



August 19th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 20th August 2025** at **10:00 am** in **Council Chamber, Downshire Civic Centre.**

Committee Membership 2025-26

Councillor M Larkin **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor W Clarke

Councillor C Enright

Councillor K Feehan

Councillor C King

Councillor D McAteer

Councillor D Murphy

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

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

For Information

Item 6 - Cllrs Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025

Item 7 - Cllrs Byrne, Clarke, Hanna, King, McAteer, D Murphy and Rice attended a site visit on 23 July 2025.

4.0 Minutes of Planning Committee held on 23 July 2025

For Approval

 *Planning Committee Minutes 2025-07-23.pdf*

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

For Approval

 *Addendum list - 20-08-2025.pdf*

Page 18

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

6.0 LA07/2023/2548/O - Approx 65m south of 54 Manse Road, Crossgar - Site for dwelling and domestic garage under CTY2A

For Decision

REFUSAL

On agenda as a result of the call in process.

In line with the Operating Protocol, no further speaking rights are permitted on the application.

Cllrs Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025.

 *LA07-2023-2548-O Case Officer Report.pdf*

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7.0 LA07/2023/3444/O - 20m E of 21 Drakes Bridge Road, Downpatrick - Proposed infill dwelling.


For Decision

REFUSAL

On agenda as a result of the call in process.

In line with the Operating Protocol, no further speaking rights are permitted on the application.

Cllrs Byrne, Clarke, Hanna, King, McAteer, D Murphy and Rice attended a site visit on 23 July 2025.

 [LA07-2023-3444-O - Case Officer Report.pdf](#)

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Development Management - Planning Applications for determination

8.0 LA07/2021/1056/F - Lands to the north of Phase 2 of Cedar Hill residential development approximately 120m east and northeast of Pheasant Hill Drummond Brae & Drummond Park approximately 65m east of 51 & 53 Belfast Road and south east of 15 & 17 Drumhill Avenue Ballynahinch - Proposed residential development comprising 6 no. detached and 48 semidetached dwellings with associated works & public road improvements to Cedar Hill & access from Crossgar Road and associated site works (54 no. units in total)

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

 [LA07-2021-1056-F - Case Officer Report.pdf](#)


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9.0 LA07/2024/0950/F - Lands to the rear of 120 Rathfriland Road, Saval Beg, Newry, Down, BT34 1PH - Continuation of quarrying and associated activities, to include a deepening, and lateral extension of the quarry to the east.

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

 [LA07-2024-0950-F - Case Officer Report.pdf](#)


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**10.0 LA07/2023/3285/F - NI Water Waste Water Pumping Station
Opposite No.21 Shore Road, Annalong, BT34 4TU -
Replacement underground wastewater pumping station and
associated storm storage complete with ground level access
covers, enclosed by a 1.2m high stone wall with 4m wide, 1.2m
high access gate for vehicular access. Above ground will have
control kiosk housing pump control, wash-water kiosk,
lighting column with site lighting & telemetry to allow for
remote monitoring.**

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

 [LA07-2023-3285-F - Case Officer Report.pdf](#)


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**11.0 LA07/2019/0868/F - 107 Camlough Road, Newry, BT35 7EE -
Proposed commercial unit comprising creche with associated
site works.**

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

 [LA07-2019-0868-F - Case Officer Report.pdf](#)

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***Items deemed to be exempt under paragraph 5 of Part 1 of Schedule 6 of the Local
Government Act (NI) 2014***

**12.0 Legal advice regarding a judicial review pertaining to item 13
LA07/2023/2294/F and item 14 LA07/2020/1292/O**

For Information

This item is deemed to be exempt under Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information in relation to which a claim to legal professional privilege could be maintained in legal proceedings - and the public may, by resolution, be excluded during this item of business.

Development Management - Planning Applications for determination

13.0 LA07/2023/2294/F - Unit 5 Shepherd's Way, Carnbane

Industrial Estate, Newry, BT35 6JQ - Change of use of former demolition contractor's depot / building, and part of its associated yard, to use for the storage, distribution and processing of recyclable motor vehicle components, with new security fencing and gates along rear boundary


For Decision

APPROVAL

On agenda as a result of the Operating Protocol

Speaking rights have been requested in objection to the application by Mr Seamus Fay, supported by Mr Jim O'Neill, with Counsel in attendance to answer any queries.

Speaking rights have been requested in support of the application by Mr Colin O'Callaghan, supported by Mr Bradley Mills, Mr Stuart Matthews and Ms Elise Quigly, with Counsel in attendance to answer any queries.

 **LA07-2023-2294-F - Case Officer Report.pdf** **Page 126**

 **13. LA07.2023.2294.F - in objection.pdf** **Page 148**

 **13. LA07-2023-2294-F - in support.pdf** **Page 150**

14.0 LA07/2020/1292/O - Lands located between Nos 2 & 10 Glassdrumman Road Ballynahinch - Erection of 2 detached infill dwellings and garages.

For Decision

REFUSAL

On agenda as a result of the Operating Protocol

Speaking rights have been requested in support of the application by Mr Kieran Carlin

 **LA07-2020-1292-O - Case Officer Report.pdf** **Page 152**

 **14. LA07.2020.1292.O - in support.pdf** **Page 162**


15.0 LA07/2024/1426/RM - Between 30 and 32 Leitrim Road, Kilkeel, Co Down - Infill dwelling and domestic garage

For Decision


REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested by Mr Brendan Starkey in support of the application.

 **LA07-2024-1426-F - Case Officer Report.pdf**

Page 164

 **15. LA07.2024.1426.RM - in support.pdf**


Page 176

16.0 LA07/2025/0100/F - 28 Chestnut Grove, Newry, BT34 1JT - Extension & alterations to dwelling

For Decision

REFUSAL

On agenda as a result of the call in procedure

 **LA07-2025-0100-F - Case Officer Report.pdf**

Page 178

17.0 LA07/2024/1180/F - 2 Glassdrumman Road, Ballynahinch - Proposed construction of single storey outbuilding / garage and store building within existing garden of property

For Decision


REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested by Mr Brian Crawford in support of the application.

 **LA07-2024-1180-F - Case Officer Report.pdf**

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 **17. LA07.2024.1180.F - in support.pdf**

Page 196

18.0 LA07/2024/1077/O - Land 25m west of No 60 Crawfordstown Road, Ballynahinch - 2 x Infill dwellings

For Decision


REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested in support of the application by Mr Richard McMichael (agent) and Mr Morgan Morrison (applicant)

 **LA07-2024-1077-O - Case Officer Report.pdf**

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 **18. LA07-2024-1077-O - in support.pdf**

Page 211


19.0 LA07/2023/2230/O - 55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU - Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works

For Decision


REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by applicants Shane Rice and Erin Wright

 [LA07-2023-2230-O - Case Officer Report.pdf](#)

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 [19. LA07.2023.2230.O - in support.pdf](#)

Page 238

20.0 LA07/2024/0296/F - 40 Lisoid Road, Downpatrick, BT30 8LP - Replacement dwelling & garage

For Decision

REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested in support of the application by Mr Jason Martin.

 [LA07-2024-0296-F Case Officer Report.pdf](#)

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 [LA07.2024.0296.F - in support.pdf](#)

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21.0 LA07/2023/3007/O - Southeast of 21b Teconnaught Road, Seavaghan, Downpatrick, BT30 7QB - Proposed infill dwelling and garage

For Decision

REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by applicant Steve McMullan

 [LA07-2023-3007-O - Case Officer Report.pdf](#)

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 [21. LA07.2023.3007.O - in support.pdf](#)

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22.0 LA07/2024/0204/O - Approx 100m north of 29 Turmennan Road, Downpatrick - Dwelling on a farm and domestic garage

For Decision

REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested by Mr Gerry Tumelty and Ms A Duggan (applicant) in support of the application

 **LA07-2024-0204-O - Case Officer Report.pdf**

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 **22. LA07.2024.0204.O - in support.pdf**

Page 274

23.0 LA07/2024/0073/F - 30m N. of 55 Corliss Road, Crossmaglen, BT35 9BB - New dwelling and garage on a farm

For Decision

REFUSAL

On agenda as a result of the call in procedure

Speaking rights have been requested by Mr Brendan Starkey in support of the application.

 **LA07-2024--0073-F Case Officer Report.pdf**

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 **23. LA07.2024.0073.F - in support.pdf**

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Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

24.0 Planning Application Validation Checklists

For Decision

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) - and the public may, by resolution, be excluded during this item of business.

 **Validation Checklist Proposal.pdf**

Not included

 **Validation Checklist.pdf**

Not included

For Noting

25.0 Call in on Planning Application LA07/2023/2274/F - Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry

For Information

At Council Meeting held on 4 August 2025 the following was agreed:

"Whilst in closed session, it was agreed following a recorded vote the results of which were 21 for, 11 against and no abstentions to accept the legal advice as provided."

 ***LA07-2023-2274-F Addendum Post June 2025.pdf***

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26.0 Historic Tracking Sheet

For Information

 ***Planning Historic Tracking Sheet - 2025-07-23.pdf***

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Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Mr Gerard Byrne

Cllr Pete Byrne

Cllr Philip Campbell

Cllr William Clarke

Edel Cosgrove

Cllr Laura Devlin

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Martin Hearty

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Cllr Jonathan Jackson

Joanne/Noelle Johnston

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Josephine Kelly

Mrs Sheila Kieran

Cllr Cathal King

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Sinead Murphy

Cllr Declan Murphy

Cllr Kate Murphy
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Cllr Selina Murphy
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Cllr Siobhan O'Hare
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Cllr Áine Quinn
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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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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Cllr Jill Truesdale
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Mrs Marie Ward
.....
Cllr Helena Young
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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 23 July 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor G Hanna

Committee Members in attendance in Chamber:

Councillor P Byrne	Councillor W Clarke
Councillor C Enright	Councillor C King
Councillor D McAteer	Councillor D Murphy
Councillor M Rice	

Committee Members in attendance via Teams:

Councillor S Murphy	Councillor J Tinnelly
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Officials in attendance:

Mr C Mallon, Director of Economy, Regeneration & Tourism
 Mr J McGilly, Assistant Director: Regeneration
 Mr P Rooney – Head of Legal Administration (Acting)
 Ms A McAorney, Development Manager, Planning
 Mrs B Ferguson, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Ms F Branagh, Democratic Services Officer
 Mr C Smyth, Democratic Services Officer

Officials in attendance via Teams:

Miss S Taggart, Democratic Services Manager

Also in attendance via Teams:

Historical Environment Division (Monuments)
 Mr A McAleenan, Senior Archaeologist

P/069/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor Larkin.

As the Chairperson was an apology, the Deputy Chairperson assumed the role of chair for the meeting.

P/070/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/071/2025: 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 – LA07/2023/2548/O - Cllrs Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025.

Item 7 - LA07/2024/0490/O - Cllrs Clarke, Hanna, Larkin, McAteer, D Murphy, S Murphy and Rice attended a site visit on 25 June 2025

MINUTES FOR CONFIRMATION

P/072/2025: MINUTES OF PLANNING COMMITTEE PDH OF 19 JUNE AND PLANNING COMMITTEE MEETINGS OF THURSDAY 19 AND WEDNESDAY 25 JUNE 2025

Read: Minutes of Planning Committee PDH of 19 June and Planning Committee Meetings of Thursday 19 and Wednesday 25 June 2025.
(Copy circulated)

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor King, it was agreed to adopt the Minutes of the Planning Committee PDH of 19 June and Planning Committee Meetings of Thursday 19 and Wednesday 25 June 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/073/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 23 July 2025.
(Copy circulated)

Councillor Hanna proposed that Item 9 (LA07/2023/3285/F) be deferred to a future Committee meeting, noting that the objectors were unaware of the process for submitting speaking rights and wished to address the Committee. The proposal was seconded by Councillor Rice.

Councillor McAteer expressed his objection, stating that it was the responsibility of objectors to be aware of when an application would be tabled at Committee. He added that those uncertain about the speaking rights process should consult their elected representatives and warned that deferring the application at this stage would cause further delays in processing applications and hinder housing development.

As there was dissent within the Chamber, Councillor Hanna's proposal was put to a vote with the result as follows:

FOR:	8
AGAINST:	1
ABSTENTION:	1

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer item 9 – LA07/2023/3285/F to a future Committee Meeting.

On the proposal of Councillor D Murphy, seconded by Councillor King, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 23 July 2025:

- **LA07/2023/2555/F** - 60M NE Of Coast Guard Station, Shore Road, Killough - Proposed New Farm Diversification - For 4 No. Glamping Pods Ancillary Building And Landscaping Utilising Existing Access Onto Shore Road Killough
APPROVAL
- **LA07/2024/0227/RM** - immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry, BT34 2NB - Two Storey Dwelling
APPROVAL

P/074/2025: **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) LA07/2023/2548/O

On agenda as a result of the Call-In Process.
Previously tabled 28 May 2025.

Location:
Approx 65m south of 54 Manse Road, Crossgar

Proposal:
Site for dwelling and domestic garage under CTY2A

Conclusion and Recommendation from Planning Official:
Refusal

Councillor Hanna advised that as there was not a quorum following the site visit, the item would have to be deferred to a future Committee meeting.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Enright, it was agreed to defer planning application LA07/2023/2548/O to a future committee meeting.

(2) LA07/2024/0490/O

On agenda as a result of the Call-In Process.
Previously tabled 25 June 2025.

Location:

225m west of 81 Kilbroney Road, Rostrevor

Proposal:

Proposed dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane reminded Members of the key aspects of the application, noting that it related to a site located within an Area of Outstanding Natural Beauty (AONB) in the countryside. He highlighted that the application was recommended for refusal, as the proposed siting did not visually link or cluster with an established group of farm buildings and that no justification had been provided on health and safety grounds or in relation to business expansion to support the isolated location. He also noted that two nearby structures cited by the agent did not have planning permission. He also advised there are concerns with the proposed creation of a new separate access.

Mr Keane further explained that the site lay within the setting of Kilbroney Church and Graveyard, a Scheduled Monument of regional importance. The Historic Environment Division (HED) had advised that the proposal was contrary to SPPS and Policy BH 1 of PPS 6, as it would significantly harm the integrity of the monument's setting. HED also stated that no conditions could be applied to make the proposal acceptable.

Mr Keane advised that HED's objection, as a statutory consultee, would need to be addressed if the Committee were to overturn the Planning Department's recommendation. He concluded by noting that Mr McAleenan from HED (Monuments) was available online to respond to any questions from Members.

Speaking rights:

Cllrs Clarke, Hanna, Larkin, McAteer, D Murphy, S Murphy and Rice attended a site visit on 25 June 2025.

In line with Operating Protocol, no further speaking rights were permitted on the application.

Mr John Cole was present to answer any questions Members may have had, accompanied by the applicant Mr Sean Sweeney.

Councillor Rice addressed the following questions to Mr McAleenan:

- Could the reasons for HED recommendation for refusal be elaborated upon?
- Was it possible that there was further archaeological material to be found surrounding the site?
- Had HED raised any concerns with regard to the development on the other side of the road some 10 years ago?

Mr McAleenan responded as follows:

- The site had been scheduled for protection, indicating its recognition as a uniquely and regionally significant monument. It was advised that the proposed development would have a negative impact on the setting of the monument and the surrounding area and would adversely affect the monument's setting.
- Given that the church was situated on a mound, and based on experience and HED's interpretation, the proposal site was considered to have a high potential to contain remains associated with the church. It was therefore deemed to be protected under PPS 6.
- The development in question had been located across the road from the church in a topographically different area; as such, HED had not raised the same concerns in that case as applied to the current application.

Mr Cole interjected to argue that the road in question had not existed 200 years ago, suggesting that HED's concerns should carry less weight, as any artefacts could also potentially lie beneath the modern roadway. He reiterated that the proposed site was not visible from the church and, therefore, would not detract from views of the area. He added that the applicant would be willing to accept a condition requiring an archaeological investigation of the field prior to any development.

Following a query from Councillor Clarke, a discussion took place regarding the visibility of the church from the proposed site. It concluded with a clear difference of opinion on whether the church could be seen from the site.

Mr Keane then reminded Members that there were several reasons for refusal, beyond the issue relating to the church and its grounds.

Councillor Tinnelly requested an opportunity to speak; however, Councillor Hanna reminded him that as he had not attended the site visit, it was at his own discretion whether to participate in the discussion and decision-making process.

Councillor Tinnelly subsequently withdrew his request to speak.

Councillor Hanna queried the status of the building, to which Mr McAleenan advised that, while it was not currently a protected structure, it was scheduled for protection under the Historic Monuments Order.

Following a query from Councillor Hanna, a discussion took place regarding the potential for archaeological remains within or beyond the graveyard wall. Mr McAleenan explained that the existing boundary wall was a modern addition, differing from what would historically have been in place. He stated, based on knowledge from comparable sites and past discoveries, it was highly likely that significant archaeological remains could extend toward the application site. He emphasised that while there was no definitive evidence of what lay within the site, HED's experience and archaeological expertise were important factors in assessing its potential until a formal investigation could be carried out.

Mr Cole interjected, noting that while HED had suggested the potential for archaeological remains to extend toward the application site, such remains could just as likely extend in all directions. He pointed out that other development proposals in the area had been approved in recent years without objections from HED.

Councillor Clarke noted that alternative sites were available in principle and referred to Mr Cole’s point that DFI Roads had objected to increased traffic on the existing laneway for one potential alternative. Emphasizing the need to balance cultural heritage protection with sustainable development, he proposed deferring the application to allow further discussions between the agent, the Planning Department, and DFI Roads regarding the alternative site.

Councillor D Murphy noted that the application did not comply with several planning policies but expressed a desire for further discussion regarding alternative sites on the farm.

Mrs McAlarney advised that the Committee was required to make a decision on the application as submitted, emphasizing that the Planning Committee was not the appropriate forum for exploring alternative sites. She explained that the red line boundary could not be amended during the current process, as any such change would require submitting a new, separate planning application. While this remained a possible future option, it could not be considered as part of the current application.

Councillor Clarke stated that the proposed discussions should have already taken place. In response, Mrs McAlarney advised that it was the applicant’s responsibility to conduct site investigations, as the Planning Department could only assess the application as submitted.

As there was no seconder for Councillor Clarke’s proposal, Councillor Hanna declared the proposal fallen.

Councillor D Murphy then proposed to accept the officer’s recommendations, acknowledging that although unfortunate, the application did not comply with planning policy. This was seconded by Councillor Clarke.

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

FOR:	5
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED:	On the proposal of Councillor D Murphy, seconded by Councillor Clarke, it was agreed to issue a refusal in respect of planning application LA07/2024/0490/O supporting officer recommendation as contained in the Case Officer Report.
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DEVELOPMENT MANAGEMENT

P/075/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/1008/F

On agenda as a result of the Call-In Process

Location:

64 Upper Dromore Road, Warrenpoint, BT34 3PN

Proposal:

Erection of two detached dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the planning application for two dwellings on lands within the settlement limits of Warrenpoint and Burren, situated on white land and within an AONB. The site comprised part of the rear garden of No. 64 and a connecting strip of land to Oak Grange. He noted that this proposal formed part of a larger site where planning permission had recently been granted for two dwellings at the front of No. 64, including demolition of the existing house, bringing the total number of dwellings on the original plot to four.

Mr Keane confirmed that the proposal had been assessed against SPPS, PPS 7, and associated Addendum. He confirmed that concerns raised with the agent included overdevelopment, poor site layout, insufficient private amenity space, and reliance on prominent retaining walls due to site constraints. The application was also considered likely to have an unacceptable impact on the amenity of nearby properties, including overshadowing, overlooking, and visual dominance—particularly in relation to the two recently approved dwellings at the front and between the proposed units.

Mr Keane confirmed that statutory consultees raised no objections, subject to conditions. Eleven objections had been received from local residents, citing concerns over traffic and access, residential amenity, piecemeal development, and a legal dispute over land ownership, reminding the Committee that land ownership was a civil matter and not a matter for the Planning Committee.

Speaking rights:In Objection:

Ms Claire Loughran spoke in objection to the application, emphasising that the proposal was fundamentally out of character with the established Oak Grange development. She highlighted that the proposal conflicted with multiple planning policies designed to protect the character, density, and amenity of established residential areas. Ms Loughran noted that the proposed dwellings featured curtilages running perpendicular to existing properties, with narrow frontages and deep footprints inconsistent with neighbouring homes. Additionally, unlike most Oak Grange houses, the proposed units were not oriented to face the road.

Ms Loughran expressed concerns about the negative impact on residents' private amenity space and potential overshadowing. Referring to communication from the Planning Department, she pointed out that any dwellings behind the recently approved units should be single storey due to local topography. Ms Loughran further argued that the proposed retaining walls were indicative of overdevelopment and resulted in unacceptable boundary heights.

Ms Loughran stated that the site should be served from Upper Dromore Road, citing road safety concerns such as a dangerous bend, steep gradient, and lack of consideration for

adverse weather conditions. She questioned the thoroughness of DFI's assessment, suggesting it appeared to be a desk-based review that overlooked these critical factors.

In Support:

Mr Cole spoke in support of the application, explaining that the rear garden of No. 64 was steep and difficult to maintain. He noted that the proposal met seven of the nine criteria under Policy QD 1 of PPS 7, disputing claims that it was out of character. The design, orientation, and access arrangements were consistent with nearby homes, such as Nos. 1, 2, and 30 Oak Grange. He also challenged concerns about private amenity spaces, highlighting varied examples in the locality that aligned with planning guidance.

Regarding retaining walls, Mr Cole explained that similar structures were common in the area due to the topography, with proposed walls between 1.2m and 2.5m high, which would be screened by existing mature landscaping. The split-level design of Site 2 accommodated ground levels and minimized overshadowing and overlooking, aided by separation distances of 15.5m to 32m from nearby approved dwellings and 1.8m fencing for privacy.

Mr Cole acknowledged 11 objections, mostly citing road safety, but emphasized that DFI Roads had no objections and were satisfied with access and visibility arrangements, dismissing criticism of their assessment as unfounded.

Councillor McAteer queried why the Planning Department's suggested amendments regarding orientation had not been considered. Mr Cole responded that the applicant had oriented the houses to maximise sunlight entering the rooms, rather than positioning the gable wall toward the sun. He added that the houses' orientation was consistent with nearby dwellings facing Dromore Road.

A discussion ensued regarding the dwellings' orientation. Mr Cole maintained that the proposal's orientation was consistent with the character of the immediate area, while Mr Keane stated that the site's two entrances with no frontage to the road were out of keeping with the locality.

A further discussion took place regarding the use of retaining walls. Mr Keane stated that the retaining wall was not the primary concern but rather a design issue symptomatic of overdevelopment, emphasising that the Planning Department's main concerns were the overall layout, presentation, and orientation of the proposal.

Councillor McAteer queried the impact of the proposal on Ms Loughran, who stated that she believed it would have a significant impact on herself and other residents. She expressed concern that the images presented were strategically chosen to support the applicant's case, noting that the road was not a direct route and that some dwellings had both gable walls and front facades facing the road as it meandered through the development. Ms Loughran stressed that submitting the proposal as two separate applications for two dwellings each, after initially applying for four, did not alleviate local concerns about the development.

Mr Keane clarified that the Planning Department's concerns related primarily to the relationship between the two currently proposed dwellings and the two previously approved ones, focusing on elevation, overlooking, and overshadowing. He confirmed that the proposed layout and separation distances were acceptable in regard to the already established development and did not raise any significant amenity issues.

Following a query from Councillor Byrne about the previous application for four dwellings, later split into two applications for two dwellings each, Mr Keane explained that the original proposal was for three dwellings at the front and one at the rear. After a request to reduce the development, the red line boundary was reduced and resulted in an application for two dwellings on the front portion of the site. The current application was for two dwellings on the rear portion of the site.

Councillor Byrne queried Ms Loughran's statement that the Planning Department had advised any additional houses on the site should be single storey, and why this had not been considered. Mr Cole responded that he had taken over the application mid-process and was unaware of that communication. He explained that the split-level design was necessary to accommodate parking for the lower house and ensure adequate access. He added that if the proposals were amended to bungalows, large retaining walls would be required due to the site's topography.

Councillor Hanna invited those present to highlight any factual inaccuracies during the discussion. Ms Loughran responded that she had a copy of an email from the Planning Department stating that two further dwellings could be accommodated to the rear of the approved homes, but these should be restricted to bungalows.

Following the discussions, Councillor Byrne proposed to accept the officer's recommendation, which was seconded by Councillor McAteer.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Byrne, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2024/1008/F supporting officer recommendation as contained in the Case Officer Report.**

The Deputy Chairperson advised that item 12 (LA07/2023/3099/O) and item 13 (LA07/2023/3412/O) would be heard together.

(2) LA07/2023/3099/O and LA07/2023/3412/O

On agenda as a result of the Call-In Process

Location:

Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ
Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ

Proposal:

New dwelling with detached garage on gap/infill site.

New dwelling with detached garage on gap/infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane highlighted that the agent had requested speaking rights for both applications; however, the written submission referenced only the dwelling proposed under application LA07/2023/3099/F. Additionally, the submission cited Policy CTY2a, which was assumed to be an error since the applications had been submitted and assessed against Policy CTY8. The agent acknowledged this mistake.

Mr Keane advised that the two sites were situated along Newtown Road. To the south of the sites was an open field, followed by the residential plot of No. 31b. To the north, there was an access lane separating the sites from several other fields. Mr Keane detailed that No. 33b, located on the north side, did not have direct road frontage but was accessed via the laneway. Its residential curtilage was clearly set back from the road and visible on the ground by ranch-style fencing enclosing a maintained garden area. The adjacent field was visibly separate, having a different surface, and was therefore not part of the residential curtilage. He confirmed that following receipt of the speaking rights submission, a further site visit was carried out the previous Monday. During this visit, it was confirmed that the curtilage of No. 33b remained consistent with the Case Officer's Report. The presence of a donkey in the adjacent field further confirmed its use as separate agricultural land rather than residential curtilage.

Mr Keane advised that a small gap site must fill a substantial and continuously built up frontage to qualify as an infill opportunity, which neither application met. The applications were recommended for refusal under SPPS, PPS21, CTY1, 8 and 13, alongside PPS6 NH6, due to the absence of an established planning principle, lack of substantial built-up frontage, and potential negative impact on the rural character of the area.

Speaking rights:

In Support:

Mr John Young spoke in support of the two applications, explaining that No. 33b had a fence running parallel to the back of the garage enclosing a chicken run, which was maintained as part of the dwelling's amenity space rather than a farm business. He argued that a gate provided access to this area, so it should be regarded as part of the dwelling's curtilage. Mr Young argued that, when including this area, the property did have road frontage, creating a gap that complied with policy requirements. He urged the Committee to consider these points carefully when making their recommendation.

Councillor McAteer queried whether there was a lane on the southern application site and what its width might be.

Mr Keane confirmed that there was no lane, but rather a field creating a gap that would remain unfilled by the proposed development. He stated that even if the Planning Department were to consider the building on the northern side that did not have frontage to the road, the gap would still be present, which was contrary to Policy CTY8.

Councillor Tinnelly stated that the entrance to No. 33b was located on the lane, as Newtown Road curved sharply at a dangerous bend, making this entrance a necessary safety measure. He argued that, for this reason, the dwelling should be considered to have road frontage. He also noted that No. 31 had been developed on an irregularly shaped field and suggested that if the perimeter fence were removed, the property boundary would extend to the blue line shown on the map. Therefore, he contended that there could be a substantial and continuous built-up frontage in this area.

Mr Keane advised that the road at the junction with the access lane was relatively straight and therefore the lane could not be considered a road safety measure. He further emphasised that the Planning Department had to assess an application as submitted and based on the actual site conditions, stating that a clearly defined boundary fence confirmed that the dwelling did not have road frontage.

Following a query from Councillor Byrne, a detailed discussion took place regarding what defined a curtilage boundary, such as fencing, boundary walls, hedges, and similar features. The outcome was that Mrs McAlarney emphasised each application had to be considered on its own merits and reiterated that, in this case, the Planning Department's opinion remained that the land in question was not part of the curtilage of No. 31b.

Following the discussion, Councillor Rice proposed that the item be deferred to allow for a site visit, which was seconded by Councillor Tinnelly.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Rice, seconded by Councillor Tinnelly, it was agreed to defer planning application LA07/2023/3099/O to allow for a site visit.**

The meeting did then recess – 12.01pm
The meeting did then resume – 12.20pm

Cllr S Murphy left the meeting at this stage – 12.02pm

(3) LA07/2023/3444/O

On agenda as a result of the Call-In Process

Location:
 20m E of 21 Drakes Bridge Road, Downpatrick

Proposal:
 Proposed infill dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the details of the application, advising that one letter of objection had been received, raising concerns about sight splays and land ownership. She reminded the Committee that land ownership was a civil matter outside the remit of planning. She confirmed that no statutory consultees had raised any objections, subject to conditions.

