existing bog area and open countryside



View from Driveway of No. 21 Ballyholland Road



From the driveway of No. 21 Ballyholland Road looking north-east towards No. 23 Ballyholland Road



View from Ballyholland Road looking east towards the application site



View from Ballyholland Road looking east towards the application site



View from Ballyholland Road looking east towards the application site



View from Innisfree Park towards existing pedestrian access gate



View from the southern area of the application site looking north towards terrace seating



View from the south / western area of the application site looking north



View from western area of application site looking south



Existing training field and playpark / community centre (northern section of the site)




Existing training field in the northern section of the site, looking towards Innisfree Park, further north





View from the site of existing pedestrian gate connecting to Innis Free Park

Council Meeting date 10/04/24	Planning Application Number : LA07/2020/1567/F	Speaking Rights requested by: John Collins Agent Sean Connolly
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- The Luminaire Maintenance Factors have been based on 6-year cleaning intervals within an E3/E4 Environmental Zone and it is assumed that lamp/luminaire failures will be replaced on a 'spot replacement'.
- Energy consumptions have been based on the luminaire/s having Constant Light Output (CLO) enabled and the quoted wattage/s are the average over 100,000 hours (without dimming).



REV	CDR NO	Comments	CDR	LPS	RAM	Project Number	Project Name
0	0-340200	INITIAL PROPOSAL	08.02.20	CBJ	DM	0400424967	Ballyholland GAA
1	0-411928	CAD DRAWING	21.01.22	CBJ	DM		
2	0-400363	REDUCE OVERSPILL	14.03.23	CBJ	DM	Scale & Sheet Size	Drawing Name
						NTS @ A3	LIAS DESIGN NOTES & LUMINAIRE SCHEDULE
						Sheet No	
						DWG 00	



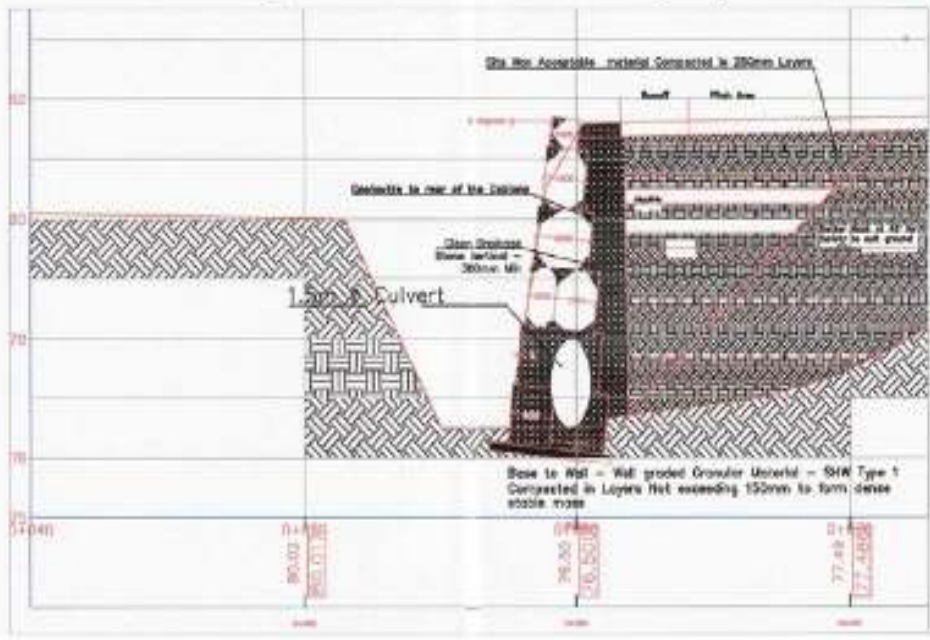
Comments:
 Environmental Health have been re-consulted on the above noted application and have reviewed the information provided by the Planning Office.
 Environmental Health after considering this information are content with the comments previously provided in connection with this application.
 A drawing DWG01 and a photometric report have been provided for this consultation. This report shows the potential light intrusion likely to be experienced at some nearby residential properties when the floodlighting is in use. Environmental Health have assessed the Environmental Zone for the application area to be an E2 Zone as described in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. If the Planning Office do not agree with this assessment Environmental Health should be re consulted. Environmental Health would conclude that there is the potential for the floodlighting to be intrusive late at night and would therefore request that the following condition be attached to any permission granted in order to protect the amenity of nearby residential property.
 1.The operating hours for any floodlighting shall be restricted to 14:00hrs-21:00hrs Monday to Sunday.

This response has been provided on behalf of Environmental Health, Newry, Mourne and Down District Council.

Date 26/03/2024



A-A Gabions Retaining Wall - Circa 5.5m - 6m retaining height



New Training Pitch for Ballyholland Harps GAA
Planning Reference: LA07/2020/1567/F

Speaking Right submission notes – Dermot O’Hagan, JNP Architects

The proposed development will provide much needed training facilities for Ballyholland GAA which is a community-based sporting and cultural organisation enjoying support amongst the local community.

A Public Consultation Event was held during the early design stages and before a Planning Application was made to help inform the design and take account of any issues raised.

The main new facility will be a training pitch designed to replicate a realistic competitive environment in terms of pitch dimensions and to allow use during the winter months will have lighting with lux levels suitable and appropriate for training.

In addition to the new training pitch, the Club also plans to develop other facilities to suit all ages and different playing codes which includes a Multi-Use Games Area and a Ball Wall.

Furthermore, in recognising the Club’s contribution to the local community, the design for the new facilities incorporates a new walking and jogging trail within the Clubs grounds and around all its facilities providing a safe environment for local people to exercise.

The location of the new training pitch is partially on grounds leased from Newry, Mourne and Down District Council and partially within lands already owned by the Club. The Council grounds have already been developed for recreational use as an all-weather playing facility with access from the adjacent Innis Free Park.

The design for the new training pitch takes account of a full range of site factors specific to its location including:

- Adjacent existing residential properties:
 - i. Lighting designed not to interfere with houses and gardens close by
 - ii. Ball stops provided to avoid balls landing in nearby gardens
 - iii. Ball stops designed to be low noise
 - iv. Level of pitch is not higher than adjacent houses and gardens to avoid overlooking or loss of privacy

- Adjacent Existing Sporting Facilities
 - i. The layout of the new facility fully integrates with existing surrounding facilities including the Community Centre and playground as well as the Clubs existing main pitch

- Integration:
 - i. The layout of the new facility is such to allow full integration with the local community through provision of a pedestrian entrance from Innis Free Park as well as the existing main entrance at Bettys Hill Road
- Landscape
 - i. The proposed new development will significantly improve the overall visual appearance of this area of the Clubs grounds with the new pitch and new tree planting along the boundary
- Environment
 - i. A full range of detailed surveys and studies have been carried out to assess the environmental impact of the proposed new development including consideration of all flora and fauna issues (especially breeding birds, bats and newts) as well as impact on nearby stream.
 - ii. The results of these details studies and reports have been to the satisfaction of all the Statutory Bodies and a range of mitigation measures agreed.

New Training Pitch for Ballyholland Harps GAA
Planning Reference: LA07/2020/1567/F

Speaking Right submission notes – Ballyholland GAA Jim McMahon

Ballyholland Harps GAC is a Gaelic Athletic Association Club which has been in existence for almost 70 years. Since its foundation in 1954 Ballyholland Harps has been a significant and consistent provider of community-driven sport, leisure, culture and wellbeing for citizens in "southeast" Newry, which covers a wide geographical area including Ballyholland itself as well as Grinan, Derryleckagh and areas within Newry City.

Ballyholland Harps has a proud tradition of being a forward-thinking and self-funding club, one which has seen us extend beyond our core function of Gaelic Football to include Scor (since the 1960s), camogie (since 1973), Ladies Football (2022) and community-focused activities.

Through our social club premises (est 1979), we have acted as a constant benefactor for our local community, providing a much-appreciated, no-fee location for weddings, funerals, christenings and parties, as well as local elections and charity fundraisers. The club is a focal point for a wide range of social and sporting activities catering for all ages within the community.

With regard to sporting activities, Ballyholland Harps currently competes across three codes including Gaelic Football (GAA), Camogie and Ladies Gaelic Football (LGFA).

The club currently has just over 400 active playing members and up to 250 active non-playing members with many more local families connected to or benefitting from the Harps various facilities.

In Gaelic football we field three adult teams and 9 underage teams u6-u18, with some age grades such as u12's/u14's fielding two teams.

In Camogie we field a single adult senior team and six underage teams u7 & u17.

Our Ladies football is in its inaugural year and will field two underage teams with growing membership in the coming years.

Our membership has doubled in size in the past 15 years. We anticipate this growth to continue due to providing three Gaelic games codes, continued competitive success and surrounding community growth. Overall, the Club now has over 20 Teams, all of which need quality external facilities for playing competitive matches as well as carrying out realistic training exercises throughout the year.

Currently the Club has only one Playing Pitch for use in competitive matches and training. This situation has for sometime created severe difficulties for the Club in meeting the needs of its playing members and maintaining its significant role as a provider of community-based sport and recreation.

Our only pitch must close 6 months/year to recover from current intensive use which is unsustainable and leaves the Club without adequate external training facilities during out of season periods and puts unsustainable pressure on the quality of the main pitch during the playing season.

The Club has recognised for some time that development and provision of additional external training facilities is essential to the continuing success of the Club and to sustain its growing membership within the local community. The priority of the Club, therefore, is to develop a Training Pitch and other associated training facilities that provide a realistic training environment and that can be used all year round and which can serve all playing codes at all ages in a secure and safe manner. The training pitch also needs to facilitate multiple training activities taking place simultaneously throughout the year.

To achieve this objective, the new training pitch must be of a size that is as close as possible to a full-size competitive pitch and have lighting to allow usage during winter months in the evenings and be designed to ensure proper drainage

In 2022, our sole goal is to give our teams the playing facilities that our community needs and deserves. Our proposed new development has two overarching objectives:

1. To ease the extraordinary burden on our primary playing field by giving our players, coaches and mentors an additional facility, open to them 365 days a year.
2. To provide all-age sporting facilities that will enable our community to become better, healthier and closer neighbours.

Our current intake of underage members is unprecedented with up to 60 children taking part in some grades. The modern era of our games requires a year-round calendar. The training facility must be able to cater for this. This requires a facility close as possible to a full-size pitch to make training as realistic as possible and allow for multiple training activities taking place simultaneously throughout the year.

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/0275/F	Target Date:
Proposal: Demolition of existing buildings and erection of 4 dwellings and detached garages, upgraded access, landscaping and ancillary works	Location: Land at 10 Downpatrick Road Killyleagh
Applicant Name and Address: Mr Owen Miskelly 36 Crabtree Road Ballynahinch BT30 9RG	Agent Name and Address: John Scally The Courtyard 380c Belmont Road Belfast BT4 2NF
Date of last Neighbour Notification:	02 February 2024
Date of Press Advertisement:	21 February 2022
ES Requested: No	
Consultations: see report	
Representations: yes – see report	
Letters of Support	0.00
Letters of Objection	1
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at Land at 10 Downpatrick Road, Killyleagh.



Date of Site Visit:

Characteristics of the Site and Area

The site is located off Downpatrick Road and currently occupies an existing two storey split level dwelling and a number of associated outbuildings. At the time of the site visit there were a number of trees being removed within and around the perimeter of the site. The site sits elevated to the Downpatrick road. No 12 is located to the south east of the site and is a residential dwelling. To the south west of the site is Killyleagh Health centre. To the north of the site is a residential care home. To the west of the site is Kerry Park a residential development, predominantly two storey terraced dwellings laid out in groupings of five dwellings. There is mature planting along the frontage of the site (outside the red line) currently owned by DFI Roads. This offers screening to the site.

Description of Proposal

Demolition of existing buildings and erection of 4 dwellings and detached garages, upgraded access, landscaping and ancillary works

Planning Assessment of Policy and Other Material Considerations

The site is located within the settlement of Killyleagh (within the AONB) as designated within the Ards and Down Area Plan 2015. The site lies adjacent to but outside LLPA 7 of the ADAP 2015. The site lies in close proximity but outside the Conservation Area.

The site is also located within an Area of Outstanding Natural Beauty (Strangford and Lecale).

The following planning policy statements are relevant to the proposal;

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 3 Access, Movement and Parking
- PPS 6 Planning Archaeology and the Built Environment
- PPS 7 Quality Residential Development
- PPS 7 Addendum Safeguarding the Character of Established Residential Areas
- PPS 12 Housing in Settlements

Published guidance documents will also be considered such as:

Creating Places

DCAN 8 'Housing in Existing Urban Areas'

DCAN 15 Vehicular Access Standards

DoE Parking Standards.

PLANNING HISTORY

Planning

Application Number: R/1997/0288

Decision: Permission Granted

Proposal: Extension to dwelling – 10 Downpatrick Road

Surrounding area

Application Number: R/1991/0890

Decision: Permission Granted

Proposal: Garage - 12 Downpatrick Road

Application Number: R/1992/4061

Decision: Permitted Development

Proposal: Extension to dwelling for Mr Maurice McKeague - 12 Downpatrick Road

Application Number: R/2002/0035/O

Decision: Permission Granted

Decision Date: 16 October 2002

Proposal: Residential development - Land to South East of existing development at Inishmore, Killyleagh.

Enforcement – surrounding area

Application Number: LA07/2021/0158/CA

Decision: Closed – no breach

Decision Date: 12/05/2021

Proposal: Alleged unauthorised surveying of site – former Nursing Home

Consultations:

NI Water – Refusal – WWIA has been submitted but no solution has been found – see report.

DAERA -Marine and Fisheries Division - Monitoring and Assessment Team – No objections and refers to standing advice:

Inland Fisheries – No objection – the application is unlikely to have any significant impact to fisheries interests in the vicinity of the proposal.

NIEA NED – refers to advice

DFI Roads – No objection subject to conditions

Historic Environment Division (HED) – Historic Monuments and Buildings – No objection

SES

Objections & Representations

In line with statutory requirements neighbours have been notified on 04.03.2022 and again on 02.02.2024 and 14.02.2024. The application was advertised in the Down Recorder on 30.08.2023. One letter of objection has been received to date.

The objection is from the adjacent property at No 12:

- The existing building is a single storey building, therefore the new builds should be single storey.
- Trees of over 40 years old have been cut down or pull out by a mechanical digger and left in a mess.
- There are no details of how the boundary will be finished between the adjacent property.

In response to the letter of objection by the neighbour, the trees had already been removed at the time of the site visit. There was no Tree Protection Order (TPO) on the trees to protect them.

Neighbour notification has taken place to allow the neighbour to view the layout with details of all boundary treatments.

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is currently within the remit of the Ards and Down Area Plan 2015 as the council has not yet adopted a local development plan. The application is located within the settlement of Killyleagh, within and with the Strangford and Lecale AONB within the ADAP 2015.

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

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

In relation to housing in settlements, the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

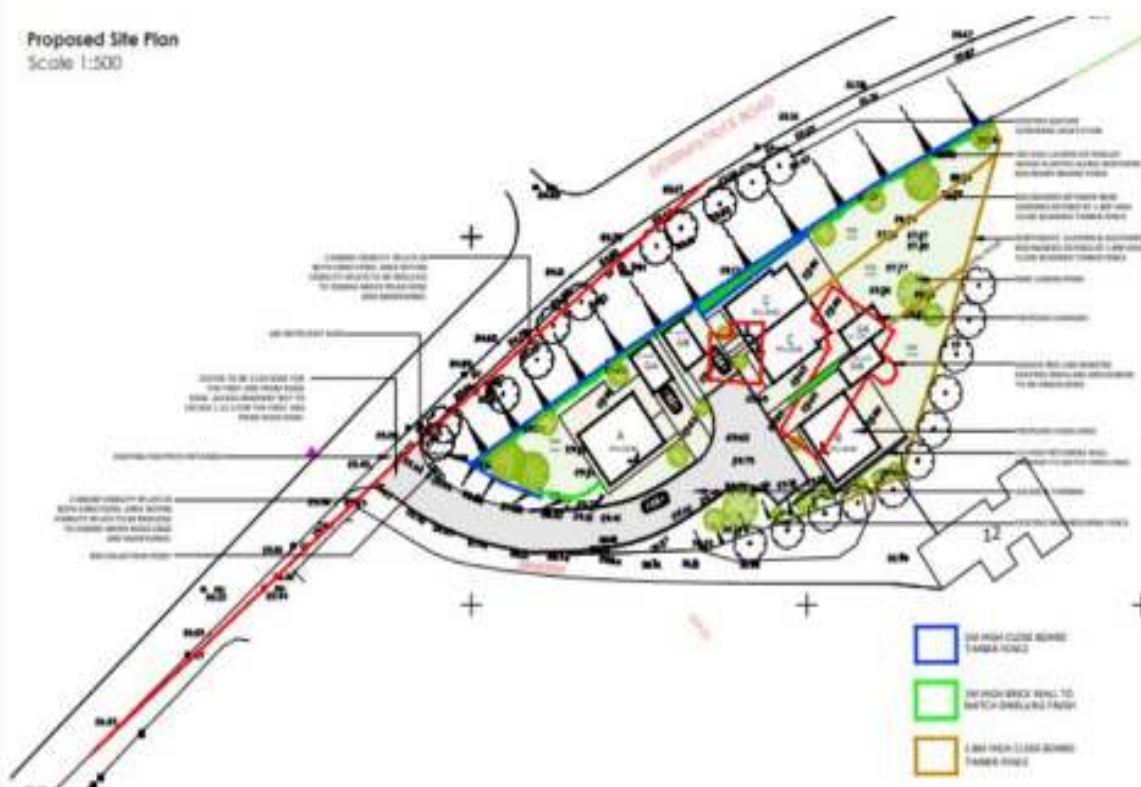
PPS 7 -Planning Policy Statement 7 Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Notwithstanding the strategic objective of

promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The proposal comprises the development of 4 dwellings where there was formerly one. House type A fronts onto the access road, while house types B and C are sited towards the rear of the site fronting onto the turning head. Type C is a pair of semi-detached dwellings while types A & B are detached. All four properties have separate detached single garages within their curtilages.



The agent had been informed from the outset regarding concerns about the layout and impact on the character of the area, given that it is an increase in numbers from one to four and given that it is on an elevated site with views of the proposal from Kerry Park. The planning authority were concerned that it would be prominent with close boarded fencing visible and gable ended to the roadside. The planning authority were also concerned that the development relies on landscaping along the frontage that is not under their ownership and if this is removed the development will appear dominant in the streetscape.

While the overall layout had not changed significantly nor numbers dropped since its submission, the site sections now show that there will be a lowering into the site further by another 1m which would require a 1m high retaining wall which sits in front of the 1.8m high close boarded fence long the south-eastern boundary of the site. Finished floor levels of the proposed properties sit a total of 1.2m lower than the existing dwelling on the site. The ridge heights of the proposed dwellings sit lower than that of the adjacent property at No 12. The 1.8m fence along the boundary with the road has now been replaced with a 1m fence with 2m hedging (laurel) proposed to the inner side. Given that the Downpatrick Road rises gradually travelling north-east to south-west, the road is characterised by a residential properties of varying height, including both single storey and 2 storey properties and while the planting to the front of the site is not under the applicants ownership, an assessment has to be made regarding the current situation on the ground. The site is predominantly screened particularly when coming from Downpatrick direction. On this basis while improvements could have been made to the scheme, planning is content that the scheme is meeting the requirements of QD(a) and could not warrant refusal of the application.

On balance the development is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposal satisfies criteria QD1(a).

The overall acceptability of the proposal, however, is also dependent on the site characteristics and proposed layout plan with particular regard to the proposed amenity space and in-curtilage parking provision, which will be considered below.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

In terms of archaeology and built heritage, Historic Environment Division (HED), Historic Buildings, were consulted. The listed building (HB18/03/035- Second Killyleagh Presbyterian Church, Catherine St. Killyleagh, Downpatrick, Grade B) is considered sufficiently removed in situation and scale of development from the listed building as to have negligible impact. This has been considered under relevant policies, Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

As mentioned previously, while ariel photography shows that the site had trees and vegetation throughout the site and around the perimeter of the site, many these had been removed at the time of the site visit. In terms of landscaping for the overall scheme, new landscaping is also proposed throughout the site as indicated on the site layout plan. The proposal satisfies Policy QD1 (b).

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

Criterion (c) of PPS 7 seeks to ensure that adequate provision is made for private open space. When read with paragraph 4.31 of the amplification to the policy, it is clear that the provision of private open space is regarded as particularly important for new family dwellings, described in general terms as those of three or more bedrooms. Paragraph 5.19 of Creating Places (CP) supplements policy on this issue and refers specifically to 'back garden provision'. It indicates that this should be calculated as an average space standard for the development as a whole and should be around 70 sqm per house or greater. It goes on to say that garden sizes larger than the average will generally suit dwellings designed for use by families, with smaller areas more appropriate for houses with one or two bedrooms. In assessing the level of private amenity provision appropriate on a particular site, the standards in CP are guidelines to be weighed with other relevant factors such as the particular context of the development. It is deemed that there is above average provision of private amenity space for each of the dwellings. The proposal satisfies Policy QD1 (c).

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The proposed development is not of a scale that neighbourhood facilities are required.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site is located within the settlement limits of Killyleagh, there are no issues with regard to walking and cycling and provision of public transport is already in place.

The proposal does not offend QD1 (e).

(f) adequate and appropriate provision is made for parking;

For semi-detached 4 bedroom dwellings, parking standard indicated 2.75 spaces per dwelling, for detached 4 bedroom properties 3.75 spaces. The proposal can provide for at least 2 incurtilage car parking spaces for each proposed dwelling along with a detached dwelling. The proposal complies with QD1 (f) and Parking Standards.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The design of the pair of semi-detached dwellings will have a ridge height of 8.4m, an individual frontage of 7.4m and a gable depth of 9.7m. The detached dwellings will have a ridge height of 8.43m and a gable depth of 7.89m

All dwellings will be finished with traditional red brick walls, blue/black natural slate/slimline concrete roof tiles, white sash style windows and timber/upvc fascia & soffits. Four detached garages are proposed for each of the dwellings. The design of the front elevation of the dwellings is similar to other approved schemes within Killyleagh and the dwelling in the site was split level offering two levels of accommodation, indeed opposite the site are all two storey dwellings. It is deemed that the site can accommodate two storey dwellings.



(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

The overall development has been assessed against Creating Places guidance. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties.

House type B dwelling to the eastern portion of the site, is positioned 15m from the front elevation with No 12, however, it has a side elevation orientated towards No 12, with no upper floor windows and no rear returns. Given also the difference in levels, house type B and No 12 will be at the same height there should be no issue of overlooking or loss of privacy due to this gable relationship. It is therefore considered that there will be no detrimental impact on the amenity of this neighbouring property than the existing

dwelling. The other 3 remaining dwellings are sufficiently positioned so as not to have any detrimental impact on No 12.

In terms of the internal layout of the scheme there should be no issue of overlooking or loss of privacy due to the layout and appropriate elevations. The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposal would comply with QD 1(h).

(i) the development is designed to deter crime and promote personal safety.

The layout has been designed in a manner which would not lead to an unsafe environment for residents.

The proposed development complies with the requirements of PPS 7 (QD1).

APPS 7

Consideration must also be given to the Policy LC1 of Addendum to PPS 7 which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out below are met:

(A) the proposed density is not significantly higher than that found in the established residential area;

(B) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(C) all dwellings units and apartments are built to a size not less than those set out in Annex A.

In consideration of the above site for four dwellings, it is considered that the proposed density is not significantly higher than that found in the established residential area and the pattern of development would be in keeping with the overall character and environmental quality of the ERA. The proposal would comply with this. The dwelling units would comply with Annex A of APPS 7.

Planning Policy Statement 2 - Natural Heritage

The proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). Formal consultation has taken place with SES. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval.

Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. If NIW advise it is not possible to connect the proposed development then alternative arrangements will be required and NIEA discharge consent issued under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the development. This would be subject to a consent to discharge granted under the Water (NIW) Order 1999. This is discussed further below and subject to negative condition on any approval.

On this basis the proposal is unlikely to have significant effects on any designated sites and is compliant with PPS 2.

PPS 3 – Access, Movement and Parking – Policies AMP 2 and AMP 7

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

There is no change to the access position and the layout and parking are deemed to be acceptable. It is considered that there is sufficient room for parking and for a minimum of two in curtilage car parking spaces on the site along with the garages.

PPS 6 – Planning Archaeology and the Built Environment

As discussed above the proposal complies with Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and PPS 6 archaeological policy requirements.

Other Matters - NI Water

NI Water have confirmed that while there is available capacity at the Waste Water Treatment works, however, an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. NI Water have therefore requested a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. The agent has submitted a WWIA, however, a solution has yet to be found.

On this basis it is important to put negative conditions on any decision notice, that no development commences until the NIW have agreed to a connection.

The application is subject to Planning Committee agreement on imposition of negative planning conditions to address NIW concerns.

Conclusion

Taking into account all material considerations including the objection from the neighbour, the application has been assessed against the relevant planning policies and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable in planning terms subject to conditions:

Recommendation:

Approval

The Drawings upon which this approval is based are as follows:

Site Location Plan, site layout and sections - PD001 REV 05

House type A Floor Plans & Elevations - PD002

House type B Floor Plans & Elevations and garages - PD003

House type C Floor Plans & Elevations - PD004

Site sections - PD005 REV 01

Conditions:

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

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: PD001 REV 05, PD002, PD003, PD004, PD005 REV 01.

Reason: To define the planning permission and for the avoidance of doubt.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No **234-010**, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The access gradient to the dwellings hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved plan **PD001 REV 5**. The works shall be carried out prior to the occupation of any part of the development.

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

6. The existing natural screenings of this site, as indicated on the landscaping plan PD001 REV 5, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.

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

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

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

8. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

9. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development,

including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

10. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 9, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

Informatives

1. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.
2. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of DFI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.
3. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
4. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.
5. Please see DAERA advice
<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effectwater-environment-including-groundwater-and-fisheries>
6. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

7.	This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development,	
Neighbour Notification Checked		Yes
Summary of Recommendation - Approval		
Case Officer Signature:	C Moane	Date: 26 March 2024
Appointed Officer Signature:	A.McAlarney	Date: 27 March 2024

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2543/O	Target Date:
Proposal: Proposed 2no infill dwellings and garages	Location: Immediately SW of 99 Bryansford Road, Kilcoo, Newry, BT34 5LN
Applicant Name and Address: Ryan Murray 18 Slievenagarragh Hilltown BT345BF	Agent Name and Address: Declan Rooney 32a Bryansford Avenue Newcastle bt330lg
Date of last Neighbour Notification:	19 June 2023
Date of Press Advertisement:	14 June 2023
ES Requested: No	
Consultations: DfI Roads Northern Ireland Water (NIW)	
Representations: No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: Principle of two infill dwellings	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located along the minor Bryansford Road Kilcoo and is comprised of a roadside field approximately 0.3ha in size. The site slopes steadily upwards away from the road in a south-easterly direction. It is defined at the roadside by a grass verge and cut hedgerow with a number of trees. The remaining boundaries are defined and post and rail/ wire fence with low hedging.



The site is located within rural area and Area of Outstanding Natural Beauty (AONB) as designated in the Ards and Down Area Plan 2015. The character of the area is typically rural and predominantly used for agriculture, there are however a number of single dwellings and farm groups dispersed throughout the area.

Description of Proposal

Proposed 2no infill dwellings and garages

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS2, 3, and 21 (CTY 8, 13 and 14), in addition, to the history and any other material consideration.

PLANNING HISTORY

There is no previous history on the site.

SUPPORTING DOCUMENTS

The application has been supported with the following

- P1 Application Form
- Design and Access Statement
- Site Location Plan
- Concept layout plan

CONSULTATIONS

Consultations were carried out with DfI Roads and Northern Ireland Water (NIW) no objections have been received.

REPRESENTATIONS

No representations have been received from neighbours or third parties of the site.

EVALUATION

Section 45(1) of the Act requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan (LDP) for the area where the appeal site is located. In ADAP, the site is located in the countryside and outside of any settlement limit or special countryside area defined in the plan. There are no other provisions in the ADAP that are material to the determination of the application.

The Strategic Planning Policy Statement 'Planning for Sustainable Development for Northern Ireland' (SPPS) sets out the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the Newry, Mourne and Down District Council area, both the SPPS and the retained Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and Planning Policy Statement 2 'Natural Heritage' (PPS 2) apply. In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for determining this application.

Policy CTY 1 and 8

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are stated. One of these is a small gap site in accordance with Policy CTY 8 of PPS 21.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

To establish whether the site represents an infill opportunity, it is first necessary to determine whether it is within an otherwise substantial and continuously built-up frontage. Policy CTY8 advises a substantial and built-up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane. In this case No 97 Bryansford Road and the adjacent out-building to the south-west, which the proposal is relying on, do not share a frontage with Bryansford Road, given that they are separated from the road by agricultural land. The curtilage of No.97 does not adjoin the Bryansford Road.

The site is not therefore an exception to policy in that it is not located within an otherwise substantial and continuously built-up frontage.

Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. No evidence has been provided of any overriding reasons to demonstrate why the development is essential and could not be located in a nearby settlement.

As the proposed development would fail to meet the requirements of Policy CTY 8 of PPS 21 and it has not been demonstrated that it is essential in this location, the proposal is not acceptable in principle in the countryside and fails to meet the requirements of Policy CTY 1 of PPS 21.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

- (A) It is unduly prominent in the landscape; or
- (B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (C) It does not respect the traditional pattern of settlement exhibited in that area; or
- (D) It creates or adds to a ribbon of development

<p>As it has been deemed above that the proposal would not meet the infill policy of CTY 8, it follows that the proposal if approved would create a ribbon of development along this section of Bryansford Road when read with Nos 97 and 99 Bryansford. For this reason, the Council consider the proposal to be contrary to CTY 14 of PPS 21.</p>	
<p>Drawings</p> <p>The Drawings considered as part of this assessment are as follows A01 REV A and C01 REV A</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p><i>REFUSAL</i></p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is not located within a substantial and continuously built up frontage. 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved, it would create a ribbon of development. 	
<p>Case Officer Signature: C Cooney</p>	<p>Date: 6 February 2024</p>
<p>Appointed Officer: A.McAlarney</p>	<p>Date: 12 February 2024</p>

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Reference	LA07/2022/2543/O
Location	SW of 99 Bryansford Road, Kilcoo
Proposal	2no infill dwellings and garages.

Response to Refusal Reasons

This is an application for an infill development consisting of 2no dwellings and garages in accordance with Policy CTY8.

The application has been recommended for refusal by the planning department as they consider the gap site is not located within a substantial and continuously built up frontage, therefore contrary to Policy CTY 1, 8 and 14. This is a result of the Department not accepting that nos. 97 and the outbuilding to the south west as having frontage to the road, as they consider agricultural land to separate the buildings from the road.

It is our assertion that the gap site is within a substantial and continuously up frontage, which comprises of no.101 Bryansford Road, 99 Bryansford Road following by the gap site and no.97 Bryansford Road and outbuilding to the southwest.

The images shows the proposed site layout and how the gap site can accommodate the two dwellings. As we can see the buildings either side of the gap site all have a frontage to the road.

The first question that the refusal reasons have raised is whether or not agricultural land prevents a building having a road frontage.

The Planning Department consider that no.97 and the outbuilding building to the south-west do not present a frontage onto the laneway as agricultural land separates it.

In terms of dealing with the departments view that the agricultural land prevents buildings from having a frontage to the road, it is a widely accepted principle by both the PAC and the Planning Authority, that where agricultural land exists between the building and the road, **this does not preclude it from being counted as a building within the frontage** (see for example recent decisions made by both the Council and PAC LA07/2020/0988/O; 2016/A0082; 2018/A0183).

It is common for agricultural out buildings sited within agricultural field to form part of a road frontage, however with the Department adopting this alternative view it essentially says that all buildings situated within a field do not count towards the frontage as there would be a field between it and the road.

The outbuilding to the south-west has a direct frontage onto the road, therefore forms part of the substantial and continuously built-up frontage.

The second question which the case officers report raises is whether or not the plot of no.97 extends to the road.

The Department's assertion that the curtilage of no.97 does not join the road has been rebutted by the owner of this property- Mr. Francis Morgan

The area to the front of no.97 (shaded red) has been described as agricultural land by the Department, however Mr. Morgan has confirmed that this is the front garden area of no.97, and he recollects time spent playing in this garden as a child. Mr. Morgan has provided a signed statement which confirms this.

This statement reads:

"I, Francis Morgan, own the property at no. 97 Bryansford Road, Kilcoo, BT 34 5LN (hereby known as no.97). I inherited this property of my uncle, Hugh Morgan, in April 1984. The plot of no.97 has always extended to the roadside, the area shaded red on the attached image (Figure 1) was always known and used as the front garden of no.97. The front garden was accessed via a domestic gate from the house. There was no other means of access to it. I remember visiting the property as a child and I would play in the front garden with my family. The garden was not used as an agricultural field"

This was provided to the Case Officer before the scheme of delegation list had been published however the case officer recommends addressing this matter via the call in process.

The Department have assumed this to be agricultural land without any clarification requested from the applicant. Given the length of time the application has been in the system (over 9 months), it would have been reasonable to offer the applicant this chance to address this. We are now requesting that the committee offer this material consideration appropriate weight in the determination of this application.

It is our assertion that the plot of no.97 includes the front garden area, which extends to the roadside and therefore shares a boundary with the road, forming part of the substantial and continuously built up frontage.

To conclude, the Department's assertions that agricultural land precludes a building from fronting onto the road is at odds with recent PAC decisions as well as Council decisions. The outbuilding has a direct frontage to the road therefore is considered to count towards a building within a continuously built up frontage.

The area to the front of no.97 which the council alleges to be Agricultural land has been proven to be the garden area of no.97 by the owner of this property.

The proposed gap site therefore consists of 101 Bryansford Road, 99 Bryansford Road, The gap site, 97 Bryansford Road, and The outbuilding to the south west.

This represents a suitable gap site, capable of accommodating up to two dwellings.

The application therefore conforms to Policy CTY8 of PPS21, it therefore falls that CTY 1 and 14 are also addressed.

Francis Morgan

57 Bryansford Road
Cabra
Newry
Co. Down
BT345RD

I, Francis Morgan, own the property at no. 97 Bryansford Road, Kilcoo, BT 34 5LN hereby known as no.97). I inherited this property of my uncle, Hugh Morgan, in April 1984. The plot of no.97 has always extended to the roadside, the area shaded red on the attached image (Figure 1) was always known and used as the front garden of no.97. The front garden was accessed via a domestic gate from the house. There was no other means of access to it. I remember visiting the property as a child and I would play in the front garden with my family. The garden was not used as an agricultural field.

Kind regards,

Francis Morgan





Figure 1.

Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2022/1953/O	Target Date:
Proposal: 2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works	Location: LANDS AT 24 TECONNAUGHT ROAD DOWNPATRICK DOWN BT30 8QB
Applicant Name and Address: Mr & Mrs Hughes 24 TECONNAUGHT ROAD DOWNPATRICK DOWN BT30 8QB	Agent Name and Address: Matrix Planning Consultancy SABA PARK 14 BALLOO AVENUE BANGOR DOWN BT19 7QT
Date of last Neighbour Notification:	22 February 2023
Date of Press Advertisement:	8 February 2023
ES Requested: No	
Consultations: DfI Rivers – No objections DfI Roads – No objections Northern Ireland Water – Statutory Response Informatives	
Representations: Mr Paul Kelly 19 TECONNAUGHT ROAD	
Letters of Support	0.00
Letters of Objection	1
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues: The main issues in this assessment are whether or not the proposed development would: <ul style="list-style-type: none"> • be acceptable in principle in the countryside; • integrate into the countryside; • result in ribbon development; and • adversely impact on the rural character of part of the countryside 	

Site Visit Report

Site Location Plan:



Date of Site Visit: 24th March 2023

Characteristics of the Site and Area

The site is located along the minor Teconnaught Road Downpatrick. It is comprised of a narrow triangular portion of land approximately 0.36 hectares in size, which is predominantly used as the garden area associated with the applicants dwelling at No 24 Teconnaught Road.

The site is relatively flat throughout with some raised areas where it abuts The Heights. As shown below the site is defined along Teconnaught Road and The Heights by mature vegetation / hedgerows.



As can be seen in the aerial imagery above, both Teconnaught Road and The Heights have experienced increased pressure for development in recent times and there are a number of detached dwellings on large plots within the immediate vicinity of the site.

To the north-eastern end of the site there is noted to be a building under-construction (pictured below). This relates to a recent approval LA07-2021-1103-F for a domestic out-building.



To the south-west of the site in the ground adjacent the applicants dwelling (No 24), there appears to be a dwelling under-construction. At the time of inspection, only the foundations and base of what appears to be a garage were noted along with other site works on-going.

Description of Proposal

2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works

Planning Assessment of Policy and Other Material Considerations

None

PLANNING HISTORY

Planning

LA07-2022-1103-F Erection of domestic outbuilding along with all associate works – 24 Teconnaught Rd Downpatrick – PERMISSION GRANTED 07.11.2022

LA07-2022-0617-F Dwelling & Detached Garage – Approx 100m north of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 26.07.2022

LA07-2022-0017-NMC - Reduction of FFL height & Addition of 1 window to bedroom for the purpose egress - Site C approx. 100m north of 22 Teconnaught Road Loughinisland – CONSENT REFUSED 16.03.2022

LA07-2019-1351-RM – New dwelling & Detached Garage – Approx 100m north of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 14.05.2020

LA07/2018/1404/F – Change of House Type to previously approved application LA07-2017-0406-RM – Infill site approx. 65m North of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 30.10.2018

LA07-2017-1283-F – Extension to dwelling to form ancillary accommodation and extension to rear of dwelling – 21a Teconnaught Road Downpatrick – PERMISSION GRANTED 12.09.2017

LA07-2017-0406-RM – Proposed dwelling and detached garage – Infill site approx. 65m North of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 12.09.2017

LA07-2016-0447-O – Proposed 2 infill sites – Site approx. 100m north of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 05.10.2016

SUPPORTING DOCUMENTS

The application has been accompanied by the following:

- P1 Application Form
- Supporting statement from Matrix Planning Consultancy
- 1:1250 Site Location Plan
- 1:500 Existing Site Plan
- 1:500 illustrative site layout plan
- 1:1250 Site location plan showing planning history
- 1:500 Site survey

CONSULTATIONS

DfI Roads – No objections

DfI Rivers – No Objections

Northern Ireland Water – No objections

REPRESENTATIONS

Mr Paul Kelly 19 TECONNAUGHT ROAD

Comment: Proposal is contrary to CTY 8 & 14 of PPS 21 in that the site does not represent a small gap site with a frontage of 125m. The frontage is not substantially or continuously built up. The outbuilding approved under LA07/2021/1103/F was an obvious attempt to create a gap site. The proposal does not respect the pattern of development along Teconnaught Road. The site provides a visual break and an infill would erode local character. No information has been provided on the ground conditions of the site or the soil & groundwater characteristics for the septic tank proposed.

EVALUATION

The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it the site lies in the countryside. There are no policies or designations pertinent to the proposed development and the ADAP is not material in this case.

There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). The policy provisions of PPS21 remain applicable to the proposed development.

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.

Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy states that for its purposes, the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The applicant considers that the proposal represents a gap site. The supporting statement advises in paragraph 9.11 that *"The Council Planning Officers have repeatedly accepted that a substantial and continuously built-up frontage consisting of a line of 3 or more buildings exists at this location, consisting of Nos 18, 20, 22a and 24"*.

While this may have been the case for other applications along Teconnaught Road, each application must be considered on its own merits.

The site does share a frontage with No 24 Teconnaught, however 2 more buildings are required to form a substantial and continuously built-up frontage. The application is relying on a domestic outbuilding which is under construction, referred to and pictured above. It is the opinion of the Planning Authority that this does not comprise a building as required by policy given its unfinished state.

To the south of the site beyond No 24 a gap exists where planning permission LA07-2019-1351-RM has been granted. While it is acknowledged that work has commenced on site, at the time of inspection there were no buildings present, only the concrete base of a garage. Beyond this the nearest building No 22a, lies approximately 136m from the site.

It is not considered therefore that the site lies within a substantial and continuously built-up frontage. The proposal must be assessed against the current evidential context and as it is relying on buildings which are not yet complete, the proposal fails to meet the initial policy test and would if permitted create a ribbon of development.

Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. No evidence has been provided of any

overriding reasons to demonstrate why the development is essential and could not be located in a nearby settlement.

As the proposed development would fail to meet the requirements of Policy CTY 8 of PPS 21 and it has not been demonstrated that it is essential in this location, the proposal is not acceptable in principle in the countryside and fails to meet the requirements of Policy CTY 1 of PPS 21.

CTY 13 – Integration & Design in the Countryside

The site is defined by a low fence and trimmed conifer trees at the roadside, with conifer trees to the boundary along The Heights, the northern and southern boundaries are undefined.

As it stands the site is visible on approach from the north given the lack of vegetation, it is screened along its frontage by the clipped conifer trees and is visible again at the entrance to No 24 given the lack of boundary vegetation.

A paired access is proposed for the dwellings with visibility splays of 2.4m x 60m required. Provision of such would require the removal of approx. 95m of roadside vegetation, which would result in open views of the site.

The lack of established boundaries would be readily apparent and while the proposed plans show that planting will occur to the rear of the visibility splays, and between No 24 and the site, this would take time to establish and mature. The proposal is reliant on new landscaping and a satisfactory level of integration could not be achieved, which in turn would increase the overall visual impact of the new dwelling.

On this basis the proposal is considered to be contrary to Policy CTY 13 and will be recommended for refusal on this basis.

CTY 14 – Rural Character

As it has been deemed above the proposal does not comply with the exceptions of Policy CTY 8, it follows that the proposal would also offend CTY 14, in that it would if permitted create a ribbon of development, thereby eroding rural character.

Drawings

The drawings considered as part of the assessment are as follows

3721-11A, 3721-12A, 3721-13A

Neighbour Notification Checked	Yes
Summary of Recommendation	
REFUSAL	
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is not located within a substantial and continuously built-up frontage. 3. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would primarily rely on the use of new landscaping for integration. 4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved, it would create a ribbon of development. 	
Case Officer Signature: C Cooney	
Date: 19 February 2024	
Appointed Officer: A.McAlarney	Date: 19 February 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Speaking Rights Submission

Ref - LA07/2022/1953/O – Proposed 2no. infill dwelling and garages

The starting position on all applications is that there is a **presumption in favour of development unless there is demonstrable harm.**

- One of the types of residential development deemed to be acceptable under Policy CTY1 is a small gap site in accordance with Policy CTY 8 – Ribbon Development.
- Policy CTY8 defines a substantial and built-up frontage as including a line of **three** or more buildings along a road or lane frontage without accompanying development to the rear.
- Section 250 of the Planning Act (NI) 2011 states that a "building" includes a structure or erection and any part of a building, as so defined.
- A building has frontage to a road if the plot on which it stands abuts or shares a boundary with the road. In this case all buildings have frontage to Teonnaught Road.
- The Council Planning Officers have repeatedly accepted that a substantial and continuously built-up frontage consisting of line of **three or more buildings exists at this location, consisting of Nos.18,20,22a and Nos.24, as demonstrated below.**



- Paragraph 1, Section 1 of the Planning Act (Northern Ireland) 2011, seeks the orderly and consistent development of land.
- The approved outbuilding permitted under LA07/2021/1103/F within the curtilage of Nos.24 has completed construction, since the site visit /photos and delegated report was generated, as per the below.



Domestic outbuilding permitted under LA07/2022/1103/F – now constructed with roof on representing a building, as per Section 250 of the Planning Act and containing development.

- The subject site is accepted to be within the domestic curtilage of Nos.24, so cannot be a visual break as it is already domesticised in its appearance.
- Policy CTY8 makes no reference to the size, characteristics, orientation or use of the buildings, their position/relationship, or that they must have individual curtilages or accesses. The test is simply the number of buildings along a road frontage not the number of planning units.
- Officers accept that the development of permission LA07/2019/1351/RM has commenced on site and is at subfloor stage. So, there can be no gap between No.22A and No.24, as this is a residential development site.
- Planning Officers have consistently accepted there is a variation of plot sizes between Nos.18 – 24 Teconnaught Road, ranging from 42m-180m. The application plots are consistent with the existing development along the Teconnaught Road at this location, as shown overleaf and with the approved development in green.
- Policy CTY 13 states that the test of whether a new building integrates into the landscape is not a test of invisibility. When travelling along the Teconnaught Road from either direction there are no long critical viewpoints as the development is screened by existing buildings and mature vegetation, which can be retained.
- Whilst a proposed access is shown with visibility splays demonstrated, it is an outline application, depicting one format the proposed development may take. It is not definitive, and the splays could be reduced if traffic speed analysis was done.
- The proposal is contained within the existing substantially continuous built-up frontage, so it does not add to the ribbon of development. It is a small gap site sufficient to accommodate 2 dwellings within the existing development and we would respectfully seek the Committee overturn the recommendation and grant permission for these infill dwellings, which are clearly contained within three buildings with frontage to the Teconnaught Road.



Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2022/1918/O	Target Date:
Proposal: Infill dwelling	Location: LAND ADJACENT TO 21 NEWCASTLE ROAD DRUMANESS BALLYNAHINCH DOWN BT24 8NE
Applicant Name and Address: Owen Miskelly 36 CRABTREE ROAD MAGHERADROOL BALLYNAHINCH DOWN BT24 8RH	Agent Name and Address: Tiernan Fitzlarkin THE COURTYARD 380C BELMONT ROAD BALLYMAGHAN BELFAST DOWN BT4 2NF
Date of last Neighbour Notification:	11 May 2023
Date of Press Advertisement:	1 February 2023
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • DFI Roads • Northern Ireland Water (NIW) 	
Representations:	
<p>Hugh McEvoy 25 NEWCASTLE ROAD, raises concerns about the number of dwellings already approved along this stretch of the road and the implications for traffic and road safety.</p> <p>Brian McIlmurray 24 NEWCASTLE ROAD, raises concerns about the reopening of a previously closed access and the implications of this on traffic flow and road safety.</p>	
Letters of Support	0.00
Letters of Objection	3
Petitions	0.00
Signatures	0.00

Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none">• Principle of development• Integration• Rural character• Access• Road safety• Impact on neighbouring properties• Natural heritage	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located along the heavily trafficked Newcastle Road, Drumaness and is comprised of a 0.35 portion of land which adjoins the Newcastle and gently falls back in a westerly direction. The site is defined by a scrappy roadside hedge, mature trees and hedges to that boundary shared with No 21 immediately adjacent and a post and wire fence on all remaining boundaries as shown below.