Mrs Ferguson confirmed that it was the opinion of the Planning Department that the lane serving No. 21 Drakes Bridge Road terminated at the entrance and did not extend further, with No. 21's curtilage forming the apparent end of the lane. She confirmed that only two buildings fronted onto the lane, and no definable gap was found to exist; therefore, the application failed when considered against CTY8.

Mrs Ferguson noted that the applicant had referenced an outbuilding northeast of No. 21 as a third building, suggesting a continuous built-up frontage; however, this was not accepted by the Planning Department, which maintained that the laneway ended at the entrance to No. 21.

Speaking rights:

In Support:

Mr Declan Rooney noted that the Planning Department considered the laneway to effectively terminate between No. 19 and the application site, thereby excluding a building to the northwest from contributing to any built-up frontage. He argued that a clear and continuous built-up frontage existed, consisting of No. 19, its outbuilding and No. 21, all of which had frontage onto a laneway that extended beyond the application site. He referenced historical PRONI maps as well as Google Street View images from 2008 and 2011, which demonstrated that the lane had historically remained open and continuous.

Mr Rooney highlighted visible wear along the lane as evidence of ongoing use, supporting the claim that the laneway did not terminate at No. 21, citing the Planning Appeals Commission's position that sites should be assessed based on current on-site conditions, using this to support his recommendation for approval.

Councillor D Murphy queried the existence of gates marking the end of the laneway. Mrs Ferguson responded that she was unaware of when the gates had been installed or removed but confirmed that the gate pillars were present during the site inspection and had remained in place, marking the laneway's end.

Councillor D Murphy then asked about the purpose of the gates. Mr Rooney explained that they had been installed at the request of a resident of one of the properties for security reasons but had since been removed.

Following a query from Councillor McAteer, a discussion ensued regarding the pillars marking the end of the laneway and whether existing buildings beyond that point should be considered part of the frontage. Mrs Ferguson reiterated that it was the opinion of the Planning Department that the laneway terminated at the entrance to No. 21. The ground beyond was considered yard space and was not physically marked as part of the laneway. She further confirmed that the use of the PRONI map to demonstrate the laneway's extent was irrelevant, as the Planning Department did not dispute the laneway's historical existence. However, their position was that the laneway ended at that point and the space

beyond was in use as a yard, as evidenced by the discolouration and different hard surface within that area.

Councillor Hanna requested a legal opinion regarding the Committee drawing conclusions about the laneway's termination point. Mr Peter Rooney advised that the evidence had been presented to the Committee and, if any doubts remained about the situation on the ground, they could conduct a site visit to view the application area in person.

Councillor McAteer stated that he was satisfied that the laneway continued beyond the entrance to No. 21, contrary to the Planning Department's opinion, but proposed a site visit to verify his view. This was seconded by Councillor D Murphy.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to defer planning application LA07/2023/3444/O to allow for a site visit.**

(4) LA07/2024/0761/O

On agenda as a result of the Call-In Process

Location:

46 Dromore Road, Ballynahinch

Proposal:

Infill dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson confirmed that the application had been assessed under the SPPS and Policies CTY 1, CTY 8, CTY 13, CTY 14, and CTY 16 of PPS 21, along with retained policies NH2, NH5, and AMP2. She stated that all required consultations had been completed with statutory consultees, resulting in no objections subject to conditions.

Mrs Ferguson reminded Members of the restrictive nature of Policy CTY 8, noting that the required substantial and continuous built-up frontage had been met, as three buildings had frontage onto Dromore Road. However, she advised that the Planning Department considered the proposed site to be part of the existing garden of No. 46, rather than an agricultural field as described by the agent. She also noted that the paired access arrangement resulted in a 14m frontage for No. 46 and a 61m frontage for the proposed site, stating that this type of access was considered more typical of an urban setting and inconsistent with the rural context. Consequently, the proposal failed the second test of Policy CTY 8.

Mrs Ferguson confirmed that the proposal did not respect the traditional rural settlement pattern and would cause a detrimental change to the rural character, contrary to Policy CTY 14.

Speaking rights:

In Support:

Mr Conor Cochrane spoke in support of the application, noting that the applicant intended to subdivide his own plot to provide a modest rural dwelling. He stated that, as Planning Officers had confirmed the proposal met the first test of Policy CTY 8, the principle of development was accepted under PPS 21.

Mr Cochrane argued that the refusal recommendation was based on subjective concerns about the appearance and layout of the access arrangements. He maintained there was no fundamental breach of Policies CTY 8, 13, or 14, as the proposed dwelling would be situated within an established residential courtyard, and the access arrangement was typical of rural developments, especially where curtilages were subdivided. He noted that PPS 21 did not prohibit such arrangements and that DFI Roads, as the competent authority, had raised no objections. He further stated that Policies CTY 13 and 14 were not offended because mature vegetation on site provided landscape integration and the proposal would not result in ribbon development, as it respected the existing settlement pattern and did not extend into open countryside.

Mr Cochrane reminded Members that the application was at outline stage, with design and detail matters reserved for future consideration, and that the concerns raised were professional interpretations rather than clear breaches of planning policy.

Councillor Hanna proposed overturning the application to an approval as he believed that it complied with Policy CTY 8 and that the other refusal reasons would therefore no longer apply. He stated that the proposal was not out of character with the area and represented sustainable development in the countryside. The proposal was seconded by Councillor Clarke.

Mrs McAlarney reminded Members of all the refusal reasons, advising that Policies CTY 1, 8, 13, and 14 were stand-alone policies and must be considered independently when addressing refusal reasons to overturn an application.

Councillor Hanna stated that he believed the agent's rebuttal addressed all the refusal reasons and was therefore content to propose overturning the application.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Clarke, it was agreed to issue an approval in**

respect of planning application LA07/2024/0761/O contrary to officer recommendation as contained in the Case Officer Report.

ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor D Murphy, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. 5 of Part 1 of Schedule 6 of the Local /Government (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Enright, seconded by Councillor Rice, it was agreed to come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

P/076/2025: LEGAL ADVICE REGARDING A JUDICIAL REVIEW RE LA07/2022/1953/O

Read: Verbal Legal Advice regarding a Judicial Review re LA07/2022/1953/O

AGREED: On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to note the legal opinion provided.

P/077/2025: PLANNING APPLICATIONS FOR DETERMINATION

(5) LA07/2022/0761/O

On agenda as a result of the Call-In Process

Location:
Lands at 24 Teconnaught Road Downpatrick

Proposal:
2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:

Mrs Ferguson explained that the application had initially been recommended for refusal by officers on 19th February 2024 but was later "called in" to the April 2024 Planning Committee, where Members voted to approve it contrary to the officer's recommendation. She noted that following a Judicial Review, the High Court ruled on 6th May 2025 that the Council's decision breached Policy CTY 8, resulting in the permission being quashed and requiring the decision to be reconsidered in light of the ruling.

Mrs Ferguson reminded Members that the application had been assessed against the SPPS and Policies CTY 1, 8, 13, 14, and 16, alongside retained policies NH2, NH5, and AMP2. She highlighted the restrictive nature of CTY 8, confirming that the first test had not been met because there was no substantial and continuously built-up frontage. She clarified that one of the buildings cited by the agent was merely the foundations of a garage, which did not count as a building for planning purposes.

Additionally, Mrs Ferguson noted that the proposal failed Policies CTY 13 and 14 as it would not integrate well into the surrounding area and would contribute to ribbon development along Teconnaught Road.

Speaking rights:

In Objection:

Mr Paul Kelly wished to speak in objection to the application but stated that he would withdraw his request if the Committee was inclined to accept the officer's recommendation for refusal.

Councillor Hanna advised Mr Kelly that the Committee could not express any opinion on the application until all speaking rights had been exhausted.

Mr Kelly used a PowerPoint presentation showing images of the application site from various points along Teconnaught Road to argue that the proposal would not integrate with the surrounding area and would cause a harmful visual impact. He also reiterated the legal advice given at the April 2024 Committee, which emphasized that Members must assess the site as it currently stood and not speculate about future developments, such as the footings at a neighbouring property.

Councillor Clarke proposed to accept the officer's recommendations, which was seconded by Councillor McAteer.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Clarke, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2022/1953/O

supporting officer recommendation as contained in the Case Officer Report.

FOR NOTING

P/078/2025: HISTORIC ACTION SHEET

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

AGREED: It was agreed on the proposal of Councillor Rice, seconded by Councillor King, to note the historic action sheet.

There being no further business the meeting ended at 01.16pm.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 16% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 20 August 2025

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:

- **LA07/2021/1056/F** - Lands to the north of Phase 2 of Cedar Hill residential development approximately 120m east and northeast of Pheasant Hill Drummond Brae & Drummond Park approximately 65m east of 51 & 53 Belfast Road and south east of 15 & 17 Drumhill Avenue Ballynahinch - Proposed residential development comprising 6 no. detached and 48 semidetached dwellings with associated works & public road improvements to Cedar Hill & access from Crossgar Road and associated site works (54 no. units in total)
APPROVAL
- **LA07/2024/0950/F** - Lands to the rear of 120 Rathfriland Road, Saval Beg, Newry, Down, BT34 1PH - Continuation of quarrying and associated activities, to include a deepening, and lateral extension of the quarry to the east.
APPROVAL
- **LA07/2023/3285/F** - NI Water Waste Water Pumping Station Opposite No.21 Shore Road, Annalong, BT34 4TU - Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers, enclosed by a 1.2m high stone wall with 4m wide, 1.2m high access gate for vehicular access. Above ground will have control kiosk housing pump control, wash-water kiosk, lighting column with site lighting & telemetry to allow for remote monitoring.
APPROVAL
- **LA07/2019/0868/F** - 107 Camlough Road, Newry, BT35 7EE - Proposed commercial unit comprising creche with associated site works.
APPROVAL
- **LA07/2025/0100/F** - 28 Chestnut Grove, Newry, BT34 1JT - Extension & alterations to dwelling
REFUSAL

-O-O-O-O-O-O-

Delegated Application

Development Management Officer Report		
Case Officer: Richard McMullan		
Application ID: LA07/2023/2548/O		Target Date:
Proposal: Site for dwelling and domestic garage under CTY2A	Location: Approx 65m South of 54 Manse Road, Crossgar	
Applicant Name and Address: Eugene Flynn 45a Killyleagh Road Saintfield BT24 7EH	Agent Name and Address: David Burgess 24 Templeburn Road Crossgar	
Date of last Neighbour Notification:	15 th March 2024	
Date of Press Advertisement:	12 th July 2023	
ES Requested: No		
Consultations: DFI Rivers-No objections DFI Roads-No Objections EHO-No objections NI Water-No objections DAERA WMU-Standing Advice		
Representations: Application advertised in local press, 12 th July 2023 & neighbours as below notified, 1 st March 2024.		
Name	Address	Sent Date
Occupier	50 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	52 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	52A MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	54 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	56 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	61 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	61A MANSE ROADRAFFREYSAINTFIELDBT30 9LZ	01/03/2024
Occupier	65 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	67 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	69 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
Occupier	71 MANSE ROADRAFFREYCROSSGARBT30 9LZ	01/03/2024
No objections received to date, 7 th April 2025.		

Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	
Principle of development (Cluster CTY2a), Roads, Amenity, Rivers (flooding), Natural Heritage etc.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 29th Feb. 2024.

Characteristics of the Site and Area



This site is located upon the southern side of the Manse Road, Crossgar, which is noted to run in an east-west direction along this section of road. Access is gained via an existing access which serves numbers 54 & 54a Manse Road. The site is seen to be located to the rear of and to the south of no's 54 & 54a. It is seen to comprise of a grassed agricultural field which has an area of approx. 0.6h. It is irregular in shape and its topography falls in a southern direction.

The boundaries of the site were observed to be defined as follows:

- Northern- Post and wire fence & in situ outbuildings
- Eastern- Mature hedging
- Southern- Mature hedging

Western- Mature trees/bushes/hedging



The character of the area is seen to be rural. Open agricultural lands are noted to the south of the site. To the north and east of the site several dwellings (and associated outbuildings) are noted fronting onto the Manse Road in a ribbon of development. To the west of the site a further detached dwelling with associated outbuildings and menage are noted, set back from the Manse Road.

Further to the southeast of the site it is noted that the Manse Road meets the Carrickmannon Road which runs in a north/north western direction away from the Manse Road. In turn approx. 55m further along the Manse Road its junction with the Templeburn Road is noted. Raffrey Presbyterian Church and associated hall are noted adjacent to the aforementioned road junctions.



Raffrey P. Church and Hall (site beyond trees)

Description of Proposal

Site for dwelling and domestic garage under CTY2A

Planning Assessment of Policy and Other Material Considerations



Site within rural context outside of any defined settlements (Ards and Down Area Plan 2015)

PLANNING HISTORY

Planning Application Number: R/1978/0048

Decision: Permission Refused

Decision Date:

Proposal: DWELLINGS

Application Number: R/1981/0342

Decision: Permission Granted

Decision Date: 24 July 1981

Proposal: ALTERATIONS AND IMPROVEMENTS TO DWELLING

Application Number: R/1980/0875

Decision: Permission Granted

Decision Date: 28 July 1981

Proposal: BUNGALOW

Application Number: R/1982/0193

Decision: Withdrawal

Decision Date: 17 May 1982

Proposal: DWELLING

Application Number: R/1983/0561

Decision: Permission Granted

Decision Date: 28 September 1983

Proposal: GARAGE

Application Number: R/1984/0555

Decision: Permission Granted

Decision Date: 25 September 1984

Proposal: EXTENSION TO DWELLING.

Application Number: R/1994/4029

Decision: Permitted Development

Decision Date: 01 July 1994

Proposal: Roofscape conversion

Application Number: R/1999/0233

Decision: Withdrawal

Decision Date: 01 April 2000

Proposal: Site for single storey dwelling (outline) 150m southeast of 64 and opposite 69 Manse Road Raffrey Crossgar

Application Number: R/2000/0213/F

Decision: Permission Granted

Decision Date: 22 August 2000

Proposal: Construction of a 2 storey dwelling, garage & stables

Application Number: LA07/2024/0214/O

Decision: Permission Granted

Decision Date: 24 September 2024

Proposal: Proposed infill dwelling and garage (amended plans)

SUPPORTING DOCUMENTS

Application form

Drawing

Design and Access Statement (Supporting Statement)

N.I. Biodiversity Checklist (Ayre Environmental Consulting Ltd.).

CONSULTATIONS

DFI Rivers-No objections
 DFI Roads-No Objections
 EHO-No objections
 NI Water-No objections
 DAERA WMU-Standing Advice

REPRESENTATIONS

No objections received to date, 7th April 2025.

EVALUATION

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

All development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

New dwellings in existing clusters: provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside.

Planning Policy Statement 21

Policy CTY 1 – Development in the Countryside

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.

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

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

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

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

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

A new building will be unacceptable where:

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

Policy CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

A new building will be unacceptable where:

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

Policy CTY 16 – Development Relying on Non-Mains Sewerage

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.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

PPS2 Natural Heritage:

Policy NH 1 - European and Ramsar Sites – International

Policy NH 2 - Species Protected by Law

Policy NH 3 - Sites of Nature Conservation Importance – National

Policy NH 4 - Sites of Nature Conservation Importance – Local
 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance
 Policy NH 6 - Areas of Outstanding Natural Beauty

PPS 3

Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

Policy AMP 7 Car Parking and Servicing Arrangements

PPS 15

Revised Planning Policy Statement 15 'Planning and Flood Risk'

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains
 Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure
 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains
 Policy FLD 4 Artificial Modification of Watercourses
 Policy FLD 5 Development in Proximity to Reservoirs

Guidance

Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

Policy CTY 2a New Dwellings in Existing Clusters, defines what constitutes a cluster and sets down very clear guidance on how new developments can integrate with these. The key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

Consideration.

While the supporting information provided has been noted it is considered that the site does not fall within a cluster of development which lies outside of a farm consisting of four or more buildings (excluding ancillary building) of which at least three are dwellings. When viewed from the Manse Road no's 52, 52a & 54 are qualifying buildings for the purpose of policy CTY2a. Noted buildings beside each of the qualifying buildings are seen to consist of a mixture of garages and outbuildings and are therefore discounted. No. 56 which is a dwelling, is not a visible feature that reads with no's 52, 52a & 54 when viewed from the Manse Road and is discounted. It is considered that the site is located to the rear of a ribbon of development running along the Manse Road which includes no's 44, 48, 50, 52a, 52 & 54.

It is therefore considered that the cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open side structures) of which at least three are dwellings.

In turn, Council consider that the development is not part of a cluster that appears as a visual entity within the local landscape. As you travel past the site in a southeastern direction no's 54 & 52 are visually linked only. The topography of the road is then noted to fall and a field is noted between 52 and 52a. Numbers 50 and 52a are visually linked to each other but are not visually linked to 52 and 54 as a result of rising topography and intervening hedging and mature trees. The site is also seen not to be visually linked to no's 50, 52a and 52 & 54 as a whole as a result of the noted undulating topography of the road and strong screening noted in the form of trees and hedging associated with the in situ dwellings. When viewed from the south upon the Templeburn Road there is no cluster of development visible that appears as a visual entity within the local landscape with only scattered piecemeal development being visible.



Views from Templeburn Road

As a consequence, it is considered that the cluster does not appear as a visual entity within the local landscape. The cluster does not present as a collective body of buildings separate from the countryside when viewed from the surrounding vantage points. Consequently, it does not appear as a visual entity in the local landscape

The site and adjacent dwellings are noted to be between 168m-275m west of Raffrey Pres. Church and Hall as illustrated below.



Separation distances

The above outlined separation distances in conjunction with intervening dwellings, rising topography and vegetation result in it being considered that the cluster is not associated with a focal point such as a social/community building/facility. It is also seen not to be associated with a cross roads. No visual linkage is presented on the ground between the presbyterian church and the site. Therefore, it is considered to fail this section of policy CTY2a.

Three of the four boundaries of the site are defined via mature hedging and trees and bushes providing for a suitable degree of enclosure. However, as the site is seen not to fall within a cluster of development it follows that it is not bounded on at least two sides with other development in a cluster. The proposed development/site therefore fails this section of policy CTY 2a.

As Council contend that the site is not contained within an existing cluster of development, there is no scope for rounding off and consolidation to permit the development to be absorbed into an existing cluster. The development would therefore encroach into open countryside. Therefore, the proposal is contrary to this section of policy CTY2a.

Notwithstanding that policy does not support the principle of development in this case, it is considered that no issues of concern would arise with respect to neighbouring amenity levels. Adequate space is available to provide a dwelling that would not adverse impact upon neighbouring existing dwelling by virtue of overlooking, dominance, noise or overshadowing etc.

CTY13 and 14

When viewed from the Manse Road, it is considered that no issues with regards to prominence shall arise. This is because of the degree of set back from the road, falling topography noted within the site and noted trees and hedging observed along the site boundaries and adjacent areas. It is in turn considered that the site consists of long established natural boundaries (hedging etc.) to be able to provide a suitable degree of enclosure for the development to integrate into the landscape. It would not rely upon new landscaping for integration purposes. Given the nature of the sites topography earthworks would be required to provide the development as proposed. As the site is not visible from surrounding public viewpoints it is considered that any such works would therefore be able to integrate into the site and surrounding area. In the event of the principle of development being seen to be acceptable, appropriate conditions relating to existing/proposed levels and FFL's of the dwelling and garage could be utilised. As this application is for outline approval only, no design detail has been provided for consideration. Notwithstanding that the principle of development is seen to be unacceptable, it is considered that a dwelling of appropriate scale, design and massing etc. could blend into the site utilising adjacent vegetation, buildings and the failing topography of the site as noted. Point (g) of policy CTY 13 is not engaged as the development sought is not a dwelling on a farm.

With regards to policy CTY 14 it again is considered that the development would not be a prominent feature within the local landscape. As the site is not highly visible from the local road network it is considered that no issues of concern about the build-up of development shall arise. Considering adjacent developments which are seen to consist of roadside dwellings with a few dwellings being seen to be set back to the rear, on balance to refuse this development as proposed on the basis that it does not respect the traditional pattern of development noted within the local area would not be sustainable. Given the location of the site set to the rear of existing properties, it is seen that no issues of concern regarding ribbon development shall arise. Required ancillary works it is considered (via the use of appropriate conditions) would not damage the rural character of the local area.

Access

The development as proposed proposes to alter an existing access onto the public road network, in this case the Manse Road to the north of the site. DFI Roads have been consulted and offer no objections to the scheme as proposed subject to standard

planning conditions. No issues of concern regarding road safety and/or the movement of traffic shall arise. Adequate space for car parking within the curtilage of the dwelling can be provided. The development is therefore seen to be in keeping with the requirements of PPS 3 Policy AMP 2 Access to Public Roads. As the Manse Road is not a protected route policy AMP3 is not engaged in this instance.

Sewerage

The application proposes to use a septic plant in respect of foul sewerage disposal. DAERA WMU, NI Water and NMD EHO have been consulted and are seen to offer no objections. EHO outline the following within their response:

Environmental Health have reviewed the information provided by the planning service and have no objections to this application in principal. At the subsequent planning stage the applicant should also provide a detailed site plan which includes the location of the proposed dwelling, the septic tank and the areas of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

It is considered that no issues of concern shall arise and the scheme as proposed (single dwelling) would be in keeping with the requirements of policy CTY16 of PPS 21.

Flooding

DFI Rivers outline that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Therefore FLD 1 is satisfied

With regard to FLD 2 it is outlined that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. DfI historic flood maps indicate that the site was traversed by a watercourse, that has likely been culverted. As part of a Full or Reserved Matters application a site layout drawing should indicate if a culvert is present, and the route which it runs through the site.

Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place, but up to 10m where considered necessary.

If a culvert is present, Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip. Rivers Directorate requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a

planning condition. Access to and from the maintenance strip should be available at all times. In the event of approval being granted appropriate conditions can be utilised to address the issues raised in respect of FLD 2.

As the development consists of one dwelling and garage only a drainage assessment is not required. Therefore FLD 3 is satisfied. FLD 4 & 5 are noted to not apply.

Taking the above into consideration it is seen that no issues of concern shall arise in respect of flooding within the site or remote from it. The requirements of PPS 15 are seen to be satisfied.

Natural Heritage

As the site area exceeds 0.5h a N.I. Biodiversity Checklist filled out by an ecologist was requested by Council to support the application. In turn one was provided for consideration, from Ayre Environmental Consulting Ltd. It is noted following consideration of same that no issues of concern shall arise with regard to any features of natural heritage importance either within the site or remote from it. The report concludes by outlining that 'in the absence of identified actual or potential ecological constraints, no further species-specific surveys are considered necessary to inform the application. The current development proposals are therefore determined to comply with the provisions set out within the SPPS [PPS2 NH1-6]. Council are therefore content that no issues of concern shall arise.

EIA

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

This site is not located within a designated area (AONB) however the site area exceeds 0.5h (measures 0.6h) an EIA Screening is required in this instance.

This has been carried out 7th April 2025 and it has been found that an ES is not required.

Conclusion:

Following a full assessment against prevailing planning policy it is considered that this application must move forward recommended for refusal as it is contrary to the SPPS and Policies CTY 1 & CTY2a of PPS 21.

Refusal

Neighbour Notification Checked	Yes
Summary of Recommendation	
Refusal	
Reasons for Refusal:	
<p>The proposal is contrary to the SPPS and policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to paragraph 6.73 of the SPPS and policy CTY2a – New dwellings in existing clusters of Planning Policy Statement 21, Sustainable Development in the Countryside in that:</p> <ul style="list-style-type: none"> -the proposed dwelling & garage is not located within an existing cluster of development which lies outside of a farm and consists of four or more buildings of which at least three are dwellings. -the proposed dwelling & garage is not part of a cluster that appears as a visual entity in the local landscape. -the proposed dwelling & garage is not within a cluster of development that is associated with a focal point such as a social/community building/facility nor is it located at a cross roads junction. -the identified site is not bounded on at least two sides with other development within a cluster of development: and -the development of the site cannot be absorbed into a cluster of development, through rounding off and consolidation as it would, if permitted, visually intrude into the open countryside. 	
Case Officer Signature: R McMullan	
Date: 7th April 2025	
Appointed Officer Signature: Brenda Ferguson	
Date: 11/04/2025	

Development Management Consideration

Details of Discussion:

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

Group decision:



D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/3444/O	Target Date:
Proposal: Proposed infill dwelling	Location: 20m east of 21 Drakes Bridge Road, Downpatrick, BT30 9EW
Applicant Name and Address: Patrick Megoran 218 Belfast Road Ballynahinch BT24 8UP	Agent Name and Address: Planning Permission Experts Declan Rooney 32a Bryansford Avenue Newcastle
Date of last Neighbour Notification:	18.04.2025
Date of Neighbour Notification Expiry:	02.05.2025
Date of Press Advertisement:	01.11.2023
Date of Press Ad Expiry:	15.11.2023
ES Requested: No	
Consultations: <p>NI Water was consulted and responded with no objections to the proposal.</p> <p>DFI Roads was consulted and responded with no objections subject to conditions. It is noted that the RS1 required the widening of the lane to allow two cars to meet at the access point, the required amendments to the red line of the application site.</p> <p>Historic Environment Division was consulted and Historic Monuments responded to consultation advising that the proposal is satisfactory and meets the requirements of SPPS and PPS 6.</p> <p>Translink was consulted in error – no further investigations required.</p>	
Representations: <p>A letter of objection was received from the owner/occupier of no 19 Drakes Bridge Road and the basis of the objection was that the line is encroaching onto our property and they are not prepared to relinquish part of their property or change the fence of their property for the purposes of this permission and on this basis they object.</p> <p>Upon re neighbour notification due to amended plans a further letter of objection was received from no 19 Drakes Bridge Road and included the following points:</p> <ul style="list-style-type: none"> - There would be a loss of privacy onto their dwelling taking account of the change in levels on the land. - The road is narrow and the increase in traffic would be detrimental. 	

<ul style="list-style-type: none"> - The objector is not prepared to allow any lands to be used for the access or splay purposes. - There are bats under bridges in close proximity to the site and could be impacted upon as a result of the works. 	
Letters of Support	0
Letters of Objection	2
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	
Summary of Issues: two objections have been raised in relation to the proposal based on the provision of splays and land ownership issues. There are no issues as a result of the consultation process.	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 02.10.2024	
Characteristics of the Site and Area <p>The site in question is located off the Drakes Bridge Road and is part of an agricultural field. The site is relatively flat in nature and to the eastern boundary is a thick band of planting, mainly being trees, south of the site is planting that separates the site from the amenity area of no 19 Drakes Bridge Road, west of the site is a residential dwelling and its curtilage separated from the site by a dry-stone wall. The northern boundary is undefined, there is a barn to the northwestern corner of the site.</p> <p>The site in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is however in close proximity to the development settlement limits of Crossgar as defined in the Ards and Down Area Plan 2015. There are no other constraints identified as impacting on the site.</p>	
Description of Proposal <p>Proposed infill dwelling</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>PLANNING HISTORY</u></p>	

R/2014/0069/F - To the rear of 21 Drakes Bridge Road Crossgar - Proposed change of use from existing barn with renovations to form small dwelling house – Refusal – 27.06.2014

R/2014/0050/O - 21 Drakes Bridge Road Crossgar - Proposed Replacement Dwelling – Approval – 05.11.2014

R/2019/1087/O - Approx. 50m North East 21 Drakes Bridge Road, Crossgar - Replacement dwelling and garage – Approval – 14.12.2023

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 21: Sustainable Development in the Countryside

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 Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents 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.

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development – CTY 8 of PPS 21 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being 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 (SCBUF) and provided this respects the existing

development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Firstly it is necessary to establish if there is an existing gap in a ribbon of development at this location. It is noted that no 19 Drakes Bridge Road faces out onto Drakes Bridge Road however is screened from the road at times of the year by a large planted hedge. To the rear of no 19 is a detached garage. The dwelling and garage of no 19 face onto the lane that serves no 21 Drakes Bridge Road, the lane extinguishes at the entrance of no 21, which is at the point of the rear boundary of no 19. Therefore it can only be considered that two buildings present onto this lane. The curtilage of no 21 appears to start at the location point of the gates which can be seen on the image below however it is acknowledged that the gates had been removed with only pillars intact at the date of the site inspection. There is no public road or lane or even a private lane travelling past the front of no 21, the front of no 21 appears as its curtilage. Within the curtilage of no 21 is a dwelling house and turning and parking area to the front and side and some outbuildings that present into the yard of no 21. There is a gate separating the curtilage from a farm yard to the north of no 21. The farmyard does not appear to be in heavy use and is not in an overly good state of repair. There are access routes to agricultural lands to the rear of the site but these are not bona fide lanes rather lightly trodden pathways.