The area is rural in character and predominantly used for agricultural purposes, however, a number of detached single dwellings are dispersed within the immediate area.

The site accesses onto the A24, a protected route.

Description of Proposal

Infill dwelling

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

LA07/2023/3358/O Proposal: Renewal of planning approval LA07/2020/0177/O (infill dwelling & garage) Decision: PENDING

LA07/2023/3359/O Proposal: Renewal of planning approval LA07/2020/0178/O (Infill dwelling & garage) Decision: PENDING

LA07/2023/3469/RM Proposal: Replacement Dwelling and Garage Decision: PENDING

R/2001/1238/F Proposal: First floor extension with minor external alterations to dwelling. Decision: Permission Granted Decision Date: 01 December 2001

LA07/2020/0833/O Proposal: Replacement dwelling and garage Decision: Permission Granted Decision Date: 20 October 2020

LA07/2020/0178/O Proposal: Infill dwelling and garage Decision: Permission Granted Decision Date

LA07/2020/0177/O Proposal: Infill dwelling and garage Decision: Permission Granted Decision Date: 11 December 2020

SUPPORTING DOCUMENTS

- P1 Application Form
- P2a Form
- Covering letter from agent
- Supporting statement from agent
- Site location Plan
- Indicative site plan
- Further clarification from agent dated 22.09.2023

CONSULTATIONS

DFI Roads
Northern Ireland Water (NIW)

REPRESENTATIONS

As detailed above

EVALUATION

Section 45(1) of the Act requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan (LDP) for the area where the appeal site is located. In ADAP, the site is located in the countryside and outside of any settlement limit or special countryside area defined in the plan. There are no other provisions in the ADAP that are material to the determination of the application.

The Strategic Planning Policy Statement 'Planning for Sustainable Development for Northern Ireland' (SPPS) sets out the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the Newry, Mourne and Down District Council area, both the SPPS and the retained Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and Planning Policy Statement 2 'Natural Heritage' (PPS 2) apply.

In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for determining this application.

Policy CTY 1 and 8 Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are stated. One of these is a small gap site in accordance with Policy CTY 8 of PPS 21. Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

To establish whether the site represents an infill opportunity, it is first necessary to determine whether it is within an otherwise substantial and continuously built-up frontage. Policy CTY8 advises a substantial and built-up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane.

In this case the site shares a frontage with No 21 Newcastle Road (Orangegrove), the agricultural buildings to the immediate north-east of No 21 and the dwelling to the south-west of the site at No 25 Newcastle Road. The site is located within an otherwise substantial and continuously built-up frontage.

In assessment of the "gap" a distance of approximately 104m exists between the gable of No 21 Newcastle Road and that of No 25 Newcastle Road, as such this gap cannot be considered small as required by policy and could accommodate more than 2 dwellings. The gap provides relief and an important visual break in the developed appearance of the locality and helps maintain rural character. The proposal therefore fails to meet the tests of CTY 8.

The Planning Authority is aware that planning permission has been granted for a replacement dwelling immediately adjacent and NE of the site at 21 Newcastle Road see LA07/2020/0833/O. The erection of this replacement dwelling would utilise some of the space within the identified gap, however, this development is not yet on the ground. A Reserved Matters application has been submitted for this site – see LA07/2023/3469/RM, there is no guarantee that this application will be approved and therefore the Planning Authority must make its assessment, in this case, on the basis of that which is currently on the ground. It would appear therefore that this current application for an infill dwelling has been submitted prematurely.

Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. No evidence has been provided of any overriding reasons to demonstrate why the development is essential and could not be located in a nearby settlement.

As the proposed development would fail to meet the requirements of Policy CTY 8 of PPS 21 and it has not been demonstrated that it is essential in this location, the proposal is not acceptable in principle in the countryside and fails to meet the requirements of Policy CTY 1 of PPS 21.

PPS 3 Access, Movement & Parking

The site will access onto a Protected Route, as such Policy AMP 3 of the Consequential amendment to PPS 3 is applicable. This states that Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

The red line of the application site, includes the existing access to No 21. The proposal seeks to use this access and therefore the proposal is compliant with AMP 3 in its use of an existing access.

Consideration of Objections

Planning Authority agree with the concerns of objectors regarding the impact of approval of this proposal on rural character in light of the current circumstances.

In consideration of the road safety issues raised, DfI Roads have been consulted and have advised the Planning Authority that the proposed access is safe.

Drawings

The Drawings considered as part of this assessment are as follows 001 REV A

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site does not represent a small gap within a substantial and continuously built-up frontage

Case Officer Signature: C COONEY Date: 07 MARCH 2024

Appointed Officer: A.McAlarney Date: 14 March 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____



PLANNING APPLICATION REF: LA07/2022/1918/O

ADDRESS: 21 NEWCASTLE ROAD, DRUMANESS, BALLYNAHINCH, DOWN, BT24 8NE

PROPOSAL: INFILL DWELLING

SUPPORTING STATEMENT – CARLIN PLANNING LIMITED

The proposed application (**Ref.** LA07/2022/1918) is seeking outline planning permission for one of two infill sites along a continuous built-up frontage, situated between 21 and 25 Newcastle Road. This submission aims to address the issues raised by the recommendation for refusal.

It is important to clarify that this application is independent and not contingent upon any other extant planning permissions or ongoing applications. We would reiterate that numerous planning permissions can exist on a site at any one time, and it is a consideration for the applicant as to which permissions can be lawfully implemented. It is the applicant's intention to submit an application for a second infill on the northern portion of the gap if this application is approved.

The proposal adheres to Policy CTY 8 of PPS 21, which permits development on small gap sites capable of accommodating up to two dwellings within a continuous built-up frontage.

The concerns raised by the Council is that the site cannot be considered a 'small' gap for the purposes of the policy. The Council consider that the 104m 'gap', could accommodate more than 2 dwellings. This 'gap' according to the council also serves as a visual break in the developed appearance of the area and helps maintain the rural character.

Contrary to the view of the Council, the gap site in question aligns with the criteria outlined in Policy CTY 8. The dimensions of the site, including plot size and road frontage, are comparable to neighbouring properties and recent planning approvals in adjacent sites. In addition, the proposed building-to-building separation distances are consistent with previously accepted developments nearby.

Similar applications for infill dwellings, assessed against the same policy framework were approved for Lands Between 25 and 31 Newcastle Road (**Ref.** LA07/2020/0177/O and **Ref.** LA07/2020/0178/O), directly south of the site, despite comprising a larger gap of 115 meters



in contrast to the 104m gap in the application proposals. Consistency in decision-making is crucial, and the precedent set by these approvals should be considered in evaluating this application.

We do not agree with the Council that the gap site provides for relief or a visual break in the developed appearance. The location of the site, surrounded by existing structures and dense vegetation, limits visibility of the gap from public views. The lack of public views and the appropriateness of development on this site is consistent with previous planning approvals within the gap site (**Ref.** LA07/2020/0833/O) that did not identify the gap as a significant visual break or development impacting rural character.

An indicative site plan has been provided to illustrate the compatibility of the proposed infill dwelling with the wider gap site. The dimensions and layout align with the established character of surrounding development, further emphasising the suitability of the site for up to two dwellings.

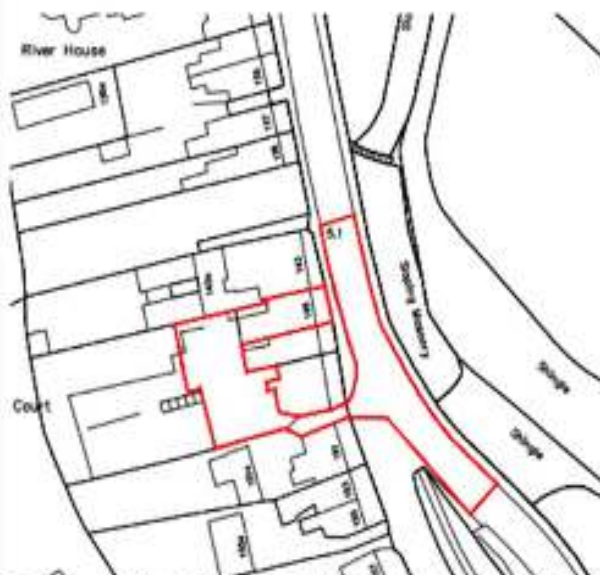


Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/1746/F	Target Date:
Proposal: Proposed conversion and refurbishment of existing building at no.145 Central Promenade into 3no. self-contained 2 bedroom apartments. Works to include demolition of existing rear return with new rear extension and associated site works.	Location: 145 Central Promenade Newcastle BT33 0EU
Applicant Name and Address: S4S Holdings Ltd 96 Killyliss Road Eglis Dungannon BT70 1LE	Agent Name and Address: Barry Owens Consulting 38 Highfields Close Newry BT35 8UG
Date of last Neighbour Notification:	13 January 2023
Date of Press Advertisement:	18 November 2022
ES Requested: No	
Consultations: see report	
Representations: yes – see report	
Letters of Support	0.00
Letters of Objection	9
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at 145 Central Promenade, Newcastle



Date of Site Visit: 25th November 2023

Characteristics of the Site and Area

The site accommodates a vacant 2.5 storey dwelling which is located along Central Promenade, which lies just outside Newcastle's town centre boundary. The site is part of an existing terrace of dwellings, with the site adjacent to a housing development under construction under LA07/2020/0200/F. The site is accessed via an existing access to the south which serves, No 145, 147 and 149. The site is located within a predominantly residential area comprising both single family dwellings and apartments.

Description of Proposal

Proposed conversion and refurbishment of existing building at no.145 Central Promenade into 3no. self-contained 2 bedroom apartments. Works to include demolition of existing rear return with new rear extension and associated site works.

Planning Assessment of Policy and Other Material Considerations

The site is located within the existing development limits for Newcastle, outside the town centre boundary. It is located within an Area of Townscape Character (ATC) namely Proposal NE 18 The Harbour, The Rock and King Street Area of Townscape Character in ADAP 2015.

The following documents have been taken into account:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking
 PPS 6 – Planning Archaeology and the Built Environment
 PPS 6 - (Addendum) Areas of Townscape Character
 PPS 7 – Quality Residential Environments
 PPS 7 – Addendum Safeguarding the Character of Established Residential Areas
 PPS 12 – Housing in Settlements

Guidance

Creating Places
 DCAN 8
 DCAN 15
 Parking Standards

PLANNING HISTORY

Planning and surrounding area

Application Number: R/2000/1054/O
 Decision: Permission Granted
 Decision Date: 10 October 2000
 Proposal: Replacement dwelling

Application Number: R/2003/0829
 Decision: Invalid - Applic Returned
 Decision Date: 29 August 2003
 Proposal: Patio

Application Number: LA07/2016/0021/PAD
 Decision: 04/01/2016
 Decision Date: 30 March 2016
 Proposal: Apartment Development including re-instatement of street frontage

Application Number: LA07/2016/0648/F
 Decision: Permission Granted
 Decision Date: 02 February 2017
 Proposal: Conversion of existing dwelling to provide 2no apartments

Application Number: LA07/2016/1143/F
 Decision: Permission Granted
 Decision Date: 01 September 2017
 Proposal: Redevelopment to include demolition of existing property at 143A to facilitate the proposed erection of new 2 storey building to rear of nos 141 and 143 Central Promenade, proposed erection of new 3 storey building at no 141 Central Promenade and internal reconfiguration and external alterations at no 143 to provide a total of 12

no apartments. Provision of 16 no. car parking spaces, communal amenity and all associated site and access works.

Enforcement

Application Number: R/2008/0109CA

Decision: Enforcement case

Decision Date: 12/05/2011

Proposal: Operational Devt

Consultations:

NI Water – No objections - Waste Water Treatment facilities are presently available (at Newcastle WWTW) to serve this proposal.

DFI Roads – Refusal

Environmental Health – No objection (informatives included)

NIEA – Water Management Unit no objection subject to a negative condition

NIEA – Marine & Fisheries Division - consideration is given to the impact that climate change, sea level rise, coastal flooding and coastal erosion may have upon the access to this proposed development.

Objections & Representations

In line with statutory requirements neighbours have been notified on 13/01/2023 and 06/11/2023. Ten objection letters have been received in relation to the application from 4 different addresses. The application was advertised in the Mourne Observer on 30/11/2022. The main issues are summarised below. All objections have been read in full and are available to view on the planning portal.

REPRESENTATIONS

- The plan is an over development of the site
- The site should either remain as a single dwelling or have a maximum of 2 self contained flats
- As proposed it will cause a significant loss of amenity to those living nearby.
- There is not sufficient parking for three apartments.
- This development would mean cars crossing the rear of existing properties
- Development does not have clarity in regards to site boundaries - assumed shared access/rights of way vs owned land, and specifically does not clarify what parking space(s) are proposed (nor assumed) as being in place for 145 Central Promenade
- This application is based on developing an existing single dwelling (unused for many years) into 3 individual homes with limited information as to how this fits into the existing residential area, and specifically how the access & parking along with practical considerations for oil tanks etc have been assumed
- May not have sufficient space to build the parking bay and bin store according to the land registry

- Construction access would also pose a significant problem to the existing residents for such a large development in a confined area
- There is insufficient space for parking and turning of 5 cars in the area shown on the plan
- the applicant has no ownership over the majority of the lands in question, it assumes occupying lands belonging to 147 & 149 with no agreement in place for either. In addition - the turning area in front of the proposed spaces would not be sufficient to manoeuvre 5 vehicles independently which would lead to chaos in the lands behind 149 which in addition to parking already in place for 149, is purely a right of way channel for 147/149.

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is currently within the remit of the Ards and Down Area Plan 2015 as the council has not yet adopted a local development plan. The application is located within the settlement of Newcastle, within and with the AONB within the ADAP 2015.

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

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

The Regional Development Strategy 2035 (RDS)

The RDS acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. The RDS recognises that there are significant opportunities for new housing on appropriate vacant and underutilised land and sets a regional target of 60% of new housing to be located within appropriate 'brownfield' sites within the urban footprint of sites greater than 5000 population. The SPPS paras 4.11 & 4.12 refers to Safeguarding Residential Work Environs is relevant.

ADAP 2015

The ADAP policy for development within settlement limits is contained in Policy SETT 1. Policy SETT 1 of ADAP states that favourable consideration will be given to development

proposals within settlement limits including zones sites provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

Ards and Down Area Plan 2015 Policy NE14 Apartments, states that, proposals for apartment development in Newcastle shall respect the architectural, streetscape and landscape character of the area and shall be in conformity with its established character in terms of:

- the set backs of properties from the street;
- the treatment of boundaries, both hard and soft;
- the structural landscape including the retention of mature trees;
- the scale of built form, particularly in terms of the height and massing when viewed from the street;
- the articulation of the roof and building lines; and
- the architectural detailing and use of materials.

The key issues

- Principle of development
- Impact on character of Area of Townscape Character
- Impact on neighbouring amenity
- Traffic and Parking

The site occupies a prominent road frontage plot along Central Promenade the main arterial route through Newcastle. The topography of the site is relatively flat at the immediate rear. While excluded from the red line, the neighbours garden extends beyond then with a steep incline to the rear to quite a height above the site. The site contains a large three storey building, which forms part of a terrace of buildings which runs along Central Promenade.

Proposal Description

The proposal involves conversion and refurbishment of the existing building at no.145 Central Promenade into 3no. self-contained 2-bedroom apartments. Works to include demolition of existing rear return with new rear extension and associated site works.

Principle of Development

PPS (Addendum) Area of Townscape Character

The site is located within the existing development limits for Newcastle, outside the town centre boundary. It is located within an Area of Townscape Character (ATC) namely Proposal NE 18 The Harbour, The Rock and King Street Area of Townscape Character in ADAP 2015. The SPPS refers at paragraph 6.137 to the need to deliver increased housing without town cramming and espouses the importance of new development

respecting local character and environmental quality, as well as safeguarding the amenity of existing residents. At paragraph 6.22, the SPPS echoes Policy ATC 1 of the addendum to PPS 6 stating that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site. The SPPS also advises that sustainable development ought to be granted where it accords with the area plan and causes no harm to areas of acknowledged importance. Thus Policy ATC 1 of Addendum to PPS 6 states that there will be a clear presumption in favour of retaining any building that makes a positive contribution to the character of an ATC. Demolition of an unlisted building will only be permitted where it makes no material contribution to the distinctive character of the area.

The existing building occupies a prominent position along a main road frontage. It is visible from parts of Central Promenade north of the site, with views from the promenade and smaller car park as there is no built development on the eastern side of the road. The demolition involves only the rear return which at present is lower than the existing ridge. Given that building works are well underway on the building immediately adjacent at No 143, there is no visual presence of the rear return within the ATC. It is considered that the rear return, offers no real contribution to the ATC, demolition is therefore acceptable.

ATC 1 also refers to the policy requirement for there to be appropriate redevelopment proposals for the site. This is a full application with full plans submitted as detailed above and will be assessed below.

PPS 3 Access, Movement and Parking

DfI Roads have been consulted and have advised the Planning Authority that the proposal if permitted would prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15

In assessment of the intensification of the access it is noted that the site is currently comprised of a 5/6 bedroom dwelling (existing plans are not labelled internally). No existing parking is shown on the existing site plan, nor is it referred to within the Design and Access Statement submitted with the proposal. The proposal seeks approval for 3no 2 bed apartments which would require 4.5 unassigned spaces or 5.25 assigned spaces as per Creating Places. The agent has provided some supporting information by way of a parking statement indicating that any additional cars park either on-street on the adjacent Annesley Court carriageway that is located approximately 50m to the south of the development site or within the council owned car park located approximately 50m to the north-east of the development.

In assessment of this information it is noted since the intensification of use of this existing access in close proximity to a road junction this would add to existing traffic hazards

created by the slowing down and turning movements of vehicles entering and leaving the access. It would also lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the proposed access which if being accessed from the Newcastle direction would cause traffic to come into conflict with traffic exiting Annesley Court onto South Promenade.

The alternative parking arrangements suggested by the agent are considered too remote for the apartments, this is not an acceptable arrangement in terms of pedestrian and road safety and convenience / surveillance etc and in addition would be utilising spaces needed for visitors to the town and for existing residents on street.

The agent attempted to address the parking issue and provided 5 spaces by incorporating land from a neighbour, however, with land ownership issues this was deemed to be unacceptable and the proposal was reverted back to the one space. It is considered therefore that the proposal offers only 1 in-curtilage parking space and as the proposed development requires 4-5 in-curtilage spaces the use of the existing sub-standard access would be intensified, such an arrangement is unacceptable and contrary to PPS 3 Policy AMP3 and those standards contained within the guidance document DCAN 15. The proposal will therefore be recommended for refusal on this basis.

Notwithstanding the above the proposal must also be assessed against the criteria under policy QD 1.

Planning Policy Statement 7 Quality Residential Environments

The proposal is therefore assessed against the criteria under the listed criteria A-L under Policy QD1 of PPS 7.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

Given that the principle of demolition has been accepted (for the rear return element) the redevelopment scheme requires to be fully assessed. This is a full application to establish whether a larger single dwelling can be converted and extended on the site.

This new building accommodates three apartments in total, one on the ground floor, one on the first floor and one on the second floor. The arrangement is such that all 3 apartments look out the front of the building. All apartments have front and rear access.

The existing rear return is to be demolished and a new extension built to the rear. The proposed extension positioned to the rear of the site extends 1.5m and narrows to a width of 4.44m then extends to the full width of the building a further 5.66m. The rear

return drops down from the height of the existing building. The communal foyer accommodates new communal stairs.

The acceptability of the proposal, however, is dependent on the site characteristics and proposed layout plan with particular regard to the proposed amenity space and in-curtilage parking provision.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

There are no heritage or landscape features in close proximity to the proposal. Listed buildings are sufficiently separated from the site.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space.

A courtyard for the ground floor apartment has been provided, however, the two upper apartments have not been provided with any amenity space. The agent did attempt to address this by providing balconies at 1st floor and 2nd floor levels to the rear of the site with 5mq of amenity space. The balconies are less than the recommended minimum 10sqm and they have the potential for increasing the level of noise and general disturbance experienced by residents of adjacent properties. These plans were deemed to be unacceptable, the proposal is contrary to part (c).

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

All the necessary services are located in close proximity to the site given its town centre location.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way,

provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site provides a good location in terms of providing a movement pattern that supports walking and cycling. Proposal offers proximity to good public transport links and neighbourhood facilities.

(f) adequate and appropriate provision is made for parking;

DfI Roads have been consulted. The proposed apartments will be accessed via the existing access along the southern side of No.149 Central Promenade. DfI Roads have advised that this access is sub-standard. In assessment of the parking provision please see above and note that it has been considered that the parking provision required for this development would result in the intensification in use of the existing access.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

Materials include black/grey natural slate roof and light rendered walls. On balance materials and finishes are acceptable.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

In terms of the first and second floor apartments there are now living areas to the front of the property which were previously bedrooms. Given that it is to the front elevation there are no issues in terms of overlooking. All apartment bedrooms are located to the rear of the property which would be a similar arrangement at present. In terms of the scale of the rear return, while the new extension is bulkier than the existing rear return, filling the width of the property and higher, the existing relationship with the adjacent property will be similar in that the windows (of No 147) which are closest to the rear return are already impacted by the existing return, this proposed return is not coming any closer, only higher, therefore it is considered that the proposal will not have an impact any more detrimental than the return which already exists. The existing wall which encloses the site is being retained with one car park space proposed. Block paving is proposed to the parking space with concrete to the bin store. On balance it is considered acceptable in this context.

(i) the development is designed to deter crime and promote personal safety.

No issues have been identified.

Having assessed the proposal in terms of PPS 7 it is contrary to QD 1 (a) (c) and (f).

APPS 7

The second Addendum to PPS 7 entitled 'Safeguarding the Character of Established Residential Areas' was published in August 2010.