The application has been made on the basis that the outbuilding north of no 21 is the third building on the right hand side of the lane therefore there is a substantial and built up frontage on the lane however this is not accepted, the lane is considered to extinguish at the entrance to no 21 with the lane travelling no further. Below are photos to illustrate the surroundings.



The site adjacent to the corner of the building the applicant considers to be the end building of the gap.





As it is not considered that there is an existing gap within an otherwise substantial and continuously built-up frontage it is not accepted that the provisions of CTY 8 or CTY 1 respectfully have been met.

Consideration of CTY 13 Integration and Design of Buildings in the Countryside

The proposal is also considered against the provisions of CTY 13 which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Taking account of the fact that this application seeks outline planning with no design particulars presented and taking account of the provisions of CTY 13 it is not considered that a dwelling at this location would offend any aspect of CTY 13 in principle provided an appropriate design and layout is provided that respects the context of the area and also respects the amenity of the adjacent dwellings no's 19 and 21. Points A-F are not offered with point G not being applicable.

Consideration has been given to the potential for loss of amenity onto neighbouring dwellings with the objection noted from no 19 however it is considered that a suitably designed dwelling could be sited on the grounds that would not have any detrimental impacts in terms of loss of amenity in terms of loss of privacy, or overlooking, nor will there be any demonstrable harm in terms of overshadowing or loss of light as a result of the works given the separation distance between the site and other residential dwellings.

Consideration of CTY 14 Rural Character

CTY 14 states that 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 the area. A new building will be unacceptable where:

a) it is unduly prominent in the landscape.

A suitably designed dwelling at this location would be acceptable within the current landscape without being prominent in the landscape. The site is sufficiently located off the road away from public view points and can avail of existing mature planting and boundaries to accommodate a dwelling and allow it to not be prominent within the landscape. This is subject a suitable design being presented.

b) it results in a suburban style build-up of development when viewed with existing and approved buildings.

The dwelling, if approved would sit facing the dwelling known as no 21 Drakes Bridge Road, it would change the current layout of the curtilage of no 21 as this would be required to provide access to the new dwelling, it has not been clearly demonstrated at outline stages how this arrangement would operate. Taking account of the existing buildings and site context it is acknowledged that the layout and arrangement of buildings will alter however it is not considered that the would have the potential to change the overall character and appearance of the area that would result in it appearing as a more suburban style setting. It is not thought that this aspect of policy has been offended as a result of the works.

c) it does not respect the traditional pattern of settlement exhibited in that area.

It is not considered this this proposal will alter the overall traditional pattern of development exhibited within the area. The provision of a dwelling at this site would not be highly visible from public view points therefore when travelling along the Drakes Bridge Road there would be little perception of the dwelling other than reading the roof of the dwelling however the ground works and operational elements on the ground will not be highly visible. It is not considered that the works would have a detrimental impact on the character and appearance of the area or alter the existing character.

d) it creates or adds to a ribbon of development (see Policy CTY 8)

As it is not considered by definition of Policy CTY 8 that there is an established SCBUF existing at this location and the proposed dwelling site currently faces onto the curtilage of no 21 Drakes Bridge Road and not out onto a lane or road it is not considered that the development, if permitted, would result in the creation or addition of a ribbon of development.

e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

It is not considered that the ancillary works will have any detrimental impacts in terms of character or appearance on the surrounding area. The ancillary works will not have any detrimental impacts in terms of character and will not be detrimental to rural character within the existing area.

Consideration of PPS 3 Access, Movement and Parking

Policy AMP2 Access to Public Roads is considered, AMP 2 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads were consulted and responded with no objections subject to the condition that splays be provided of 2m by 33m and the existing lane widened to 6m for the first 10m, currently only a maximum of 4m available within the red line of the application site therefore 6m cannot be provided within the red line of the application site.

The resident of no 19 has objected on the basis that they are not willing to alter any part of their property or change the fence and on this basis objects.

An amended plan was submitted to show the red line increased at the access to allow for the widening to 6m of the lane at the entrance and DFI Roads were re consulted.

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

This proposal will have no impact on any protected route, the road the site accesses out onto is a minor road and not protected. This aspect of policy has not been offended.

<p><u>Consideration of PPS 2 Natural Heritage NH 2 Protected Species Protected by law and NH 5 Habitats, Species or Features or Natural Heritage Importance</u></p> <p>The agent has submitted a bio diversity checklist and taking consideration of the site it is not considered that any further information is required. It is noted that the objector has drawn the Authorities attention to bats in a close by however having considered the development and site characteristics it is not considered that any further information is needed in terms of PPS 2, the Authority is content that the works will not negatively impact on protected species.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>Taking account of the assessment above a recommendation of refusal is made for the reasons outlined below.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and does not constitute an exception in that there is no small gap site within an otherwise substantial and continuously built up frontage. 	
<p>Case Officer Signature: Fionnuala Murray</p>	
<p>Date: 02 May 2025</p>	
<p>Appointed Officer Signature: Brenda Ferguson</p>	
<p>Date: 02/05/2025</p>	

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2021/1056/F	Target Date:
Proposal: Proposed residential development comprising 6 no. detached and 48 semi-detached dwellings with associated in-curtilage car parking, private amenity space, landscaping, public open space, public road improvements to Cedar Hill & access from Crossgar Road and associated site works (54 no. units in total)	Location: Lands to the north of Phase 2 of Cedar Hill residential development approximately 120m east and northeast of Pheasant Hill Drummond Brae & Drummond Park approximately 65m east of 51 & 53 Belfast Road and south east of 15 & 17 Drumhill Avenue Ballynahinch.
Applicant Name and Address: Hilltop Developments (NI) Limited 37-41 University Road Belfast BT7 1ND	Agent Name and Address: Hamilton House 3 Joy Street Belfast BT2 8LE
Date of last Neighbour Notification:	05 December 2023
Date of Press Advertisement:	23 June 2021
ES Requested: No	
Consultations: See report	
Representations: See report	
Letters of Support	0.0
Letters of Objection	19
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The application site is located off the existing Cedar Hill development off the Crossgar Road Ballynahinch.



Date of Site Visit: 8th September 2021

Characteristics of the Site and Area

The site is located within the settlement limits of Ballynahinch and comprises an area of land which extends to approx. 3.7 hectares in size and is currently agricultural lands. The lands within the actual red line are generally undefined, although within the wider site there are hedges interspersed with trees along the eastern and north eastern boundaries. Cedar Hill development is located to the south of the site, while to the NW of the site is Drumhill Ave which is located off the Belfast Road. The land is generally undulating and rises from the centre of the site towards the north east and west. The access is taken from the existing development at Cedar Hill which operates with one access in and out.

Description of Proposal

Proposed residential development comprising 6 no. detached and 48 semi-detached dwellings with associated in-curtilage car parking, private amenity space, landscaping,

public open space, public road improvements to Cedar Hill & access from Crossgar Road and associated site works (54 no. units in total).

PLANNING HISTORY

Planning

Application Number: LA07/2020/1727/PAN

Decision: PAN Concluded Decision Date: 08 December 2020

Proposal: Residential development (approx. 55 units) comprising detached and semi-detached dwellings with associated car parking, amenity space, landscaping and public open space

Objections & Representations

In line with statutory requirements neighbours have been notified on 03/10/2023, 06/11/2023 and 05/12/2023. The application was advertised in the Mourne Observer on 23.06.2021. A total of 19 objections have been received to date.

REPRESENTATIONS

The main issues relate to traffic, parking and safety concerns both within the Cedar Hill development and the surrounding area close to the development of Cedar Hill. While there are a significant amount of objection letters, the main issues are detailed below: (Please note all objections letters have been read in full).

- major concern will be the increased amount of new traffic through Cedar Hill and the entrance and road needs redesigned within Cedar Hill.
- With planning of 54 new houses going up, there will be massive increase in the amount of traffic going through Cedar Hill. (new cars, lorries, delivery vans, oil tankers)
- It's bad at the best of times (especially during winter months with snowfall), but with at least 54+ new cars coming through, these needs looked at before any building work is done.
- have concerns about ingress/egress safety linked to additional houses within Cedar hill.
- there is a significant risk of accident/injury that has not been addressed in the planning documents and consultations between stakeholders. Lack of road markings are needed to identify who has right of way in the flow of traffic.
- Measures beyond reshaping the Cedar Hill entrance need to be considered for the 2 following issues:1: Parents leaving their children to, or collecting them from St Colmans High and 6th form college will park on the pavements on either side of the entrance; they will come into Cedar Hill and park on the pavement, causing an obstruction for pedestrians and motorists (it is sheer luck that nobody has been hurt here); the same motorists will also sit on the road, at the junction, obstructing traffic.2: Residents and visitors to properties in phase 1 will park on bends of the

road causing dangerous obstructions. Due to the slight incline in the road and the extreme bends, this is incredibly dangerous and needs to be addressed before development of the next phase.

- These issues require that whoever is to observe them in an official capacity needs to visit Cedar Hill at the right times. To observe issue 1, visit when school is starting and finishing, 5 days a week. The second issue is in the evenings 7 days per week.
- Dragonflies have been seen in the area, as Dragonfly feed on Damselfly, it is reasonable to assume that there are damselflies in the area. Have sufficient onsite checks been conducted to observe NI Priority Species and assess the developments impact on the natural habitat?
- The road entrance and through-out cedar hill is poorly designed, the road is too narrow, the footpath is too wide. If a car is parked near cedar hill entrance, on-coming cars have to wait or pull in to let cars past. The road needs to be wider!
- Crossgar road needs resurfaced as well (coming into cedar hill from Ballynahinch), it's been dug up so many times the road is uneven.
- The trees and scrubs either need cut back at the entrance and surrounding areas in cedar hill about 2 feet from the side of the road or removed completely as they are not looked after enough.
- At school times, parents wait and sit in their cars at the entrance of cedar hill, these needs addressed, people also park their cars on a corner, which needs addressed as well. There should be double yellow lines all around this area. When pulling out of cedar hill, there are many times, cars are parked on the footpath on the right and it's hard to see on-coming traffic.
- The proposed improvements to the entrance to Cedar Hill are not the problem. By widening these spaces all that is being done is removing much needed green space, be that well maintained hedges and bushes which have been paid for by residents to maintain, and for wildlife to nest, and green area for the children to play. Adding more concrete and tarmac is taking away what little nature is there. The issue lies with the chicane through the townhouses and the parking available there. Residents frequently park outside their houses or on the corners making this bad enough without adding what could be another 100 vehicles passing through. One road into this area is not sufficient.
- Since the last part of the development was completed there has been substantially more traffic in Cedar Hill. With another 54 houses proposed the traffic is going to be far too much to use Cedar Hill. Already traffic has to stop on entry into Cedar Hill when traffic is coming out and there are a few slight bends and 1 right angled bend on Cedar Hill where traffic cannot pass each other at the same time. Drastic road alterations have to be made before there are accidents as it is. Also the hedges and bushes on entry to Cedar Hill are cut at an angle so that traffic coming out of Cedar Hill are sometimes 3 feet from where the kerb is, to avoid the vehicles being scratched by the hedges.
- Too much traffic already
- outraged at the report for traffic and proposed changes to layout in cedar hill. A 12:30pm observation is a completely inadequate collection of data and I feel this has been recorded at this time to improve the applications chances of success.

The road at peak times is filled with parents collecting children from St Coleman's, cars parked on bends, residents returning from work, children smoking in the bushes and pedestrians.

- To remove spaces from the original phase homeowners is unjust, never mind to replace with landscaping when the shrubbery we have is poorly maintained as it is.
- The additional parking is not near the houses effected so is of no benefit to them, the adjacent houses to the new bays have driveways and therefore more parking than those being removed. The thought that courtyard parking will be 'enforced' is also irresponsible to ask a parent with young children to park in an unlit, unkept area. The 6 bays being referred to are accessed by 4 houses. There is merely room for 4 cars if you want to actually exit your vehicle. 4 houses, 2 cars each this is 8 bays and removing 2 of them means there is not enough spaces. This will force people to park on the pavement which defeats the purpose of the improvements. The addition of 55 houses, with cars and visitors will only add pressure to this already congested development.
- As the homeowner of 36 cedar hill, and one who has parked in an effected bay for over 7 years with a baby and young child I am in complete objection to these plans. Not to mention the increased traffic when there are so many young families here.
- Absolutely outraged after looking at the plans to find my parking space outside my door is to become a green? Remove the current shrubs and make the bend bigger not the parking spaces. To park at the back of my property will not accommodate 6 cars therefore pushing residents onto the road and causing further disruption. This is an absolute outrage and building more house and persecuting current residents is a disgrace.
- strongly object to further construction and disruption of the surrounding area.
- The entrance and roads are not designed to withhold the traffic coming and going from the development currently. Therefore, it would be even worse congestion with further housing. This also poses a threat to the children in the area.
- object to this as it is Unsafe for children to play safely with the amount of traffic, paying a monthly maintenance fee for our green to be taken away that the children play on, too many houses & too close together, roads aren't built for the amount of traffic going to be using them.
- Object to the plans to remove green area the road is already too busy and the entrance to the development is already a safety hazard, children play on this safe space off the green area the service charge is already far to much for minimal work to be carried out with overgrown trees causing larger vehicles to drive on the wrong side, and a junction with no road marking to show right off way. This development is already over populated with homes for the road. Instead of sitting behind a desk call out and see the issues for yourself
- Objector has lived in Cedar Hill for over 8 years now. Both in phase 1 and now phase 2. The traffic in this area is bad enough as it is! just couldn't imagine another 60+ vehicles driving in and out. The area is over populated as it is. It's not safe for children! The speed the cars go is shocking! I'm surprised no one has been knocked down already! The children have very little room as it is to safely

play. The roads are not built for this heavy traffic as it is. There isn't even any road markings in phase 2! Adding more concrete and tarmac will take away the little nature that there already is. The bins in phase 2 is also a problem. Residents in phase 2 are not allowed to leave their bins outside their own houses for whatever reason. Residents have to leave bins outside another Residents house which is on a corner. Bins often block in cars and also cause a blind spot. One road in and out is just not enough!

- strongly object to the proposed new housing development. Concerns are 1. The increase in traffic and speed of cars through cedar hill from Crossgar road. The road is badly designed for the current level of traffic - the visibility at bends, parked cars, the narrow width of the road. The current "ramps" are no deterrent. There are kids playing on the footpaths and green area daily. The new houses would add a significant number of cars to an already busy street at rush hours. The entrance to Cedar Hill can barely accommodate cars passing and there are near misses here every day. 2. The parking proposals are beyond unsuitable. There are not enough parking spaces as it is and difficult to find a space outside your own house. Residents are parking over footpaths forcing prams out onto the road. Most families in phase 1 have more than one car. The courtyard parking spaces are too small, there are 6 marked out but the space is barely suitable for 4 cars. There is very little room to manoeuvre or even exit your vehicle especially with young children. It is unfeasible to have more cars attempting to park here. The proposed layby does not offer any kind of solution to this and will take away a valuable green space. 3. Congestion and disruption in an estate which is already chaotic - when the road is dug up by mains gas/ broadband etc there are so many access problems in this part of the road, how will construction vehicles access the site? 4. Adding yet more housing in an overpopulated area will prevent drainage and damage natural habitats for wildlife.
- objects to the proposed access route and the loss of two parking spaces. There are already too many vehicles in Cedar Hill in an area with so many young children. To remove the two existing car parking spaces on the road is totally irresponsible. All the traffic from these new houses will increase the already sizeable risk to my grandchildren and indeed all the children in Cedar Hill. Surely an alternative access route to these new homes can be found.
- assessment of Cedar Hill Crossgar road junction contains several items which objector wants to comment on.- Realignment of the existing entrance roadway from the Crossgar road into Cedar Hill Phase 1 - objector supports this alignment and hope that the added green spaces either side of the road deter people collecting children from St Colman's from parking there.- Removal of parking spaces on the 'S' bend - This area is notorious for individuals parking partially on the footpath and road causing blocked lines of site and stopping the freeflow of two way traffic. This problem is particularly noticeable on both sides of the road outside houses no. 16, 18, 20 & 22. However, where the parking spaces are being removed from is the one area that there are no issues. I fear removal of these spaces will just push more homeowners to park along the roadside further exacerbating the problem. With the projected increase of road users from a further phase of homes this could create a bottleneck and increase the risk of collisions.

This will be particularly felt in winter due to this being an elevation and a tight corner meaning black ice is already a concern- Addition of 5 parking spaces on Phase 2 - The green space within phase 2 is an area heavily used by the local children for playing. As a large open area it is easy to see any potential risks when driving past should a child suddenly run out onto the road chasing a ball etc. The addition of these parking spaces when in use only blocks lines of site and with the proposed increased traffic would mean a greater risk that there could be an accident.

The objections will all be considered either through the consultation process or accorded appropriate weight as part of the overall assessment of this application. It is noted that DFI Roads in their final consultation response dated 02/10/2024 have raised no issues of concern in relation to traffic congestion or road safety.

Consultations:

NI Water (final response 04/02/2025) – Approval subject to conditions

DFI Roads (final response 02/10/2024) – No Objections subject to conditions

DFI Rivers (final response 18/02/2025) – No objection – Schedule 6 has been submitted

Historic Environment Division – No objections subject to conditions

NIEA – Inland Fisheries is content that this application is unlikely to have any significant impact to fisheries interests in the vicinity of the proposal

NIEA – Water Management Unit - If NIW advise the NI Planning Case Officer that they are content that the WWTW and associated sewer network for this development can take the additional load, with no adverse effect on the WWTW and sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. If Planning are minded to approve the proposal, then it should be subject to a condition in that, No development should 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.

NIEA – Natural Environment Division (08-07-2025) – No objections subject to conditions regarding compensatory planting and OCEMP and wildlife licence.

Environmental Health (final response 03/02/2025) – no objection

Shared Environmental Services (SES) (response 02/12/2024) – No Objections subject to a condition

Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement limits of Ballynahinch and within a zoned area as part of a wider designation for residential use as designated in the Ards and Down Area Plan 2015 the relevant regional policy context is provided by:

Regional Development Strategy

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 7 Second addendum to PPS7 - Safeguarding the Character of Established Residential Areas

Planning Policy Statement 12 Housing in Settlements

Planning Policy Statement 15 (Revised) Planning and Flood Risk

Relevant provisions of A Planning Strategy for Rural Northern Ireland

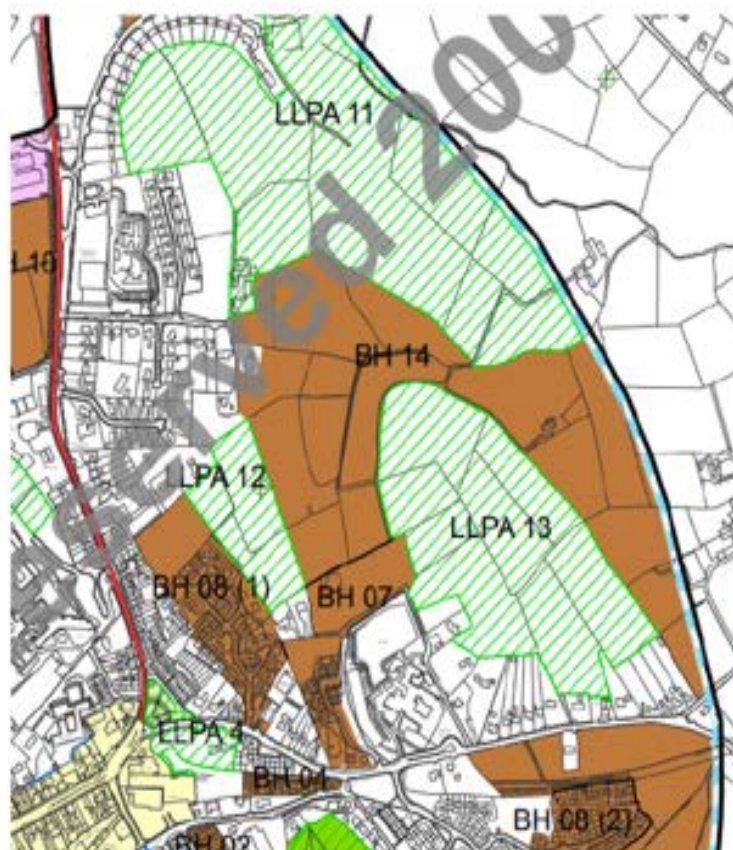
Supplementary guidance

Creating Places - Achieving Quality in Residential Developments

DCAN 8 Housing in Existing Urban Areas

DCAN 15 Vehicular Access Standards

DoE Parking Standards



Extract from Ards and Down Area Plan 2015 – Map No 3/003a – Ballynahinch

The site includes lands within zoning BH 14: HOUSING: 14.48 Hectares of land south of Moss Road and east of proposed Ballynahinch Bypass.

The overall zoning lies adjacent to Local Landscape Policy Area (LLPA) 11,12 and 13.

Consideration and Assessment:

The following has been submitted as part of the proposal:

- Agent Cover letter
- Design and Access Statement
- Flood Risk & Drainage Assessment
- Biodiversity Checklist & Ecological Statement – Follow up Badger (12-03-2025) and Newt report
- OCEMP (outline Construction Environmental Management Plan)
- Tree Survey
- Arboricultural Report
- Planting Schedule
- Landscape Management and Maintenance Plan

Drainage Assessment
Flood Risk Assessment
Pre-Application Community Consultation Report
Transport Assessment
Road Safety Audit Report
Extents of Road Safety Audit
Assessment of Cedar Hill Road Junction
P1 form
Associated Plans

Proposal

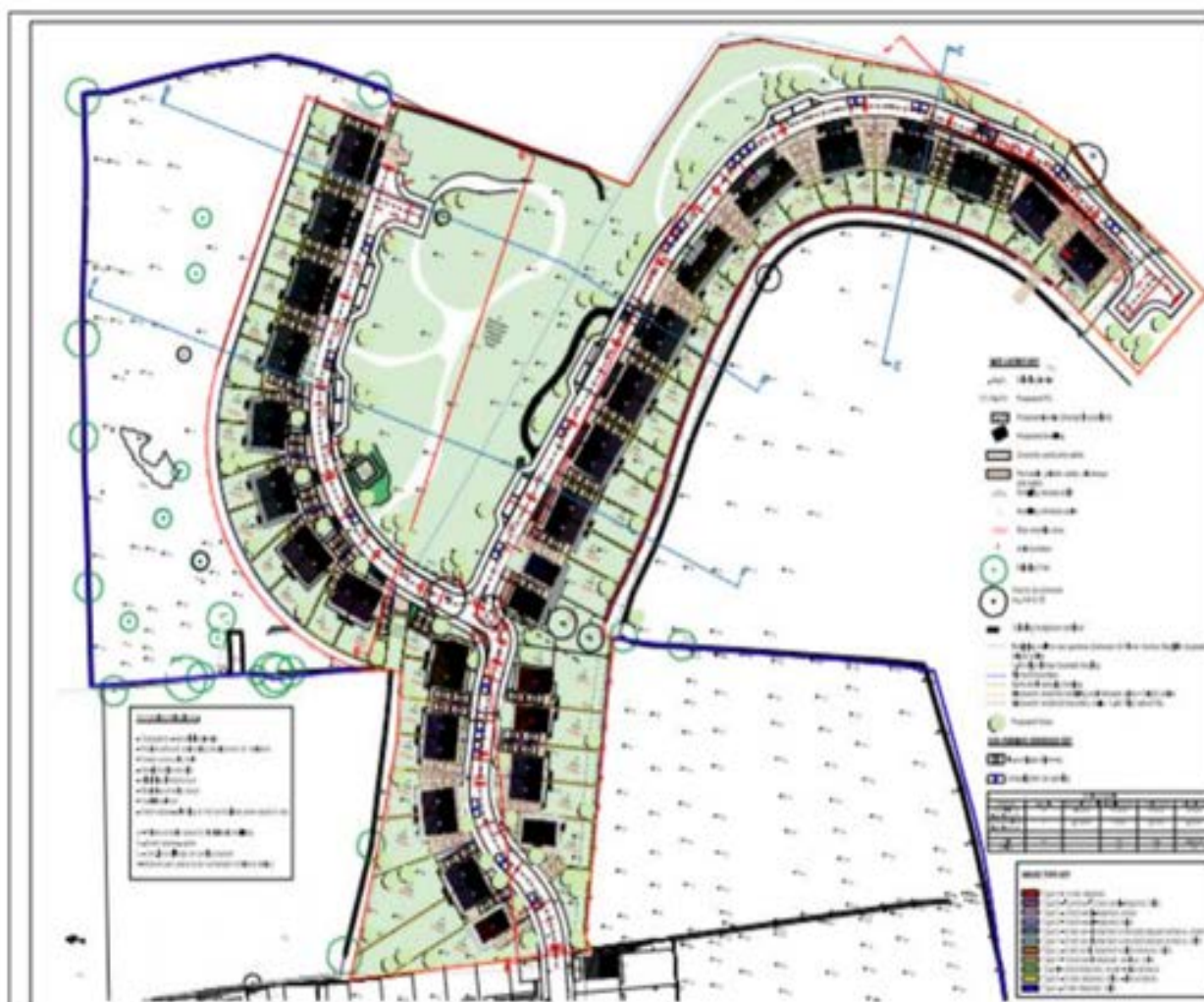
The site is located within Ballynahinch settlement development limit in an area zoned for housing as defined in the Ards and Down Area Plan 2015. The main planning considerations for this application relate to layout, visual amenity, impact on residential amenity in terms of overlooking, road safety and car parking matters, drainage and ecology matters and the impact on the character of the immediate area.

The proposal comprises a housing development of 3 bedroom dwellings, predominantly semi-detached (48), with 6 detached properties.

The majority of the dwellings have in-curtilage parking to side with small, formalised gardens to front and rear. A few dwellings have their parking directly to the front of the dwelling, which is a slight deviation from the more recent phase at Cedar Hill, however, this arrangement is similar to dwellings within the first phase on entrance to the development. The development will involve earthworks with some cut and fill works across the site to facilitate suitable levels on which to develop and to allow units to have access to flatter gardens. The developer has taken account of changes in the ground levels and topography of the site although there is use of variable height retaining walls. The walls are located to the rear of the proposed properties and any views of the retaining walls will be screened by the proposed development and set back from the public road with limited views.

The development comprises of 11 dwelling types which are two storey in height and are either detached or semi-detached which will be constructed with render/ red brick. The roof finishes are that of grey tile with either pitched/ hipped roofs, white upvc windows, composite doors and downpipes with dark grey upvc. Overall, the development offers variation and visual interest throughout the scheme. The dwelling type proposed draws in external materials of type and finishes found within the locality and therefore will not appear misplaced at this specific location.

- House Type A – 3 bed detached two storey dwellings with front and rear garden with incurtilage parking to side. Located at sites 1, 13 & 14.
- House Type B – 3 bed semi-detached two storey dwellings (brick) with front and rear garden with incurtilage parking to side. Located at sites 39-40.
- House Type C – 3 bed semi-detached two storey dwellings (render) with front and rear garden with incurtilage parking to front and sides. Located at sites 4-5, 17-18, 21-22, 41-42, 53-54.
- House Type D – 3 bed semi-detached two storey dwellings (brick) with front and rear garden with incurtilage parking to side. Located at sites 2-3, 6-7, 11-12, 19-20, 35-38.
- House Type E – 3 bed semi-detached two storey dwellings(render) with front and rear garden with incurtilage parking to side. Located at sites 29-30, 33-34, 45-46, 49-50.
- House Type F – 3 bed detached two storey dwellings (brick) with front and rear garden with incurtilage parking to side. Located at sites 23-24, 31-32, 43-44, 47-48.
- House Type H – 3 bed semi-detached two storey dwellings with front and rear garden with incurtilage parking to side. Located at sites 25-26, 27-28.
- House Type I – 3 bed detached two storey dwelling (render) with front and rear garden with incurtilage parking to side. Located at site 10.
- House Type J – 3 bed detached two storey dwellings (brick) with front and rear garden with incurtilage parking to side. Located at sites 8-9.
- House Type K – 3 bed detached two storey dwelling (brick) with front and rear garden with incurtilage parking to side. Located at site 15.
- House Type L – 3 bed detached two storey dwelling (brick) with front and rear garden with incurtilage parking to side. Located at site 16.



Proposed site layout

Development Management Regulations:

The development has been considered under The Planning (Development Management) Regulations (Northern Ireland) 2015 as a residential/ housing development falling within Part 6 of the regulations as Housing for the purposes of legislation and therefore requires the submission of a Proposal Application Notice which was submitted under LA07/2020/1727/PAN.