Policy LC2 of APPS7 states that planning permission will only be granted for the conversion or change of use of existing buildings to flats or apartments (including those for multiple occupancy) where all the criteria set out in Policy QD1 of PPS7 and all the additional criteria set out in LC2 are met. These are respectively that;

- (a) there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area;
- (b) the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building;
- (c) the original property is greater than 150 square metres gross internal floorspace;
- (d) all flats or apartments are self-contained (i.e. having separate bathroom, w.c. and kitchen available for use only by the occupiers); and
- (e) the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

In terms of part (a) as it has been shown that the proposal is at odds with QD1 (a) in that the development, while residential in a predominantly residential area, does not respect the surrounding context given its proposed overdevelopment of a site which cannot accommodate the required parking. In terms of part (b) there are no changes to the front elevation the proposal maintains and enhances the form, character and architectural features, design and setting of the existing building. part (c) the original property would be greater than 150m² required for conversion and all dwelling units and apartments are built to a size not less than those set out in Annex A, is applicable in this case. Annex A of PPS 7 Addendum provides the minimum standards for new build residential units. The proposal would comply with Annex A. The proposal complies with part (d) and in terms of part (e) the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

PPS 2 Natural Heritage

Policies NH 1 – European and Ramsar Sites – International and Policy NH 3 - Sites of Nature Conservation Importance – National are relevant to the proposal.

The application site is in close proximity to the following national, European and international designated sites:

- Murlough SAC, which is designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora);

- Murlough ASSI, which is declared under the Environment Order (Northern Ireland) 2002. European Sites

The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Informal consultation took place with SES which did not require formal consultation. Given that the application area has a buffer of approximately 20 metres to the intertidal area which is sufficient distance to prevent pollutants entering the intertidal zone via runoff. The proposal is outside the T200 coastal flood plain. SES deem that as the proposal is within the curtilage of extant development in an urban/developed setting, construction phase disturbance impacts on the nearby European sites/features can be objectively ruled out.

NI Water has confirmed it will serve the proposal's foul sewage. The applicant is still required to submit a build over or realignment application (as per legislation) for the traversing sewer, and find a designated storm discharge for the new proposal (as per legislation).

SES did not require formal consultation. The proposal would not be likely to have a significant effect on the features of any European site.

Marine and Fisheries Division have recommended that consideration is given to the impact that climate change, sea level rise, coastal flooding and coastal erosion may have upon the access to this proposed development. In consideration of the consultee response, the Council has a duty to interrogate and evaluate all the material evidence and must then must make an informed decision as to whether determining weight should be placed on the response from DAERA M&FD, this is evidenced from the Clare McCann Court of Appeal judgement, which highlighted the danger in relying disproportionately on the presumptive expertise of consultees. Given the access is already in use by the other properties along this part of Central promenade and is not a new access it is deemed that in accordance with paragraph 3.13 of the SPPS, the final decision lies with the Council. It is clear that the risk of coastal flooding/erosion at the access to the application site is not so significant, that the Council could sustain a reason for refusal, the precautionary approach and subsequent response by M&FD is deemed in this case to not carry determining weight.

Conclusion

Based on careful consideration of all the relevant material planning considerations including the objections, it is contended that the application does meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Recommendation:

Refusal

The plans to which this application was assessed include:

Site location plan 001A

Topographical survey 012

Proposed site layout plan 011

Extent of demolition plans 009

Floorplans – 006

Demolition side elevation 010

Proposed side elevations 008

Proposed Front & rear elevation 007

Existing and proposed section 005

1.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7 – Quality Residential Environments and Policy LC2 of APPS7 in that it would fail to respect the surrounding residential context and would be inappropriate in terms of layout, scale, massing and appearance and is contrary to QD 1 (a) and (f) and LC2 (a) in that the proposal and parking arrangements would amount to overdevelopment of the site with an inadequate level of parking to serve the proposal.

2.The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion (c) of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.

3.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15

4.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the intensification of use of this existing access in close proximity to

<p>a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.</p> <p>5.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the proposed access which if being accessed from the Newcastle direction would cause traffic to come into conflict with traffic exiting Annesley Court onto South Promenade.</p> <p>The plans to which this refusal relate include:</p> <p>Site location plan 001A Existing and proposed section 005 Proposed Floorplans – 006 Proposed Front & rear elevation 007 Proposed side elevations 008 Proposed site layout plan 011</p>		
Neighbour Notification Checked		Yes
Summary of Recommendation - refusal		
Case Officer Signature:	C. Moane	Date: 27 March 2024
Appointed Officer:	A.McAlarney	Date: 27 March 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Proposed conversion and refurbishment of existing building at No.145 Central Promenade into 3no. self-contained 2-bedroom apartments

In reference to the Development Management Officer Report for planning application LA07/2021/1746/F (description as listed above); we note the below reasons listed for recommendation for refusal and set out below further rebuttal statements and points for clarification purposes.

REASON FOR REFUSAL

1. **"the proposal has not made adequate provision for private amenity space"**:

RESPONSE / REBUTTAL

- We write to clarify the provision of amenity space for the above application and its proximity to surrounding public open space. We refer to the following excerpt from 'Creating Places' which determines the adequate provision of private open space within varying contexts of new developments.
*"5.20 - In the case of apartment or flat developments, or 1 and 2 bedrooomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These **should range** from a minimum of 10 sqm per unit to around 30 sqm per unit. **The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept.** Generally, developments in inner urban locations and other high-density areas will tend towards the lower figure."*
- Within the above 'guidance' as highlighted in **bold** text it should be noted that the provision of amenity space (sqm) per apartment is "guidance" and should be considered in the "particular context of the development".
- The proposal comprises 3no. apartments within an existing large derelict house on the town's main street. The ground floor apartment of the proposal is afforded with private amenity space via a ground floor courtyard area, whilst the two apartments to the upper floors both benefit from the visual amenity of coastal views out to the front. We note that this is below the guidance as outlined in 'Creating Places', **however the site's proximity to surrounding public space is of significance and should be considered as a material consideration in the determination of the application.**
- The site is located at 145 Central Promenade, in the town of Newcastle, County Down and sits within the immediate context (<300m) of Donard Park and (<100m) Newcastle Beach; including the main promenade with walkways, play parks and shops etc. **(see image below)**;



- Therefore, although the allocation of amenity space is less than the guidance outlined in 'Creating Places', we believe that the private amenity space within the proposal alongside the site's proximity to a large area of public open space is adequate when the site context and the aims of the development are taken into consideration.

REASON FOR REFUSAL

2. **"inadequate level of parking provision" (in curtilage) and re-use of existing vehicular access to rear of site is inadequate for intensification of use;**

RESPONSE / REBUTTAL

- We note that the scheme only seeks to retain 1no. car parking space to the rear which is not an intensification as it currently serves the existing house. It is acknowledged that the existing vehicular access which serves the rear of the site is sub-standard and ought not to be intensified.
- The balance of parking provision (i.e. calculated as 3.5 spaces / say 4no. spaces in addition to the 1no. retained to the rear of the site) to meet DfI Roads/ Creating Places requirements is to be provided by either on-street on the adjacent Annesley Court carriageway that is located approximately 50m to the south of the development site (that contain approximately 20-no. vehicles) or within the small car park again located approximately 50m to the north-east of the development (located on the coastline that contains approximately 20-no. vehicles); refer to parking statement as previously submitted (dated 04.06.23).
- Further parking audits have been completed / photographed to confirm there is adequate parking availability to accommodate the 4no. spaces needed.



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

Application Reference: LA07/2021/1631/F

Date Received: Sept 2021

Proposal: Erection of residential care home with site works and landscaping

Location: Lands located approximately 200m east of No. 25 Greenpark Road, Rostrevor.

1.0. Site Characteristics & Area Characteristics:

- 1.1.** The lands outlined in red extend to include an irregular shaped plot of land to the east side of the Greenpark Rd. The site accesses onto the Greenpark Rd and extends back from the road to include a sizeable area. This entrance is opposite the grounds of Rostrevor GAA. The site is also adjacent to the grounds of Our Lady of Apostles Missionary Convent.
- 1.2.** The lands, comprising the application site, rise steadily from the Greenpark Rd, and adjoin Carrickbawn Wood. The application site is accessed by a meandering access route which rises to a levelled and cleared area, which includes several sheds and former sand arena at present. The entrance road includes a substantial rock face to either side.
- 1.3.** With the exception of the entrance point, and small portion of lands at the roadside to Greenpark Rd, the site is located in a rural area outside the settlement limit of Rostrevor as defined on the Banbridge, Newry and Mourne Area Plan 2015.
- 1.4.** This site is also within a Local Landscape Policy Area (RR09) and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Part of the site is also within a Site of Local Nature Conservation Importance. The site is adjacent to Rostrevor House Demesne, an 18th Century designed landscape which is on the Register of Historic Parks, Gardens and Demesnes. It is also a short distance east of Green Park Demesne, which is also on the Register.

It is in close proximity to Rostrevor House and Carpenham House which are Grade B listed buildings.

- 1.5. There are Tree Preservation Orders on the adjacent grounds of Rostrevor House and Carrickbawn Wood. Part of the forested area is classed as Ancient Woodland.
- 1.6. The site is in proximity to Rostrevor Wood Special Area of Conservation and Area of Special Scientific Interest and is hydrologically linked to Carlingford Lough Special Protection Area / Ramsar site.

2.0. Site History:

- 2.1. A history search has been carried out for the site and surrounds. The most relevant history includes:
 - LA07/2023/3490/F- Lands 50m south of 25 Greenpark Road Rostrevor, Proposed retention of 5 dwellings, one detached and two pairs of semi detached and associated road layout and new access- Under Consideration
 - LA07/2022/1241/F - Carpenham Court, Greenpark Road, Proposed road widening and visibility splays at roads 1 and 2 at housing development at Green Park Road, Rostrevor, 50 metres south of No..25 Greenpark Road, Rostrevor previously approved under P/2007/1732/F for Pothill Homes Ltd- Application Withdrawn
 - LA07/2022/0411/RM - Lands located approximately 200m east of no. 25 Greenpark Road Rostrevor BT34 3EZ - Erection of 100 bedroom hotel and spa – Under consideration
 - LA07/2021/0714/PAN- Erection of residential home with site works and landscaping, PAN Acceptable,
 - LA07/2020/1853/F- lands 190m South East of 27 Greenpark Road, Change of use and extension to existing work shop to provide for distillery, storage, cafe and associated works- Permission Refused 21.12.22
 - LA07/2017/1030/O - 200 metres East of No. 25 Greenpark Road Rostrevor - Site for 100 bedroom hotel & spa – Permission Granted 18.02.19
 - LA07/2017/0757/PAN- Lands 200 metres East of No. 25 Greenpark Road, 100 bedroom hotel and Spa, PAN acceptable

- LA07/2015/0601/PAD- Greenpark Road, Proposed 100 bedroom hotel and Spa.
- LA07/2016/1058/F - 50 metres South of No. 25 Greenpark Road Rostrevor - Removal of condition No. 17 (with regard to social housing) on Approval No P/2007/1732/F – Permission refused, 27.10.2016
- P/2008/1178/O – Lands 200 metres east of no 25, Greenpark Road, Site for hotel (50 bedrooms) and spa. Permission granted, 09.11.2011
- P/2007/1732 - 50 metres south of No. 25 Greenpark Road, Rostrevor - Erection of 15 No. dwellings and 3 No. apartments (amended scheme) – Permission granted, 31.03.2014
- P/1996/0409 - CARRICKBAWN WOOD GREENPARK ROAD ROSTREVOR (ADJACENT TO EQUESTRIAN CENTRE) - Site for caravan Park – Permission granted, 12.06.1996
- P/1994/0865 - CARRICKBAWN WOOD GREENPARK ROAD, Equestrian Centre to include stables paddock and car park- Permission granted, 02.02.1995
- LA07/2015/0088 - Equestrian Centre, Greenpark Road, Proposed stables and store for existing equestrian centre- Withdrawn (recommended for Refusal), 01.02.2017
- LA07/2022/0077/CA- Lands approx. 200m east of no.25 Greenpark Rd, Alleged unauthorised change of use of building for faith based activities and the sale of associated goods, Investigations Ongoing

2.2. History summary. As outlined above there is extensive history within and immediately adjacent to the application site.

An equestrian centre was initially approved on this site in 1995, under application P/1994/0865.

An application (Ref: LA07/2015/0088/F) for additional stables and a store some distance east of the existing site was recommended for refusal and withdrawn in 2017.

Outline planning permission was granted in 1996 for a caravan park on the site under application P/1996/0409, though this was never implemented and has since lapsed.

A housing scheme under application P/2007/1732/F for 15 dwellings and 3 apartments on land at the entrance off Greenpark Road was approved in 2014, which has been enacted.

A 50 bedroom hotel and spa was approved on the site in 2011, under application P/2008/1178/O. A further application for a 100 bedroom hotel & spa was approved in 2017, under application LA07/2017/1030/O. An associated Reserved Matters application (LA07/2022/0411/RM) has been submitted and remains under consideration.

As this current application (LA07/2021/1631) is a major application, as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015, it was preceded by a Proposal of Application Notice (Ref: LA07/2021/0714/PAN- Erection of residential home with site works and landscaping), and a period of Preapplication Community Consultation as required by legislation.

The site is currently vacant.

3.0. Consultations:

3.1. Having account of the nature of the proposal and the planning designations and constraints impacting on the site and area, consultation was undertaken with a number of statutory bodies, including:

- DfI Roads – No objections in principle. Conditions provided.
- NI Water – No objections. On site wastewater treatment proposed.
- DAERA/NIEA Historic Environment Division: (HED, Monuments, HED Buildings).

HED Monuments reviewed the archaeological impact assessment submitted and agree with the recommendations for mitigation ahead of development. The proposed scheme should be subject to a comprehensive landscaping plan to ensure integration with the adjacent Rostrevor House demesne. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. HED- Buildings has considered the impacts of the proposal on the listed buildings and subject to conditions are content the proposals do not offend the provisions of SPPS or PPS6.

- Rivers Agency- No objections in principle. Conditions required.
- Loughs Agency- No objections in principle. Comment.
- NIEA (Natural Environment). No objections in principle. Comment.
- Shared Environmental Services (SES) - No objections in principle. Having considered the project it is concluded that it is eliminated from the need for Habitats Regulations Assessment because it could not have any conceivable effect on a European site. There are no viable pathways have

been identified whereby the proposal could have a negative impact on a European site.

4.0. Objections & Representations:

4.1. In line with statutory requirements neighbour notification and advertisement has been undertaken.

- Advertisement Oct 2021.
- Neighbour notification March 2024.

4.2. One representation has been received to date (19-03-24) from Ballymullan Architects Ltd on behalf of Kieran Morgan (received July 2023). The main issues raised, which were all considered as part of the Planning Department's assessment of the application, include:

- Inaccurate/misleading info,
- Failure to demonstrate extent of ownership of adjoining landowner,
- Failure to demonstrate a right of way,
- Contrary to PPS2,
- Contrary to PPS3,
- Contrary to Addendum to PPS7,
- Contrary to policy CTY1, CTY13, CTY14 of PPS21.

See file/public portal for full content of rep received as the above is only a summary of main issues raised.

4.3. It is noted the plans and layout has been revised since receipt of the representation in July 2023, whereby a final round of NN was undertaken in March 2024.

4.4. The information contained within the application form and subsequent amendment is noted, and while the concerns listed in the representation are noted, it is considered this does not invalidate the application. A suite of supporting information has been submitted with the application which deals with the constraints of the site.

4.5. The correct Certificate has been completed. The access proposals have been amended whereby a right turning pocket is no longer required. Any ownership/easement dispute is a legal matter beyond the remit of planning.

4.6. The application was revised as the case progressed whereby the development is proposed to be served by a waste-water treatment plant with surface water disposed to soak-aways. (The original proposals included connection to mains which raised concern). These soak-aways are shown on the plans.

4.7. Issues regarding compliance with PPS2, PPS3, PPS7 and PPS21 will be considered further below.

5.0. Environmental Impact Assessment

5.1. An EIA screening has been undertaken. It has been determined that the application does not require to be accompanied by an Environmental Statement.

6.0. Habitats Regulations Assessment:

6.1. A HRA screening has been carried out which indicates that the site may be hydrologically linked to designated sites within Carlingford Lough, including Ramsar and SPA via proposed on-site drainage measures.

6.2. SES, the competent authority in this regard, was consulted and concluded that having considered the nature, scale, timing, duration and location of the proposal, it is concluded by SES that it is eliminated from further assessment because it would not have any conceivable effect on a European Site.

7.0. Planning Policy and Material Considerations.

7.1. The relevant prevailing policy context is provided by:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- Planning Strategy for Rural NI (PSRNI)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 4: Planning and Economic development
- PPS 6: Planning, Archaeology, and Built Heritage
- PPS15: Planning and Flood Risk
- PPS 21: Sustainable development in the countryside

7.2. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that the policy provisions of the documents listed above, amongst others will be retained until each council adopts its own Plan Strategy.

7.3. Relevant supplementary planning guidance and advice also includes:

- DCAN 9: Residential and Nursing Homes
- DCAN10: EIA
- DCAN11: Access for People with Disabilities
- DCAN 15: Parking Requirements & Parking Standards

8.0. Planning Assessment & Consideration.

- 8.1. In summary, this full planning application is for the erection of a residential care home with site works and landscaping.
- 8.2. This care/nursing home building will be set back from the road, accessed from Greenpark Road. The lands rise steadily from the road to a levelled area, the location site of the proposed nursing home. The lands continue to rise beyond the rear of the site, with an exposed rockface (previously excavated) and mature woodland forming the rear boundary. The building is sited and designed to front towards the Greenpark Rd, with a backdrop of the mature woodland.
- 8.3. This nursing home will include 4 levels of accommodation, comprising a part lower floor level for plant and staff, with bedrooms, storage, toilets, day/visiting, dining rooms above. The home will be rectangular in shape with 2 internal open courtyard/garden areas in the centre.
- 8.4. The finishes of the building will include a natural slate roof, aluminium RWGs and smooth sand cement render walls (primarily light grey with sapphire blue portions. The footprint of this building will occupy a large portion of the existing flat area on site and will back towards (and screen) the existing rockface. This rockface is to be stepped with gabion wall structures and a wire mesh stabilisation system.
- 8.5. Four separate parking areas are provided throughout the site, with landscaping proposals also provided.
- 8.6. The main issues to be considered in this assessment include: the principle of development, effects on the setting of listed buildings and historic parks nearby, impacts on protected sites and habitats, design and integration, impact on the AONB, impacts on amenity and road safety.

Regional Development Strategy 2035 & Strategic Planning Policy Statement for Northern Ireland (SPPS):

- 8.7. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

Banbridge, Newry & Mourne Area Plan (BNMAP) 2015:

- 8.8. Section 45 of The Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The relevant LDP is the BNMAP 2015, which as noted, identified that the majority of the application site is within: a rural area (with the exception of part of the access, which is within the settlement limits of Rostrevor RR01.); a Local Landscape Policy Area (LLPA-RR09.); and is located on the edge of a Site of Local Nature Conservation importance (SLNCI 148 - Carrickbawn Wood).
- 8.9. Policy CVN3 within Vol 1 of the Plan directs that permission will not be granted to develop proposals that would be liable to adversely affect the intrinsic

environmental value and character of a LLPA, as set out in Volumes 2 and 3 of the Plan. Among the areas and buildings that contribute to this LLPA designation are the hills and woodland surrounding the settlement and historic buildings including Rostrevor House and Carpenham House.

- 8.10. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21. The extensive policy context is listed above.
- 8.11. There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

PPS 21 (Sustainable Development in the Countryside)

- 8.12. This policy document sets out the policies for development in the countryside, (i.e. land lying outside of settlement limits as identified in the area plan).
- 8.13. Policy CTY1 of PPS21 advises there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.
- 8.14. The categories of development listed in CTY 1, as acceptable in the countryside, do not include the type of development proposed by this application, i.e. proposed use as a residential home. Given the nature of the proposed use, the Planning Department does not consider that the proposed use can be regarded as 'a necessary community facility to serve the local rural population'. It therefore falls into those types of development which will only be permitted '**where there are overriding reasons why that development is essential and could not be located in a settlement**'.
- 8.15. At this point it is also useful to refer to **Development Control Advice Note 9 (DCAN 9); Residential and Nursing Homes**. This supplementary planning guidance, which is a material consideration for this application, will remain in effect until a new area plan is adopted. It applies to all applications for Residential and Nursing Homes, which are now defined in the Use Classes Order 2015 as Part C Residential Uses, Class C3, (a) for the provision of residential accommodation and care to people in need of care, (other than a use within Class C1 (Dwellinghouses)).
- 8.16. Paragraph 2.1, of DCAN 9, states that cities, towns and villages are the preferred location for such institutions and Paragraph 2.2 sets out that in such

areas the Planning Authority will have regard to 6 main criteria: Siting; Location; Traffic Aspects; Amenity; Design and Layout and Landscaping.

- 8.17. Paragraph 3.3 states that PP is only likely to be granted for nursing homes or residential homes in the countryside in exceptional circumstances. In considering what might be exceptional it is necessary to weigh the relevant considerations. These fall in to 2 categories.:
1. The need to locate in the countryside
 2. Impact on the countryside.
- 8.18. Paragraph 3.4 Nursing homes should not normally be located in the countryside where such locations can be a disadvantage due to the absence of service facilities near at hand.
- 8.19. Paragraph 3.5 Planning considerations such as location, siting, traffic aspects, amenity, design, layout and landscaping referred to in paragraph 2.3 are important.
- 8.20. Paragraph 3.6 states that the nature of a proposal is also important, whereas a change of use or extension may be acceptable in particular circumstances, a new build would normally not be permitted.
- 8.21. Paragraph 3.7 advises the question of precedent may also be an important factor.
- 8.22. This DCAN, although published some time, has never been superseded and remains relevant. This document clearly steers a prospective proposal for a nursing home to cities, towns and villages, and advises against countryside locations, particularly proposals for standalone new builds.
- 8.23. Paragraph 3.1 states proposals for residential and nursing homes in rural areas will be considered in the context of the Authority's rural policy. It is clear that the thrust of DCAN 9 reflects the planning policy context outlined in Policy CTY 1 of PPS 21 where it states that certain uses, (which would include nursing homes), will only be permitted in the countryside '**where there are overriding reasons why that development is essential and could not be located in a settlement**'.
- 8.24. The agent has provided a statement in support of the application which includes a section on need and an analysis of other sites within the settlement limit. The supporting information has been fully considered by the Planning Department, but it is considered the narrow analysis provided does not demonstrate justifiable need as to why this proposal should be accepted in this countryside location. No supporting information has been submitted to conclusively demonstrate that there is a need for this type of accommodation in the local or wider area, including any supporting statement from any relevant authority or Trust.
- 8.25. In summary, PPS21 is a restrictive policy and the Planning Department considers that no overriding reasons have been advanced to justify why this

proposed development is essential in this rural location and could not be located within a settlement.

Policies CTY 13 and CTY 14 of PPS 21

- 8.26.** Notwithstanding the above, proposals must also be considered against policies CTY 13 and CTY 14.
- 8.27.** As stated previously, the site occupies an elevated location, although is set well back from the Greenpark Rd on a levelled area, comprising the former equestrian centre/stable buildings. The site is accessed from the Greenpark Rd, and will include an extended sweeping driveway, cut out of the landscape. This access and sweeping driveway were previously approved as part of the hotel application on this site.
- 8.28.** The building proposed comprises 4 levels of accommodation and is sited and designed to front towards the Greenpark Rd, although which will not be readily visible due to intervening planting and the natural topography. It includes a linear design, broken up with several returns and different finishes, whereby the proportions and materials are considered acceptable.
- 8.29.** It is acknowledged the building occupies a sizeable footprint, area and size however its visual impact from public viewpoint will be limited and within the wider landscape. Although elevated, the site benefits from a mature woodland, which largely surrounds and encloses the wider site on three sides and as such screens it from views beyond. Detailed landscaping proposals have been submitted which include the retention of existing boundaries and majority of existing trees and planting, augmented with native species planting. New planting is also proposed throughout the layout.
- 8.30.** This existing mature woodland, which is on rising ground will largely act as a natural backdrop to the site, while the proposed planting will also ensure the development does not result in an unduly prominent feature in the landscape. It is also acknowledged critical viewpoints of the site are limited due to the undulating topography of the wider landscape and existing roadside and field boundary planting.
- 8.31.** The siting of the building is such that it will not contribute to suburban style build up being located some distance from any other property, whereby the other existing properties are all also within the settlement limits. The site history with permission for a hotel building at this same location with associated access and ancillary works is also noted.
- 8.32.** On balance it is considered the proposals do not offend the requirements of policy CTY13 and 14 of PPS21.

CTY 16: Development Relying on Non-Mains Sewerage

- 8.33.** Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add

to a pollution problem. The application has outlined on the P1 form that a wastewater treatment plant is the proposed means of disposing sewage. A condition will be attached to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site.

Planning Policy Statement 2 (PPS2) – Natural Heritage:

- 8.34.** NH1 - European and Ramsar Sites – International: The proposal is acceptable to the requirements of NH1 in that it would not have a likely significant effect on a European Site or a listed or proposed Ramsar Site (as assessed in accordance with SES.) DAERA NED and SES also note the main development site is over 50m from the Ghann River SLNCI, which is hydrologically connected to Carlingford Lough ASSI. The proposals include a wastewater treatment plant, while surface water will be disposed off via soak-aways.
- 8.34.** Policy NH2 – Species Protected by law: The proposal has the potential to impact on protected species (including bats and badgers.) A Biodiversity checklist, PEA and Bat Roosting Survey, landscaping plans and CEMP were each submitted. NIEA in its final response offer no objections in principle subject to condition.
- 8.35.** Policy NH3 - Sites of Nature Conservation Importance – National: NED notes the main development site is over 50m from the Ghann River SLNCI, which is hydrologically connected to Carlingford Lough ASSI. The proposals include a wastewater treatment plant, while surface water will be disposed off via soak-aways. SES and NIEA have no objections.
- 8.36.** Policy NH 4 - Sites of Local Nature Conservation Importance –Local:
The red line boundary of the application site extends marginally into the boundary of the SLNCI. This SLNCI comprises the ancient Carrickbawn woodland beyond the rockface. The development proposed does not extend beyond the existing rockface and having account the topography and history on this site, together with the existing and proposed planting proposals, on balance it is considered the proposals will not adversely impact on this SLNCI, to an unacceptable degree.
- 8.37.** Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance: In relation to Mature Trees and Woodland, NED notes the surrounding woodland is Oak Woodland NIPH. Following the submission of further information and clarification, NIEA offer no objections to the proposals.
- 8.38.** Policy NH6 – Areas of Outstanding Natural Beauty: Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all the criteria (a-c) are met.
- 8.39.** Following review of the proposals submitted and responses from various consultees, regarding the potential impact from the development, and also the planning history with permission in place for a new hotel on this site, the

Planning Dept considers it is not possible to sustain a refusal on the basis of harm to Policy NH6.

- 8.40.** The setting of surrounding listed buildings and historic features in addition to heritage will be protected (namely Carrickbawn Wood LLPA, Rostrevor House Demesne, Carpenham House) which all add to the character of this part of the AONB.

PPS3- Access, Movement and Parking

- 8.41.** Policy AMP1 of PPS3 sets out how it is the Department's aim to create a more accessible environment for everyone. Accordingly, developers need to take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

- 8.42.** The proposals include an access created onto the Greenpark Rd. The Greenpark Rd and access road shall each be 6m wide, with a 2m wide footpath along the site frontage either side of the entrance with splays of 4.5m by 103m in both directions. Upon entering the site a 2m wide footpath will then continue along one side of the entrance road to serve the development. (The initial proposals for a right turning pocket have been removed from the final scheme).
- 8.43.** Four separate parking areas have been proposed within the site, with cycle parking, disabled parking and ambulance/goods vehicle parking all catered for. A total of 88 parking spaces are provided within the site. The P1 form indicates 25 staff (42 employees), 30 visitors/customers and 2 goods vehicles will be attracted to the site. The guidance set out in the Parking Standards document is noted, whereby it is considered sufficient provision has been made for parking within the site.
- 8.44.** DfI Roads has been consulted on a number of occasions and in its final response offer no objections in principle subject to conditions, including PSD drawings.

PPS6- Planning, Archaeology, and Built Heritage

- 8.45.** As stated previously, the site is adjacent to Rostrevor House Demesne, an 18th Century designed landscape which is on the Register of Historic Parks, Gardens and Demesnes. It is also located a short distance east of Green Park Demesne, which is also on the Register. It is in close proximity to Rostrevor House and Carpenham House which are Grade B listed buildings. Accordingly, the provisions of PPS6 apply.

- 8.46** HED has been consulted whereby both Buildings and Monuments have provided comment, and subject to conditions are content the proposals satisfy the requirements of the SPPS and PPS6.

HED Historic Monuments has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

HED Historic Buildings, has considered the impacts of the proposal on the listed buildings and are content with the proposal, as amended. Relevant policies include paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

PPS7- Addendum

- 8.47.** This policy was listed in the representation received with concerns regarding residential amenity of existing neighbouring properties. PPS7 and its Addendum relate to housing and as such are not the relevant policy tests for this assessment, comprising a commercial nursing home primarily in the countryside. The relevant policy tests do however include assessment of the impact on residential amenity.
- 8.48.** Notwithstanding this, it is considered the building is located a sufficient distance from any existing/approved residential property, which together with the intervening landscaping and natural topography is suffice to prevent any unacceptable loss of amenity such as dominance, overshadowing, loss of light, overbearing impact or loss of privacy.

PPS15 (Revised) – Planning and Flood Risk:

- 8.49.** DfI Rivers flood maps indicate that the site is not located within a river or sea floodplain, with some predicted surface flooding on the site. As the development site exceeds 1 hectare in size, a Drainage Assessment was required for consideration, as set out under Policy FLD3. There are no issues with watercourse or reservoirs.
- 8.50.** A Drainage Assessment was subsequently provided, which DFI Rivers reviewed, and is summarised as follows. The Drainage Assessment indicates that flood risk to and from a portion of the development will be managed using a sustainable drainage system (SuDS). The private soakaway system proposed has no outlet and drainage is via percolation through the soil strata.
- 8.51.** In its consultation response DFI Rivers stated that commenting on the efficacy of the proposed SuDS is outside its area of knowledge and expertise. Consequently, DfI Rivers cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy.

In addition, the DA states that the proposals put forward are preliminary and that at detailed design stage more information will be provided on the SuDS design or another attenuation system will be designed and implemented.

In order to safeguard against flood risk to the development and from the development to elsewhere the Planning Authority may want to condition the provision of a final drainage assessment at detailed design stage. Should the final drainage assessment include a SuDS, DfI Rivers will not be able to comment on the efficacy of the SuDS or discharge any related Condition.

8.52. DfI Rivers however, do not object in principle to the proposal.

9.0. Other Material Considerations

9.1. It is acknowledged that planning permission has been granted on the site for a number of alternative uses, including an hotel, (see planning history above). While this was a material consideration in the assessment of this application, limited weight has been attached to previous approvals on the site as these were assessed against a different planning policy context.

10.0. Summary

10.1. Taking into account the above, the application is recommended for refusal as it is considered there is no justifiable need for a proposal of this nature in this sensitive countryside location. Accordingly, Refusal is recommended.

10.0. Recommendation:

10.1. Refusal

Reasons for refusal:

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

Case Officer Signature: M Keane

Date: 27.03.24

Appointed Officer Signature: P Rooney

Date: 27-03-2024

- Thank you for affording us the opportunity to speak today. Accompanying me is the proposed operator, Martin O' Dowd from KODC Advisory Limited. Martin owns an accountancy practice in Dublin. He also operates two private nursing homes personally, and is part of a consortium that operates a further 8. He has recently sold off one 120 bed home in Dublin. Martin's existing portfolio of nursing homes cost in the region of £22m is valued at £55m. They cater for 650 residents and employ 475 people. He has allocated a budget of £12m for the construction of this care home.
- Also in attendance is Mr Anthony Brennan, a qualified barrister involved in the company behind this project. Anthony, Martin and I will be available to answer any questions you have.
- The proposal is said to be contrary to the SPPS and PPS 21, which actually contains a policy exception for a necessary community facility to serve the local rural population. Officers do not feel the proposal fits into that category, even though PPS 21 does not offer a definition, leaving Members free to apply their own judgement as to whether or not this is a necessary community facility.
- The proposed development will provide a benefit for the local community in the following ways:
 - Provision of 110 beds to help satisfy the increased demand for Enhanced Care in the area;
 - Ensure that the residents of the area and their families can be cared for in their local community;
 - Create additional construction employment in the local area during the £12m construction process;
 - Create long term permanent employment within the care home (42 staff).
- The crux of the refusal is that officers do not accept there are overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The first point to note is that there is no planning policy that is specific to care homes, inside or outside settlement limits. Applications therefore have to be determined on their own merits.
- The second point is that the Local Development Plan does not have any provision for a care home within the settlement. The applicant conducted an exhaustive trawl and found nothing available.
- Thirdly, this site is not an undeveloped greenfield site: it is a brownfield site, with an extensive history of planning approvals, and it is sited on the urban fringe.
- This decision rests upon Members' judgement as to whether the benefits of the proposal outweigh the costs. As can be seen from the case officer report: there are no environmental costs. Despite an exhaustive consultation process, not a single consultee has any objections to this proposal. Because of the volume of information submitted with the application, officers accept the application does not fall into the EIA category. Only a single objection has been raised, by a third party who is in a civil dispute that stemmed from unauthorised works inside and beyond their legal boundary.
- Previous approvals on the site include an equestrian centre; a caravan park and, significantly, there is an extant permission for a 100 bedroom hotel on this site.

- In the assessment of the application, officers attach "little" weight to the site's planning history because they feel that the earlier approvals were granted under different policies. However, Planning history is always a material consideration in the determination of any planning application. The weight to be attached to this is a matter for the decision-maker. Members are therefore entitled to form their own view on this.
- Officers accept there is no impact upon the countryside, and their only concern is "need". The assessment of need is however a simple matter of planning judgement and the Courts have found that "need" can range from necessity at one end of the spectrum to demand or desire at the other end (see *R Cherkley Campaign Ltd v Mole Valley DC*). The test of "need" is therefore not as high as the bar that officers have sub-consciously set.
- As of 03rd April 2024 there were only 53 available care home beds in the Southern Trust area, only 15 of which were in this District. Of the 53 available beds, only 7 were dementia nursing bed spaces. This proposal is intended to cater specifically for dementia patients.
- While planning guidance indicates that settlements are the preferred locations for nursing homes, this is primarily due to proximity to services and for general sustainability. This proposal, however, requires a site that is slightly removed from hazards that might affect other sites in the Rostrevor area, such as main roads or the shore line, due to the risks associated with dementia patients wandering off. The site has been chosen due to the quality and tranquillity of its setting and because it is beside the settlement with convenient access to services but is secluded, safe and secure.
- A search on the carehome.co.uk resource shows only one home in County Down with any capacity at present. This is located in Newtownards. The proposal will therefore help address this shortage.
- The applicant's review of alternative sites within Rostrevor has been exhaustive: there is nothing available; suitable or viable. Permission had been granted for a nursing home site in Rostrevor. That application was later shown to have been speculative, unlike this proposal. The site was sold and the present owner attempted to secure permission for alternative development on the site. An appeal against the refusal of planning permission for alternative development is pending. It is clearly not available to accommodate this site, and it is not a suitable site for a dementia care unit in any case. This site fits the bill perfectly, and is available, and planning officers confirm there are no planning or environmental concerns regarding any aspect of this development.
- We hope Members will apply their own judgement in deciding whether the "need" for this proposal is adequate and whether the site's planning history and brownfield status outweigh the planning department's concern regarding the proposal's siting just beyond the settlement limit.
- We thank you for your time and consideration and welcome any questions.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2022/0411/RM
Date Received:	17 th February 2022
Proposal:	Erection of 100 bedroom hotel and spa
Location:	Lands located approximately 200m east of no. 25 Greenpark Road, Rostrevor, BT34 3EZ

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The site comprises an extensive sloping site in Carrickbawn Wood to the north of Rostrevor. It is accessed off Greenpark Road to the west and currently contains an equestrian building, grazing land and a disused sand arena with floodlights, which is largely overgrown. Several areas have been levelled by quarrying of rock and a snaking laneway has been constructed to provide vehicular access from the bottom to the top of the site. The site is heavily wooded with mature trees including beech, oak and ash. There is also a large portal framed stable building near the top of the site and a dwelling located further east / uphill at the end of the laneway. The site benefits from spectacular views over Carlingford Lough to the south.
- 1.2 The majority of the site is located in a rural area, with the exception of the access point off Greenpark Road and a small part of the access lane, which is located within the settlement development limits of Rostrevor (RR01) as identified by the Banbridge / Newry and Mourne Area Plan 2015. The site is also within a Local Landscape Policy Area (RR09) and Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB2.) Part of the site is also within a Site of Local Nature Conservation Importance (SLNCI – 148, Carrickbawn Wood.)
- 1.3 The site is adjacent and north of Rostrevor House Demesne, an 18th Century designed landscape which is on the Register of Historic Parks, Gardens and Demesnes and includes Rostrevor House, a Grade B listed building. A further grade B listed building is located in proximity to the site at No.20 Greenpark Road (western side) known as Carpenham House. Finally, the site is also a short distance east of Green Park Demesne, which is also on the Register and includes a further listed dwelling (grade B.) In terms of Protected Monuments,

there is a prehistoric Cairn (DOW051:073) located within the upper part of Rostrevor House Demesne, east of the application site.

- 1.4 There are Tree Preservation Orders on the adjacent grounds of Rostrevor House and Carrickbawn Wood. Part of the forested area is classed as Ancient Woodland. The site is in proximity to Rostrevor Wood Special Area of Conservation (SAC) and Area of Special Scientific Interest (ASSI) and is hydrologically linked to designated sites within Carlingford Lough, including Special Protection Area and Ramsar site via the Ghann River (located approximately 50m west of the site entrance.)
- 1.5 Other land uses in the area include a Convent, a GAA Club, residential properties including a residential development under construction adjacent and directly north (referred to as Carpenham Court). A separate building located directly south of the site shares the access to the site, as recently assessed under LA07/2020/1853/F and further detailed below.

2.0 PLANNING HISTORY

2.1 Site History:

The site has an extensive history, relating to equestrian and tourism uses, as outlined below:

- **P/1994/0129** – An application for the erection of an equestrian centre was withdrawn on 02.08.1994. The former equestrian centre was then subsequently approved under application **P/1994/0865** on 02.02.1995. A further application was submitted under **LA07/2015/0088/F** for additional stables and a store some distance east of the existing site, which was recommended for refusal and withdrawn on 1st February 2017.
- **P/1996/0409** - Outline planning permission was granted on 12th June 1996 for a caravan park on the site under application, though this was not implemented and consequently expired.
- **P/2000/0736/O** – Outline permission was granted on 06.03.2002 for development of chalet and group accommodation. The outline permission granted under **P/2000/0736/O** was **renewed under application P/2004/2962/O** and approved on 21.12.2006. No Reserved Matters application was submitted within the required timeframe and this permission also lapsed.
- **P/2008/1178/O** – Outline permission for a 50 bedroom hotel and spa was then granted on 10.11.2011, however this permission expired. (It is noted that this application was originally submitted for a 100 bedroom hotel but was reduced to 50 bedrooms during processing.)
- **LA07/2015/0601/PAD** – Pre-application discussions were carried out under this submission for a proposed 100 bedroom hotel and spa.

- **LA07/2017/0757/PAN and LA07/2017/1030/O** - As the outline application for a 100 bedroom hotel and Spa is classified as a 'major' application, as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015, it was preceded by a Proposal of Application Notice and a period of Pre-application Community Consultation was carried out, as required by legislation, with detailed report on file. The PAN was deemed acceptable on 13.06.2017, and an outline application was subsequently submitted for the same under LA07/2017/1030/O. Following concerns with the outline proposal, additional and amended information was provided to meet policy requirements and the application, outline permission was subsequently granted on 20.02.2019. The current Reserve Matters application has been submitted within the required three year timeframe conditioned under the outline approval (received on 17.02.2022.)
- **LA07/2021/1631/F** - Prior to submission of this application, a second / concurrent application has been made on the site on 03.09.2021 for the Erection of residential care home with site works and landscaping. This remains under consideration and as a major application, was also preceded by a Proposal of Application Notice under **LA07/2021/0714/PAN (PAN acceptable 11.05.2021.)**
- **LA07/2022/0077/CA** - There is a live enforcement case on the site (opened 03.03.2022) in relation to the alleged change of use of the established equestrian building for faith based activities and the sale of associated goods. This is a separate matter, currently under consideration with the Planning Department's Enforcement section.

2.2 Relevant surrounding planning history:

- **LA07/2020/1853/F** - An application 190m South East of 27 Greenpark Road Rostrevor (overlapping with the access of the current site - see location plan below) for change of use and extension to existing work shop to provide for distillery, storage, cafe and associated works **was refused on 21.12.2022**



LA07/2020/1853/F

- **P/2007/1732/F** - A housing scheme for 15 dwellings and 3 apartments was approved on 31st March 2014 on lands adjacent and directly north of the application site's entrance off Greenpark Road. The red line boundary of this approval also overlaps with the application site (see location plan below.)



P/2007/1732/F

- The housing development at Carpenham Court as approved by virtue of P/2007/1732/F is under construction and has been the subject of several subsequent applications since this 2007 approval, listed below. It is noted that an objection has been submitted under this application referencing these adjacent lands (considered under section 5 of this report,) therefore the surrounding applications may be material to this assessment, in addition to the third party objection letter:
- **LA07/2016/1058/F** - Removal of condition No. 17 (with regard to social housing) on approval No P/2007/1732/F, **permission refused 01.11.2016**
- **LA07/2016/0799/F** - Proposed change of house type at sites 1-5 at Oak Grange Green Park Road Rostrevor 50 meters South of No. 25 Greenpark Road Rostrevor previously approved under P/2007/1732/F – **permission granted 15.03.2017**
- **LA07/2020/0088/F** - Erection of 5 new dwellings (change of house type for sites 1-5 from that previously approved under LA07/2016/0799/F). **Permission granted 08.06.2020**

- **LA07/2020/1754/F** - Proposed change of house type at sites 6,7,8 & 9 and additional houses at sites 10 & 11 from that approved under P/2007/1732/F – **permission refused 18.06.2021**
- **LA07/2022/1241/F**- Proposed road widening and visibility splays at roads 1 and 2 at housing development at Green Park Road, Rostrevor, 50 metres south of No..25 Greenpark Road, Rostrevor previously approved under P/2007/1732/F for Pothill Homes Ltd – received 03.08.22, **under consideration**
- **LA07/2023/3490/F** - Proposed retention of 5 dwellings, one detached and two pairs of semi-detached, and associated road layout and new access – received 13.10.23 (**under consideration**)

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP 2015)
- Planning Strategy for Rural NI (PSRNI)

- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS15 (Revised) – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside

- DCAN10 (Revised) – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- 'Building on Tradition' Sustainable Design Guide

- Third party representations
- Planning History

4.0 CONSULTATIONS:

- DfI Roads (13/05/2022)– No objections subject to Planning being satisfied that the applicant can link into application reference no LA07/2020/1853/F and adjoining housing development (request for Private Street Determination drawings)
- NI Water (25/05/22) – Recommend refusal, subject to successful discussions and outcomes regarding issues highlighted in the response (see discussion further below, NI Water may reconsider its recommendation. (Foul sewerage network capacity issues.)
- NMDDC Environmental Health (10.05.22 and 22.06.22) – Initially requested clarification on the extent of any planning applications granted but not yet

commenced in the area surrounding the application site. Following provision of surrounding approval details, Environmental Health advise there are no objections to the proposed application, subject to conditions in relation to air handling and noise generating equipment and treatment of foul sewerage.

- DfC Historic Environment Division (10.05.22 and 13.09.22) – The proposal may affect the setting of listed buildings / structures (including Rostrevor House, Carpenham and Greenpark), a prehistoric Cairn and historic park (Rostrevor House Demesne). Amendments and additional information were requested and whilst some information has been provided, some requirements have not been addressed. As such, HED advise in their latest response that in order to fully assess the application, the outstanding information is required and if additional not submitted, the proposal could prove contrary to policy.
- DfI Rivers Agency (18.05.22) – Additional information is required to meet requirements of PPS15 Policy FLD3 (discussion below.) No objections under Policies FLD1, FLD2, FLD4, FLD5.
- Loughs Agency (13.06.22)– concerns relating to whether the local waste water treatment infrastructure has the capacity to deal with the additional sewage burden which will result from this development. It is the Agency's view that the proposed development may place more pressure on the waste water network, so increasing the risk of sewage overflows. The overflows from overloaded WWTW invariably are discharged to watercourses to the detriment of fisheries interests.
- DAERA (25.05.22 and 06.12.22)
Water Management Unit (WMU) initially advised that the proposal has the potential to adversely affect the surface water environment and Natural Environment Division (NED) advised that additional information and amendments were required. Whilst some requirements have been addressed through amendments, some requirements remain unaddressed (see assessment below.)
- Shared Environmental Services SES (11.05.22) – The proposal has been previously considered for HRA under application LA07/2017/1030/O and been eliminated from further assessment. SES has assessed no changes in this Reserved Matter (RM) application that would change the previous conclusion of that HRA dated 01/12/2017

5.0 OBJECTIONS & REPRESENTATIONS:

- 5.1 The application was advertised in the local press on 14.03.22 and 25 neighbouring properties were notified by letter on 25.04.22. Both the statutory advertising and neighbour notification dates have expired.
- 5.2 1 letter of objection has been received from Ballymullan Architect Ltd. (dated 13.04.22) on behalf of Mr Kieron Morgan and his construction company 'Pothill Homes Ltd' and who is also the owner of lands immediately adjacent and north of the site (between No.25 GreenPark Road and the proposed site entrance.)

5.3 For the purposes of this report, a summary of the concerns included in this letter are noted below, with the detailed letter placed on file:

- *The land owned and developed by 'Pothill Homes Ltd' under LA07/2020/0088/F is a roadside site south of No.25 Greenpark Road Rostrevor was previously approved for a scheme consisting of 15 dwellings & 3 apartments under P/2007/1732/F;*
- *The work at land south of No.25 Greenpark road has commenced with the erection of 5 dwellings along the northern boundary in accordance with LA07/2020/0088/F and the site plans depicting the hotel do not take cognisance of these units having been commenced on the ground;*
- *Objections are submitted concerning the application for the 100 bed hotel, in its current format, as it does not comply with the following policy documents or lacks information:*

5.4 *1.Failure to complete the P1 form correctly /accurately:*

The applicant has completed the P1 form under Q13 incorrectly in our opinion. The applicant has stated 'Yes' they do own or control additional land in excess of what is demarcated in red. However only a single blue line is shown but does not include land where the drainage layout depicts a mains Foul and Storm line along the boundary against No.25 Greenpark Road.