Pre-Application Community Consultation (PACC)

A PACC was prepared in accordance with section 27 of the Planning Act (Northern Ireland) 2011, which recognised the legislative requirement for all major applications to undertake at least 12 weeks of community consultation prior to the submission of the planning application.

The regulation requires a pre-application community event to be undertaken prior to submission of the formal submission of the major application. Due to the Coronavirus

pandemic temporary modification to the legislation was in place and the agent carried out public consultation by way of digital community consultation and web-based link with advertisements of details presented to the Down Recorder Newspaper.

This included a digital consultation webinar, a dedicated website, a dedicated consultation phone number and email address was set up along with a Facebook social media advertising campaign, Live Chat, a leaflet drop (properties within 50m of the site) and elected representatives were also contacted. Physical packs were also available on request to be posted out.

Supporting evidence of this process was submitted as part of this application to demonstrate that this had been carried out in accordance with legislative requirements at the time. This requirement was met under the submission of LA07/2020/1727/PAN

EIA Screening

The proposal falls within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. The Local Planning Authority has determined through EIA screening that there will be no likely significant environmental effects and an Environment Statement is not required.

Habitats Regulation Assessment and Impact to 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.

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 (in relation to the sewage disposal) being conditioned in any approval.

Principle of development

The application site is located within the Settlement Limit of Ballynahinch as designated in the Ards and Down Area Plan (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 zoned 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.

Policy DES 2 of the PSRNI

This policy requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

Planning Act

Section 45 (1) of the planning Act 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, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

Area Plan

Section 6 (4) of the Planning Act (NI) 2011 sets out where in making a determination under the Act regard must be given to the local development plan and determination must be in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) is the operational local plan for this site, which identified the site as being within the settlement limits of Ballynahinch. The site has been zoned for housing.

In summary, the proposal in principle, is acceptable to the ADAP 2015 in that proposals are in keeping with surrounding land uses and is not at conflict with the area plan. However, the detailed scheme must also meet the prevailing policy requirement as considered below:

Planning Policy Consideration

SPPS, PPS7 (QD1 and QD2), PPS7 (Addendum), PPS8, PPS12, PSRNI (DES2), DCAN8, DCAN11 and 'Creating Places'.

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents 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 Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements 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. The SPPS which is arguably less prescriptive, the retained policy of PPS7, PPS7 (Addendum) and PPS12 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Surrounding Context/ Topography/ Layout

The proposed scheme relates to 54 residential units with a mix of dwellings types all two storey and a mix of detached but predominantly semi-detached. The site is located within the development limits of Ballynahinch. The surrounding context residential, with a high school to the south.

Criterion (a) of Policy QD1 requires that 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, landscaped and hard-surfaced areas.

The site is laid out in a linear arrangement with frontage onto the internal road and surveillance of the area of open space. The dwellings are 3-bedroom family homes, with small gardens to the front and private gardens to the rear. The site mirrors the scale and form of adjacent properties, reflective of existing built form. The development offers a variety of house design and materials. The levels of amenity space varies, given the layout of the internal road, which is reflective of the existing topography of the site. Some plots have long rear gardens and some with smaller, which gives choice and variation. The scale of the development is similar to the existing first phase of development.

On this basis the development respects its surrounding residential context and is appropriate in character layout proportions and massing to the character of the area.

The proposal provides for a mix of housing types, as set out above. The land is elevated to the roadside. One of the key site considerations for this zoning indicates that all single storey housing developments on the highest parts of the site, particularly adjacent to Drumhill Avenue, sited and designed so as not to break the skyline. These lands are set down from Drumhill. Whilst not immediately seen from the public road the development nevertheless will not appear out of character within the wider urban context. With external finishes adhering to previous schemes within Cedar Heights and respecting that of existing built form found within this wider locality.

The density of the proposal and layout of detached and semi-detached dwellings front onto the internal road and address the internal road with medium sized plots which are acceptable. The pattern of the development, and density proposed is in keeping with the established dwellings within the vicinity of the site. The proposal satisfies QD1(a) of PPS7 and LC1 of PPS7 Addendum.

Landscaping/ Hard Surfaced Area/ Pedestrian Links/ Private Open Space

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 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.

In terms of private open space, to promote choice for residents a variety of different garden sizes have been provided and back garden provision is calculated as an average space standard for the development as a whole, this should be around 70 sq m per house or greater. The gardens would all comply with this standard. Private open space provision is considered appropriate.

Policy OS 2 of PPS 8 requires all residential development proposals of 25 units or more to provide an area of public open space, with a normal expectation of at least 10% of the total site area. Public open space in excess of the minimal amount is provided for in one larger parcel of land which is surrounded by dwellings on all but one of the sides, which can be informally supervised by surrounding properties. This element of policy has been met.

An Arboricultural Impact Assessment & Method Statement were submitted with the application. The tree survey considered all trees that have the potential to be impacted by any development proposals. A detailed landscape plan and corresponding Landscape Management and Maintenance Plan has been submitted and should be conditioned on any planning permission granted. The majority of hedgerows are to be

retained, approximately 100m will be removed to facilitate the development. Proposed planting for the site is shown in the Detailed Planting Plan. Planning are content that the proposed plans show sufficient planting to compensate for the hedgerows to be lost to the development including the addition of more native tree species. The onus will rest on the developer to ensure that such open space will be made available and subsequently retained, managed and maintained in perpetuity as public open space.

Landscaping conditions will be attached as necessary to ensure that the areas of public space and vegetation / trees throughout the site are protected and maintained in perpetuity. The proposal satisfies Policy QD1 (c).

Archaeological and Built Heritage

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.

Natural Heritage

The following documents were considered by NED the Preliminary Ecological Appraisal (PEA) (AECOM) and the Arboricultural Impact Assessment & Method Statement (John Morris Arboricultural Consultancy) and Flood Risk & Drainage Assessment along with all plans.

Policy NH 1 - European and Ramsar Sites – International

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.

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. This conclusion is subject to mitigation measures (method of sewage disposal) being conditioned in any approval.

NH2 - Species Protected by Law and NH 5 - Habitats, Species or Features of Natural Heritage Importance

A Preliminary Roost Assessment carried out as part of the PEA identified 9 trees on site with low bat roost potential (BRP), 6 of these trees are proposed to be removed. The trees, hedgerows and scrub on site also offer foraging and commuting habitat for bats. Bats are a European protected species under the Habitats Regulations, and as such are subject to a strict level of protection. NED is content that no further surveys are required and agrees with the recommendation in the PEA that all trees with low BRP are checked for bats immediately prior to removal and soft felled and arisings left for 24 hours. NED also recommends that these mitigation measures are applied to any trees with BRP that are to be retained but have arboricultural works carried out. NED recommends that any new street lighting conforms to Bat Conservation Trust guidelines. Further information on bats and lighting can be found here: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>.

In terms of other priority species like newts and priority habitats such as hedgerows NED are content. NED have some concerns with regard to the previous badger survey which was carried out in 2022, given the intervening time period this required to be updated. This has since been done (March-2025) with similar findings to the previous badger report carried out in September 2022. NED also required an amended outline Construction Environmental Management Plan to include details of mitigation measures to protect protected and priority species as outlined above. They also require clarification regarding whether the proposal requires piling. Both reports confirm that no piling is required for the construction of the proposed development. NED have now confirmed that they have no objections subject to conditions regarding the CEMP, compensatory planting and obtaining a wildlife licence.

Local Neighbourhood Facilities

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits and within walking distance of the Town Centre of Ballynahinch.

Movement Patterns/ Disabled Access

The site is located within the settlement limits of Ballynahinch, the development is connected by footways to the public road. The development connects to the town centre via a public footpath there are no issues with regard to walking and cycling and provision of public transport is readily available.

Parking/ Roads

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.

Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance.

Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Policy AMP 7 Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

DFI Roads has expressed concern from the outright regarding that the layout was not in accordance with the key site requirements in the Area plan and that no further access will be permitted by DFI Roads through Cedar Hill.

In response to this it is noted that the Key Design Consideration (KDC) for zoning BH14 within the Ards and Down Area Plan 2015 (ADAP) states that:

'All or a portion of the site to be accessed off Drumhill Avenue subject to any necessary road improvements and a right turning lane to be provided; and access to any remaining part of the site to be off Ballylone Road.'

The purpose of KDCs being applied to any zoning is to assist alongside prevailing regional planning policy to ensure the orderly and consistent development of land and that provision is made for necessary infrastructure.

The Ards and Down Area Plan 2015 states at page 34 that 'In addition, Key Design Considerations are detailed in the Plan which are specific to certain sites and which should be taken into account in the preparation of site proposals'. KDC's are therefore considerations, and not mandatory requirements. Similar to the application of wider planning policy, a balanced approach to the application of policy should be taken when determining a planning application, taking into account all other material considerations which are relevant to the assessment of the case.

A Transport Assessment was submitted to assess the likely traffic impact of the proposed development on the road network and the suitability of the proposed access. The TA identifies that the existing junction onto Crossgar Road has sufficient capacity to accommodate the additional traffic likely to be generated by the proposed development without prejudicing the safety and convenience of road users.

The BH14 zoning extends into wider lands beyond the boundary of the application site to the north and east. The application site represents the extent of land under the ownership of the applicant and the agent indicates that this is just 25% of the overall zoning. The balance of the land within the zoning is owned by other parties. The agent

indicates that this is a key consideration in that the applicant has no control over this land and therefore no ability to deliver a vehicular access from Drumhill Avenue, but he does control the lands necessary to deliver a suitable means of access from Crossgar Road. The agent claims that a reliance on the delivery of an access from Drumhill Avenue will stifle the provision of housing on Phase 1 Housing lands in the Ballynahinch area thus prejudicing the delivery of the aims of the extant Local Development Plan and the ability to meet a live housing need in this area of the Borough. No other applications for residential development have been brought forward on the balance of zoning BH14.

In terms of consideration of this the agent submitted the Transport Assessment, A Road Safety Audit report and supporting information by the Roads Engineer.

Under DCAN 15 Section 5.3 of this document contains 8 factors, which the Department will take into account – see below:

- volume of right turning traffic-requires particular consideration when total flow on the minor road exceeds 500 vehicles per day (i.e. serving more than 50 dwellings) or when right-turns into the development are the dominant movement, having regard to the relative location of the town centre or other major traffic attractor);
- speed and volume of priority road traffic;
- forward sight distance (proximity to crest or bend);
- junction spacing;
- accident history/potential;
- character/status of the priority road;
- advice in TD 42/95, DMRB - Volume 6 (Now DMRB CD123)
- relevant traffic model output

The agent has put through justification which would mean that due weight would have to be attached to these points within DCAN 15. Following a series of amendments to DFI Roads, which includes a number of internal alterations to the existing public road, changes to parking and the internal layout. These alterations improve the forward site distance on the public road in the vicinity of the S bend and towards the access on the Crossgar road to make the proposal suitable for DFI Roads. On this basis, the proposed development is considered acceptable and there are no objections from DFI Roads subject to private Streets drawings and conditions. As the majority of the objections relate to both the existing internal layout and the impact that these additional 54 dwellings will have on the existing internal road and the levels of traffic. Dfi Roads have reviewed the technical and safety aspects of how the proposal will operate, in addition, Dfi Roads now offer no objections and raise no road safety concerns. It is acknowledged that there will be an increase in the traffic levels using this existing access route to serve the new dwellings. Planning have taken into account this as a material consideration.

Parking for the development is in line with DOE Parking standards. On this basis the objector's concerns do not have determining weight. The proposal complies with AMP 2, AMP 7 and the provisions of DCAN 15 and DOE Parking standards.

Impact to Amenity

The layout plan shows adequate separation distances between dwellings to avoid impact to residential amenity (by way of privacy, dominance, loss of light, overshadowing.) Separation distances and depth of rear gardens are within the recommended range as set out within Departmental guidance "Creating Places".

Prevention of Crime and Promotion of Personal Safety

The layout and orientation of all dwellings (overlooking the layout road / footways and areas of public open space) will encourage a natural and informal surveillance of the overall site, with the aim of enhancing public safety. Adequate boundary detailing has been provided around this site to help prevent any issues of security to the development. Rear gardens throughout the are secured with appropriate boundary treatment.

House Types

While the dwellings on offer are all two storey either detached or semi-detached, there is sufficient variation in terms of design and materials provided throughout the scheme. This is in line with SPPS, PPS7 and PPS12 policy requirements.

Density

Density levels are comparable with existing development within the vicinity of the site.

Water/ Sewerage

NI Water have commented on the application and would indicate that the receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant. On this basis NI Water recommend Approval subject to conditions - valid for a maximum period of 18 months from the date of the consultation response. The development cannot commence until the solution has been fully agreed with NI Water. This development cannot be occupied until the agreed solution has been fully delivered to the satisfaction of NIW.

In addition, Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred

to Ballynahinch Waste Water Treatment Works (WWTW). Water Management Unit would therefore recommend that the NIPP Case Officer consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.

If NIW advise it is not possible to connect the proposed development to mains sewer then alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development. However, the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal.

The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. A condition placed on the decision notice should ensure that prior to any development all the necessary connections are obtained by the relevant authorities.

Flood Risk

PPS 15 (Revised) – Planning and Flood Risk adopts a precautionary approach to development in areas susceptible to flooding. DfI in their consultation response dated 18/02/2025, 29/03/2022 and 26/10/2021, have considered proposals under policies FLD 1 – FLD5, policies FLD 4 and 5 are not relevant to the site. Under FLD 1 a Flood Risk Assessment was submitted with the proposal. DfI Rivers acknowledge the submission of a river model contained with the submitted FRA, illustrating the Q100 flood plain extents across the site. It should be a condition of planning that the area of floodplain, if designated as open space by the Planning Authority under FLD 1(f) of PPS 15, should not be raised or the flood storage capacity and flood conveyance routes reduced by unsuitable planting or obstructions.

Under FLD 2, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. DfI Rivers PAMU acknowledge the provision of an appropriate working strip.

FLD3 - Development and Surface Water - Rivers Directorate has reviewed the Drainage Assessment by McCloy Consulting, stamp dated 18th Feb 2022 and comments as follows:- Rivers Directorate, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy of this Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors. DfI Rivers require as Schedule 6 consent from the DfI Rivers Area Office in relation to discharge to a watercourse. A copy of this was submitted, however, it is now out of date. The agent has indicated that this has been applied for again. Overall proposals meet the requirements of policy.

Conclusion

On balance, the application has also been assessed taking into account all material considerations including objections, and positive consultee responses, it is determined that the proposal is acceptable in planning terms. The density is in keeping with the area and the details and layout of the proposed dwellings, amenity space, parking, design, form, proportion, materials, finishes and boundary treatments are in keeping with the SPPS, PPS7, PPS7 Addendum.

Recommendation:

Approval

As per the Scheme of Delegation, as the applications has attracted six or more material planning objections from different addresses and the recommendation is for approval then the application will be presented to the Planning Committee.

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 accordance with the following approved plans:

Site location -CRH-MWA-03-LR-DR-A-0002 P4

Existing/Topo Survey - CRH MWA XX SP DR A 1001

Site layout plan – CRH-MWA-XX-SP-DR-A-3000 P10

House Type A – 3 bed detached -CRH-MWA-XX-XX-DR-A-3102 P1

House Type B – 3 bed semi-detached - CRH-MWA-XX-XX-DR-A-3108
 House Type C – 3 bed semi-detached - CRH-MWA-XX-XX-DR-A-3101
 House Type D – 3 bed semi-detached - CRH-MWA-XX-XX-DR-A-3100
 House Type E – 3 bed semi-detached - CRH-MWA-XX-XX-DR-A-3104
 House Type F – 3 bed detached - CRH-MWA-XX-XX-DR-A-3103
 House Type H – 3 bed semi-detached CRH-MWA-XX-XX-DR-A-3106
 House Type I – 3 bed detached - CRH-MWA-XX-XX-DR-A-3111
 House Type J – 3 bed detached - CRH-MWA-XX-XX-DR-A-3110
 House Type K – 3 bed detached - CRH-MWA-XX-XX-DR-A-3112
 House Type L – 3 bed detached - CRH-MWA-XX-XX-DR-A-3113
 Boundary details - CRH-MWA-XX-XX-DR-A-3400
 Contextual Elevations/Streetscapes - CRH-MWA-XX-XX-DR-A-3200 P2
 Contextual Elevations Streetscapes - CRH-MWA-XX-XX-DR-A-3300 P2
 Contextual Site Sections - CRH MWA XX XX DR A 3200
 Boundary details - CRH-MWA-XX-XX-DR-A-3400
 proposed drainage - P1939-MCR-XX-XX-DR-C-0500 P2
 Detailed Planting Plan 2028.02 P01
 Site Layout & Landscaping plan 2028.01 P01
 Retaining wall layout - P1939-MCR-00-00-DR-C-0180 P1
 P1939-MCR-03-ZZ-DR-C-0162 (Phase 1 PSD) published 17/07/2024
 P1939-MCR-03-ZZ-DR-C-0160-P01 published 01/10/2024
 Proposed Bollard Installations - 22-006-201 P0
 Outline Construction Environment Management Plan (oCEMP), dated 11/03/25,
 completed by O'Sullivan MacFarlane.
 Planting Schedule, dated 27/05/24, completed by McIlwaine Landscape
 Architects

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

3. 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. **P1939-MCR-03-ZZ-DR-C-0160-P01 published 01/10/2024 and P1939-MCR-03-ZZ-DR-C-0162 (Phase 1 PSD) published 17/07/2024**
 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.

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on **Drawing No P1939-MCR-03-ZZ-DR-C-0162 (Phase 1 PSD) published 17/07/2024** Council Planning hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).
Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.
5. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P1939-MCR-03-ZZ-DR-C-0162 (Phase 1 PSD) published 17/07/2024 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
6. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.
7. No other development hereby permitted, shall be commenced until the roadworks have been completed in accordance with details submitted to and approved by Planning on drawing No: P1939-MCR-03-ZZ-DR-C-0162 (Phase 1 PSD) published 17/07/2024
Reason: To ensure the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.
8. The development hereby permitted shall not be commenced until any retaining

wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges. Upon approval Retaining walls within the development to be maintained in perpetuity by Developer.

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

9. All hard and soft landscape works shall be carried out in accordance with landscaping Plan 21-04-L101, prior to the **occupation** of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

10. A Landscape Management Company shall be appointed by Hilltop Developments (NI) Limited to ensure implementation, management and long term maintenance of the open space area as detailed within the stamp approved site layout Plan C02(i), for a period of 20 years.

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

11. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

12. A formal water / sewer connection application must be made prior to occupation of any part of the development, including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the

Sewerage Services Act (Northern Ireland 2016).

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

Reason: In the interests of visual amenity.

14. No part of the development hereby approved shall be occupied, until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

15. No part of the development hereby approved shall be occupied, until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

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

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

17. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council 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.

18. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 17.

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

19. 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 17. 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.

20. The outline Construction Environment Management Plan (oCEMP), dated 11/03/25, completed by O'Sullivan MacFarlane, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

21. The Planting Schedule, completed by McIlwaine landscape architects and the amended landscape plan (drawing 2028.01.P01) shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved landscaping plans, unless otherwise approved in writing by the Planning Authority.

Reason: To protect the biodiversity value of the site and compensate for removal of hedgerow.

22. No development activity, including ground preparation or vegetation clearance, shall take place until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones until an appropriate Wildlife Licence has been obtained from NIEA. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on 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. ROADS

Street Lighting.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, (Marlborough House Graigavon) The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

Street Lighting.

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.)

3. NIEA – Water Management

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Multiple Dwellings.

Care will need to be taken to ensure that polluting discharges to the watercourse do not occur during the works phase. The applicant must refer to and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention

Guidelines. Water Management Units Pollution Prevention Team are available for any pollution prevention advice and guidance required and can be contacted at nieapollutionprevention@daera-ni.gov.uk at any stage.

In addition please refer to the guidance series of best practice documents found here:

<https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

- DAERA Standing Advice Multiple Dwellings
- DAERA Standing Advice Pollution Prevention Guidelines
- DAERA Standing Advice Discharges to Water Environment
- DAERA Standing Advice Sustainable Drainage Systems

are applicable for this development.

All DAERA Standing advice referred to in this response unless otherwise stated can be found at the following link www.daera-ni.gov.uk/water-environment-standingadvice

Northern Ireland as part of the UK is a signatory to the Convention for the Conservation of Salmon in the North Atlantic. This treaty requires signatory states to develop programmes of work to conserve, rationally manage and improve Atlantic salmon populations and their habitats within their jurisdiction. This work is scrutinised by the North Atlantic Salmon Conservation Organisation (NASCO) We would like to draw the applicant's attention to Section 47 of the Fisheries Act (NI) 1966, which covers the applicant's responsibilities relating to Penalties for Pollution and the consequences of causing or permitting the release of any Deleterious materials into any waters. Any in-channel works should be permitted under section 48 of the Fisheries Act (Northern Ireland) 1966 which is issued by DAERA.

NED advise that any vegetation/scrub clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

4. NI Water

Where the sewers within the proposal serves two or more properties the developer must enter into an Agreement for Adoption of Sewers under Article 161 of the above Order. Sewers must be designed to meet the criteria as set out in the current Sewers for Adoption Northern Ireland specification. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised by NI Water If your proposal is for more than 1 property it may be eligible for the provision of a public watermain. Single property if accessed directly from a public road / area. For multiple properties each must have an individual

supply direct from the proposed public watermain under Article 76 of the above order.

5. HED

Please refer to the HED guidance document Development and Archaeology: Guidance on Archaeological Works in the Planning Process which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval.

Please allow sufficient time in advance of the commencement of site works for the agreement of the programme of archaeological work document with the planning authority and for your archaeological consultant to obtain an archaeological excavation licence. For guidance on the preparation of the programme of archaeological work please contact:

Historic Environment Division – Heritage Development & Change Branch
Ground Floor

9 Lanyon Place

Belfast

BT1 3LP

Tel: 02890 823100

Email: HEDPlanning.General@communities-ni.gov.uk

Quote reference: LA07/2021/1056/F

6. NIEA

Badgers

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly: • kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*); • damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; • damage or destroy anything which conceals or protects any such structure; • disturb a badger while it is occupying a structure or place which it uses for shelter or protection. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Clare House 303 Airport Road West, Belfast BT3 9ED Tel. 028 9056 9558 or 028 9056 9557.

Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly: • kill, injure or take any wild bird; or • take, damage or destroy the nest

of any wild bird while that nest is in use or being built; or • at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or • obstruct or prevent any wild bird from using its nest; or • take or destroy an egg of any wild bird; or • disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or • disturb dependent young of such a bird. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

Bats

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence: a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat; b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection; c) Deliberately to disturb such an animal in such a way as to be likely to - i. affect the local distribution or abundance of the species to which it belongs; ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or iii. Impair its ability to hibernate or migrate; d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or e) To damage or destroy a breeding site or resting place of such an animal. If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED Tel. 028 9056 9558 or 028 9056 9557.

7. 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.
8. 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 subject to conditions

Case Officer Signature: C Moane

Date: 16 July 2025

Appointed Officer Signature: Brenda Ferguson	Date: 16/07/2025
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Committee Application

Development Management Officer Report	
Case Officer: Karen Bronte	
Application ID: LA07/2024/0950/F	Target Date:
Proposal: Continuation of quarrying and associated activities, to include a deepening, and lateral extension of the quarry to the east.	Location: Lands to the rear of 120 Rathfriland Road, Saval Beg, Newry, Down, BT34 1PH
Applicant Name and Address: Mount Kearney Quarries 118 Rathfriland Road Saval Beg Newry Down BT34 1PH	Agent Name and Address: Key GeoSolutions Ltd Nova House Audley Avenue Newport TF10 7DW
Date of last Neighbour Notification:	22 July 2025
Date of Press Advertisement:	25 September 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none"> - DfE Geological Survey (NI) consulted 09.09.24 Responded 30.09.24 – advice provided - DfI Rivers consulted 09.09.24, 18.02.25 Final response 07.03.25 – advice provided - DfI Roads consulted 09.09.24 Responded 15.10.24 - no objection with informatives - Environmental Health consulted 09.09.24, 22.10.24, 07.05.25 Final response 11.07.25 – no objection subject to conditions - Foyle Carlingford & Irish Lights Commission consulted 09.09.24 Responded 26.09.24 – advice provided including conditions and informatives - HSENI consulted 09.09.24 Responded 25.09.24 – no objection - NI Water consulted 09.09.24 Responded 10.09.24 – approved with standard planning conditions - HED consulted 09.09.24, 04.10.24 Final response dated 29.10.24 – no objection subject to conditions - NIEA consulted 10.09.24, 18.02.25 Responded 05.12.24 – WMU (unable to determine impacts on surface water), Drinking Water Inspectorate (advice provided), Regulation Unit (unable to determine impacts on groundwater), Industrial Pollution & Radiochemical Inspectorate (requirement for PPC Part B permit), NED (no objection subject to conditions) Responded 10.03.25 – WMU (content strictly subject to advice), Regulation Unit (content) 	

<div><div>- SES informally consulted 10.09.24</div><div>Responded 10.09.24 – advice – proposal is screened out at HRA Stage 1</div></div>	
Representations: <p>As required by The Planning (General Development Procedure) Order (Northern Ireland) 2015, 7 neighbours were notified on 9 September 2024 and re-notified on 22 July 2025 and the application was advertised in the local press on 25 September 2024. The statutory advertising period expired on 9 October 2024 (press advert) and 5 August 2025 (neighbour notifications). One representation has been received at the time of writing this report and is considered further below.</p>	
Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The application site comprises an area of approximately 5.5ha and is an existing quarry site located approximately two miles north-east of Newry (i.e. Mount Kearney Quarry). It is accessed via a private laneway from the Rathfriland Road to the south. The application site comprises the laneway and the central part of the excavations and undeveloped agricultural land to the east.

The quarry main working area comprises a floor area with long and cross-falls from approximately 43.5mAOD in the east to a low point on the central western edge at approximately 41.5mAOD. The floor is enclosed to the north and north-east by a singly quarry face rising from approximately 1m to a maximum height of approximately 10m above floor level west to east. This face continues southwards at a height of approximately 10m to approximately mid-point along its eastern extent where it splits into two faces both of approximately 5m height, separated by a single bench.

In addition to the excavation area, the site contains a stockpile area, fixed crusher, mobile machinery compound, fuel storage area, a workshop, car parking area and site office. Beyond the site in all directions are a number of mature trees with agricultural land and a small woodland to the west. There are watercourses just outside the northern and western site boundaries and a separate watercourse where the access is located towards the south of the site. The depressed landscape setting of the site and its distance from the road mean it is not visible from public views.

The site is located to the north-east of the small settlement of Sheeptown, in the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015. The area is low-lying with an undulating landscape. The surrounding area comprises agricultural land, detached residential properties dispersed along the Rathfriland Road and Turmore Road and Orchard Villas and Glenvale Heights located to the south-west of the site.



Site photos

Description of Proposal

Continuation of quarrying and associated activities, to include a deepening, and lateral extension of the quarry to the east

Planning Assessment of Policy and Other Material Considerations

PLANNING POLICY AND GUIDANCE

- Regional Development Strategy 2035 (RDS)
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015

- PPS 21 - Sustainable Development in the Countryside
- A Planning Strategy for Rural Northern Ireland – retained planning policy
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement & Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 15 (Revised) – Planning and Flood Risk
- DCAN 10 (Revised) Environmental Impact Assessment
- DCAN 15 – Vehicular Access Standards

PLANNING HISTORY

There is an extensive planning history on the site. Under application P/2015/0041/F, temporary permission was granted for 'mechanical extraction and blasting of rock with 2 no. crushers, 5 no. screeners and 1 no. conveyor belt' on 5th April 2018. The quarry became operational at this time.

Condition 2 of this approval limited the extraction period to 3 years, with works to cease on or before 5th April 2021 and the land restored in accordance with condition 11. The reason for this condition was to limit the duration of development in the interests of amenity. Condition 11 of this approval required the excavated area to be levelled, and graded, re-spread with overburden and topsoil and sown with grass in accordance with the approved details, with the land to revert to agricultural use, to ensure the site was fully restored.

There was an enforcement case (in relation to the alleged breach of planning conditions 2 and 11 of approval P/2015/0041/F,) with a temporary stop notice issued on 19th April 2023.

A PAN (LA07/2023/2915/PAN) and planning application (LA07/2023/3251/F) was subsequently submitted in an attempt to remedy the alleged breach (including continuing quarrying operations) in addition to permission for a lateral extension to the west. This application was however made invalid as it was considered that legislative requirements in relation to a major application were not met and insufficient detail was submitted to make an EIA determination.