The Planning Authority has written to the appointed agent on 01.06.2022 to afford the opportunity to clarify this and no further information has been received for consideration.

The applicant has completed the supplementary (i) part of the form incorrectly by ticking 'No' in answer to does the proposal involve the carrying out of any quarrying. The drawings submitted as part of the application Dwg 3168 depict a section profile of 16m excavation making a vertical face at the boundary. The section does not provide os datum levels to assess accurately the height. The section does however highlight that the building is intended to extend up tight to the bargeboard to the newly created cliff face. The applicant doesn't appear to have made provision for any ground stabilisation as the red line boundary of ownership is depicted at the point of the face. Does the applicant intend to drill anchors into the rock face beyond the red line to support the wire mesh at this point? There is no information submitted to confirm what the rock stratum strength is within this zone or whether it would require further regrading beyond the red line.

The purpose of this supplementary question is to determine whether the application relates to mineral workings so that a supplementary form may be required (formerly P1B form) and the Planning Authority consider this to be accurate. However, given the proposed works do involve excavations and use of retaining gabion walls, additional details were requested (see assessment further below) in order to appreciate how this would be constructed and to ensure that there engineering works do not

unduly impact on natural heritage or indeed residential amenity. Whilst some details have been provided (including cross sections,) the Planning Department would require further details (not less engineering works and construction management plan) to be approved in writing prior to commencement of development, in the event that the proposal is approved.

The applicant has completed 'No' to question (IV) in the additional applications section stating that no storage of hazardous substances that are subject to COMAH regulations. We note the proposed SPA and inevitable cooking provisions that will be needed for the commercial kitchens and seek clarification that none of these practices would require storage of LPG. In the event tanks of LPG were required we would contend that the applicant should have in fact stated 'Yes' and provided suitable information accordingly. The COMAH defines this as 'A gas is any substance that has an absolute vapour pressure equal to or greater than 101.3 kPa at a temperature of 20 °C.'

On the basis of details provided, the proposal does not fall within the thresholds within The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015 to require Hazardous Substances Consent. Environmental Health and DAERA (NIEA) have been consulted on the proposal and have not raised any concerns in this regard. In the event of approval, this does not include matters beyond the nature / scope of the details presented within the application.

5.5 *2. Failure to demonstrate additional lands owned or controlled-to be shown in blue:*

The land owned by our client is not outlined in blue yet forms part of the proposal for drainage. This sewer line also transects through 5 houses already built as part of LA07/2020/0088/F. The 5 houses already built will negate the drainage proposal from being achieved. In this event what is the applicants proposal for foul and storm discharge? The proposed line of drainage also follows a chainage line OS Datum from 71.1 to 51 at street level (a differential in excess of 20m drop). How does the applicant intend to achieve this within NI Water regulations for manhole drops preventing blockages.

As noted above, the Planning Department sought clarification on this matter and no additional details have been submitted for consideration.

The P1 application form states surface water is to be dealt with via a sustainable drainage system.

The Drainage Assessment provided (as prepared by O'Sullivan Macfarlane) outlines that it is proposed to connect all site surface water drainage to the existing NIW infrastructure on Greenpark Road v; with the proposed drainage details including a network of new underground storm drains within the site boundary, which connect to the existing NIW sewer on Greenpark Road at the access point.

DfI Rivers Agency advise that additional information is required to satisfy the requirements of Policy PPS15 FLD3 (Development and Surface Water

(Pluvial) Flood Risk Outside Flood Plains.) The Planning Authority has written to the appointed agent on 01.06.2022 to request this information, however no details have been forthcoming. In the event of an approval, an amended drainage assessment would be required to be submitted to the Planning Authority prior to the commencement of any development, to ensure that the proposed drainage measures are in line with policy requirements.

NIW advise in comments dated 25.05.2022 that there is no public surface water sewer within 20m of the proposed development boundary, however access is available via extension of the existing public surface water network. In the event of an approval, the Applicant would be required to consult with NI Water to determine how this development may be served and a planning condition would be necessary to ensure that agreement for the extension to the existing surface water network to serve the development is obtained prior to commencement of development to ensure a practical solution to the disposal of surface water from this site.

5.6 *3. Failure to demonstrate a right of way in favour of Mr Morgan:*

The applicant has completed the P1 form under Q15 incorrectly in our opinion. Mr Morgan who has been served notice through the P2A form has a legal easement to access the entrance geometry which has not been shown on the site location map or any other drawings. However the applicant has ticked 'NO' in this section of the P1 form.

The Planning Authority has written to the appointed agent on 01.06.2022 to afford the opportunity to clarify this and no further information has been received for consideration. The matter of land ownership is a legal matter beyond the ambit of the Planning Authority.

5.7 *4. PPS 2- 'Natural Heritage' Policy NH1, NH2, NH3, NH4, and NH6 – Absence of Biodiversity:*

NH1 States 'Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)'. In our assessment we see no tangible assessment of any of these features.

This application has been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Newry, Mourne and Down District Council who are the competent authority responsible for authorising the project. The proposal has been previously considered for HRA under application LA07/2017/1030/O and been eliminated from further assessment. See detailed assessment.

NH2 States 'planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Again we see no tangible reference to any assessment of protected species or the trees with TPOs applied within the site layout plan. We would request that the department request for a full ecological assessment of this site. By the applicants own admission the trees could be home to 'considerable biodiversity' including protected species such as bats, badgers, newts, flowers and fauna. We have no details of how these items have been assessed or protected. The application site plan shows plans for new culverted foul and storm from the site onto the Greenpark Road. This may detract from the water course that could occur naturally within the red line. We have no details to assess these.

NH3 - Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of An Area of Special Scientific Interest or a Nature Reserve. The applicants own statement highlights the sites proximity and inclusion within an AONB. Rostrevor Oakwood is a Special Area of Conservation believed to be over 250 years old. It is a remnant of the old oak woodlands that clothed the lower slopes of the Mourne several centuries ago. Most of these oak woods were cleared during the 18th and 19th centuries for use in boat building. Whilst the site is not within the setting of the Oakwood, the Carrickbawn Wood could reasonably be considered as part of the 'Habitat Network'. Foraging bats and birds of prey could easily move between both woods which do abut this site

NH5 - Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known Priority Habitat or species. In such cases, appropriate mitigation and/or compensatory measures will be required. in the absence of an ecologist report no comment can be made at this point as to the proposals.

'NH6 states' Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met: a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality'. we would contend that the 100 bed hotel proposal in its current form does not meet this criteria and is not fully resolved. An example being that In the absence of any feasible transport design it cannot reasonably be assessed whether visitors arriving to the facility in a coach or bus can be suitably catered for without causing adverse risk to other road users. We would ask for a Autotrack be provided to demonstrate how delivery vehicles for food, waste management and coaches which are rigid wheel bases navigate the twisty access route. Can the applicant provide a management plan as to how access would be protected during inclement weather. Our local climate changes are resulting in increased storms and snow events which for a steep gradient would require thought as to keeping the route safe. There is no ground works shed for machinery such as snow clearance, landscape maintenance etc depicted. More concerning is that the main hotel entrance and service routes show no signs of segregation along the southern boundary. There is lack of clarification as to how large vehicles intend to pass the main Hotel Entrance along a tight single lane track. How will

passing vehicles and pedestrians deal with this interface? A large and fundamental portion of the existing laneway tracks are not included in the red line. How is the department legislating for routes that clearly will be absorbed into the scheme 'under the radar'.

The request for autotracking and the request for management plan to detail how the access would be protected during inclement weather in relation to the AONB policy requirements under PPS2 is not considered relevant.

Access and Road Safety considerations fall to PPS3 and DCAN 15 requirements and DfI Roads has raised no concerns in relation to the access laneway, which includes widening to 5m for safe passage of vehicles and an area for service vehicle parking and turning to the rear of the hotel.

The Planning Authority has however concerns with the proposal on the basis of information available for assessment in relation to PPS2 requirements and in its current form is considered contrary to policy. A detailed assessment of these matters is included under Section 6 of this report.

5.8 *5. PP3 3- 'Access Movement and Parking'- Infringement of land not shown in blue*

The proposed right hand turning pockets for the Hotels main entrance requires a parcel of land owned by our client to fulfil the roads consultants proposal. Our client will not agree to the excessive ingress of use of his land as it will jeopardise the ability to complete his own housing development already commenced on the adjacent land. Whilst an easement was imposed on this land it was not adequate to cater for the amount of land now being sought. Furthermore the additional right turning pocket now shown for the land LA07/2020/0088/F would require my client to demolish a house already constructed to facilitate the re-alignment shown. We would ask that the applicant accurately show the 'as built survey' of our clients land for assessment. We have enclosed a sketch version of the intrusion highlighting that the current road layout does not work. Refer to Fig.1 (below) for scope of land owned by Mr Morgan to facilitate right hand turning pocket & position of foul & storm drainage which conflicts with the extant approval on the adjacent land.



In the absence of clarity from the agent on these matters, the Planning Department are unable to determine whether the access proposals can be implemented within the applicant's control of lands required. In the event of an approval, this matter would require to be resolved prior to commencement of any other development associated with this application.

5.9 **6. PPS7 – Addendum – Unacceptable impact on existing residential properties:**

The proposal fails the test set by PPS7 in an existing residential area because the excessive scale, massing and proportions of the building combined with a failure of the design to respond to the topography of the site results in unacceptable amenity impacts with neighbouring properties.

PPS7 and its Addendum which relate to housing, are not the relevant policy tests for this assessment, comprising of a tourism facility primarily in the countryside. The relevant policy tests do however include assessment of the impact on residential amenity. The potential impacts on surrounding residents relate to noise during the construction and operational stages. These matters can be dealt with by conditions restricting the times in accordance with the advice by Environmental Health Department (in the event of an approval.)

5.10 **7. SPPS 23- Policy ED1 – Unacceptable impact on heritage:**

As with point 5, the Planning Authority has concerns with the proposal on the basis of information available for assessment in relation to heritage and in its current form is considered contrary to policy. A detailed assessment of these matters is included under Section 6 of this report.

We respectively seek that the planning department request more clarity on each of the topics raised in this letter of objection. The amendments, although not an exhaustive list, should include detailed information concerning the following:

- *An Ecology report with the submission of a Preliminary Ecological Assessment. Impact of the carpark lighting in particular if the forested area where roosting bats or bats that use the forest to forage may be negatively impacted. As detailed in the applicants design statement biodiversity and the potential for protected species and habitat have not been duly considered.*
- *Autotrack layouts of house rigid axle vehicles such as bin lorries and coaches are being dealt with.*
- *Rectification of the P1 form on the items highlighted to be in error.*
- *Provision of an as built survey demonstrating how the proposed right hand turning pockets can be provided without impacting on the houses already built on our clients land. The applicant should show the outline of the folio of land owned by Mr Morgan.*
- *Details of how drainage is being catered for having highlighted the route currently depicted uses 3rd party lands and would require the demolition of houses already built if the scheme as shown was to be implemented.*
- *Clarification of the ground investigation report conducted that would confirm that the escarpment rock face proposed would be stable and not require 3rd party lands to construct.*

5.11 A detailed letter was issued to the agent on 01.06.2022 requesting additional information (reasonable to the requirements of this assessment.) In response, amended drawings were submitted on 08.08.2022 with additional detailing, however not all of the information requested has been provided. The Planning Authority having considered the detailed contents of the objection letter agree that some of the matters have not been fully addressed and as such, the proposal is considered contrary to policy, as detailed in the assessment under Section 6 of this report.

6.0 CONSIDERATION AND ASSESSMENT:

6.1 Summary of Proposal:

The proposal relates to a 100 bedroom (4 star) hotel, targeting the upper end of the tourism sector. It includes a spa, leisure (gym,) swimming pool, conference / function facilities, a restaurant and two bars. Although noted at outline stage that the existing equestrian centre building is to be relocated within the site, there were no details of this element incorporated into the outline approval.

6.2 The proposed layout incorporates carparking provision at a lower level to the hotel (82 no. spaces,) with further carparking provided within former sand arena area (including main stay carpark 83 no. spaces and 18 no. short stay carpark 18 spaces.)

6.3 The proposal seeks to utilise the existing access off Greenpark Road and includes improvements to the snaked laneway, including widening to 5m to enable two way traffic. The access laneway leads to a new carpark at lower

level (82 spaces,) and extends to an upper level car parking area adjacent to the embankment (on the area formerly used as equestrian arena.)

- 6.4 The hotel building is designed over three levels and is positioned on the higher part of the site (where the equestrian building is currently located,) and is positioned in a westerly facing position, with a gabion retaining structure to the rear between the existing embankment. The design incorporates a staggered linear main block along its front / western elevation, largely glazed with lead roofing and the building form extends to the rear (east) in three separate blocks.
- 6.5 Landscaping measures include the retention of existing boundaries, augmented with native species planting. New planting is also proposed throughout the layout, including a mix of Mountain Ash, Beech and Oak trees, in addition to smaller planting (*Betula Utilis Jaquemontii*.) Existing trees are to be retained and protected, with the exception of 6 no. trees to be removed (site layout below.)

6.6 Supporting Documents:

This assessment is based on consideration of the following drawings (as amended,) together with supporting documents submitted, including:

- 3168.01 – Site Location Map (date stamped 23.02.2022)
- L01 – Landscape Plan (date stamped 08.08.2022)
- JPC001 – Proposed Site Layout Plan (date stamped 17.02.2022)
- 3168.04 – Proposed Site Layout (date stamped 08.08.2022)
- 3168.05 – Proposed Lower Ground Floor Plan (date stamped 15.02.2022)
- 3168.06 – Proposed Ground Floor Plan (date stamped 08.08.2022)
- 3168.07 – Proposed First Floor Plan (date stamped 08.08.2022)
- 3166.08 – Proposed Elevations (date stamped 08.08.2022)
- 3166.09 – Proposed Elevations (date stamped 08.08.2022)
- 3166.10 – Proposed Cross Sections (date stamped 08.08.2022)
- 3168.11 – Entrance Gates/Pillars and Wall (date stamped 08.08.2022)
- 3168.12 – Proposed Car Park Sections (date stamped 08.08.2022)
- 3168.13 – Proposed Car Park Sections EE & FF (date stamped 08.08.2022)
- Dar220202/001 Rev R0 – External Lighting Layout with Lux Level Contours (date stamped 17.02.2022)
- Design and Access Statement (dated 15.02.2022)
- Outdoor Lighting Report (dated 13.02.2022)
- P753-B Drainage Assessment (dated 17.02.2022)
- Transport Assessment Form (dated Feb 2022)
-

6.7 Environmental Impact Assessment:

The historical outline approval P/2008/1178/O was accompanied by an Environmental Statement for a 100 bedroom hotel. In the assessment of the more recent outline approval LA07/2017/1030/O, it was noted that in 2015, the

applicant applied for a Pre-Screening under the EIA Regulations as to whether a new Environmental Statement would be required (see Ref: LA07/2015/0601).

- 6.8 Following advice from consultees, it was agreed that a new Environmental Statement would not be required for LA07/2017/1030/O as the proposal could be assessed using the previous Environmental Statement, though consultees could request any necessary updates.
- 6.9 Upon receipt of the current application and due to the introduction of the 2017 EIA Regulations, the Council carried out a further EIA screening and took advice from a number of consultees, whereby on 15th November 2017, it was determined that the application did not require to be accompanied by a new Environmental Statement. A further EIA screening has been carried out under the Reserved Matters Application, whereby this history is relevant and it has been further determination by the Council on 22.04.2022 that an Environmental Statement is not required as part of this application.

6.10 Habitats Regulations Assessment:

A HRA screening has been carried out which indicates that the site may be hydrologically linked to designated sites within Carlingford Lough, including Ramsar and SPA via proposed on site drainage measures.

- 6.11 SES, the competent authority in this regard, advise (response dated 11.05.2022) that the proposal has been previously considered for HRA under LA07/2017/1030/O and SES has assessed no changes in this RM application that would change the conclusion of the HRA issued previously on 01.12.2017.
- 6.12 It is noted that at outline assessment stage, SES sought clarification that the drainage measures were using SUDs & were content on that basis. The current P1 application refers to the use of SUDs, however the submitted Drainage Assessment details a proposed connection to NIW mains. In the event of an approval, further clarification should be sought on this to ensure the proposal is in accordance with HRA legislative requirements
- 6.13 In conclusion, having considered the nature, scale, timing, duration and location of the proposal, it is concluded by SES that it is eliminated from further assessment because it would not have any conceivable effect on a European Site.

6.14 Regional Development Strategy 2035 & Strategic Planning Policy Statement for Northern Ireland (SPPS) :

The main issues to be considered in this assessment relate to: the detailing of the development under tourism policy, effects on the setting of listed buildings and historic parks nearby, impacts on protected sites and habitats, design and integration, impact on the AONB, impacts on amenity and road safety.

- 6.15 Policy RG4 of the RDS aims to promote a sustainable approach to the provision of tourism infrastructure. All new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends. Development of tourism infrastructure needs to be appropriate to the location to ensure that the natural

assets are protected and enhanced. RG11 of the RDS seeks to conserve and protect our built heritage and our natural environment, and specifically, to maintain the integrity of built heritage assets including historic landscapes. The agent has had several opportunities to submit the information necessary to demonstrate that there will be no impact on the setting and integrity of the planned landscapes and listed buildings adjacent to the site but has failed to do so.

6.16 BNMAP 2015:

Section 45 of The Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The relevant LDP is The BNMAP 2015, which as noted, identified that the majority of the application site is within a rural area (with the exception of part of the access, which is within the settlement limits of Rostrevor RR01,) is within a Local Landscape Policy Area (LLPA-RR09,) and is located on the edge of a Site of Local Nature Conservation importance (SLNCI 148 - Carrickbawn Wood.)

6.17 Policy CVN3 within Vol 1 of the Plan directs that permission will not be granted to develop proposals that would be liable to adversely affect the intrinsic environmental value and character of a LLPA, as set out in Volumes 2 and 3 of the Plan. Among the areas and buildings that contribute to this LLPA designation are the hills and woodland surrounding the settlement and historic buildings including Rostrevor House and Carpenham House. A detailed assessment was conducted at outline stage, whereby it was determined the proposal would not adversely affect the setting of these buildings, subject to attached outline conditions being met.

6.18 **However as some of these conditions have not been met, namely conditions 10 and 11 (including removal of existing trees and failure to provide details to demonstrate how the retained trees will be protected) as set out under 6.14, it has not been satisfactorily demonstrated that the intrinsic environmental value and character of this LLPA will not be adversely effected by the proposal and it is therefore considered contrary to Policy CVN3 of BNMAP 2015.**

6.19 Policy CVN1 deals with SLNCI's and directs that permission will not be granted to development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. As considered under outline condition 12, the proposed details do not indicate any construction works within Carrickbawn Wood SLNCI, with all works west of the existing rockface and SLNCI boundary. It is noted that this is based on drawing details provided and a detailed Construction Environmental Management Plan has not been provided. In the event of an approval, a further planning condition may be necessary to ensure construction works are kept out with the SLNCI and to ensure the requirements of Policy CVN1 are met.

6.20 Consideration of planning conditions attached to outline approval LA07/2017/1030/O.

The principle of development was previously assessed at outline assessment stage and was considered acceptable to policy requirements (including PPS21 CTY1 and PPS16 TSM6.) As this is a Reserved Matters application, only those

matters left reserved will be considered in this assessment, including: Siting, Design, External Appearance of Buildings, Means of Access and Landscaping, in accordance with the planning conditions attached to outline approval LA07/2017/1030/O.

Outline Condition No:

6.21 1. Time Limit:

The application was submitted on 17/02/2022. This is within the 3 year time limit set out under condition 1 (outline approved 18.02.2019) which satisfies the requirements of outline condition 1.

6.22 2. Reserved Matters:

In terms of siting, design and external appearance, the Planning Authority expressed concerns in relation to the design and siting of the hotel building in close proximity to the rockface. Clarification was sought on the extent of excavation and engineering works involved, including; details of proposed finished floor levels in relation to existing and proposed ground levels across the site (clearly demonstrated in plan and cross section form) the construction methodology including details of any rock excavation being carried out and structural engineering details to demonstrate the proposed works can be implemented without causing detrimental impact to the landscape (including structural, visual impacts) or adverse impact to amenity; Furthermore, whilst broadly content with the design, there were initial concerns regarding the massing of the hotel building, which it was felt could be broken up to ensure the development nestles into the sensitive landscape setting.

Amendments were received on 08.08.23 which provide additional detailing to assess these matters. Whilst the massing of the hotel building has remained unchanged, the additional details (including cross sections and materiality detailing,) address some concerns primarily in relation to the impact on the countryside and AONB (assessed under PPS2 Policy NH6 and PPS21 (CTY13 and CTY14) and it would be difficult to sustain a refusal reason on this basis.

That being said, the design also caused concerns in relation to the historic setting (as assessed under PPS6) which have not been fully addressed. These matters are further considered under the relative outline conditions below.

Access details have been provided within the Proposed layout drawings, these are considered in more detail under outline condition 9 below.

Following provision of revised details including clarification on tree removal, the proposal includes the removal of 6 no. trees. It is noted that there are TPO's on surrounding lands, adjacent to the site, but the proposed trees to be removed are not in themselves protected. That being said, they have value in terms of biodiversity and amenity and this is considered below under PPS2. The proposed landscape measures (in relation to new planting) are welcomed and will help to integrate the building into the sensitive setting. This includes a belt of new trees to the rear of the hotel and rock face, in addition to a belt of new trees between the car park and hotel building and additional planting throughout the layout. **Provided the landscape measures are implemented in accordance with these details and maintained in perpetuity, the proposed landscaping details are considered acceptable and the requirements of this part of condition 2 are met.**

6.23 3. Ridge height of hotel building:

The proposed ridge height as indicated on cross section drawing 3168.10 is 107.43m, is in line with the 14m maximum above finished ground level of 93.5m stipulated. HED have advised in comments dated 10.05.22 that provided this height relates to the entire development and is not limited to section BB, HED is content with the height. **Subsequent elevational drawings have been provided (Drawing No's 3168.08 and 3168.09) which correspond with this height, which is considered acceptable to satisfy the requirements of condition No.3.**

6.24 4. Roofs detailing:

Sections and elevations indicate relatively simple pitched roof forms, which is considered appropriate and the introduction of twin-pitched roofs in lieu of the former wide shallow pitch over the lounge/dining/foyer areas at outline stage is considered an improvement. However HED noted in original comments, that there appears to be an error on the site plan (Drawing No.3168.04) where the valley between the twin-pitched roofs is shaded green, suggesting a green roof. Clarification was sought on this matter and this has been satisfactorily addressed by the note on amended drawing No. 3168 08 Proposed Elevations, which specifies the valley between adjoining duo-pitched roofs as lead.

Outline condition 4 is therefore met.

6.25 5. Lighting:

The proposed lighting details are indicated on drawing No. DAR22020 001 which details several 6m and 5m high lighting columns to the access road and various car parking areas in addition to wall mounted lights on the east face of the new building, possibly intended to highlight the rock face. HED advised in original comments dated 10.05.22 that low level bollard lighting would be preferable in this context to avoid detracting from the landscaped setting to the listed buildings. However HED also noted that if lighting columns as proposed are required for safety reasons, then a corresponding night-time view from Viewpoint 9A as required for the outline application should be provided. The Planning Authority has written to the agent on 01.06.2022 to request these details and no further information has been provided.

On the basis of information available, the proposal details to not fully satisfy this condition in accordance with PPS6 Polich BH11 (Setting of Listed Building.)

6.26 6. Roof Materials:

The main roof material is specified as natural Welsh slate, with Code 5 lead flashings, which is considered appropriate, however, following HED comments, confirmation was sought on the material proposed for flat roofed areas at the entrance. Dark grey cladding to balcony edges is specified in GRP (Glass Reinforced Plastic) to some balcony edges and Rock panel façade cladding to others. Rock panel façade cladding is preferred as plastic materials are not appropriate in the setting of listed buildings and a request was made to amend these details in detailed letter to the agent on 01.06.2022. As noted, amended drawings were submitted on 08.08.2022 including Drawing No. 3168 10

Proposed Cross Sections. This drawing refers to the use of Dark grey cladding to balcony (concrete) edges is specified in GRP (Glass Reinforced Plastic) and Rock panel. This should be Rock panel only and in the current form fails to meet the above condition when considered against PPS6 requirements.

6.27 **7. Rainwater goods:**

Gutters and rainwater pipes are specified as round and half-round powder coated dark grey, seamless, extruded aluminium, which is considered appropriate. The requirements of condition 7 are met.

6.28 **8. Windows:**

Windows and external door are specified as toughened glass with dark grey aluminium frames, which is considered appropriate.

6.29 **9. Access details (RS1 form):**

The proposed access details are detailed on Drawing No. 3168.04(Proposed Site Layout, date stamped 08.08.2022.) The proposal seeks to use the existing access off Greenpark Road, with provision of 4.5m x 103m sightlines either side of the access point and new 2-3m high stone facing wall along the road frontage and 4m high entrance pillars. Amendments to the access laneway are also included, in the form of new 5m wide porous bitmac driveway, edged with concrete kerbing. A formal footway is not incorporated for pedestrian access, though given the steeply sloping access laneway, speeds will be minimised to ensure safe negotiation between pedestrians and vehicles within the site. Carparking provision has been clearly detailed, with 183 carparking spaces provided over three carparking areas and path / road linkages between these leading to the main hotel building at the higher area of the site.

The objector's comments are noted in relation to access and impact on road safety. However DfI Roads have no objections to the proposal in relation to PPS3 requirements and have requested copies of Private Streets Determination Drawings for approval.

DfI Roads who having reviewed the proposed access details, advise in response comments dated 13.05.2022 that DfI Roads has no objections to this proposal and the applicant should be requested to submit 7 no colour copies of Private Streets drawings for approval. The applicant will also be required to outline in blue all roadworks associated with this proposal, including proposed right turn lane. DfI Roads note that their comments are on the basis that Planning are satisfied that the applicant can link into application reference no LA07/2020/1853/F and adjoining housing development.

Application ref LA07/2020/1853/F was for the Change of use and extension to existing work shop to provide for distillery, storage, cafe and associated works (amended address) 190m South East of 27 Greenpark Road Rostrevor (lands directly adjacent / south of the access and which share the proposals access.) This application was refused on 06.12.2022 as it is contrary to the area plan and conflicts with previous planning permission on the site.

Certificate C has been completed within the P1 application form, in addition to form P2A provided, serving notice on Mr Morgan. The third party objection on

behalf of Mr Morgan has raised issues in relation to land ownership and the applicant requiring third party lands (which are subject to an approved housing development,) in order to implement the right hand turn and access / visibility details proposed under this application. The Planning Authority having requested clarification on these details in written correspondence to the agent dated 01.06.2022 and have not been provided with any additional details or clarification.

On the basis of information provided, it is unclear whether the applicant owns / has control over all lands required to implement the access measures for this site. Whilst this does not merit a reason for refusal under PPS3 / DCAN15, in the event of an approval, this would need to be addressed as it is critical to the overall scheme and safety of road users.

6.30 10. Hard and soft landscape works details:

On assessment of the details as originally submitted (including Site Layout Drawing No. JCP0001 and 3168.04) and in consultation with HED, it was noted that drawings did not include details on hard surfacing and retaining structures and although the Proposed Site Layout (Drawing No.3168.04) labels the car parking areas as 'bitmac' and there is some stone paving around the perimeter of the new building, there are no retaining structures shown on either drawing and the southwest corner of Car Park 4 appears to project into an existing slope. The details originally submitted were therefore considered insufficient to satisfy the requirements of this condition and additional information was requested in a detailed letter to the agent on 01.06.2022, including:

- Clarify all change of levels required to accommodate the various car parks by way of existing and proposed north-south and east-west sections through each one, minimum scale 1:200.
- Indicate any trees proposed for removal on the landscaping plan, distinguished by way of a contrasting colour.
- Provide elevations and detailed plans of the proposed site access, minimum scale 1:200, with all boundary treatment, lighting and signage clearly labelled.

Following a review of the amended drawings submitted on 08.08.2022, in further consultation with HED, it is noted that the specification for car park surfacing has been amended to 'grasscrete,' which, in addition to woodland and meadow planting, is welcomed to soften the visual impact of the proposal.

Drawing No. 3168.12 'Proposed Car Park Sections CC & DD' raises some concerns however regarding the lower car park due to the extent of excavation shown in an area where existing trees T20, T19 & G18 are indicated on the landscaping drawing L01. To assess this further, the following information is required:

- Dr. Blackstock's Drawing / Report, which is required to be read in conjunction with drawing No. L01.
- Clarification on how these trees can remain in place despite substantial level change

- o A north-south section through the lower car park given the extent of excavation shown.

The above details were not formally requested from the agent (it is noted that not all previous details requested were provided and clarification was sought on additional information being submitted, but no further response was provided to the Planning Department. The agent would have had sight of the further comments from HED dated 13.09.2022 and ample opportunity (over a year has now passed) to submit further details to satisfy these requirements, but on the basis of details available to date, the requirements of this condition are not met.

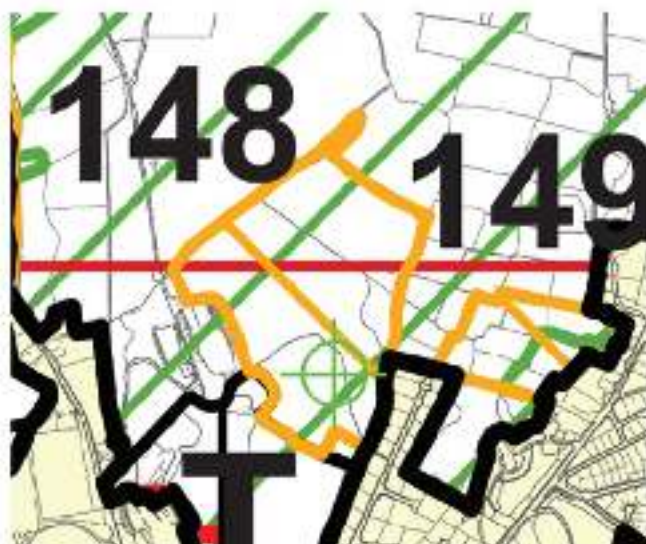
6.31 **11. Retention and protection of trees:**

The relevant landscape details provided to date (as referenced under,) exclude Dr Philip Blackstock's drawings / report as referenced on Drawing L01 (Landscape Plan.) Whilst amended drawings have been provided following DAERA' NED and DfC's HED responses in relation to landscaping (including Drawing L01 Landscape Plan and Amended Site Layout Drawing 3168.04,) in the absence of Dr Blackstock's drawings / report, it is unclear how trees being retained will be protected in areas where excavation is to occur, including the lower carpark area. In addition, plans indicate the removal of 6 no. existing trees which does not meet the requirements of this condition.

DAERA's NED notes (comments dated 06.12.2022) that the Amended Site layout and Landscape plans show the existing retained trees clearly labelled, planting proposed and trees removed and as such, NED is content this has appropriately addressed concerns in relation to mature trees and woodland (initial response dated 25.05.2022,) however The Planning Department also requested provision of a detailed Landscaping Drawing and Landscape Schedule, including consideration and demonstration of how the existing Tree Preservation Order at Carrickbawn Wood will be unimpacted. Whilst some amendments have subsequently been provided (including detailed landscape Drawing L01,) on the basis of information available on file, it's considered that there is sufficient detail to demonstrate that the proposal meets the full requirements of this condition, specifically in relation to tree protection measures and the overall impact on Carrickbawn Wood LLPA and surrounding TPO.

6.32 **12. Construction works (SLNCI) :**

Carrickbawn Wood SLNCI is denoted by the orange area on the map below, extracted from Map No.3/01 Newry and Mourne District of the BNMAP 2015. The details provided do not indicate any construction works within Carrickbawn Wood SLNCI, with all works west of the existing rockface and SLNCI boundary. It is noted that this is based on drawing details provided and a detailed Construction Environmental Management Plan has not been provided. In the event of an approval, a further planning condition may be necessary to ensure construction works are kept out with the SLNCI.



6.33 13. Lighting Plan (re bats) :

A detailed external lighting plan (including lux level contours) has been provided (Drawing No. DAR220202/001. DAERA's NED in response comments dated 25.05.2022 note that this drawing indicates the light spill on any woodland or trees will be maintained at under 1 lux in accordance with BCT guidelines and as such, is content this will minimise disturbance from artificial illumination of any bat roosts or wildlife corridors at the site. Provided details are implemented in accordance with Drawing No. 220202/001 (External Lighting Layout with lux level contours,) this condition is satisfied.

6.34 14. Drainage Assessment:

The application has been supported with a Drainage Assessment (P-753B, dated 17.02.2022 and as prepared by O'Sullivan McFarlane Environmental Consulting. These details have been submitted to DfI Rivers Agency as part of this assessment, who in response comments dated 18.05.2022 advise that the Drainage Assessment lacks required details to satisfy FLD3 requirements. In setting out the requirements to the agent by letter on 01.06.2022, the following information was requested:

- Agreement from NI Water to accept the discharge of 36 l/s of surface water to their infrastructure;
- An assessment of how the flood risk from overland flow entering outside of the site will be dealt with (especially from the upper east of the hotel). No details have been provided if the storm sewer will deal with this important matter on such a steep impermeable site;
- An assessment of the internal Drainage design (Micro drainage calculations) is absent to ensure the design complies with current sewers for Adoption. Evidence of the Drainage Design to show that:
 - a) The system will not flood any part of the site in a 1 in 30 year designed event whilst retaining a 300mm free-board within the manholes network and
 - b) carry-out checks and show that during exceedance of the 1 in 30 year pipe design for up to a 1 in 100 year return period, that the hotel dwelling will not flood and the flow path and location of surplus storage on site;

- Confirmation that it is appropriate that Surface water is to be absorbed from extensive car park and access road locations via porous Bitmac without causing overland flow. It is noted this particular site is located in a disused quarry which has been excavated down to the exposed impermeable rock base.

Despite this request, no further details have been provided for consideration. Therefore on the basis of information available, the application fails to satisfy the requirements of this condition in that it has not been demonstrated the requirements of PPS15 Policy FLD3 are met.

6.35 15. Existing and proposed contours, finished floor levels and retaining structures details:

Following initial assessment, the Planning Department expressed concerns in relation to the details provided in this regard to enable a detailed assessment to be undertaken and requested clarification on the extent of excavation and engineering works involved, including; details of proposed finished floor levels in relation to existing and proposed ground levels across the site (clearly demonstrated in plan and cross section form) the construction methodology including details of any rock excavation being carried out and relevant structural engineering details. In response to this request, amendments have been submitted which provide more detail in relation to existing and proposed contours and the extent of works involved, namely Drawing No's:

- 3168.04 – Proposed Site Layout (date stamped 08.08.2022)
- 3166.10 – Proposed Cross Sections (date stamped 08.08.2022,)
- 3168.12 – Proposed Car Park Sections (date stamped 08.08.2022) and
- 3168.13 – Proposed Car Park Sections EE & FF (date stamped 08.08.2022)

The Details provided indicate a stepped gabion retaining wall (wire mesh) structure to the rear of the hotel building.

No construction details have been provided to demonstrate how the proposed works will be engineered. It is also noted that cross sections AA and BB are not marked on the Site Layout Drawing, which would need to be clearly shown. On the basis of information available, whilst the additional information has helped, it is not sufficient to fully address the requirements of condition 15.

6.36 16. Floor levels of the proposed buildings in relation to existing and proposed ground levels:

The amended details provided (including drawings outlined under condition 15 consideration) are acceptable to meet the requirements of condition 16.

6.37 17. Restrictions on amplified music

18. Restrictions on deliveries

19. Control of retained trees

20. Implementation of landscape works

21. Replacement of damaged / uprooted trees

22. Fencing for the protection of retained trees

In the event of an approval, condition No's 17 – 22 should be further attached to the decision notice to ensure that residential amenity is protected and landscape features appropriately protected for the perpetuity of the development.

6.38 23. Details of works for the disposal of sewage:

The proposal seeks to connect to NIW mains foul sewers. NIW advise in comments dated 25/05/2022 that whilst there is a public foul sewer within 20m of the proposed development boundary, a high level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water, is recommending connections to the public sewerage system are curtailed and such recommends refusal of the proposal. Subject to successful discussions and outcomes regarding issues highlighted in their detailed response, NI Water may reconsider its recommendation.

The Planning Department noted the concerns of NIW this in detailed correspondence to the agent 01/06/2022. No information has been submitted in response to explore an alternative solution for the site. As such, as it has not been demonstrated that an appropriate method of sewerage can be achieved to serve the development and given NIW's recommendation of refusal remains unchanged, a refusal reason on this basis is warranted. development.

6.39 24. Retention and protection of trees:

In the event of an approval, it would be necessary to further attach this condition to the decision notice to ensure protection is afforded for the lifetime of the development and its associated operations.

6.40 Remaining policy considerations:

6.41 PPS2 – Natural Heritage:

- 6.42 NH1 - European and Ramsar Sites – International: The proposal is acceptable to the requirements of NH1 in that it would not have a likely significant effect on a European Site or a listed or proposed Ramsar Site (as assessed in accordance with SES.) DAERA NED also notes the main development site is over 50m from the Ghann River SLNCI, which is hydrologically connected to Carlingford Lough ASSI, however, the proposal also includes a widening of the Greenpark Road and discharge of storm drainage into the drainage network approximately 20m from the river. Provided that no works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. are carried out within 10m of the river and all relevant Guidance for Pollution Prevention measures are followed NED considers there should be no significant impacts on any designated sites.

- 6.43. NH2 – Species Protected by law: The proposal has the potential to impact on protected species (including bats and badgers.) A bat activity report and preliminary roost assessment (PRA) was carried out at the site in 2009 and an updated PRA in 2018. The buildings onsite were classified as negligible bat roosting potential during the time of the survey, therefore NED is content the demolition of the existing buildings will not significantly impact roosting bats. The 2018 survey also assessed the site as having optimal foraging and commuting habitat. Retention of trees and a wildlife friendly lighting plan was recommended and conditioned with the outline application as a result of this, to ensure that there is no illumination of the trees or woodland for the proposed development. NED notes from the External Lighting Layout, date stamped 17/02/2022 by the Council, that the light spill on any woodland or trees will be maintained at under 1 lux in accordance with BCT guidelines and is content this will minimise disturbance from artificial illumination of any bat roosts or wildlife corridors at the site.
- 6.44. NED notes an Ecological Appraisal, date stamped 02/02/2018 was submitted for LA07/2017/1030/O and that the area surveyed for the Ecological Appraisal in 2018 does not cover the entire area within application site now considered. NED has concerns that there are areas of car parking and other associated works that have not been surveyed for badger since the Environmental Statement, dated June 2009, for planning application P/2008/1178/O, which described the entire site as having high suitability for badger, with scrub habitat suitable for sett excavation. Given that the previous survey carried out is more than 2 years old and the entire application site has not been surveyed, NED recommends that an updated badger survey is carried out that includes the entire site boundary and a 25m radius from the boundary. Should piling be required during construction, the badger survey should be carried out including a 100m radius from the site boundary, as the noise and vibrations of piling activities can cause significant disturbance to badgers. Should any new evidence of badger be found, details of appropriate mitigation measures should also be submitted.
- 6.45. This information was requested from the agent in a detailed letter dated 01.06.2023. Several follow up requests were made to clarify whether any additional information was being submitted, however no further response has been forthcoming. The submission made on 08.08.2022 with amended drawings had no covering letter or supporting information to this effect. As a significant time has now passed (November 2023,) the Planning Department must assess the proposal on the basis of details available.
- 6.46. Policy NH3 - Sites of Nature Conservation Importance – National: NED notes the main development site is over 50m from the Ghann River SLNCI, which is hydrologically connected to Carlingford Lough ASSI, however, the proposal also includes a widening of the Greenpark Road and discharge of storm drainage into the drainage network approximately 20m from the river. Provided that no works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. are carried out within 10m of the river and all relevant Guidance for Pollution Prevention measures are followed, NED considers there should be no significant impacts

on any designated sites. In the event of an approval, it would be possible to control this by way of negative condition/s.

6.47. Policy NH 4 - Sites of Nature Conservation Importance –Local:

For reasons outlined above under BNMAP 2015, the site would adversely impact on a LLPA, which as noted, is contrary to the BNMAP 2015.

6.48. Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance:

In relation to Mature Trees and Woodland, NED notes the surrounding woodland is Oak Woodland NIPH. It was a condition of LA07/2017/1030/O that the reserved matters application detailed hard and soft landscaping, to include retained trees with root protection zones protected to British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations and protective fencing around trees.

6.49 NED noted the Proposed Site Layout originally submitted (date stamped 17/02/2022,) trees are included and labelled as retained and protected, however, many locations with existing trees at the site are labelled on the drawing as 'New Planting' instead of retained. Additionally, there are trees within the site boundary labelled 'Existing trees beyond site boundary' that do not have details of root protection zones. NED also noted notes from Proposed Site Layout (date stamped 23/02/2022,) that the fencing included in this drawing does not extend to the existing trees to the south of the building, which are also labelled as 'new planting' and 'existing trees beyond the site boundary'. There are also existing trees in close proximity to the car parks and access road that have no details of protection measures to be implemented. NED further advised planting of non-native species beech (*Fagus sylvatica*) should be replaced with native species to enhance the Oak Woodland habitat and biodiversity value of the site.

6.50 A request for amended details was made (including an amended site layout is that clearly shows which trees are existing and to be retained and protected and which trees are proposed new planting) and following further assessment, NED notes the Amended Site layout and Landscape plans show the existing retained trees clearly labelled, planting proposed and trees removed. NED is content this has appropriately addressed their earlier concerns and welcomes the proposed wildflower meadow with all native wildflowers. NED also welcomes the additional planting proposed, however, recommends the *Laurus nobilis* hedging is replaced with native species to further enhance the biodiversity value of the site. In the event of an approval, a final landscape drawing should be submitted including landscape management plan to ensure the requirements of NH5 are met.

6.51 Policy NH6 – Areas of Outstanding Natural Beauty:

Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all the criteria (a-c) are met. The proposal in its current form has not demonstrated that the setting of surrounding listed buildings and historic features in addition

to heritage will be protected (namely Carrickbawn Wood LLPA, Rostrevor House Demesne, Carpenham House) which all add to the character of this part of the AONB. Whilst some details have been provided (including amendments to entrance pillars, overall design detailing,) on the basis of details provided, it is considered that the proposal fails to meet criteria b) and c) of NH6.

6.52 PPS15 (Revised) – Planning and Flood Risk:

DfI Rivers flood maps indicate that the site is not located within a river or sea floodplain, with some predicted surface flooding on the site. As the development site exceeds 1 hectare in size, a Drainage Assessment is required for consideration, as set out under Policy FLD3. DfI Rivers agency who were consulted on the Drainage Assessment submitted with the application, advise that additional information is required, including:

1. Agreement from NI Water to accept the discharge of 36 l/s of surface water to their infrastructure.
2. An assessment of how the flood risk from overland flow entering outside of the site will be dealt with (especially from the upper east of the hotel). No details have been provided if the storm sewer will deal with this important matter on such a steep impermeable site.
3. An assessment of the internal Drainage design (Micro drainage calculations) is absent to ensure the design complies with current sewers for Adoption. Evidence of the Drainage Design to show that: a) The system will not flood any part of the site in a 1 in 30 year designed event whilst retaining a 300mm free-board within the manholes network and b) carry-out checks and show that during exceedance of the 1 in 30 year pipe design for up to a 1 in 100 year return period, that the hotel dwelling will not flood and the flow path and location of surplus storage on site.
4. Confirmation that it is appropriate that Surface water is to be absorbed from extensive car park and access road locations via porous bitmac without causing overland flow. It is noted this particular site is located in a disused quarry which has been excavated down to the exposed impermeable rock base.

- 6.53 This information was requested from the agent in correspondence dated 01.06.2022, however no further details have been submitted. **On the basis of information available for assessment at the time of writing, the proposal fails to meet the requirements of policy FLD3 in that it has not been demonstrated that the flood risk to the proposed development and from the development elsewhere can be effectively mitigated.**

6.54 PPS16 – Tourism:

The principle of this development has been assessed at outline stage. However further assessment of Reserved Matters under PPS16 is required. On the basis of details provided, including concerns in relation to PPS2, it arguably has not been demonstrated that the redevelopment proposed will result in significant environmental benefit, which is contrary to TSM3 (Hotels, Guest Houses and Tourist Hostels in the Countryside.)

- 6.55 Policy TSM7 further sets out the general criteria for tourism development to be met (criteria a-o.) The amendments to the scheme to date are welcomed, however it has been noted that requests for further details have not been

forthcoming despite a significant passage of time. In considering the details submitted against these requirements, the proposal presents the following concerns under the necessary criteria of policy TSM7:

- 6.56 **(criteria b)** the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) cause concerns in relation to the promotion of sustainability and biodiversity in that it involves the removal of 6 no. existing trees and it has not been clearly demonstrated how trees to be retained will be protected during construction and operational stages of the development;
- 6.57 **(criteria d)** Whilst the P1 application form refers to the use of sustainable drainage system, the details within the submitted Drainage Assessment relates to the provision of underground storm drains, to connect to existing NIW infrastructure. It has not been demonstrated that the use of sustainable drainage systems have been explored, nor has it been demonstrated that surface water run-off will be managed in a sustainable way, with the Drainage Assessment lacking in detail as outlined within this assessment;
- 6.58 **(criteria g)** Whilst the proposal has been accepted in its compatibility in principle with surrounding land uses, the built form as proposed will detract from the landscape quality and character of the surrounding area, including AONB, LLPA and Rostrevor House Demesne in its current form and further details have not been submitted to demonstrate otherwise.
- 6.59 **(criterion h and j)** The proposal has the potential to harm the amenities of nearby residents in that it has not been demonstrated how foul sewerage will be dealt with following NIW's comments advising there are network capacity issues and further connections should be curtailed. On the basis of details provided, it has not been demonstrated that the proposal is capable of dealing with any effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

Furthermore, DAERA's WMU note this proposal includes a Spa and whilst the layout shows a pool plant room, it is unclear from the proposed floor plans whether there is a Swimming pool proposed. If the site includes a swimming pool, the filter backwash waters should be disposed of to the foul sewer and permission from Northern Ireland Water Ltd (NIW) must be obtained. If this is not possible, discharge consent under the terms of the Water (Northern Ireland) Order 1999 will be required. Pool chemicals & all liquid wastes must be carefully stored in bunded secondary containment areas. On the basis of details provided, it has not been fully demonstrated that the proposal is capable of dealing with any emission or effluent in accordance with legislative requirements.