Following completion of further pre-application procedures, a new PAN was subsequently submitted (LA07/2024/0179/PAN) and the current application submitted in an attempt to address the previous concerns, regularise the existing alleged unauthorised works and obtain approval for the proposed continuation of quarrying at the site and lateral extension to the east.

Planning

LA07/2024/1393/F - Proposed office and storage facility for machinery used in conjunction with the quarry operations. Decision: Recommended for approval

LA07/2024/0179/PAN - The proposed development is for a continuation of quarrying and associated activities, to include a deepening of the quarry and a lateral extension of the quarry to the east. (previous reference P/2015/0041/F) Decision: Proposal of Application Notice is Acceptable, Date: 18 June 2024. **PAN associated with subject application**

LA07/2023/3251/F – Continuation of quarrying and associated activities, to include a lateral extension of the quarry to the west. Decision: App invalid. Date: 08 February 2024

LA07/2023/2915/PAN - Continuation of quarrying and associated activities, to include a lateral extension of the quarry to the west. (previous application P/2015/0041/F) Proposal of Application Notice is Acceptable, Date: 11 July 2023

LA07/2019/0218/F - Proposed office and storage facility for machinery used in conjunction with the quarry operations. Permission Granted, Date: 14 November 2019

P/2015/0041/F - Mechanical extraction & blasting of rock with 2 No. crushers, 5 No. screeners and 1 No. conveyor belt. Permission Granted, Date: 06 April 2018. **Original quarry application**

P/2012/0255/F - Mechanical extraction and blasting of rock with 2 crushers, 5 screeners, 1 conveyor and erection of machinery storage shed. Withdrawal, Date: 02 May 2012

Enforcement

LA07/2015/0036/CA Status: Enforcement case closed Decision Date: Proposal: Alleged unauthorised winning and working of minerals

P/2011/0148/CA Status: Enforcement case closed Decision Date:
Proposal: OPERATIONAL DEVELOPMENT - Unauthorised plant and erection of a storage shed

P/2009/0061/CA Status: Enforcement case closed Decision Date:
Proposal: OPERATIONAL DEVELOPMENT - Unauthorised winning and working of minerals

P/2003/0158/CA Status: Enforcement case closed. Decision Date:
Proposal: Operational development

LEGISLATIVE PRE-APPLICATION REQUIREMENTS

As this application is classified as 'major development,' owing to the site area, it has been preceded by a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (NI) 2011 (*LA07/2024/0179/PAN*). The PAN was received on 28th February 2024 and considered acceptable to legislative requirements on 18th June 2024.

The current application was subsequently submitted following the required 12-week application notice/consultation period, with the application received on 30th August 2024. The application has been accompanied with a Pre-Application Consultation Report which confirms that community consultation has taken place in line with the statutory minimum requirements, with the following consultation steps undertaken:

- A public event was held on 28th February 2024 at the Canal Court Hotel to provide members of the public with information on the proposed development and give them the opportunity to ask questions and provide feedback. Three individuals recorded their attendance. A questionnaire was available to complete however none of the attendees chose to complete one.
- This public event was advertised in the Newry Democrat on 20th February 2024, at least seven days before the event.
- Letters were delivered to residents within 150m of the quarry boundary informing them of the public event.
- Direct consultation was held with the nearest neighbours to the quarry and written correspondence from the neighbours, mainly letters of support, are included in the Pre-Application Consultation Report.
- Communications were sent to Local Councillors and constituency MPs regarding the proposed development.

It is considered that the details and evidence of consultation provided meet the legislative requirements (Sections 27, 28) of the Planning Act (NI) 2011. The Pre-Application Consultation Report is also material to this assessment, as considered further below.

EIA DETERMINATION – THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017

The proposal falls within Category 2(a) of Schedule 2 of the Planning (EIA) Regulations (NI) 2017. The Planning Department determined through EIA screening on 19th September 2024 that there are no likely significant environmental effects and an Environment Statement is not required.

Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (NI) 2015), SPPS, PPS 2

A HRA screening was completed as part of this assessment whereby the potential impact of the proposed development on designated sites has been assessed. Shared Environmental Services were informally consulted on 10th September 2024 and it was concluded that the proposed development would have no conceivable effect on any European site and therefore could be screened out at HRA Stage 1.

SUPPORTING DOCUMENTS AND DRAWINGS

The following submitted information (as amended) has been considered within this assessment:

Reports/Technical Assessments:

Design and Access Statement
Pre-Application Consultation Report
Flood Risk and Hydrogeological Assessment
Badger Activity and Smooth Newt Ecological Appraisal
Dust Management Plan
Noise Impact Assessment
Archaeological Programme of Works

Drawings:

Site Location Plan
Existing Site Layout
Proposed Quarry Extension incl. Rev P02
Restoration Masterplan – Draft Plan Issue
Proposed Quarry Restoration Plan
Cross Sections through Proposed Quarry Extension
Dust Management Plan

EVALUATION

Summary of the Proposal

The proposed development is for continuation of existing quarry operations and a deepening and lateral extension of the quarry to the east, with the site being restored upon completion. The extension of the extraction boundaries to the east will result in a deepening of the quarry floor and will result in a change of use of the land to the east from agricultural undeveloped land. The proposed extension design will extend the quarry approximately 125m towards the east into the adjacent hill. The extension to the east has an area of approximately 2.3ha.

The type of mineral to be extracted is granite and subject to market demands, it is estimated that 60,000 tonnes per annum of aggregate could be maintained and continue quarry operations for the foreseeable future. The supporting information notes the estimated like expectancy of mineral working will be 20 years however accurate mineral reserve estimates and a detailed

development plan will be defined prior to extraction commencing in the extension area. Extraction and processing of aggregates is proposed to continue as per existing activities with rock being drilled and blasted before being transferred and processed through the existing processing plant. Aggregates are then stockpiled awaiting export offsite by road transport. Granite will be extracted for dimension stone, decorative aggregates and construction aggregates. As the rock extracted will be exported and used there will be no waste as such.

In summary, the proposed works are split over three stages including:

- Stage 1 Ground Preparation: Topsoil and overburden to be removed from the surface of the proposed extension area to expose the mineral, with storage in screen bunds formed around the site's perimeter to provide screening and noise attenuation whilst the quarry is operating and which will be used in the restoration phase. The soil/overburden storage bunds are to be formed at 3m high (from top of excavation) at a 1 in 2 gradient.
- Stage 2 Excavation: The existing quarry faces will be worked towards the eastern margins of the extension boundary, with an increased quarry depth of 10m from 42mAOD to 32mAOD with two benches at 44mAOD and 56mAOD. To the east excavation faces will be an overall height of 36m reducing to 10m to the west and an average face angle of 70 degree gradient with intermediate benches 15m wide. It is expected that blasting will be carried out twice a year. The supporting details note that a detailed working scheme will be developed prior to extraction of the excavation commencing and will be worked to in accordance with Quarries Regulations NI (2006).
- Stage 3 Restoration: Following completion of extraction, the excavation area will be restored to a manmade lake with a benched profile around the perimeter, which will allow for tree planting.

The proposed hours of operation are 08:30 to 17:30 Monday to Friday and 09:00 to 13:00 Saturdays, with no works on Sundays.

No new buildings are proposed on the application site. Overall, the quarry operator is proposing to continue and extend operations to ensure the quarry is economically viable and readily able to meet future market demands. The proposal is not for a large-scale intensification of operations but rather it aims to continue quarry operations to secure mineral reserves and assist in the supply of aggregate to the local market.



Proposed quarry extension

Regional Development Strategy 2035

The RDS is an overarching strategic planning framework which addresses economic, social and environmental issues aimed at achieving sustainable development. The proposed development supports several aims of the RDS including *'support our towns, villages and rural communities to maximise their potential'*. The quarry is an established local business which currently provides employment to four staff all of whom will be retained with the proposed development. The local economy will also be supported by a number of indirect employees involved in the transportation of aggregates. The expansion of the quarry therefore supports the aims of the RDS by further strengthening the viability of the business and supporting local economic growth.

Strategic Planning Policy Statement for Northern Ireland 2015

The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are *'supporting sustainable economic growth'* and *'preserving and improving the natural environment'*. Paragraph 6.148 of the SPPS states minerals are an important natural resource and their responsible exploitation is supported by Government. The minerals industry makes an essential contribution to the economy and to quality of life, providing primary minerals for construction, such as sand, gravel and crushed rock, and other uses, and is also a valued provider of jobs and employment, particularly in rural areas. Paragraph 6.154 states the policy approach for minerals development must be to balance the need for mineral resources against the need to protect and conserve the environment.

The proposed development accords with the SPPS by retaining and extending an established local quarry business whilst also considering impacts on the natural and built environment, as considered further below. It has been designed in such a way that aims to balance the need for extraction against the need to protect and conserve the environment. Indeed, the screening bunds will screen the site and provide noise attenuation whilst the quarry is operating and the inclusion of a quarry restoration plan demonstrates that the site will be returned to beneficial use following cessation of quarrying activity.

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

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 the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a new LDP. The application site is located in the countryside. A Local Landscape Policy Area (designation SN 02) is located further west of the site beyond No. 118 Rathfriland Road.

With regard to mineral development, the Plan states that hard rock quarries in the Mournes area are to be found in the foothills northeast of Mayobridge and on the outskirts of Newry. The minerals are used to produce building and road stone aggregates for Banbridge, Newry and Mourne and the wider Belfast markets. It notes that there is consistent demand for aggregates over a relatively long period. The Plan aims to balance the need for extraction against the need to protect and conserve the environment.

Having regard to the planning history of the site, the rationale for the quarry extension, the environmental information provided and the advice of consultees, this proposal is considered to be a sustainable development in principle and will not cause demonstrable harm to interests of acknowledged importance. As there is no significant change to the policy requirements for mineral development following the publication of the SPPS and it is arguably less prescriptive, the retained policy in the Planning Strategy for Rural Northern Ireland will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

Sustainable Development in the Countryside – PPS 21, SPPSPolicy CTY 1 – Development in the Countryside

Relevant to this proposal, this policy directs the decision maker to the MIN policies of the Planning Strategy for Rural Northern Ireland.

A Planning Strategy for Rural Northern IrelandMIN 1 Environmental Protection

This policy assesses the need for mineral resource against the need to protect and conserve the environment. A number of areas have been considered:

- The site has a hydrological linkage to Carlingford Lough SPA and ASSI via the Clanrye and Newry rivers. Shared Environmental Services were informally consulted on 10th September 2024 and it was concluded that the proposed development would have no conceivable effect on any European site and therefore could be screened out at HRA Stage 1.
- A Badger Activity and Smooth Newt Ecological Appraisal was submitted with the planning application. NIEA-NED were consulted and have no objection subject to conditions.
- The application site is in close proximity to DOW 047:002, a rath of the Early Christian period, and there are five other enclosure sites in the surrounding landscape. HED (Historic Monuments) were consulted and offered no objection subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.
- MIN 1 states that extensions to existing mineral workings which minimise environmental disturbance in the countryside will normally be preferred to new workings in open green field sites. This application relates to the extension of an existing quarry into hilly agricultural land which will be restored to a vegetated area with a manmade lake when

the quarry ceases operations. Whilst the quarry will encroach into agricultural land it is considered that on balance this is acceptable given the proposal is for an extension, measures will be taken to minimise environmental disturbance during the construction phase (e.g. noise attenuation, mitigations measures in respect of newts) and there are clear restoration plans for the site which will allow it to become a vegetated area again in the future.

- MIN 1 also states that decisions on mineral applications will be made with regard to the preservation of tree and vegetation cover. NIEA-NED were consulted and noted from the proposed restoration plan that planting is proposed around the site boundaries after the life of the quarry, to compensate for the loss of hedgerow. NED are content that sufficient replacement planting is shown on the restoration plan and have recommended that this plan be attached as a planning condition, as detailed at the end of this report.
- Advice has been provided from consultees in methods to be undertaken to prevent the pollution of rivers, watercourses, surface water and ground water. No consultee objected in relation to potential for adverse impact in terms of water pollution, subject to conditions detailed at the end of this report.

In summary, the protection and conservation of the environment will not be compromised by the proposed development.

MIN 2 Visual Implications

This policy advises that visual intrusion is often the most significant environmental impact associated with mineral workings. It states that where permission is granted landscape quality will be protected by attaching conditions designed to avoid or mitigate visual disturbance, ensuring a suitable restoration plan is conditioned will help ensure the visual implications are kept to a minimum.

The main working area is set back approximately 300m from the Rathfriland Road to the south and a similar distance from Turmore Road to the west. Mature trees line the private laneway to the quarry site and mature trees and the dwelling at No. 118A Rathfriland Road (located adjacent to the laneway) mean the application site is not visible from the access along the main road.

The natural undulating nature of this rural landscape and its mature vegetation mean the existing landform and vegetation will naturally assist in the screening of the quarry from the main road. Landscaping measures are also included in the design to ensure the lateral extension integrates into the landscape and is not visually intrusive. These measures include soil / overburden storage bunds (3m high from top of excavation) along part of the northern and southern boundaries of the quarry and along the extent of the eastern boundary, to provide screening around its perimeter. An overburden slope also exists along the extent of the eastern boundary and along part of the northern and southern boundaries of the quarry. These measures along with the natural landform mean the site is largely screened when travelling north and south along the Rathfriland Road.

Following the cessation of extraction the quarry will be restored to a lake with benched margins around the perimeter. Topsoil and overburden, stored in screening bunds during extraction, will be utilised for the restoration of the excavation benches, ensuring visual implications will be kept to a minimum. In compliance with this policy a restoration plan will be conditioned as detailed at the end of this report. The proposal is considered to meet the requirements of Policy MIN 2.

MIN 4 Valuable Minerals

Policy MIN 4 exists to protect minerals of particular value to the economy with considerable implications of value, oil and gas are examples. It is noted that while this excavation is of value to the existing business there is no overriding economic implications on the economy. The mineral to be extracted, being granite is not considered to be uncommon or valuable property and there are no wider economic implications on the economy in approving the extraction; this aspect of policy is not impacted upon.

MIN 5 Mineral Reserves

MIN 5 exists to ensure that surface development which would prejudice future exploration of valuable mineral reserves will not be permitted; this development does not propose such excavation and there is no evidence to suggest the excavation will prejudice future exploration of valuable mineral reserves. This aspect of policy has not been offended.

MIN 6 Safety and Amenity

Policy MIN 6 considers the safety and amenity of the occupants of nearby dwellings. It is acknowledged that mineral developments can be bad neighbours of housing. The potential for conflict will be reduced by requiring a degree of separation to be kept between mineral workings and other developments particularly where blasting is involved.

An updated Noise Assessment was submitted with the application. The nearest dwellings at No's 118 and 118A Rathfriland Road and the dwelling foundations towards the south of the site are owned and controlled by the quarry operator and were not considered as noise sensitive receptors however there are a number of residential properties located at varying distances from the application site which were identified and considered as noise receptors. Environmental Health were consulted and are satisfied that these other properties in the surrounding area will not be adversely affected by noise from the quarry provided conditions are attached to any permission granted in relation to operating hours, the air over pressure and peak particle velocity of blasting and the noise levels which must not be exceeded at the nearby non-financially involved properties in the surrounding area.

During the pre-application consultation process a neighbour raised concerns about noise impacts from continuation of the quarry and as a result screening bunds for noise attenuation have been included at the north-eastern corner of the site.

There were no objections from the Health and Safety Executive and NIEA's Industrial Pollution and Radiochemical Inspectorate state that the quarry operator must obtain a PPC Part B permit before any crushing and screening processes are carried out on the site. Environmental Health reviewed the Dust Management Plan submitted with the application and NIEA's response and are satisfied that compliance with a PPC permit should adequately control dust from the site. The proposal is considered to meet the requirements of Policy MIN 6.

MIN 7 Traffic

This policy states planning permission will not be granted for extraction of mineral resources where traffic associated with such development would prejudice the safety and convenience of road users. The traffic figures submitted with the application suggest no intensification as the average number of vehicles and persons attending the premises daily is expected to remain the same. DfI Roads were consulted and responded with no objections to the proposal on the basis that the traffic figures submitted with the application are accurate and correct.

MIN 8 Restoration

This policy states restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction. The preferred types of reclamation and after use depend on factors including the surrounding landscape and potential for nature conservation on the site and should provide for progressive restoration of sites.

As previously described, a restoration plan has been submitted with the application which shows that the entrance road and processing area of the quarry are to be restored to existing levels and vegetated. The excavation area itself will be infilled with water to create a manmade lake with bench margins and tree planting around the perimeter. These restoration plans are in-keeping with the land use and character of the surrounding area. The proposal is considered to meet the requirements of Policy MIN 8.



Proposed quarry restoration plan

Natural Heritage – PPS 2, SPPS

Policy NH 2 Species Protected by Law and Policy NH 5 Habitats, Species or Features of Natural Heritage Importance

Policy NH 2 states planning permission will be granted for a development proposal that is not likely to harm a European protected species or any other statutory protected species and which can be adequately mitigated or compensated against.

The ecological information submitted with the application noted very little evidence of general badger activity, mammal foraging activity assigned to rabbits and the presence of smooth newts and adult common frogs in the pond however it has been hypothesised that the newts migrated into the area following it filling with water (after the extraction works halted). NIED-NED were consulted and are content that the proposal is unlikely to have a significant impact on newts provided the mitigation measures are implemented, as detailed in the conditions at the end of this report.

Policy NH 5 states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats, priority species and other natural heritage features. Hedgerow and trees will be removed to accommodate the extension to the quarry. NIED-NED are content however that sufficient

replacement planting is shown on the proposed restoration plan to compensate for the loss of hedgerow priority habitat. The proposal is considered to meet the requirements of policies NH 2 and NH 5.

Access – PPS 3, SPPS

Policy AMP 2 Access to Public Roads

As previously stated, there is no intensification associated with the proposal and it will not prejudice road safety or inconvenience the flow of traffic. DfI Roads have been consulted and have no objection to the proposal based on the information provided. Policy AMP 2 is therefore satisfied.

Built Heritage – PPS 6, SPPS

Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings and Policy BH 4 Archaeological Mitigation

The application site is in close proximity to recorded archaeological sites and monuments. HED Historic Monuments were consulted and are content that the proposal satisfies these policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Flooding and Drainage – Revised PPS 15, SPPS

DfI Rivers were consulted in relation to the application and offered no objections. The site is not identified as being within any areas liable to flooding and the proposal did not meet the policy requirements for a Drainage Assessment and as such additional reports were not considered necessary.

Impacts on Surface Water and Groundwater and the wider Aquatic Environment

The applicant has identified the use of on-site wastewater treatment. No increase in foul sewage is proposed and NI Water have approved the application with standard planning conditions.

NIEA Water Management Unit advise if there is no discharge to the aquatic environment and all effluent is directed to a cess pit the tank must be strictly watertight and a level warning device should be used. The contents of any such tank must be transported by a licensed waste carrier to a licensed facility for treatment.

The Hydrogeological Assessment submitted with the application states that it is uncertain whether the extension will penetrate the existing groundwater level however if it does there are no groundwater dependent receptors located within the likely distance of influence associated with the required groundwater lowering. NIEA's Land and Groundwater Team considered the impacts of the proposal on the groundwater environment and are content with the proposal without conditions.

The Hydrogeological Assessment does not anticipate adverse impacts on surface water. The surface water features are located well beyond the estimated distance of influence so are at a low risk of being impacted by the proposed extension, if it were to penetrate the existing groundwater level. The extension of the quarry is not expected to encounter groundwater meaning this aspect of the development is highly unlikely to impact groundwater and surface water features.

The Flood Risk and Hydrogeological Assessment notes that during quarry operations surface water will be discharged via a settlement pond into a nearby watercourse. At the restoration

stage, the lake/lagoon will allow the removal of suspended solids prior to water being discharged into a nearby water course. Water Management Unit notes that any discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development and will be required for the operational phase of the site.

Loughs Agency assessed the impacts of the proposal on the surface water environment and to fisheries and are content subject to conditions including the submission of a Construction Environmental Management Plan.

Consideration of Objection

One objection was received and has been fully considered in this report as summarised below (planning response in italics):

- There is no planning permission to operate a quarry.
The planning and enforcement history of the quarry site is detailed in this report.
- The family are running a stock car racing business and motor bike track without planning permission and local people have to listen to this.
This is an enforcement matter not for consideration as part of this planning application.

RECOMMENDATION: Approval subject to conditions

Neighbour Notification Checked	Yes
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Summary of Recommendation
The proposal seeks to continue quarry operations and extend the quarry into additional lands to secure mineral reserves and assist in the supply of aggregate to the local market for the foreseeable future. Given the proposal complies with planning policy and other material considerations it is recommended that the application is approved subject to conditions.

- 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. No extraction shall take place below a level of 32mAOD as indicated on the approved cross section drawing No. 004 Rev P01. The annual rate of extraction shall not exceed 60,000 tonnes.
Reason: To limit the extent of development on the site.
 3. No quarrying activities including extraction shall be carried out on the site and no deliveries to or dispatch from the site shall be carried out outside the hours of 08:30 to 17:30 Monday to Friday and 09:00 to 13:00 Saturday, nor at any time on Sundays, Bank or Public holidays.
Reason: In the interests of the amenity of nearby residents.
 4. Blasting shall be carried out to ensure that an Air Over Pressure of 128dB and a Peak Particle Velocity of 10mm/s are not exceeded at any nearby residential property.
Reason: In the interests of the amenity of nearby residents.

5. The noise level, due to operations at the quarry, must not exceed 49dB LAeq at any nearby residential property outside the control or ownership of the quarry operator.

Reason: In the interests of the amenity of nearby residents.

6. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

7. No development shall take place on site until a consent to discharge has been granted under the terms of the Water (NI) Order 1999 (for the construction phase of the development) and submitted to the Planning Authority for agreement in writing.

Reason: To protect the aquatic environment.

8. No development shall take place on site until a consent to discharge has been granted under the terms of the Water (NI) Order 1999 (for the operational phase of the development) and submitted to the Planning Authority for agreement in writing.

Reason: To protect the aquatic environment.

9. Prior to the commencement of development on site a Construction Environmental Management Plan shall be submitted to the Planning Authority for agreement in writing. This shall include methods of control of run-off from working areas and mitigating measures to prevent pollution of watercourses.

Reason: To prevent pollution of surface waters.

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the 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.

11. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 10.

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

12. 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 10. These measures shall be implemented and a final archaeological report shall be submitted to the Planning Authority for their agreement in writing within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Planning Authority.

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.

13. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around the existing waterbody identified within the Badger Activity and Smooth Newt Ecological Appraisal, (completed by Ayre Environmental, date stamped 25/06/24 by the Council) to contain smooth newt, at a radius of 20 metres from the edge of the water. No works shall be carried out on the waterbody or within the 20m protection zone, until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To protect newts and their place of refuge.

14. Upon completion of the extraction hereby approved, the Proposed Quarry Restoration Plan (drawing no. 005 Rev P01) shall be implemented in full, and all works shall comply with the proposed restoration plan, unless otherwise approved in writing by the Planning Authority.

Reason: To facilitate restoration of the site and minimise the impact of the proposal on the biodiversity of the site.

Case Officer Signature: K. Bronte

Date: 05 August 2025

Appointed Officer: A.McAlarney

Date: 05 August 2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Elaine Eastwood	
Application ID: LA07/2023/3285/F	Target Date:
Proposal: Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers. The proposed site will be enclosed by a 1.20m high stone wall complete with a 4.00m wide, 1.20m high access gate for vehicular access. Above ground, the proposed site will have a control kiosk housing pump control, a wash-water kiosk housing a break tank and associated hose, and a lighting column complete with site lighting and telemetry to allow for remote monitoring of the pumping station. (Amended description and additional information submitted)	Location: NI Water - Waste Water Pumping Station Opposite No. 21 Shore Road Annalong BT34 4TU
Applicant Name and Address: Lisa Hughes Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: Paul Kelly 1 C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Date of last Neighbour Notification:	10 October 2023
Date of Press Advertisement:	16 April 2025
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • <i>NI Water-</i> Approval • <i>Environmental Health-</i> No Environmental Health objections in principle to this application subject to there being a minimum distance of 7m between any odour source point and any habitable dwelling • <i>DFI Rivers-</i> No objections • <i>Historic Environment Division-</i> 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. Due to previous ground disturbance, and based on an assessment of historic maps, the proposed development area has limited archaeological potential. Therefore, no mitigation is required in this case.

HED, Historic Buildings, has considered the impact of the application on the listed harbour and based on the information provided, advises that it is content with the proposal under paragraph 6.12 (setting) 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.

- *Shared Environmental Services-* 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.
- *NIEA-*
 - Natural Environment Division (NED) 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.
 - Marine and Fisheries- General info and advice provided. Concerns raised re flooding, erosion and sea levels.
 - Water Management Unit 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 any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice.
 - Regulation Unit 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.
- *NMDDC Land Management Officer-* Having reviewed the amended plans and elevations dated February 2024, I am satisfied that the public right of way asserted 11th June 2003, Ulster Avenue to The Harbour, Annalong is not obstructed by the proposed works.

Representations:

The application was initially advertised within one local newspaper on 04/10/2023 and readvertised on 16/04/2025. Throughout the processing of the application neighbours


were notified on three occasions. Objections from 17 different neighbours have been received with multiple objections submitted by individuals. The issues raised in objections are briefly summarised below:

- Congestion/ danger of accidents
- There is a right of way through the site
- The overspill pipe runs onto the beach
- Size and design not in keeping with the AONB and ATC
- Increased noise, light, odour and nuisance for surrounding residents
- Hinder access to open space
- Fails policies to protect open space and views
- Flooding
- Light pollution from lighting column proposed
- Impact on tourism contrary to TSM8 of PPS15
- Contrary to PPS11
- Contrary to Planning Strategy C01-C04
- Flooding
- Beach falls within Coastal Policy Area and proposal isn't appropriate
- 3m high fencing inappropriate
- Contamination concerns, problems with existing storm and sewage from man holes
- Sewer line may affect foundations

Issues raised by objectors and comments from consultees will be dealt with below.

Letters of Support	0.0
Letters of Objection	24
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Summary of Issues: Issues raised by objectors and comments from consultees will be dealt with below.

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 11/03/2025	
Characteristics of the Site and Area The application site comprises an existing Waste Water Pumping Station enclosed by dry stone wall located along Shore Road. The surrounding area is predominately residential in nature with a public right of way located to the east of the site separating the site from the shore. The application site is located within the settlement limit of Annalong, Area of Archaeological Potential, Area of Townscape Character (AN10) and Area of Outstanding Natural Beauty.	
Description of Proposal Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers. The proposed site will be enclosed by a 1.20m high stone wall complete with a 4.00m wide, 1.20m high access gate for vehicular access. Above ground, the proposed site will have a control kiosk housing pump control, a wash-water kiosk housing a break tank and associated hose, and a lighting column complete with site lighting and telemetry to allow for remote monitoring of the pumping station.	

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no relevant planning history on the application site.

Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Banbridge, Newry and Mourne Area Plan 2015
- PPS 2- Natural Heritage
- PPS3- Access Movement and Parking
- PPS6- Planning Archaeology and the Built Heritage
- PPS6 (Addendum)- Areas of Townscape Character
- PPS8- Open Space, Sport and Outdoor Recreation
- PPS11- Planning and Waste Management
- PPS15- Planning and Flood Risk
- PPS16- Tourism
- A Planning Strategy for Rural Northern Ireland

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

There is no significant change to the policy requirements relating to the proposal and PPS11 is the prevailing planning policy.

Banbridge/ Newry and Mourne Area Plan 2015

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 the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the settlement limit of Annalong. The Area Plan does not contain any policies relating to the proposal and refers to PPS11 as the prevailing policy.

Planning Policy Statement 11- Planning and Waste Management

The provisions of PPS11 have been noted. This application seeks the replacement of an existing long established underground wastewater pumping station with associated works, rather than for the development of an entirely new facility. However, the environmental effects of the proposals as alluded to in Policy WM1 have been fully considered as part of this assessment and through extensive consultation with a number of statutory bodies.

Policy WM 2 relates to Waste Collection and Treatment Facilities and states that proposals for the development of a waste collection or treatment facility will be permitted where:

- (a) ***there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction.***

This application has been made by NI Water and the proposal seeks to replace and upgrade the existing WW Pumping station at this location. The Agent has provided supporting information with the application advising: *"The proposal is for the upgrade of the existing Annalong Harbour WwPS site which transfer sewage from the local sewage network to a Wastewater Treatment Works (WwTW). The location of the site cannot be*

changed as it is located at the lowest most point within the network, meaning that sewage flows cannot be forwarded to the WwTW from this location without pumping. Additionally, at present, out of sewer network spills occur at the footbridge at Annalong Harbour, a popular pedestrian area, due to an incapacity in the existing downstream sewer system. This has resulted in numerous complaints from the public and public representatives in recent years due to the high visibility and location of sewage spills.