- 6.60 **i)** For reasons set out under PPS2 and PPS6 consideration, the proposal in its current form would adversely affect features of the natural or built heritage, including: Mourne and Slieve Croob AONB, Carrickbawn Wood LLPA, Rostrevor House and Demesne, Carpenham House, existing trees and Protected Species.
- 6.61 **For these reasons, the proposal is considered contrary to PPS16 policy TSM7 (criteria b, d, g, h, i and j.)**

6.62 PPS21 – Sustainable Development in the Countryside:

The principle of development as assessed at outline application stage LA07/2017/1030/O was deemed acceptable to CTY1. As development in the countryside, the proposal is subject to the design and integration criteria for buildings in the countryside in PPS21. Policy CTY13 deals with Integration and Design of Buildings in the Countryside. The site benefits from the mature screening of Carrickbawn Wood and a backdrop of rising land. Visual images it is difficult to make an assessment of whether the proposed

- 6.62 The earlier concerns and requirements of CTY13 (Integration and Design of Buildings in the Countryside) and CTY14 (Rural Character) have been largely addressed by the amended drawings, subject to details being clarified in relation to construction methodologies. The proposed siting and ridge levels are in accordance with outline conditions approved and the landscaping details will aid integration of the proposal. It would be difficult to sustain a refusal under PPS21 (Policies CTY13 and CTY14) requirements.
- 6.63 The proposal seeks to connect to NIW mains infrastructure to deal with foul sewerage. NIW in response comments dated 25.05.2022 advise whilst there is a public foul sewer within 20m of the proposed development boundary and available capacity at the receiving Wastewater Treatment Works, there are potential network capacity issues and as such, NIW recommend refusal in that connections to the public system should be curtailed.
- 6.64 The agent in written correspondence dated 01.06.2022 was made aware of these issues and that an Impact Assessment will be required, upon the completion of which and subject to re-consultation, NI Water may reconsider its recommendation. No information has been provided to demonstrate that any such engagement with NIW is under way, nor have any details of an alternative solution been submitted.
- 6.65 DAERA's Water Management Unit also has considered the impacts of the proposal on the water environment and advise the proposal has the potential to adversely affect the surface water environment. Further to this, Loughs Agency outline concerns that the proposed development may place more pressure on the waste water network, so increasing the risk of sewage overflows. The overflows from overloaded WWTW invariably are discharged to watercourses to the detriment of fisheries interests.
- 6.66 In the absence of these details, the proposal in its present form causes concerns under CTY16 of PPS21 in that the physical arrangements proposed for on-site sewage treatment are unsatisfactory and a 'Consent to Discharge' under the Water Order is unlikely to be forthcoming due to pollution risks. As such, the proposal is unacceptable to Policy CTY16 in its current form and on the basis of information submitted for consideration in this assessment.
- 6.67 **PPS6 – Planning, Archaeology and The Built Heritage**

As outlined, the application site is in close proximity to and impacts on the setting of Rostrevor House (Grade B listed) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

The proposal also impacts on the wider setting of Carpenham(Grade B listed) and Greenpark (Grade B listed,) both of which sit on the opposite (Western side of Greenpark Road) from the application site.

- 6.68 HED (Historic Buildings) has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advised that in order to fully assess the application, further information is required under paragraph 6.12 of SPPS and PPS6 policy BH 11 (Development affecting the Setting of a Listed Building.)
- 6.69 Detailed requirements were set out by HED in original comments dated 10.05.2022 in order to address the outline conditions and PPS6 requirements. Following written correspondence to the agent which included a request for additional information to meet PPS6 requirements, amended drawings were submitted on 08.08.2022 which were subsequently issued to HED for further consideration. Response comments dated 13.09.2022 advise that some of the earlier issues have been satisfactorily addressed, however others have not and in order to fully assess the application under SPPS 6.12 and PPS6 BH11, the following outstanding information is required:
1. In terms of the external appearance, the plans do not seem to match the elevations and sections in a few instances:
 - a. the NE (rear) elevation does not include windows to bedrooms that have been added to the revised 1st floor plan; and
 - b. the articulation in plan around the reception area is not shown in Section B
 - c. There is also a minor discrepancy noted below on material specification (Condition No.6).
 2. While the proposed sections broadly match Park Hood's Indicative Sections for the outline application, the corresponding Visual Impact Assessment (VIA) did not include parking or lighting.
 3. **Condition No.5: Lighting** - Remains unaddressed - The proposed external lighting layout (drawing No. DAR22020 001) indicates several 6m and 5m high lighting columns to the access road and various car parking areas in addition to wall mounted lights on the east face of the new building, possibly intended to highlight the rock face. Low level bollard lighting would be preferable in this context to avoid detracting from the landscaped setting to the listed buildings. If lighting columns as proposed are required for safety reasons, a corresponding night-time view from Viewpoint 9A as required for the outline application is required, which has not been provided.
 4. **Condition No.6: Roof Material** - Dark grey cladding to balcony (concrete) edges is specified in GRP (Glass Reinforced Plastic) and Rock panel on amended drawing No. 3168 10 Proposed Cross Sections; this should be to Rock panel only
 5. **Condition No.10: Landscaping** - Drawing No. 3168 13 Proposed Car Park Sections EE & FF provides sufficient assurance that Car Park 4, nearest to the site entrance, can be integrated sensitively, however the retaining wall

should be specified – a gabion structure would be considered appropriate and consistent with the remainder of the proposal.

6. Drawing No. 3168 12 Proposed Car Park Sections CC & DD raises some concerns regarding the lower car park due to the extent of excavation shown in an area where existing trees T20, T19 & G18 are indicated on the landscaping drawing L01. Additional information is required including:
 - o Dr. Blackstock's Drawing / Report, which is required to be read in conjunction with drawing No. L01.
 - o Clarification on how these trees can remain in place despite substantial level change
 - o A north-south section through the lower car park given the extent of excavation shown.
7. Previously requested landscaping information that remains outstanding, including: Elevations and detailed plans of the proposed site access, minimum scale 1:200 with all boundary treatment, lighting and signage clearly labelled.

6.70 On the basis of information available, the proposal is considered contrary to The SPPS (Para. 6.12) and PPS6 Policy BH11 (Development affecting the Setting of a Listed Building.)

- 6.71 The proposal is also immediately adjacent to Rostrevor House demesne an 18th century designed landscape on the Departments Register of Historic Parks, Gardens and Demesnes of Special Historic Interest in addition to a Protected Cairn within Rostrevor House Demesne (DOW051:073) and as such, Policies BH3 and BH 6 of PPS 6 and Section 6.17 of SPPS also apply to this assessment.
- 6.72 The proposal is also a short distance east of Green Park demesne, also on the Departments Register. Rostrevor House Demesne and designed landscape has origins in the 18th century and was the focus of one of the most important tree and shrub collections of late Victorian and Edwardian Ireland. The parkland planting was expanded throughout the 19th century and remains largely intact. The proposed scheme is adjacent to Rostrevor House and Green Park, both designed landscapes on the Departments Register of Historic Gardens. The original design concept of both demesnes would have included planned views from various areas within the landscape.
- 6.73 HED (Historic Monuments) having assessed the proposal, has concerns regarding the potential impact of the scheme upon the setting of Rostrevor House Demesne. A visual impact assessment, to include photomontages was requested by letter (dated 01.06.2022,) with the Council outlining if this additional information is not submitted as requested the proposal could prove contrary to policy. The Council also advised that HED:HM would be happy to advise the developer about how best to complete a visual impact assessment and would welcome early discussion with the applicant/agent in this regard. Despite, this no information was submitted in response and no further details have been provided for further assessment. HED:HM in a secondary response

(dated 13.09.2022) reiterate that this information is required to fully assess the proposal under PPS6 requirements.

6.74 As it has not been satisfactorily demonstrated that the proposal will not adversely impact on Rostrevor House Demesne and Cairn, it must also be refused under Para 6.17 of The SPPS and PPS6 Policies BH3 and BH6.

6.75 Summary Recommendation:

- The proposal fails to meet the conditions attached to the outline approval.
- A detailed letter was issued to the agent on 01.06.2022 setting out full requirements;
- Following a request from the agent for an extension of time to submit the requested information (owing to the Architect being on holiday,) the Planning Department agreed to facilitate an extension to 05.08.2022;
- Amendments were subsequently submitted on 08.08.2022, accompanied by a compliments slip with no written response to the letter issued and significant information missing;
- The Planning Department sought clarification on 26.08.22 as to whether any further information was intended to be submitted given the significant details that were not provided and was advised clarification would be provided by email, this was not forthcoming;
- An office meeting was subsequently held on 23rd November 2022, with the Planning Department and the applicant, following a request from an Elected Council member, whereby remaining outstanding requirements were relayed;
- No further information has been submitted to address these requirements and a significant time has now passed (over 17 months,) since the Planning Department's letter was issued, with ample opportunities afforded to submit the necessary details.
- As the Planning Authority are unable to hold the application indefinitely, the assessment has been completed on the basis of information available at this time and all material considerations, including the third party objection.
- On this basis, the proposal is considered contrary to The SPPS, the BNMAP 2015, PPS2, PPS6, PPS15, PPS16 and PPS21, as detailed in the refusal reasons below) and insufficient information has been provided to establish otherwise.

7.0 RECOMMENDATION: Refusal

8.0 REASONS FOR REFUSAL:

1. The proposal is contrary to Policy CVN 3 and Designation RR 09 of the Banbridge, Newry and Mourne Area Plan 2015, in that the site is within a Local Landscape Policy Area and it has not been demonstrated that the development will not adversely affect the intrinsic environmental value and character of the designated area and particular features including Green Park, Carpenham and Rostrevor House.
2. The proposal is contrary to paragraph 6.179 of The Strategic Planning Policy Statement for Northern Ireland and Policy NH2 of Planning Policy Statement 2, Natural Heritage, in that insufficient information has been provided to demonstrate that the development is not likely to harm a species protected by law.
3. The proposal is contrary paragraph 6.187 of The Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and it has not been demonstrated that the development is of an appropriate size and scale for the locality and that it conserves features of importance to the character, appearance and heritage of the landscape.
4. The proposal is contrary to paragraph 6.16 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH6 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies adjacent to Rostrevor House Demesne and in close proximity to Green Park Demesne, as identified in the Northern Ireland Register of Historic Parks, Gardens and Demesnes and it has not been demonstrated that the proposal will not harm the setting of and planned views within these areas of special interest.
5. The proposal is contrary to paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that it has not been demonstrated that the scale of the development would not adversely affect the setting of Rostrevor House and Carpenham House, which are listed under Section 80 of the Planning Act (Northern Ireland) 2011.
6. The proposal is contrary to paragraph 6.115 of The Strategic Planning Policy Statement for Northern Ireland and Policy FLD3 of Planning Policy Statement 15 (Revised,) Planning and Flood Risk, in that it has not been demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.
7. The proposal is contrary to paragraph 6.266 of The Strategic Planning Policy Statement for Northern Ireland and Policy TSM3 of Planning Policy Statement 16: Tourism in that it has not been demonstrated that the redevelopment proposed will result in significant environmental benefit.

8. The proposal is contrary to paragraph 6.266 of The Strategic Planning Policy Statement for Northern Ireland and Policy TSM7 of Planning Policy Statement 16: Tourism, as it has not been demonstrated that:
- (b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
 - (d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
 - (g) the built form will not detract from the landscape quality and character of the surrounding area;
 - (h) it does not harm the amenities of nearby residents through provision of appropriate sewerage proposals;
 - (i) it does not adversely affect features of the natural or built heritage;
 - (j) it is capable of dealing with any emission or effluent in accordance with legislative requirements.
9. The proposal is contrary to paragraph 4.12 of The Strategic Planning Policy Statement for Northern Ireland and Policy CTY16 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that connections to mains sewerage are unavailable and it has not been demonstrated that the proposal will not create or add to a pollution problem, as insufficient information has been provided on the alternative means of sewerage to allow a proper assessment of proposals.
10. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details were required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer Signature:

O. Rooney

Date: 18.01.2024

Appointed Officer Signature:

P. Manley

Date 18.01.2024

Appendix 1: Site Photos:

Upper part of site and existing building:







Disused sand arena & view south:





Existing access lane:



Access point off Greenpark Road and views north along Greenpark Road:



Existing site entrance:



Views looking south-east along Greenpark Road towards the site entrance:



Views looking south-east along Greenpark Road from the access point:



Adjacent (north) housing development under construction:



TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley	NIEA requested further information. Agent advised	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 08 FEBRUARY 2023					
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.				
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carnivekeney Road Newry Co. Down.	Defer	P Rooney/A Donaldson	Planning Application being held, to enable submission of bat emergency surveys, until May 2024.	N
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick	Planning Application being held to enable applicant to be amended to social housing provider	N
PLANNING COMMITTEE MEETING 23 AUGUST 2023					
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access – 4 Majors Hill, Annalong	Defer determination to explore further options regarding the development of a lay-by for the proposed application.	M Keane	Revised proposals submitted for lay-by. Ongoing with agent/DFI Roads	N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit	N
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan	2no. infill dwellings and garages	A McAlarney	Deferred to allow the applicant time to amend the access route as outlined on the application	N
PLANNING COMMITTEE MEETING 6 MARCH 2024					
LA07/2022/0546/F	Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel	Installation of 20m pole to host integrated antenna and 2no. 600mm dishes plus associated ancillary equipment cabinets	M Keane	Deferred at the request of Councillor G Hanna to April Committee	N
LA07/2023/2331/F	Lands 80m to the West of Moss road, Ballynahinch	Dwelling on a farm	A McAlarney	Deferred for legal advice	N
LA07/2022/1696/O	Approx. 58m East of No. 11 Flagstaff Road, Newry, BT35 8NP	proposed dwelling and detached domestic garage on an infill site	M Fitzpatrick	Deferred for a site visit	N

Report to:	Planning Committee
Date of Meeting:	10 April 2024
Subject:	LDP: Progress – April 2024 Update
Reporting Officer:	Jonathan McGilly, Assistant Director Regeneration
Contact Officer:	Michael McQuiston, Senior Planning Officer

Confirm how this Report should be treated by placing an x in either:-

For decision	For noting only	x
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1.0	Purpose and Background
1.1	The purpose of this report is to provide Members with an update on progress in respect of the preparation of the Local Development Plan (LDP).
1.2	The report outlines progress over the last 4 months (December 2023 – March 2024) and sets out what is programmed for the next 4 months (April – July 2024).
2.0	Key issues
2.1	Work continues in progressing the preparatory work for the draft Plan Strategy (dPS). Appendix 1 provides an update on progress of the key work strands and study areas in the preparation of the draft Plan Strategy.
2.2	<p>The main points of note are:</p> <ul style="list-style-type: none"> • Draft Plan Strategy - Preparation and drafting of the dPS development plan document ongoing. • Planning Policy Review (PPR) – Finalisation of remaining PPR papers for presentation to the LDP Working Group and/or Planning Committee in the period May to July: <ul style="list-style-type: none"> ➢ Housing in Settlements; and ➢ Housing in the Countryside. • Open Space Strategy – Work is progressing on the procurement of consultants to undertake an assessment of existing open space provision and identify future needs. Following on from the audit and mapping exercise of existing open space in the District, a business case for appointment of consultants to produce an open space strategy was brought to ERT Committee in February. A tender process has been undertaken and the Plan team are in the final stages of appointing a consultant. • LDP Land Monitors <ul style="list-style-type: none"> ➢ 2023 Employment Land Monitor, completion of report April-May. ➢ 2024 Housing Monitor, survey work to be undertaken April-June.

	<ul style="list-style-type: none"> • Engagement with internal and external stakeholders to further inform Planning Policy formulation including: <ul style="list-style-type: none"> ➢ NMDDC Climate Adaptation Plan, meeting to discuss LDP Plan Strategy policies addressing climate change. ➢ Department for Communities and NIHE workshop on legislative and policy development for delivery of affordable housing in NI. ➢ Participation in university research studies into the impact of remote working & barriers to rural housing provision. • Drafting of technical supplements – To help demonstrate how the LDP Plan Strategy has been informed by a sound evidence base, work has commenced on production of technical supplements. Initial focus on the Historic Environment and Housing technical supplements. These will clearly set out how LDP Plan Strategy policies have evolved through the Plan making process and that they are based on a sustainable approach in line with regional policy. • Sustainability Appraisal – The Plan team in conjunction with Mid and East Antrim Council Shared Environment Service are continuing to progress the Sustainability Appraisal in parallel with work on the Plan Strategy document. Completion of SA report dependent on timing of substantive draft of the Plan Strategy document. • Supplementary planning guidance – To help provide further clarity and understanding to the planning policies that will be contained within the LDP draft Plan Strategy, work is continuing on a range of supplementary guidance.
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the content of this report.
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>

	<p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input checked="" type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices
	<ul style="list-style-type: none"> LDP: Progress Report – April 2024 Update
8.0	Background Documents

Appendix 1:**LDP: Progress Report – April 2024 Update****Progress: December 2023 – March 2024****• Draft Plan Strategy**

Preparation and drafting of the of the draft Plan Strategy (dPS) development plan document ongoing.

Section 1

- Initial drafts of introductory Chapters 1-3 completed.
- Initial draft of Chapter 4 Plan, Vision & Objectives completed.
- Updates to Chapter 5 (Strategic Policies) and Chapter 6 (Growth Strategy) undertaken following publication of Census settlement data in December 2023.
- Chapter 7 Monitoring and Review – still to commence.

Section 2

- 117 Subject policies under 5 themes continue to be progressed.

• Planning Policy Review (PPR) Exercise

Planning Policy Review exercise ongoing, with the following PPR paper reported as follows:

Planning Working Group – 18 December 2023

- dPS Spatial Growth Strategy.
- dPS Economic Development Policies.

• Open Space Strategy

- Open Space Audit – mapping and classification of open space across the District December 2023– March 2024.
- Business case for appointment of consultants to produce an Open Space strategy taken to and approved by ERT Committee in February 2024.
- Initial procurement exercise using Bloom Framework commenced in March 2024.

• Consultation/engagement with statutory consultees

- Department for Communities & NIHE – Legislative and policy development for delivery of affordable housing. Participation at workshop on the 5 December 2023
- Engagement with Council LDP teams at Development Plan Working Group 15 February 2024.

• Climate Adaptation Plan

- Meeting with Sustainability team 15 December 2023 to discuss LDP policies addressing Climate Change.

- **University of Maynooth research into the remote working post covid – Dundrum case study.**
 - Meeting held 15 January 2024 to discuss key themes and Dundrum case study.
- **University of Liverpool research into barriers to the delivery of social and affordable housing in Northern Ireland. Research commissioned by NIHE.**
 - Meeting held 1 February 2024.
 - Follow up workshop held 12 March 2024.
- **DfI Call for Evidence on a Future Focused Review of the SPPS on the issue of Climate Change.**
 - Response presented to Planning Committee 6 March and issued 22 March 2024.
- **Engagement with Planning Agents across NMDDC**
 - Meetings held in Downpatrick and Newry on 7 & 8 March 2024. Update on LDP and availability of Retail Study, Landscape Character Assessment and Housing Monitor data.
- **Housing Monitor (HM)**
 - Housing Monitor spatial viewer completed. This application will enable the general public to view Housing Monitor records.
 - Dataset for 2022 HM added. Review of 2023 dataset commenced.
- **Sustainability Appraisal (SA)**

The Plan team continue to progress the Sustainability Appraisal exercise in parallel with the other work strands of the LDP.

 - Engagement with Shared Environmental Service in January 2024 to identify outstanding work required for SA Report.
- **Draft Plan Technical Supplements**
 - Historic Environment technical supplement progressed.
 - Housing technical supplement progressed.
- **Supplementary Planning Guidance (SPG)**
 - Initial drafting of guidance covering 8 Development Control Advice Notes to replace guidance produced by DoE.
 - Residential Extensions & Alterations, initial draft reviewed.
 - Safeguarding Character of Residential Areas, initial draft reviewed.

Programmed: April – July 2024

- **Draft Plan Strategy**

Preparation and drafting of the of the draft Plan Strategy (dPS) development plan document ongoing.

Section 1

- Chapter 4 Plan, Vision & Objectives to be finalised.
- Chapter 5 (Strategic Policies) and Chapter 6 (Growth Strategy) to be progressed.

Section 2

- Subject policies under 5 themes, final drafts to be completed. (excluding policies still under PPR exercise).

- **Planning Policy Review (PPR) Exercise**

Planning Policy Review exercise ongoing, with the final two PPR papers being progressed:

- PPR Housing in Settlements; and
- PPR Housing in the Countryside.

These papers will be finalised and brought to the LDP Working Group and/or Planning Committee as appropriate.

- **Employment Land Monitor (ELM)**

- 2023 ELM - survey work completed, data available, employment land report to be drafted April – May 2024.

- **Housing Monitor (HM)**

- Undertake survey work for 2024 Housing Monitor April – June 2024.

- **Open Space Strategy**

- Following appointment of consultants, commence work on Open Space Strategy.

- **Sustainability Appraisal**

- Agree and finalise SA Scoping Report with SES
- Progress SA chapters:
 - Produce summary of Sustainability Appraisal findings;
 - Produce an overview of how the LDP Plan Strategy has been informed by the SA Process; and
 - Commence monitoring chapter, this will reflect proposed monitoring for the LDP Plan Strategy.

- **Draft Plan Technical Supplements**

- Progress Housing Technical Supplement.
- Progress Historic Environment Technical Supplement.
- Commence Tourism Technical Supplement.

- **Supplementary Planning Guidance**
 - Update and finalise Development Control Advice Note guidance.
 - Update and finalise Residential Extensions & Alterations guidance.
 - Update and finalise Safeguarding Character of Residential Areas guidance.

- **Consultation/engagement with statutory consultees and internal stakeholders**
 - NMDDC Community Plan Housing Working Group
 - Meeting 9 April 2024.
 - Development Plan Working Group (DPWG)
 - Meeting of the inter council/DfI working group – 23 May 2024.

- **Engagement with Royal Society of Ulster Architects**
 - Meeting scheduled for 9 April 2024, update on LDP Plan Strategy progress to be provided.