The incorporation of the proposed works will allow for the closure of 2no. unscreened Combined Sewer Overflows (CSOs) (Harbour Main Street CSO and Harbour Main Street No.1 CSO) which have been identified by the Northern Ireland Environment Agency as Unsatisfactory Intermittent Discharges (UIDs) which currently discharge unscreened sewage into the sea and would be the current sewer network relief points that relate to the current Annalong Shore Road Wastewater Pumping Station (WwPS) site. The completion of the proposed works will allow for a reduction in sewage spill frequency and pollution within the Annalong Harbour area and align with the standards required/outlined by the NIEA. Therefore, enhancing/bettering the current adverse effects currently present on people and the environment within the Annalong Harbour area." It is predicted the future population equivalent for the upgrade at Annalong Harbour WwPS is 2627.

It is considered that the need for this upgrade (of an existing facility) has been suitably justified. The upgrade will help overcome existing issues with sewer network spills and will alleviate the concerns of objectors in this regard.

(b) the proposed facility is the BPEO; and

Para 6.323 of the SPPS advises that following publication of the revised Waste Management Strategy 'Delivering Resource Efficiency' Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process.

(c) the proposed facility complies with one or more of the following locational criteria:-

- *it is located within an industrial or port area of a character appropriate to the development; or*
- *it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or*
- *it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or*
- *in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or*
- *where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact;*

The proposal is considered to meet bullet point 2 of the locational criteria as it is suitably located on the site of an existing waste management facility.

(d) the following criteria are also met:

- ***in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;***

The proposal is not a regional scale waste collection or treatment facility.

- ***proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;***

The works on the site predominately take place under ground with a control kiosk, wash house kiosk, break tank and lighting column above ground. The size and scale of this equipment is small and not considered necessary to be carried out within any buildings. The largest kiosk extends to 1.8m in height. This is in keeping with the existing equipment on site.

- ***the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;***

As stated above, above ground kiosks are required in order to improve the functionality of the existing pumping station. The equipment proposed is appropriate to the needs of NI Water and the use of the site.

- ***proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and***

This is not applicable to the proposal as it does not involve the incineration of waste or other thermal processes.

- ***it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM1)***

Extensive consultations have been carried out and discussed elsewhere in this report. Environmental Health, NIEA, SES, DFI Rivers are content the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment.

The proposal is to extend an existing facility and is therefore appropriate to the character of the area and adjacent land uses.

Visually the proposed equipment will not have a significantly greater visual impact than the existing facility. The site is within an ATC and AONB and this is fully considered elsewhere in this report.

The proposal seeks to use an existing unaltered access to the public road and it is not considered the proposal would attract additional vehicular traffic to the site.

Given the nature of the proposal, consultation with DFI Roads was not necessary. Existing gates allow for any vehicular access to the site which may be required.

Environmental Health are content the proposal will not create nuisance to neighbouring residents by virtue of noise, dirt and dust.

The proposal has been fully assessed in terms of impacts on nature conservation and archaeological/ built heritage interests under the policies contained within PPS2, PPS6 and PPS6 and its addendum.

NIEA and SES are content the type of waste to be deposited and treated will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or controlled by mitigating measures.

The proposal has been considered under the policy provisions of PPS15 and DFI Rivers are content the proposal will not cause or exacerbate flooding.

The proposal does not involve agricultural land or involve landfilling.

The proposal is considered to comply with Policies WM1 and WM2 of PPS11.

Planning Policy Statement 8- Open Space, Sport and Outdoor Recreation

Several objectors have raised concerns that the proposal will result in a loss of open space and the impact on the existing right of way. The proposal will extend the existing site area into a small area of grass adjoining the site. Policy OS 1 relates to the protection of open space and states the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

The proposal will result in the loss of a very small amount of open space, from that pre-existing. The upgrade of this existing enclosed facility requires a small extension of additional lands. As stated the subject lands are very small, are not maintained and are of little amenity value. The benefits of the proposal to the local community as outlined above, is considered to represent substantial community benefits which would outweigh the loss of the open space, even though it is noted there is opposition to the proposal. Consultation was also undertaken with the rights of way officer within the Council who advised the asserted ROW will not be obstructed.

Planning Policy Statement 15- Planning and Flood Risk

Objectors have raised concerns regarding flooding on the site. DFI Rivers have been consulted on several occasions and made aware of objections received. Rivers Directorate has reviewed the Flood Risk Assessment by Flood Risk Consulting Ltd, dated June 2024, and comments as follows: The submitted Flood Risk Assessment states that the proposed development will have a 1.4m freeboard above the T200 coastal flood level which is in excess of Rivers Directorate recommended 600mm freeboard. The submitted objection letter raises concerns regarding overtopping at the site. The Flood Risk Assessment states that the proposal includes a solid wall construction around the majority of the perimeter of the site and there is no reason to believe that the proposed development will experience any additional overtopping beyond what is already experienced at the existing WWPS. Rivers Directorate has no reason to disagree with this assessment.

The proposal is considered to comply with the policies contained within PPS15.

Area of Townscape Character

The applications site is contained within AN 10- Annalong. Key features of the area, which will be taken into account when assessing development proposals, are as follows:

- The buildings on Main Street are mainly two-storeys with painted smooth plaster finishes and slated roofs. At the east end of Main Street, the intimacy of the fishing village becomes apparent;
- The Square has a relatively 'formal' mid to late 19th century character. The buildings in The Square are two-storey with smooth painted plaster finishes in various colours and slated roofs;
- The harbour is fairly complete with its stone walls being a feature alongside the corn mill, a stone built building with a slated roof, that has a prominent location contributing to the overall setting of the harbour;
- The traditional buildings on Shore Road are mainly single storey with smooth painted plaster finishes and slated roofs. There are half dormer windows in some of the buildings. Many of these modest fishermen's houses face the open sea;
- Terraces are the norm, characterised by one/two storey buildings of mixed design;
- The dwellings generally front onto the road;
- Annalong River and corridor including associated vegetation provides local wildlife habitat and nature conservation interest.

Policy ATC 2 of the Addendum to PPS6 relates to new development in an Area of Townscape Character. Development proposals in an Area of Townscape Character will be permitted where the development maintains or enhances its overall character and respects the built form of the area. The harbour is noted as complete with stone walls, whilst the proposal is not located at the harbour, it is also to be enclosed by stone wall as per the existing boundaries. The proposal to upgrade an existing facility will maintain the character and overall character of the ATC and will not detract from the area. The existing facility has a visual presence from the immediate area, whereby that proposed is not considered to have any significant additional impact due to its modest size and form, and will therefore maintain the overall character and built form of the area.

Planning Policy Statement 6- Planning Archaeology and the Built Heritage

The application site is located within an Area of Archaeological Potential. 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. Due to previous ground disturbance, and based an assessment of historic maps, the proposed development area has limited archaeological potential. Therefore, no mitigation is required in this case.

The application site is in close proximity to The Harbour, Annalong (HB16/01/070), a Grade B2 listed building, of special architectural and historic interest as set out and protected by Section 80 of the Planning Act (NI) 2011. HED, Historic Buildings, has considered the impact of the application on the listed harbour and based on the information provided, advises that it is content with the proposal under paragraph 6.12 (setting) 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.

Planning Policy Statement 2- Natural Heritage.

The application site is located within an Area of Outstanding Natural Beauty and located close to the shore. Consultations with SES and NIEA have been conducted.

NIEA, Natural Environment Division (NED) 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.

Water Management Unit 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 any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice.

Regulation Unit 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.

Marine Conservation Branch has considered the impacts of the proposal and, on the basis of the information supplied, is content that there should be no adverse impacts on marine conservation provided conditions and standing advice for development that may have an effect on the water environment (including groundwater and fisheries) is adhered to. However, do have concerns regarding the impact that climate change, sea level rise and coastal erosion may have upon this proposed development. SES have noted- *"Marine and Fisheries Division (MFD) 14/11/2023 and 21/02/2024 have advised risk to future operation capability of the infrastructure from potential coastal erosion. However, this advice seems nugatory given that this upgrade is to alleviate current poor operations of the infrastructure that are causing local environmental pollution issues. No HRA issues concluded."*

The Planning Department are in agreement with the findings of SES that this proposal is to upgrade existing poorly operating infrastructure which will therefore reduce any local environmental pollution issues.

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. This 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 (SES) on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project.

The proposed boundary walls of 1.2m high stone wall is in keeping with the existing character the site and it is not considered that the proposed upgrade would impact on the character of the AONB or the locality.

The proposal is considered to comply with the policies contained within PPS2.

Objections

The existing pumping station has been in place a significant period of time, it is considered that this upgrade will improve the functionality of the existing facility improving the impacts for residents and the environment.

Environmental Health have been consulted on several occasions and have offered no objections in principle having consideration of potential impacts of noise, dust, odour, light or general amenity.

Concerns were raised regarding impacts on the public right of way adjoining the site. The Council's Land Management Team were contacted and following, amended plans, are content the right of way is not obstructed by the proposed works.

Concerns were raised regarding congestion on the site. The proposal seeks to use an existing unaltered access to the public road and it is not considered the proposal would attract additional vehicular traffic to the site. Given the nature of the proposal, consultation with DFI Roads was not necessary.

Planning Policy Statement 16- Tourism

Objections have been received raising concerns the proposal is contrary to TSM 8- Safeguarding of Tourism Assets. This policy states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Para 7.42 states the policy is applicable to all forms of development which may impact adversely upon a tourism asset. Adverse impact will include visual impact, for example within an area of high landscape quality or in a Conservation Area, either of which could be important for attracting tourists. Adverse impact upon a tourism asset could also arise through other sources, for example odour, noise, dust or pollution of air or watercourses. What constitutes 'adverse impact' and the determination of the extent of its influence are matters of planning judgement and each case will be assessed on its merits. As outlined within this report, the proposal is considered to comply with planning policies and will not detract from the ATC or AONB. The upgrade of this existing facility is not considered to have any significant increased or adverse impacts on any tourism assets from that long pre existing due to the modest size and extent of works proposed.

A Planning Strategy for Rural Northern Ireland

Concerns have been raised by objectors regarding the proposals compliance with Policies CO1-CO4 which relate to the coast. Policy CO1 relates to the undeveloped coast and advised this area will be designated as a Countryside Policy Area within relevant development plans. The application site is within the settlement limit of Annalong and not designated as a CPA.

Policy CO2 relates to the developed coast, Policy CO3 relates to areas of amenity or conservation value on the coast and Policy CO4 relates to access to the coastline. The principle of a Waste Water Pumping Station has been long established on the site, the proposal will extend the existing site size and improve the functionality of this station. The proposal will not impact on access to the public coastline nor will it impact the amenity or conservation value of the area as detailed elsewhere in this report. The proposal is considered to comply with the PSRNI.

Neighbour Notification Checked: Yes**Summary of Recommendation: Approval**

The Council's Scheme of Delegation requires that applications attracting more than six or more material planning objections from different addresses where the Officer's recommendation is for approval the application if required to go to Planning Committee.

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 proposed 1.2m high boundary stone walls shall be fully constructed prior to the development hereby approved coming into use. This wall shall be constructed from locally sourced Mourne granite.
Reason: To ensure the proposal is in keeping with the character of the area.
3. Prior to and during all construction works, a suitable buffer of at least 10 metres must be maintained between the locations of all construction refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the adjacent coastline.
Reason: To ensure the project will not have an adverse effect on the integrity of any European site.
4. Marine Conservation Branch must be consulted and consent agreed in writing prior to any works commencing if the Piling Construction method is required.
Reason: To enable a full assessment of the potential impacts to marine mammals.
5. If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Planning Authority 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/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.
Reason: Protection of environmental receptors to ensure the site is suitable for use.
6. After completing the remediation works under Condition 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with 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/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.
Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. During construction, a buffer of at least 10m must be established and maintained between any watercourses/coastline. Any construction work carried out at the site must demonstrate adherence to the precepts contained in the relevant Pollution Prevention Guidelines (PPGs) and Guidance for Pollution Prevention (GPPs)
Reason: To protect the aquatic environment.
8. There shall be a minimum distance of 7m between any odour source point and any habitable dwelling.
Reason: In the interests of public health.

Informatives

1. *European and National Marine Protected Areas*

The applicant's attention is drawn to the fact that the proposal is in close proximity to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site but outside the proposed red line boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

2. *Marine National Protected Species – Seals*

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly disturb, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*). It is also an offence to intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
- damages or destroys anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted. The Wildlife (Northern Ireland) Order 1985: <http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-otheranimals>

3. *Marine Nationally Protected Species – Northern Ireland Priority Species*

The applicant's attention is drawn to Section 3(3) of the Wildlife and Natural Environment Act (Northern Ireland 2011) which refers to the consideration of the Biodiversity lists (i.e. Northern Ireland Priority Habitats and Species):

3 — (1) The Department must publish a list of the species of flora and fauna and types of habitat which in the Department's opinion are of principal importance for the purpose of conserving biodiversity.

(2) The Department must—

- (a) keep under review any list published under this section;
- (b) make such revisions of any such list as appear to the Department appropriate; and
- (c) publish any list so revised as soon as reasonably practicable after revising it.

- (3) Without prejudice to section 1(1) and (2), a public body must—
 (a) take such steps as appear to the body to be reasonably practicable to further the conservation of the species of flora and fauna and types of habitat included in any list published under this section; or
 (b) promote the taking by others of such steps.

(4) In this section "public body" has the same meaning as in section 1 Wildlife and Natural Environment Act (Northern Ireland) 2011 (legislation.gov.uk)

4. The applicant's attention is drawn to the following links which provide standing advice to be considered:
 - Planning in the Coastal Area
 - Standing advice for development that may have an effect on the water environment (including groundwater and fisheries)
 - Marine Non-Native Species
 - Marine Wildlife Disturbance
 - Marine Map Viewer
 - Decisions affected by marine policy - authorisation decisions
5. The purpose of the Conditions 5 & 6 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
6. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.
7. RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
8. *Birds*
 The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or

- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

9. *Pollution Prevention*

The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment: <https://www.daera-ni.gov.uk/articles/standing-advice-0>

10. The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise, vibration, dust, odours and fumes to nearby sensitive receptors.

Case Officer Signature: E. Eastwood

Date: 2 July 2025

Appointed Officer Signature: M Keane

Date: 02-07-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Committee Application

Development Management Officer Report	
Case Officer: Ashley Donaldson	
Application ID: LA07/2019/0868/F	Target Date:
Proposal: Proposed commercial unit comprising creche with associated site works.	Location: 107 Camlough Road Newry BT35 7EE
Applicant Name and Address: M&M Property Newry Ltd 107 Camlough Road Newry BT35 7EE	Agent Name and Address: 181 Templepatrick Road Ballyclare BT39 0RA
Date of last Neighbour Notification:	16 August 2024
Date of Press Advertisement:	28 August 2024
ES Requested: No	
Consultations: NI Water – approval with standard conditions DFI Rivers – No objections NIEA – Standing advice Environmental Health - No objections noted, conditions offered. DFI Roads – No objections noted, conditions offered. Early Years – no response. Contacted on 12 th November 2024 and 14 th February 2025. Advised on 14 th February 2025 if no response received, it will be assumed there are no objections.	
Advertisement and Representations The application was re-advertised on 28 th August 2024 and neighbours were notified on 16 th August 2024. To date, there has been 79 objections, 18 letters of support and one neutral comment on land ownership. Since the amended description one objection has been received and one neutral comment on land ownership.	
Letters of Support	18
Letters of Objection	79
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Objections Received.

Full detail on the representations received can be found on the application record, the following represents a summary of the main planning related issues raised

- Traffic and parking concerns
- Description of proposal and neighbour notification
- Need for retail element
- Need for DA
- Ownership queries
- Noise, nuisance or general disturbance
- Carbon footprint
- Impact on character of the neighbourhood
- Design including bulk and massing of the development.

All objections and representations will be considered throughout the assessment and addressed accordingly at the end of this report.


Support Received

List of those giving support to the proposal are as follows;

- Lauren O'Malley
- Aoiffe Lynch
- Mrs Colleen Mallon
- Mrs Alexandra Engel
- Ms Niamh Brigid Burns
- Miss Aoife Burns
- Miss Aoife Ní Bhroin
- Ms Niamh Brigid Burns
- Miss Medbh Burns
- Mr Myles McCourt
- Mr Martin Mallon
- Mr Neil Boyle
- Miss Carmen Marquez Aguilar
- Mr Gerard Loye
- Mr Paul Nugent
- Mrs Siobhan Nugent
- Seline Loye
- Francis Loye

The reasons for support are summarised as follows;

1. Improve parking and traffic issues
2. Improve the area and an asset to the economy.
3. Improve visual amenity.
4. Reduce waiting times for places
5. Improve amenity for previous industrial use.

Site Visit Report
Site Location Plan:

<p>Characteristics of the Site and Area</p> <p>The site occupies a corner site with the Green Road and Camlough Road in the development limit for Bessbrook. M&M Gas and Refrigeration currently occupies the site, with surrounding land uses including, a school, day care centre and filling station.</p>
<p>Description of Proposal</p> <p>Proposed commercial unit comprising creche with associated site works.</p>
<p>Planning Policies & Material Considerations:</p> <p>SPPS – Strategic Planning Policy Statement for Northern Ireland Banbridge Newry and Mourne Area Plan 2015 PPS3 – Access, Movement and Parking / DCAN 15 PSRNI – DES 2 / SP18 PPS15 – Planning and Flood Risk PPS 2 – Natural Heritage DCAN 13 – Creches, Day Nurseries and Pre-School Playgroups</p>

Planning History

Planning

Application Number: P/1975/0930

Decision: Permission Refused

Decision Date: 24 March 1976

Proposal: PROPOSED SITE OF SIX REPLACEMENT BUNGALOWS

Application Number: P/1977/0914

Decision: Permission Granted

Decision Date: 15 November 1977

Proposal: PROPOSED EXTENSION TO DWELLING

Application Number: P/1981/0757

Decision: Permission Granted

Decision Date: 15 September 1981

Proposal: PROPOSED EXTENSION AND IMPROVEMENTS TO DWELLING

Application Number: P/1985/0990

Decision: Permission Granted

Decision Date: 14 November 1985

Proposal: PROP BUILDING FOR THE MANUF & STOR OF ICE-CREAM & GARAGING OF ICE-CREAM

Application Number: P/1987/0437

Decision: Permission Granted

Decision Date: 14 May 1987

Proposal: Alterations and extension to dwelling

Application Number: P/1992/0761

Decision: Permission Granted

Decision Date: 15 October 1992

Proposal: Extension to dwelling

Application Number: P/2003/2864/O

Decision: Permission Refused

Decision Date: 25 August 2004

Proposal: Site for housing development

Application Number: P/2003/2558/F

Decision: Permission Granted

Decision Date: 22 February 2005

Proposal: Demolition of existing shop and proposed new creche and child day care centre with kitchen, office space and associated accommodation

Application Number: P/2005/0439/F

Decision: Permission Granted

Decision Date: 27 June 2007

Proposal: Demolition of existing shop and erection of creche and child day care centre with kitchen, office space, associated accommodation, outside play area and the provision of parking (amended scheme to that previously approved under File Ref. P/2003/2558/F)

Application Number: P/2006/0197/O

Decision: Appeal Withdrawn

Decision Date: 20 May 2008

Proposal: Site for mixed housing development and Industrial development.

Application Number: P/2008/1188/F

Decision: Permission Granted

Decision Date: 23 April 2010

Proposal: Demolition of existing building and erection of 3 no. food retail units to include associated site works.

Application Number: P/2015/0127/F

Decision: Permission Granted

Decision Date: 15 September 2016

Proposal: Renewal of planning permission P/2008/1188/F for demolition of existing building and erection of No 3 No food retail units to include associated site works.

Planning Assessment of Policy and Other Material Considerations

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.

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Settlement Development Limit for Bessbrook in the Banbridge Newry and Mourne Area Plan 2015. The site has not been zoned and therefore the Plan remains silent on the use. Decision making is therefore deferred to the retained policies as explored in further detail below.

The Strategic Plan Framework includes policy ECU 1 which is applicable for education, health, community and cultural uses. Given the use class of a creche falls under Part D Community and Cultural Uses, as described in The Planning (Use Classes) Order (Northern Ireland) 2015, it is logical to consider this policy in light of the application.

1. The site is a brownfield industrial site; there is no significant detrimental effect on amenity or biodiversity. The surrounding area can be described as mixed use. Whilst the new extension to the creche will cater for more than 30 children the nearest child room to the dwelling at No.88 Green Road is approximately 7m, however this is a cot room that holds 6 cots which is well below the threshold of 30 where DCAN 13 notes there could be serious impact on residential amenity. Opposite the rear part of the site at No. 88 is an afterschool class, which could hold 30 children. However, I am mindful of a funeral directors and limousine hire to the rear of No. 88 and the reduced hours this room would function. The other childminding rooms are to the front of the building with windows facing towards the Camlough Road and are less likely to cause disturbance to No. 88. Environmental Health has raised no concerns. The site would not support biodiversity and therefore biodiversity is not considered to be compromised by the proposal.
2. This is an extension to an existing creche, the proposal is not considered to impact or prejudice the future development of surrounding lands. There are no zoned lands adjacent the site, as depicted in the extant Area Plan for the area.
3. The proposal is in keeping with the character of the settlement, with an existing creche facility already operating and in terms of size and scale, it is in proportion to surrounding development such as St Pauls School, Infinity and Dan Gregory's complex.
4. All required infrastructure has been provided and DFI Roads has no objection to the proposal.
5. DFI Roads are content with the access arrangements and NI Water have recommended approval with standard conditions. Parking which has been assessed further in this report notes there is ample parking for the facility.

The proposal is therefore in general compliance with policy ECU 1 of the Plan Strategy and Framework.

Strategic Planning Policy Statement for Northern Ireland

With the retail element now removed from the proposal, the SPPS is silent on the use of a creche facility and therefore decision making is deferred to the policies and guidance considered below. Para 4.11 and 4.12 of the SPPS notes that applications should not compromise the environment or surrounding amenity. This will be considered further in this report.

Creche Facility / Parking Standards / Planning Strategy for Rural Northern Ireland

The proposal is for an extension to an existing facility, Giggles Early Years Ltd which was approved under planning reference P/2005/0439/F. Representation has been made to confirm they operate on a waiting list and do not have the physical capacity to meet the surrounding need for childcare. Development Control Advice Note 13 (DCAN 13) is helpful in determining such applications. Given the childcare facility which currently exists at this site, I consider the principle of the facility on the site to be established. I will focus my consideration on the acceptability of the extension to the existing facility.

The surrounding area can be described as mixed use. Whilst the scale will cater for more than 30 children the nearest child room to the dwelling at No.88 Green Road is approximately 7m, however this is a cot room that holds 6 cots which is well below the threshold of 30 where the DCAN notes there could be serious impact on residential amenity. Opposite the rear part of the site at No. 88 is an afterschool class, which could hold 30 children. However, I am mindful of a funeral directors and limousine hire to the rear of No. 88 and the reduced hours this room would

function. The other childminding rooms are to the front of the building with windows facing towards the Camlough Road and are less likely to cause disturbance to No. 88. Environmental Health has raised no concerns.

In terms of potential nuisance and disturbance on the surrounding area, the reader is reminded that an existing outside play area exists at this facility and is not within the scope of the application. In terms of traffic generation, the site is accessed off a main road (protected route) opposite a large school and adjacent a petrol filling station. Traffic at this part of the village is busy and therefore the extension proposed is not considered to generate an unreasonable level of traffic so as to cause significant residential amenity concerns.

I do not consider the proposed design of the facility to have a detrimental impact on the surrounding area or environment and will in fact be an improvement to the existing site conditions. The design of the building, which is 2 storeys, measures approximately 7m in height with an external proposed gross floorspace of 1248sqm. A first-floor link connects the proposed building to the existing building and the extension will be finished in grey aluminium cladding. Some soft landscaping has been included to soften to visual impact of the development and as a result of the above, I consider the visual impact of the proposal, particularly given the location and the surrounding built development, acceptable for the site. The proposal is also consistent with the Planning Strategy for Rural Northern Ireland which remains a material consideration for the application.

In terms of the access arrangements, it is proposed to use an existing access from the Camlough Road as an entrance to the site with an exit point onto the Green Road. DfI Roads has been consulted on this and has raised no objection in terms of road safety or additional traffic generation, subject to compliance with attached conditions. A further assessment will be undertaken under PPS 3 further in this report.

The parking arrangements for such a proposal will require 1 space per 3 full time members of staff and one space per 6 part time members of staff. For visitor parking, 1 space per 10 children is considered to be adequate. The agent advises that the extension will accommodate up to 120 children and 24 employees.

Based on the figures submitted, the proposal requires 20 spaces. The proposed plan notes 35 spaces as well as provision for bicycle parking and cumulatively, I am content there is enough parking provision to service the application, and the proposal is considered to be in general compliance with DCAN 13 and Parking Standards.

Planning Policy Statement 15: Planning and Flood Risk

DfI Rivers has been consulted on this application and has confirmed that policies FLD1, FLD2 and FLD4 are not applicable to the application.

A Drainage Assessment was submitted for consideration. DfI Rivers has confirmed the applicant has also submitted adequate drainage calculations to support their proposals. Therefore, DfI Rivers while not being responsible for the Drainage Assessment accepts the applicant's logic and has no reason to disagree with its conclusions. The proposal is therefore in general compliance with policy FLD 3 of PPS 15.

In terms of policy FLD 5 DfI Rivers Directorates reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. DfI Rivers is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir

Manager Status'. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective. The proposal is therefore in general compliance with policy FLD 5.

Planning Policy Statement 3 / DCAN 15

A Transport Assessment Form has been submitted to accompany the proposal. In terms of the Protected Route policy AMP 3 and the Clarification of policy AMP 3 - Access to Protected Routes is pertinent to the application. The site falls within 'other protected routes within settlement limits and notes that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where (a) access cannot be reasonable taken from an adjacent minor road.

The Camlough Road is a Protected Route and given the siting of the access on the Green Road close to the junction with Camlough Road, this does not represent a sensible location for the access to the site, for potentially 20 cars – particularly at rush hour times before and after work. It is my conclusion that it is not reasonable to take the access from the Green Road with the Camlough Road representing a much more sustainable location. An existing access to the existing dwelling exists at this location on the Camlough Road. With off street parking available at the existing dwelling at No. 105 Camlough Road, which is established, it stands to reason this represents an access onto a public road.

DFI Roads has considered the objections to the proposal, many of which relate to traffic, parking and sight lines and following a number of amended plans has not noted any objections to the proposal and instead recommended conditions. On this basis, officers are content with the proposed access arrangement to the site and are content they are in compliance with the provisions of PPS 3 and advice contained in DCAN15.

Planning Policy Statement 2: Natural Heritage

A Design and Access Statement has been submitted, consistent with Section 6 of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

There are no concerns with regard to PPS 2, policy NH 6.

Foul and surface water sewer available to service the proposal. Negative condition can be added to ensure connection is made.

Pollution has been considered through consultation with Environmental Health.

Climate change is a relevant consideration in the determination of this proposal. It is acknowledged that there will be an increased in traffic generated as a result of the extended creche facility however there is no evidence to suggest that the proposal would have a significant detrimental impact on climate change.

Response to Objections and Representations.

1. DFI Roads have been consulted on the last proposal and have no noted any objections to the proposal. Parking has been considered above and there is sufficient availability to service the proposal.
2. The description of the proposal has been considered above and officers are content it accurately reflects the proposal. A condition can be added to safeguard the proposed use.

<ol style="list-style-type: none"> 3. The retail element has been removed from the application. 4. A Drainage Assessment has been submitted and DFI Rivers has no objection. 5. An amended P1 form has been received, serving the requisite notice on affected parties. 6. Given the hours of operation and the nature of the proposal along with Environmental Health's consultation response of no objections – there are no perceived amenity issues associated with the proposal to an unreasonable level. 7. Carbon footprint, pollution and climate change has been considered above. There is no evidence to suggest the proposal would have a significant impact on the environment. 8. The character of the area is mixed use, and given the presence of an existing creche facility, there is no reason to conclude the extension would have a significant impact on surrounding character 9. The design of the proposal is in keeping with the surrounding buildings in the area, as acknowledge above in this report. 	
Neighbour Notification Checked	Yes
Summary of Recommendation	
Approval	
Conditions	
1.	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
2.	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.207 REV B PSD, Published 19th December 2024.</p> <p>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.</p>
3.	<p>No other development hereby permitted, shall become operational until the Footway has been completed in accordance with details submitted to and</p>

approved by Planning on Drawing 207 REV B PSD, Published 19th December 2024.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted **shall become operational** until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on 207 REV B PSD, Published 19th December 2024, The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 207 REV B PSD, Published 19th December 2024. **prior to the commencement** of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The Exit radii shall be constructed with a 125mm show kerb towards Green Road in accordance with Drawing No 207 REV B PSD, Published 19th December 2024. **prior to the commencement** of any other development hereby permitted.

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

7. The premises hereby permitted shall be used only for a creche facility and for no other purpose at any time.

Reason: To prohibit a change to an unacceptable use.

8. NIW public sewer/s traverse the proposed development site. No construction to be made, trees planted, or other obstruction permitted over this sewer, or within the permitted wayleave width.

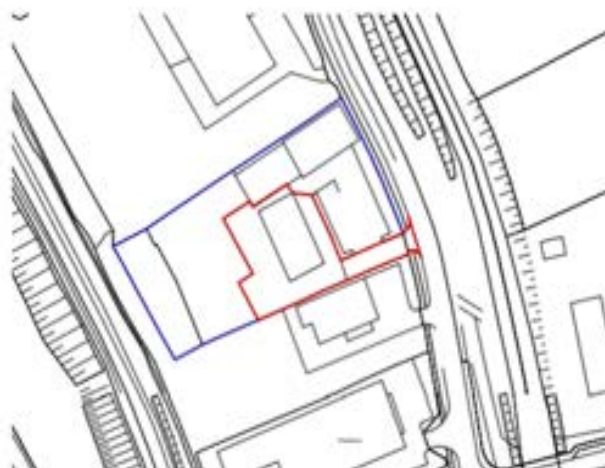
	Reason: In the interest of public safety.
9.	Deliveries of goods shall only be received between 7:30am and 7pm daily. Reason: To safe-guard the living conditions of residents in adjoining and nearby properties.
10.	All ventilation, air conditioning and refrigeration units as proposed shall be located on the building facade facing North East and not on the rear facade. Reason: To safe-guard the living conditions of residents in adjoining and nearby properties.
11.	No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water and submitted for agreement in writing with the Council. Reason: To ensure protection to the aquatic environment and to ascertain that a feasible method of sewage disposal is available at the site.
Case Officer Signature: A Donaldson	
Date: 31 July 2025	
Appointed Officer: A.McAlarney	
Date: 31 July 2025	

Delegated Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2023/2294/F	Target Date:
Proposal: Change of use of former demolition contractor's depot / building, and part of its associated yard, to use for the storage, distribution and processing of recyclable motor vehicle components, with new security fencing and gates along rear boundary.	Location: Unit 5 Shepherd's Way, Carnbane Industrial Estate, Newry, BT35 6JQ
Applicant Name and Address: Techemet Ltd 1 Vanguard, Ninian Way Tamworth Staffordshire B77 5DY	Agent Name and Address: O'Callaghan Planning 20 Castle Street Newry BT34 2BY
Date of last Neighbour Notification:	02 December 2024
Date of Press Advertisement:	29 January 2025
ES Requested: No	
Letters of Support	0.0
Letters of Objection	16
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The planning Department of the Council had previously issued approval on this application on 30 th April 2024. Following this the decision was challenged by way of Judicial review. The Council agreed to the quashing of the decision and to retake the decision again. This represents the reconsideration of the proposal in light of the matters raised at JR.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The application site is located within the settlement limits of Newry City as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within an area zoned as "Existing Area of Economic Development", the site lies adjacent to a narrow Local Landscape Policy Area – NY 114 Newry Canal / River and the disused transport route as shown on Map No.3/02a – Newry City.

The site is within an industrial estate and placed just off the edge of the busy public road, the site contains a building which is quite long and single storey in design and was previously used as John Tinnelly & Sons Limited who are a contractor's business. A wire fence is placed to the front of the building, this splits the site from surrounding development, access to the building is via an existing access and gates. The section to the front of the fence currently contains a building and parking area not part of this application, to the rear of the subject building is a large yard area, part of this area is included within the application site.

The site is within the vicinity of watercourses known as Newry River and Newry Canal as defined within the Drainage (Northern Ireland) Order 1973.

As stated, the site is located within an established industrial area, as a result there are a number of large warehouse style buildings in the vicinity with a range of different uses.

Description of Proposal

Change of use of former demolition contractor's depot / building, and part of its associated yard, to use for the storage, distribution and processing of recyclable motor vehicle components, with new security fencing and gates along rear boundary.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary planning context for the determination of this application:

- The Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 4 – Planning and Economic Development
- Planning Policy Statement 6 – Planning, Archaeology and the Built Environment
- Planning Policy Statement 11 – Planning and Waste Management
- Planning Policy Statement 15 – Planning and Flood Risk
- Waste Management Strategy
- Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended).
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

PLANNING HISTORY

Below are references to previous applications which either include the current application site or adjacent to the site.

P/2007/0809F - Demolition of existing building and erection of new general industrial units, distribution storage unit and yard area with associated car parking - 100m North of 4 Carnbane Industrial Estate, Shepards Way, Newry – Permission Granted.

P/2010/1469/F - Revised design of unit 1 previously approved demolition of existing building and erection of new general industrial units distribution storage unit and yard area with associated car parking - Site of former DOE Depot 100 metres north of no 4 Carnbane Industrial Estate, Shepherds Way, Newry – Permission Granted.

LA07/2023/3459/F - Erection of self storage building and 30 no. double stacked storage containers with associated site works - To the rear of 5 Shepherd's Way, Carnbane Industrial Estate, Newry – Current application.

P/2011/0866/F - Proposed authorised treatment facility for end of life vehicles, waste electrical and electronic equipment, and processing facility for non ferrous metals including change of use from warehouse - Site at Shepards Way, Carnbane Industrial Estate, Newry – Permission Granted.

LA07/2015/0529/F - Variation of Condition 5 of Planning permission P/2011/0866/F - Site at Shepards Way, Carnbane Industrial Estate, Newry – Permission Granted.

LA07/2021/0781/F - Proposed Authorised Treatment Facility (ATF) for End of Life Vehicles (ELV) and Material Recovery Facility (MRF) for scrap metals including change of use from warehouse, proposed weighbridge, drainage infrastructure and retention of

office/canteen and interceptor - Site at Shepherds Way, Carnbane Industrial Estate, Newry (Lands 90m east of 19 Tandragee Road, Newry) – Current application.

CONSULTATIONS

Consultees within DAERA

- **Water Management Unit** – Having considered the impacts of the proposal on the surface water environment and on the basis of the information provided WMU are content with the proposal subject to the proposal adhering to standard conditions set out in DAERA Standing Advice Industrial and Commercial Developments, any relevant statutory permissions being obtained and the applicant adhering to standing advice.
- **Regulation Unit** – Given that the application is for a change of use it is considered low risk to the water environment, no objections raised, informative suggested.
- **Industrial Pollution & Radiochemical Inspectorate** – No objections raised, an informative has been suggested relating to the potential for a loss of amenity from adjacent development.
- **Natural Environment Division** – Having viewed the submitted Biodiversity Checklist along with submitted objections and all other documents it is stated that there are no objections to the proposal with informatives suggested.

Historic Environment Division

Historic Monuments – Having assessed the application the proposal is considered satisfactory to the SPPS and PPS6. The response states that the site bounds a scheduled area protected by BH1 of PPS6 and that any works on the boundary would require Scheduled Monument Consent, it is also noted that no works on the boundary are proposed and as such no objections are raised.

DFI Road – No objections in principle – based on no intensification as noted from information submitted by agent.

Rivers Agency – No objections.

Environmental Health – No objections raised when making the original decision, the response stated that having considered the supporting information there are no processes to be undertaken on the site that could result in demonstrable harm to human health or indeed upon the environment, one informative suggested.

In retaking the decision, a further consultation was sent to Environmental Health with regards to issues raised in the new objections. Environmental Health have raised no objections to the proposal.

NI Water – No objections with standard conditions suggested when making the original decision.

In retaking the decision, a follow up consultation was sent to NIW given that a period of 18 months had lapsed since the previous consultation, the recent response raised no objections and again conditions suggested.

Shared Environment Service – In making the original decision the response stated the proposal was eliminated from further assessment because it could not have any conceivable effect on a European site.

In retaking the decision; a further consultation was sent to SES to seek clarification from them if a CEMP was required as was outlined in the Biodiversity Checklist submitted by the agent. SES raised no mention of the need for a CEMP in their response, clarification was requested regarding drainage and following the submission of information by the agent the latest response again stated there are no objections to the proposal as there will be no impact on a European Site.

Loughs Agency (Foyle Carlingford & Irish Lights Commission) – No objections subject to attached conditions when consulted in making the original decision.

In retaking the decision, a further consultation was sent.

The latest response received from Loughs Agency raises no concerns with the proposal and no conditions are suggested.

REPRESENTATIONS

The application was advertised on 12/04/2023 and then again on 25/10/2023, seven (7) neighbouring properties were notified on 13/04/2023, (8) re-notification letters were then issued on 10/10/2023. The application was re-advertised, and neighbours re-notified following the submission of additional information, an additional re-notification letter was issued given the submission of an objection and to ensure the objector is notified along with any neighbours.

One objection was received from Simmons, Meglaughlin & Orr Solicitors on behalf of Environmental Products & Services Limited, follow up correspondence was also received from the solicitor requesting clarification on a few matters and stating that information submitted would be considered.

As part of the retaking of the decision on the application it was advertised on 04/12/2024, seven (7) neighbouring properties and the previous objector were notified on 02/12/2024.

A further fifteen objections have been received to the application with the majority of these objections coming from employees of Environmental Products & Services Ltd which is located in the vicinity of the application site.

The objections received as part of the initial decision and in retaking the decision raise a number of issues which will be outlined below, some of the issues raised will be

considered and detailed within this section of the report and some issues will be considered and detailed within the evaluation section of this report.

- Inadequate description of development.

Concerns raised with the initial description of the development and how it was not accurate, the objection stated that a more accurate description would be required with regards to the use of the building and surrounding lands.

The Council considered this point and agreed that a more accurate description should be requested, the agent provided a more accurate description which now details the change of use of the building and part of the yard with the inclusion of new fencing. It is considered that this area of objection has been resolved.

- Inadequate information on the nature of the Proposed Operations.

Concerns raised with details within the submitted information stating that baled trade refuse was to be stored externally, the external storage of materials would not be considered an issue unless it was a restricted material which was not covered by this application. The revised site layout shows the area of yard included in this proposal reduced and no specific areas are shown for external storage. The agent has stated that there is no intended external storage, although this has been stated by the agent it may be envisaged that at some point storage will occur within the small external area surrounding the building. Any materials stored externally would be subject to relevant waste licencing.

Within this point of the objection, it is stated that external lighting would be required and that details of this must be submitted. The proposal makes no reference to external lighting and as such does not form part of this proposal, if lighting is proposed this would require separate planning consent.

It is considered that the points raised within area of the objection have been considered.

- Inaccurate definition of application site and compliance with Development Management Regulations GDPO.

Objection raises issues that the application site included a building that did not form part of the proposal, the Council agreed with this and asked that this be removed, and the red line amended.

The objection raised issue that the red line for the application was conveniently just under the threshold for 1 hectare. It was initially considered that the area outlined in red was under the threshold, the red line has since been greatly reduced and as such the Council are satisfied that the site does not fall within the threshold for a major application.

- The proposal is contrary to the Local Development Plan

Objection highlights that the site will impact on Local Landscape Policy Area NY 14 as it would be contrary to Policy CVN 3 of the Local Development Plan, this area of objection will be considered within the below evaluation.

- Inadequate ecological information provided.

Objection states that given the lack of ecological information being submitted it impeded the proper consideration of the ecological impacts of the proposal. The objection submitted includes an Ecological Appraisal which the objector believes outlines potential impacts on habitats and species. It states that the information shows that the site is hydrologically linked to national and internationally protected sites.

Following the receipt of the objection the agent for the application submitted a Biodiversity Checklist and further consultation was sent to DAERA.

As detailed within the consultation section above no objections have been received from any consultee relating to impacts on habitats or species, conditions and informatives have been suggested which will be included if deemed necessary. The response from Shared Environment Service states that the proposal could not have any conceivable effect on a European site.

The objection stated that an Outline Construction Environmental Management Plan or Working Plan were not submitted, this information was not requested by any consultee and so its inclusion is not seen as necessary for this proposal. In retaking the decision a further consultation was sent to SES asking if a CEMP would be required, the response received made no reference of the need for a CEMP.

DAERA have considered the information submitted by the agent and within the objection and have raised no concerns, as such the Council is satisfied that the proposal will not result in an unacceptable ecological impact on the area.

- The proposal is contrary to PPS4 (PED 8 and PED 9), PPS11 (WM1), PPS2 and PPS6.

This area of objection will be considered within the below evaluation section.

- Application should be returned as invalid.

The Council are satisfied that all relevant information has been submitted to allow full consideration of the proposal and also points raised within the submitted objections.

The objections and further correspondence received stated that the objectors would wish to submit further objections to the proposal. Although the Council must consider all objections up to the point when a decision is issued it cannot unjustly delay the determination on an application in case a further objection is received. It is considered that the objectors have had sufficient opportunity to submit any further objections and as such a recommendation has been made on the application.

- Proposal will result in public health risks due to noise, air pollution etc.

The objections received raise concerns that the proposal will have health risks, the recent objections raise concerns that the proposal will impact on a neighbouring business and the working conditions of its employees. A further consultation was sent to Environmental Health asking that these comments be considered, the response received indicates that objections were considered and that as noted in their previous response they have no objections in this regard.

On receipt of the consultation response an objector raises concerns that the response is not detailed in its consideration of health risks. The Planning Department are content that the objections received have been considered by the responsible authority, being Environmental Health, as indicated in their response they no objections.

- The description is not clear with regards to external storage.

The Planning Department are content that the description provided includes reference to external storage. The amended layout does not detail areas of storage. The agents planning statement refers to the need in the future some storage may occur within the small external area for operational issues, this would be subject to waste licencing.

- Proposal will lead to operational challenges for business in vicinity of site.

The proposal is within an industrial estate with a range of uses in the vicinity, it is not considered that the proposal will have any direct impact on the ability of any neighbouring businesses to operate.

- The proposal is not clear in what waste materials are to be processes within the site and what quantity.

The description of the proposal is considered adequate to detail the proposed use of the building, the information submitted includes Waste Codes for materials to be allowed at the site, any approval would include a condition relating to the submitted waste codes. With regards to the quantity of materials this would be restricted by the size of the buildings, no direct restriction on quantity would be included on any decision but may be a consideration for any waste licence required.

- Uploaded drawings relate to another application.

The agent submitted drawings for another application and provided the incorrect reference number, drawings were uploaded incorrectly, these drawings have since been removed.

- Proposal is looking to split site and adjacent application LA07/2023/3459/F is linked.

The adjacent site is subject to a separate planning application which is not linked to this current application.

EVALUATION

The proposal seeks for a change of use from contractor's depot to premises for the storage, distribution and processing of recyclable motor vehicle components. The proposal will not see any alterations to the external appearance of the building, internally the building is intended to be used to recycle catalytic converters with different elements separated before being moved off the site.

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) 1995 (as amended). The proposal is eliminated from further assessment because it could not have any conceivable effect on a European site as outlined in the consultation response received from SES.

The proposal fell within the threshold of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. The Planning Authority has determined that there would be no likely significant environmental effects and an Environmental Statement would not be required. It is considered that any environmental effects can be adequately dealt with through the normal development management process.

Banbridge Newry and Mourne Area Plan 2015:

The existing site is located within the development limit of Newry City and within an Existing Area of Economic Development. The proposal seeks a change of use as specified above at the application site. The site is within an established industrial estate and as such is zoned accordingly as an area of existing economic development within the current area plan. BNMAP, which operates as the statutory Local Development Plan relevant to the site, contains no provisions specific to this proposal for motor vehicle compound recycling. BNMAP emphasises the RDS guidance which seeks to manage our waste sustainability. Pg 42 of Volume 1 of the plan refers matters relating to waste are considered in the Waste Management Strategy NI. It states that a new approach to waste management has emerged in recent years driven forward by the UK and EU commitment to sustainable patterns of development which requires the reuse, recycling and recovery of materials from our waste.

Decision making is deferred to the retained policies.

With respect to this application, no conflict arises between the SPPS and the prevailing retained policies.

The proposal shall be considered against relevant policy criteria.

Planning Policy Statement 4 – Planning and Economic Development

The preamble to PPS 4 states;

"This Planning Policy Statement (PPS), PPS 4 'Planning and Economic Development' sets out the Department's planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. It seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004."

The preamble then provides further clarity where it states;

"With the exception of a limited number of specific policy references, mainly relating to acceptable alternative uses, this PPS does not provide policy for retail uses, financial, professional and other services, leisure or tourism, agriculture, waste disposal or waste management facilities, or minerals extraction, which are dealt with in other PPSs or in 'A Planning Strategy for Rural Northern Ireland'."

Although from the above information PPS4 is not the main policy consideration for this waste management facility the site is located within an area zoned as Existing Area of Economic Development within the Area Plan as such Policy PED 7 - Retention of Zoned Land and Economic Development Uses, is seen to have relevance to this proposal.

PED7 states;

"Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses."

Paragraph 5.31 states;

"An exception may be made for a proposal for a sui generis employment use compatible with the existing or proposed economic development use e.g. a builders' supplies merchant or a waste management facility provided a sufficient supply of land for economic development use remains in the locality and the plan area generally."

It is considered that the surrounding zoned area is of a size that a sufficient supply of land for economic development use will remain in the locality, it is also considered that given that the previous use on the site was a demolition contractor the previous use also fell outside what policy considers an economic development use. The proposal is in line with policy PED 7.

The objection received raised issue with the proposal not meeting the requirements of PED8 and PED9, as outlined above PPS4 is not the relevant policy consideration for this proposal and as such PED8 and PED9 are not relevant in this case, the point of objection has been considered.

Planning Policy Statement 11 – Policy WM1

The objection received considers the proposal contrary to Policy WM1 as insufficient evidence has been provided to show a thorough examination of environmental effects and as such relevant criteria has not been met, this point of objection will be considered within the consideration of Policy WM1 below.

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- **the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;**

It is considered that the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment. As detailed in the supporting statement the premises will be used for grading/sorting and dismantling catalytic convertors only. The type of plant, machinery and equipment operated are such that there will be no significant noise, effluent or emissions discharged.

Consultation was carried out with Environmental Health, DFI Rivers, DAERA (formally NIEA) and SES. Environmental Health has considered the effect on human health and has confirmed it has no objection to the proposal. The remaining consultees have considered the proposal in terms of the environment and have raised no objections. The agent submitted a Biodiversity Checklist which was considered by DAERA and no objections were raised.

- **the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;**

The proposal is for a change of use of an existing building within an established industrial estate and will not adversely impact on the character of the surrounding area.

The site is located a considerable distance from any residential developments and there are no processes to be undertaken on site which would be considered incompatible with it's location within Carnbane Industrial Estate. The proposal will not see any new buildings constructed and will make use of part of an existing yard, any external storage of materials would be minimal and within an existing industrial estate, any external storage is subject to waste licencing requirements.

- **the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;**

The proposal will have no more of a visual impact than the existing established building on the site, it has been stated that materials are to be stored internally however if

materials in the future are stored within the external yard this would be to the rear of the building and screened from views, as such the proposal will not have an unacceptable visual impact on the area.

- **the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;**

There is no anticipated traffic intensification at the site and DFI Roads has confirmed it has no objection to the proposal. A pedestrian footway also currently exists across the site frontage.

There is no evidence the granting of approval would constitute an increased nuisance from the site in terms of dirt, noise or dust. Consultation was carried out with Environmental Health, no objections nor specific conditions were suggested in relation to noise, dirt or dust.

The associated supporting statement advises that the proposed processes involved in stripping catalytic convertors is a labour-intensive procedure which doesn't rely upon the use or application of heavy plant machinery which therefore also limits the prospect of noise nuisance.

- **the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;**

The proposal is to make use of the existing establish access to the public road with no amendments required. The proposed change of use does not breach the 5% threshold documented in DCAN 15 and existing access arrangements are not required. Due to the location of the site within Carnbane Industrial Estate the site is strategically located just off the Belfast/Dublin transport corridor and therefore access to the site is readily accommodated.

- **adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;**

The area of yard included within the proposal has an adequate area for parking, servicing and the general circulation of vehicles.

- **wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;**

Alternative transport nodes are not applicable for this site.

- **the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.**

Given the existing use of the site and no known nature conservation or built heritage interests, there is no perceived adverse impact, consultation responses raised no objections with all relevant information including the submitted Biodiversity Checklist and objections having been considered.

- **the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;**

DAERA, Environmental Health and DFI Rivers have been consulted with regard to the waste deposited/treated. There are no objections raised. The proposed waste to be treated has been indicated within Appendix 1 – Waste Codes as submitted by the agent; a condition shall be included on any approval restricting any waste on the site to those codes. The operator will be required to apply for a Waste Management License.

As referenced above no objections have been raised by any of the consultees. Such materials are to be handled indoors, no materials are to be stored externally.

- **the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;**

DFI Rivers has raised no issues regarding flooding and the proposal will not cause or exacerbate flooding elsewhere.

- **the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;**

The proposal is within an established industrial estate in the settlement limits of Newry City.

- **In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.**

There is no landfilling associated with this application.

The proposal is considered to be in compliance with policy WM1 of PPS 11, the point of objection has been considered and for the reasons outlined above the proposal is seen to be in accordance with the above policy requirements.

Planning Policy Statement 11 – Policy WM2

The objections received considered the proposal to be contrary to Policy WM2, specific concerns are raised that the proposal is inappropriate for this location and that the proposal will result in an unacceptable adverse environmental impact.

Proposals for the development of a waste collection or treatment facility will be permitted where:

(a) there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction; and

The proposal to recover waste from ELVs is consistent with objectives and principals of the Waste Management Strategy (WMS) and will contribute in moving toward the targets set. It is also consistent with the SW. Waste Management Plan which confirms the need for suitable waste management facilities across the south west region and confirms that ELVs are a Priority Waste Stream. The application is therefore consistent with part (a) of WM2.

(b) the proposed facility is the BPEO; and

Following publication of the revised Waste Management Strategy 'Delivering Resource Efficiency' Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process.

(c) the proposed facility complies with one or more of the following locational criteria:~

- it is located within an industrial or port area of a character appropriate to the development; or
- it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or
- it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or
- in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
- where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact;

The proposal is within an established industrial area, and it will make use of an existing building and associated surrounding land which is currently not in use. Therefore, given the proposals location within Carnbane Industrial Estate the site is well located in terms of access to the main traffic system and catchment area and is therefore also considered an appropriate location for this development.

d) the following criteria are also met:

- **in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;**

The proposal is not of a regional scale.

- **proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;**

The proposed process works are to be carried out within the existing building, which will secure higher environmental standards for the management of the processes and minimise the impact on adjoining land-use, no processing or storage is proposed externally.

- **the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;**

There is no new built development required to facilitate this proposal. The existing building is considered acceptable for the proposed process given the size and scale of recycling to take place on the site. The associated supporting statement advises that the proposed processes involved in stripping catalytic convertors is a labour-intensive procedure which isn't reliant upon the use or application of heavy plant machinery which therefore limits the prospect of noise nuisance.

- **proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and**

No incineration is to take place.

- **it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1).**

As set out in Policy WM 1 there are no concerns with environmental impacts given the consultation responses received and use of required conditions.

The proposal is in general compliance with policy WM 2, the point of objection has been considered.

The proposal will not result in an adverse environmental impact, this position is consolidated after consultation with statutory authorities and Environmental Health with

no objections returned and conditions will be added to safeguard the environment and the operations of the site.

Considering the above, the proposal is considered to be in compliance with policy WM2 of PPS11.

Planning Policy Statement 3

DFI Roads has confirmed it has no objection to the proposal with regards PPS3. There is not anticipated to be any intensification as a result of the proposal.

The P1 form states that there is no expected increase in vehicle movements at the premises daily with the proposal resulting in a reduction in the level of traffic attracted to the premises. The proposal will involve a small number of staff on site, and it is anticipated that HGV movements will only occur once a month, with periodic visits by vans and light commercial vehicles. The business operates in the recycling of products that contain precious metals and it is not a business that operates in significant tonnages hence the lack of concern in relation to the capacity of the existing road network.

The proposed development will utilise the existing access road. The indicative site layout plan shows the provision of 4 car parking spaces and 3 lorry spaces. The plan also shows a 20m turning circle within the site boundaries.

The agent indicated in an email dated 10/04/2024 how parking provisions were calculated,

Offices – 40sqm - (1 car space per 20m² GFA) 2 car spaces required.

Storage – 493sqm – (1 car and 1 lorry space per 250m² GFA) 2 car spaces and 2 lorry spaces required.

Ancillary use (Kitchen and W/C)– 71sqm No parking standard.

The agent has indicated the need for 2 cycle spaces, the site is considered of a size that 2 cycle spaces can be provided.

It is considered that the provision of parking within the site is acceptable having taken account of figures within Parking Standard Guidance and having considered the figures provided by the agent. The proposed use has been assessed against Class B1 offices. For operational parking the guidance states that there should be 1 space per 20sqm GFA up to 500sqm. Information submitted indicates approx. 40sqm of floor space to be used for office space, therefore 2 spaces are required with an additional 10% of staff parking for visitors equating to a further 1 space. For non-operational parking spaces the guidance outlines that 1 space per 930m² GFA and 1 commercial vehicle space per 3000m² are required. Therefore, a further 2 spaces are required. (5 spaces in total)

The second element of the proposal indicates 493sqm for storage. Guidance states that there should be 1 space per 250m² GFA and therefore 2 spaces are required. In respect of non-operational parking spaces the guidance outlines that 1 lorry space per 250m² GFA should be provided. In this instance this equates to a further 2 space (4 spaces).

In accordance with the Parking Standards NI guidance 9 parking spaces are required in total (when consideration is given to the 10% of staff parking requirement) Drawings indicate 7 spaces. It is however considered that the shortage of two spaces is not detrimental to the safety and convenience of road users within the site given the site specific nature of the proposal, the space provided within the application site alongside the location of the site within Carnbane Industrial Estate.

The parking provision is proportionately allocated throughout the scheme giving consideration to a balance of spaces and user requirements making provision for those whose mobility is impaired. I am content the proposal is acceptable in terms of parking and there is enough space for turning and servicing. The proposal is consequently in general compliance with PPS 3.

Planning Policy Statement 15 – Planning and Flood Risk

The application is in general compliance with PPS 15 with no objections received from DfI Rivers. As the proposal does not involve any physical building works the development will not cause or exacerbate flooding elsewhere.

FLD1 - Development in Fluvial and Coastal Flood Plains – Not applicable to this site.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site.

FLD3 - Development and Surface Water – For this application a Drainage Assessment will not be required as the proposal does not exceed any of the following thresholds:

- It is a residential development comprising of 10 or more dwelling units
- It is a development site in excess of 1 hectare
- It is a change of use involving new buildings and or hard surfacing exceeding 1000 square metres

FLD4 - Artificial Modification of Watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir.

DfI Rivers is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Planning Policy Statement 2 Natural Heritage

The objection submitted considers that the proposal is contrary to NH1, NH2 and NH5 of PPS2 given the information contained within the Ecological Appraisal contained within the objection.

The information contained within the objection along with the information submitted by the agent including a Biodiversity Checklist has been considered by a number of consultees including Shared Environment Service and DAERA.

With regards to Policy NH 1 - European and Ramsar Sites – International, the response received from SES states that having considered the location, nature, timing and duration of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European designated site. This view is supported by responses within the bodies of DAERA with no such objections received. Given this the proposal is considered in line with Policy NH 1.

Policy NH 2 - Species Protected by Law, states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

The information submitted by the objector and agent has been considered by Natural Environment Division, no objections have been raised with regards to impacts on protected and notable species of plants and animals on or adjacent to the site. A number of informatives have been suggested if the application was to be approved to draw the developer's attention relevant information regarding protected species.

Given that no objections have been raised by NED having considered all relevant information the proposal is seen to be in line with Policy NH 2.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance, policy states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of natural heritage importance.

Again, given the consideration that has been given by all relevant consultees and no objections having been raised the proposal is considered to be in line with Policy NH5.

The objections have been considered regarding PPS2 and the proposal is considered to be in line with relevant policy requirements.

Planning Policy Statement 6 – Planning, Archaeology and the Built Environment

The objection received considered that the proposal is contrary to Policy BH1 of PPS 6 in terms of the impact on Newry Canal, its setting and the public's enjoyment of the canal.

Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings. As quoted by the objector the policy states "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".

The proposal has been considered by HED (Historic Monuments) who have raised no objections to the proposal, the response notes that no works are proposed on the boundary of the scheduled area and the proposal is considered by them to be in line with policy BH1. It must be noted that the application site as amended is set back from the boundary with the scheduled area and no new buildings are proposed given the change of use nature of the development. It is considered that the proposal will not

adversely affect any scheduled area and the proposal is in line with Policy BH1, this point of objection has been considered.

Local Landscape Policy Area (LLPA)

The objections received considers that the proposal will adversely impact on the LLPA and as such is contrary to Policy CVN3 within the Banbridge, Newry and Mourne Area Plan (BNMAP).

The application site although not within an LLPA is located in close proximity to LLPA designed NY 114 Newry Canal / River.

The area plan identifies features within NY 114 such as,

- Area of nature conservation interest including the Newry River and canal corridors and associated vegetation / trees;
- Archaeological sites and monuments, their views and settings including the scheduled Damolly Fort, Mount Mill and Bridge;
- Listed buildings including Newry Town Hall and Court House, their views and settings.

As stated within the objection received Policy CVN3 states;

"Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out in Volumes 2 and 3 of the Plan. Where riverbanks are included within LLPAs, public access may be required to the river corridor as part of the development proposal. Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA."

As previously stated, this application is for a change of use of an existing building and part of an adjoining yard with no external storage proposed. The proposal is detached from the LLPA by the remainder of the existing adjacent yard area, given that the proposal does not include any new buildings and views into and out of the site will not change it is not considered that additional buffer planting is required as existing vegetation along the canal will remain and provide screening.

It is not considered that the proposal will impact on any area of nature conservation within the LLPA as indicated within the consideration of PPS2, it is also considered that the proposal will not impact on any protected sites or monuments as detailed in the consideration of PPS6. The proposal will not impact on any listed buildings.

For the reasons outlined above the proposal is considered to be in accordance with policy CVN3, the point of objection has been considered.

Conclusion

The application has been considered against relevant policy and has considered responses from all consultees along with the concerns raised within the objection received. The proposal is considered to be in line with all relevant policy requirements and as such approval is to be recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation

The proposal has been re-considered taking account of issues raised in the legal challenge and within previous and additional objections, as detailed above the proposal is considered to be in line with relevant policy and approval is recommended.

Conditions:

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

Reason: Time Limit

2. No development shall be commenced or implemented until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016).

3. A formal water / sewer connection application must be made for all developments prior to occupation, including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016).

4. Development shall not be occupied or implemented until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

5. Development shall not be occupied or implemented until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

6. Only waste under the European Waste Codes detailed in Annex 1 - Waste Codes (submitted 16/08/2023) may be treated as part of the approved development.

The site shall only be for the use specified in this application and no other waste shall be brought onto the site.

Reason: To prevent other unauthorised waste being brought on to the site.

7. Prior to commencement or implementation of the development hereby approved the applicant shall submit a copy of a waste management authorisation approved by the relevant authority to the Planning Authority for agreement in writing.

Reason: To protect the environment.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments.

4. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.

5. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.

6. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

7. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

8. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

9. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>.
<https://www.daera-ni.gov.uk/articles/waste-management-licensing-exemptions>.
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>.

10. The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat.
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection.
- c) Deliberately to disturb such an animal in such a way as to be likely to.
 - (i) affect the local distribution or abundance of the species to which it belongs.
 - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young or
 - (iii) Impair its ability to hibernate or migrate.
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

12. It is recommended that the applicant adheres to the following DAERA standing advice,

- Pollution prevention guidance
- Commercial or industrial developments
- Authorised treatment facilities for end of life vehicles.

Case Officer Signature: Wayne Donaldson

Date: 25/07/2025

Appointed Officer: A.McAlarney

Date: 31 July 2025

Planning Committee 20th August 2025: Statement on Behalf of Environmental Products & Services Ltd ('EPAS') Re: Planning Application LA07/2023/2294/F

By way of background, this application is being re-considered following our successful application for Judicial Review of an earlier Council decision to approve the application. In the meantime, EPAS have met with the applicant who have confirmed that the Newry proposal is due to the personal home circumstances of key company personnel and the proposed operation in Ireland apparently being 2.5 times too small to be viable.

Our submission to Planning Committee on behalf of Environmental Products & Services Ltd ('EPAS Ltd') in relation to this planning application reflects our concern that matters raised in our previous representations to the Council have not been addressed properly or at all in the reconsideration of this application and that material considerations – including key planning policies have not been considered correctly or at all. It is a basic planning principle as set out in policy in the Strategic Planning Policy Statement (SPPS) and retained planning policy including PPS4, that it should not allow development that would be incompatible with existing development and that is reflected in our submissions in relation to policy compliance.

I will deal with the procedural concerns and the planning policy considerations. Mr O'Neill, CEO of EPAS will provide further information to the Committee on how this development, if approved, will result in a seriously detrimental impact on the EPAS facility, loss of jobs to Newry and loss of investment.

Procedural Concerns: Our previous representations raised concerns about the planning process and in particular, the description of the development proposal. The Case Officer Report claims that this has been clarified to the satisfaction of the Council and that the nature of the development will be controlled by planning condition. The Report specifically references Appendix 1 which provides a list of the wastes that are to be processed on the site and Condition 6 restricts treatment of waste to those listed in Appendix 1 (submitted 16/08/2023). The only Appendix 1 on the planning portal is dated 09/04/2024 and appears to directly conflict with the project description as presented to this Committee.

Our concern is that this application is being determined on the basis of information in the Planning Support Statement that indicates the purpose of the facility is the processing of catalytic converters from motor vehicles. The project description '*recyclable motor vehicle components*' goes much beyond catalytic converters. Further, Appendix 1 (copy attached for the convenience of members) lists waste including hazardous wastes, batteries, oil, coal tar & other hazardous substances, pre-mixed waste that includes hazardous waste, end-of life vehicles and wastes from them, construction and demolition wastes, waste from waste management facilities including waste water treatment plants, municipal waste including household waste, commercial industrial and institutional waste. There is a clear and obvious inconsistency with that range of waste and the description of the proposal as advertised to the general public. The Case Officer report states that: '*The proposal seeks for a change of use from contractor's depot to premises for the storage, distribution and processing of recyclable motor vehicle components.*' That is not the development that is being recommended to this Committee for approval if that approval relies on Appendix 1 to control the range of waste to be handled. Our concern is that the Council planning officers don't appear to fully understand the proposal and that statutory consultees may have provided advice based on a false assumption that the facility is restricted to processing of catalytic converters from motor vehicles. By reference to Appendix 1, it is not just the issue of carcinogenic fibres that has to be considered but dioxin related environmental pollutants which are highly toxic, together with brominated diphenyl ethers and a host of other contaminants. It is in the public interest to ensure that the operations of EPAS are not unduly compromised through incompatible development. For the reasons that can be more fully articulated by Mr O'Neill, the proposed application poses potential health risks to EPAS employees who spend their working day in close proximity to the application site.

Policy Considerations: The Case Officer Report, in our view, reveals an error in the way in which the proposal has been assessed against relevant policy considerations. It relies on a position that states there is no policy conflict between the Strategic Planning Policy Statement (SPPS) and retained planning policy including PPS4 to dismiss further consideration of the SPPS. The assessment of the proposal against PPS4 considers Policy PED7 but goes on to dismiss Policy PED8 which addresses the issue of the compatibility of proposed developments with existing economic development enterprises. The Case Officer Report records that the Council has, incorrectly, concluded that PED 8 is not relevant to this case. PED8 and the SPPS seek to protect existing economic development from any incoming development that is incompatible and it does not matter if the proposed development is not an 'economic development' as defined in PPS4 or the SPPS. Paragraph 6.90 of the SPPS could not be clearer: *"Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved"*.

The Council planners have also erred in concluding that the proposal complies with PPS11. It does not comply with several of the relevant criteria in Policy WM1. We have raised concerns expressed on Government websites about the health risks associated with catalytic converters. That hasn't been properly considered. The nature of the waste hasn't been fully understood and there are no specific proposals in front of the Council as to how hazardous wastes will be managed. Contrary to Policy WM2 their building is not purpose built nor are there any proposals to modify the building to ensure it is appropriate to deal with this range of waste.

Impact on EPAS: The bedrock of the success of EPAS is its environmentally sustainable business model. But that bedrock also represents a serious vulnerability to a 'bad neighbour' development such as that proposed by these applications. EPAS has worked diligently over many years to obtain global environmental certifications for its products.

EPAS GreaseShield products have been awarded a Platinum Health Product Certificate enabling EPAS to meet the sustainability requirements of LEED (Leadership in Energy and Environmental Design Certification) based on environmental responsibility.

EPAS is in the process of obtaining UKAS certification to ISO 17025 in respect of a laboratory at Carnbane to manufacture WHO approved products and to further support the only UKAS certified testing facilities in the world to test certain products to a range of International Standards. The proposed development would fundamentally destroy the ability to have such a laboratory for such testing.

EPAS has achieved UKAS certification to the PAS 2060 (Carbon Neutrality) Standard, some 25 years ahead of the EU objectives as set out in European Climate Law.

The integrity of these certifications are critical to the security of the current operations and to planned additional investment in further innovative research and development.

Additionally, the company has plans to manufacture Hypochlorous Acid and a range of sanitising tablets. The company also has plans to manufacture medical grade products for girls and women and donate them to impoverished societies, reducing adverse social poverty and adverse environmental impacts and also contributing to sustainable living. These initiatives would be at risk if the proposed application is approved.

Employment: EPAS currently employ 41 people with 29 of these directly employed at Carnbane factory. It also has plans for further investment of £3.4m in new development leading 54 additional staff with 30 of those directly employed in Newry. The proposed development would seriously compromise EPAS's existing operations, to such an extent that it would be necessary to relocate its existing operations to another site. This would lead to a loss of 29 current jobs in Newry together with the planned expansion involving a further 30 local jobs in the Newry area. This means potentially a total of 59 jobs in the local economy would be lost when the proposed development, if granted, will only bring 3 new jobs which may not even be sustainable.


Planning permission is being sought to re-use a former demolition contractor's premises, primarily for the storage and prompt dispatch of used catalytic converters to England for recycling. Catalytic converters are high-value items containing precious metals and are integral to the circular economy for sustainable metal re-use. This is a business that relies on value, not volume, with close attention to detail coupled with high levels of cleanliness and efficient processes. The intended operation at the Newry site is minimal, with only minor processing. The actual de-canning and sampling would take place in Tamworth, England. The Tamworth business has been in operation for over 20 years, has no health & safety, environmental, council, or other legal notices or disputes, is fully permitted, and holds several CMS and ISO accreditations. The business is run to the highest possible standards and currently handles approximately 45%–50% of the UK's recyclable catalytic converters, while the worldwide group handles approximately 20%–25% of global recyclable catalytic converters. The proposal will therefore have a low impact upon the surrounding built and natural environments. This application was previously approved. The decision was legally challenged by a third party, and the Council conceded the approval was unlawful only because one of the conditions recommended by a statutory consultee was considered not to meet the required legal tests for planning conditions. It was agreed that the application would be re-determined. The third party in question objects to the application as he is fundamentally opposed to a waste operation within his immediate environs. Despite that, he purchased a building immediately next door to a site owned by one of Northern Ireland's largest metal recyclers and in an industrial area with B1 zoning, where multiple different waste operations exist in the immediate vicinity. The objector is a manufacturing company producing grease traps and associated products. His business does not rely upon sterile climatic conditions, unlike a pharmaceutical manufacturer, for example. Even if it did, this proposal is not of a type that would contaminate its surroundings or prejudice the future operations of the objector's site. It is pertinent that the third party opposing this development was an unsuccessful underbidder when this site was offered for sale by private treaty. The objector professes to have aspirations to expand but does not own any adjoining land, perhaps indicating why he previously attempted to purchase this site. This application involves a change of use of an existing building to an industrial-type operation within an industrial area. It is confirmed that no waste operations will take place outside the existing building on the site. The planning applicant is a global company, with UK turnover in the region of £80m in the last financial year. The company has been frustrated by the delays in opening its Newry facility but is committed to and excited by this opportunity to invest in the locality. It operates to exacting professional standards and will run this site to the highest standards. This is not a typical or "dirty" waste facility. Instead, it focuses on high-value vehicle components that contain precious metals (catalytic converters). All operations will be confined to an existing building. Materials will be stored and handled internally, ensuring minimal risk of pollution or contamination. This will be a storage and transit facility only. It is not intended to carry out the same type of operations undertaken at the company's headquarters in Tamworth, UK. Indeed, the site is not large enough for those operations nor the local market substantially large enough to justify a de-canning processing operation. The applicant does not foresee any need or potential for future expansion at this site. The potential for growth will be inhibited by the applicant's own concurrent

proposal on the lands to the rear. The site is secure and well screened from public view. There is an existing commercial building to the front of the site, and the applicant has another concurrent planning application at an advanced stage for a separate use there (self-storage). That proposal is entirely unrelated to this one. There will be minimal public awareness of this business, which does not entail any extensions to the existing building. All consultees have confirmed they have no objections to this proposal. The site is served by existing interceptor tanks, mitigating the risk of above-ground fuel contamination. The applicant will require separate consent from the Northern Ireland Environment Agency. A biodiversity checklist has been completed, confirming that the proposal will have no impact on natural heritage. Environmental Health has considered the objections but is satisfied there are no reasons to withhold planning permission. Shared Environmental Services are content that the proposal will have no impact on any European Designated site. Loughs Agency, DfI Roads, and NI Water have no objections. While there are objections to this application, they come solely from, or on behalf of, the owner of a nearby business or employees of that business. No other parties have registered any interest in this application. The objector submits that if this application is approved, he will be forced to relocate his business. However, this proposal will not generate noise, effluent, emissions, run-off, pollution, or contamination. It can be carried out without detriment to amenity. It is unclear how the proposal will impact the objector's business. The objector appears to question the applicant's ability to operate on the small scale described in the supporting planning material, given the wide range of waste codes provided. The applicant merely wishes to ensure that, for example, if a catalytic converter is received still attached to another component, this is covered by the planning permission. The objector should not assume the applicant intends to trade in vast quantities of waste items that are not converters. The proposal complies with all relevant planning policies, and none are breached. The site is in an established industrial area with a range of businesses operating nearby. There are no sensitive receptors within the immediate environs. The objector does not occupy adjoining land; his site is two plots over. The adjacent owner has no concerns whatsoever with the proposal. While the objector suggests this proposal should be considered alongside adjacent proposals, the two applications involve entirely different activities with no commonality. The objector claims the proposal would be incompatible with his existing business (potentially contrary to Policy PED 8 of PPS 4) but provides no supporting evidence. The objector also contends that the proposal is contrary to PPS 4's general criteria for economic development. However, all issues raised have been rigorously investigated and dismissed. The premises will be used solely for grading/sorting and dispatching precious metal-based products. Operations will not be intense. The processes involved in stripping catalytic converters are labour-intensive and do not heavily rely on heavy plant or machinery, limiting the potential for noise nuisance. The proposal also complies with PPS 11 Waste Management, and if Members have any particular queries, we would be delighted to clarify.

Committee Application

Development Management Officer Report	
Case Officer: Brenda Ferguson	
Application ID: LA07/2020/1292/O	Target Date:
Proposal: Erection of 2 detached infill dwellings and garages	Location: Lands located between Nos 2 & 10 Glassdrumman Road, Ballynahinch
Applicant Name and Address: Mr Kieran Carlin 51 Woodbreda Avenue Belfast BT8 7JJ	Agent Name and Address: Carlin Planning Limited Forsyth House Cromac Street Belfast BT2 8LA
Date of last Neighbour Notification:	19/07/24
Date of Press Advertisement:	31/07/24
ES Requested: No	
Consultations: DFI Rivers HED NIW NIEA Water Management Unit NI Water	
Representations: 18 letters of objection raising the following issues <ul style="list-style-type: none"> • size of gap • not a continuous frontage • No 12 cannot be considered as part of the ribbon as it is a farm cluster with development to the rear. • fails to respect the existing development pattern in the frontage. • the garage at no. 2 is not a qualifying building • the proposed development would read as a suburban build-up and add to a ribbon of development • insufficient detail on the drawings with information missing • flooding. • development would block off a wildlife corridor between 2 and 10. The hedgerow to be removed for splays provides shelter to wildlife • no detail of how wastewater will be disposed • increased traffic generation 	

<ul style="list-style-type: none"> • loss of rural character and a loss of agricultural land. • loss of privacy between properties across the road from each other • will set precedent for others to build houses on Glassdrumman Road 	
Letters of Support	0.00
Letters of Objection	18
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: March 2025	
Characteristics of the Site and Area	
<p>The application site is 0.47ha and comprises the front portion of a field which lies between no. 2 and 10 Glassdrumman Road. The site has a frontage of 111m along the road. A hedgerow runs along the roadside boundary which upon the most recent site inspection had been cut back and trimmed. Post</p>	

and wire fencing forms the boundary to the south-east and beyond this runs an agricultural laneway abutting no. 2 Glassdrumman Road. Large fir trees run along the north western boundary with no. 10. The south western boundary of the site is largely undefined. To the rear of the site, land levels begin to increase.

The surrounding land is predominantly domestic and agricultural in use with a number of single dwellings dispersed along this immediate stretch of the Glassdrumman Road. The site is located within the rural area, outside any designated settlement areas.

Description of Proposal

Erection of 2 detached infill dwellings and garages

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, PPS3 and 21 (CTY1, 8, 13, 14 and 16), Building on Tradition (Guidance Document), in addition, to the planning history and any other material considerations.

PLANNING HISTORY

Planning Application Number: R/1984/0446 Decision: Permission Refused Decision Date: 29 November 1984
Proposal: ERECTION OF DWELLING.

Application Number: LA07/2022/1826/RM Decision: Permission Granted Decision Date: 10 May 2023
Proposal: Two Infill dwellings and garages. Permission Invalid

SUPPORTING DOCUMENTS

Planning statement

CONSULTATIONS

DFI No objections subject to conditions
Visibility spays of 2.0m X 45m Paired access arrangement.

Rivers No objections

HED - (Historic Monuments) Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

NIW No objection. Septic Tank facility to be used.

Environmental Health – no objections subject to suitable siting of septic tank

NIEA Water Management Unit – standing advice applies

REPRESENTATIONS

18 letters of objection received

Objections in terms of the principle of development of the gap site will be visited in the relevant section below.

With regards the objection raised on the lack of information such as elevation and floor plans, officers advise that this is an outline application whereby the applicant is obliged only to submit a location plan with the site identified in red. A revised site location plan has been received of clearer quality.

There are no flood constraints within the planning constraint mapping system therefore the applicant is not required to submit a flood risk assessment in order for this application to be considered. While comments on road safety and the use of the road by pedestrians is noted, planning officers defer to DFI Roads regarding the road safety requirements of the proposal.

With regards the potential for future development were this application to be granted, as well as a precedent being set on the road, officers reiterate that each application is considered on a case by case basis.

The fact that the applicant does not live at the site and is not known to neighbours is not considered to be reasonable grounds for objection or material to this planning application.

COVID 19 is not considered to be reasonable grounds for objection or a material planning consideration.

EVALUATION

Consideration of Court of Appeal Decision

The Court of Appeal Decision was heard on 03/04/2024. The appeal was for a High Court decision dismissing a judicial review against a decision to grant outline permission under planning ref. LA07/2020/1292. The Court of Appeal decision concluded that the decision made by Newry, Mourne and Down District Council on 9th April 2021 under planning reference LA07/2020/1292 should be quashed.

This decision is therefore to be retaken in light of this and determining weight is attached to the Court of Appeal decision and the comments contained therein. Further consideration of this appeal decision is provided in the assessment below.

Policy CTY 8 – Ribbon Development

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable development in the countryside' (PPS21). Policy CTY1 of PPS21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted on the basis that the applicant wishes the proposal to be assessed against the provisions of Policy CTY8 of PPS21 (infill dwelling).

By way of an assessment under Policy CTY 8 officers must bear in mind the inherently restrictive nature of Policy CTY 8 which seeks to avoid ribbon development.

Policy CTY8 of PPS21 states that,

"Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc".

In consideration of Policy CTY 8 of PPS 21 and the requirements of the small gap exception, at paragraphs 40 and 41 of the Court of Appeal Decision, the Judge stated that *"to qualify for the benefit of the exception the minimum requirement is a pre-existing "line of 3 or more buildings along a road frontage."*

The Judge goes on to say that,

"The development pattern along the relevant part of the Glassdrumman Road does not appear on the facts to meet this requirement. The pattern is: No. 2 – gap – No. 10 – menage gap with no building – No. 12 on the other side of the second gap. In this case there are three buildings separated by two significantly sized visual gaps. Neither gap carries any building. In these circumstances the applicant cannot show a pre-existing line of "continuous" development. This line of development is not "continuous": it is punctuated by two gaps".

The evidential context as currently presented on the ground remains the same in this instance and there has been no change in policy in the interim. In giving material weight to this assessment, it has been concluded that there is no substantial and continuous built-up frontage (SCBUF) and therefore the proposal does not constitute an exception to the policy. The proposal fails to meet the initial policy test and would, if permitted create a ribbon of development along the Glassdrumman Road.

By way of CTY 13 and 14 the site is visible on approach from the east and west when travelling past nos. 2 and 10 respectively. The site plan shows provision of a paired access with two driveways and an area of hardstanding for each dwelling and access to garages. This is not generally an arrangement found in the rural landscape. It is noted that the property across from the site at no.5 has a double access as well as No.7 and No 14, however these are all singular dwelling curtilages. The site layout in this instance shows the proposed dwellings to be identical (albeit mirrored), which again is not typical of this rural area where dwellings tend to be varied in terms of design, style and appearance. The ancillary features along with provision of the required visibility splays and lack of established boundaries would result in open views of the site, and the development would present as suburban in appearance despite the backdrop of increasing land levels. The proposal is reliant on new landscaping which will take time to establish and mature and it is considered that a satisfactory level of integration could not be achieved leading to an increase in the overall visual impact of the new dwellings along the site frontage.

Consequently, the proposed dwellings would not satisfactorily integrate with their surroundings and would result in an unacceptable detrimental change to 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 along the Glassdrumman Road, thereby eroding rural character.

Policy CTY8, the J&A refers to the effect of ribbon development on sterilising back land. In this case it is clear from the drawings submitted and from on the ground that an existing agricultural laneway will remain adjacent to no. 2. This is not indicated within the applicants control or ownership but does not appear to be affected by the proposed development.



Policy CTY 16

A septic tank has been outlined on the P1 form as the means of sewerage. A Consent to Discharge condition will be attached to any approval to ensure that CTY 16 is complied with and to ensure there is no adverse impact on the water environment. Environmental Health have been consulted and have no objection in principle, however, at the subsequent planning stage the applicant should also provide a detailed site plan which includes the location of the proposed dwellings, the septic tank and the areas of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

PPS 3

Policy AMP2 of PPS3 permits 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. A paired access is proposed for the dwellings with visibility splays of 2.0m x 45m required.

DFI Roads were consulted as part of the proposal and offer no objections subject to the the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

DFI Roads have been consulted and are content with the proposal subject to the above condition.

<p>PPS 2 – Natural Heritage</p> <p>An established hedgerow runs along the entire extent of the roadside boundary. Upon facilitation of the proposed visibility splays approximately 90m of hedgerow may be required for removal. Hedgerows are considered a priority habitat and require consideration against Policy NH5 of PPS 2. The Policy states that <i>“Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats”</i>.</p> <p>A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.</p> <p>In such cases, appropriate mitigation and/or compensatory measures will be required.</p> <p>Due to the potential for damage to the significant stretch of hedgerow in the first instance a biodiversity checklist is required to be submitted to identify the extent of hedgerow removal, its biodiversity value and if the hedgerow is identified as species rich, it should include compensatory measures for replanting of hedgerow to the rear of the visibility splays.</p> <p>A biodiversity checklist and accompanying ecological statement was submitted by the agent on 14th March 2025. The statement included findings from a site walkover conducted on 10th July 2024. The statement details that the site is bound by hedgerows which are designated as a priority habitat. Only the frontage hedgerow was deemed as being potentially impacted by the proposed development. It is acknowledged in the statement that in order to accommodate access to the site a significant portion of hedgerow along the total frontage is assumed to be removed to meet the required visibility splays. The recommendations concluded that the hedgerow removal along the site frontage could be compensated for by “like-for-like” replacement planting. The statement also concluded that no further assessment or surveying is required.</p> <p>As per the most recent DAERA (NI) advice and guidance on hedgerows compensatory planting is considered appropriate as a means of mitigation providing it is of native and appropriate species.</p> <p>The Council would agree with the conclusions in so far as any compensatory planting following the removal of the extent of hedgerow along the site frontage would mitigate any potential for adverse impact arising from the loss of the priority habitat. It is concluded the proposal complies with Policy NH5 of PPS 2 in that subject to the imposition of conditions relating to compensatory planting the development proposal is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats.</p>	
Neighbour Notification Checked	<u>Yes/No</u>
<p>Summary of Recommendation</p> <p>Refusal</p>	
<p>Reasons for Refusal:</p>	

<p>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.</p> <p>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 and would, if approved, create a ribbon of development along the Glassdrumman Road.</p> <p>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 and the ancillary works do not integrate into their surroundings.</p> <p>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 and create a suburban style build-up of development when viewed with existing and approved buildings.</p>
<p>Case Officer Signature: B. Ferguson</p>
<p>Date: 25th July 2025</p>
<p>Appointed Officer: A.McAlarney</p>
<p>Date: 30th July 2025</p>

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

**CARLIN PLANNING SUPPORTING STATEMENT
PLANNING REFERENCE: LA07/2020/1292/O**

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This planning application for 2 x infill dwellings is recommended with 4 reasons for refusal.

This planning application has been recommended for approval by Officers on three separate occasions in the past, in December 2020, March 2021 and finally in April 2021 where Members unanimously supported the recommendation to approve with 8 councillors agreeing with the recommendation and only 1 member abstaining.

Since the Planning Committee in April 2021, the High Court dismissed Mr Duff's case and considered the decision to be lawful. This was then brought before the Court of Appeal, who quashed the decision in April 2024. The judge considered that the decision maker did not act compliantly with its own policies to protect rural integrity and priority habitats.

It is important to highlight that the Court of Appeal does fulfil the role of planning decision maker or apply substantive judgement. This is firmly the remit of the Planning Department and Committee. The Court must consider legal matters.

The overarching aim of PPS 21 is to manage development in the countryside in line with the objectives of the Regional Development Strategy and in a manner which strikes a balance between the need to protect the countryside from inappropriate development, whilst supporting rural communities.

Policy CTY1 (Development in the Countryside) lists a range of types of development which in principle is considered to be acceptable in the countryside. It states that planning permission will be granted for the development in accordance with Policy CTY 8.

Policy CTY8 'Ribbon Development' states an exception to ribbon development will be permitted for the development of a small gap site sufficient to only accommodate a maximum of two houses within an otherwise substantial and continuously built-up frontage, provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purposes of the policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. It is long established that 'buildings' includes garages.

In April 2021, the Case Officer concluded that:

*"The proposed site had a frontage of 111m onto the Glassdrumman road. **To the south-east of the site lies no. 2 which is a dwelling with a detached garage, both with a frontage onto the road.** To the north-west of the site is a dwelling at no. 10 also with a frontage to the road" (our emphasis)*

At this point of the assessment, the continuous and built-up frontage of 3 or more buildings has been established.

The Case Officer goes on to state:

*"**Further along** the road lies a menage which is in association with no 12. Glassdrumman Road and two further dwellings beyond, with frontage to Glassdrumman Road. **Officers are satisfied that the site comprises a small gap site with a substantial and continuously built-up frontage**". (our emphasis)*

While the Officer includes no. 12 and menage in the assessment the built-up frontage is created by No. 2 Glassdrumman Road and Garage (Property 1 and 2 below) and no. 10 Glassdrumman Road (Property 3 below). No 12. is not relied upon.

Neither the physical context of the site on the ground, nor planning policy has changed since the Councils original decision. The Planning Officers change in opinion relies solely on Paragraphs 40-41 of the Court of Appeal decision. The judge states:

This statement is correct and it has been long established practice that 'buildings' includes garages. The judge goes on to state:

It is clear that the Court has misunderstood the number of buildings located within the curtilage of No. 2 Glassdrumman Road (i.e. they do not realise that the detached garage is a building contributing to the substantial and continuous built-up frontage). This is exactly the reason that the Court's role is to focus on legal matters and not replace the professional planning assessment with their own.

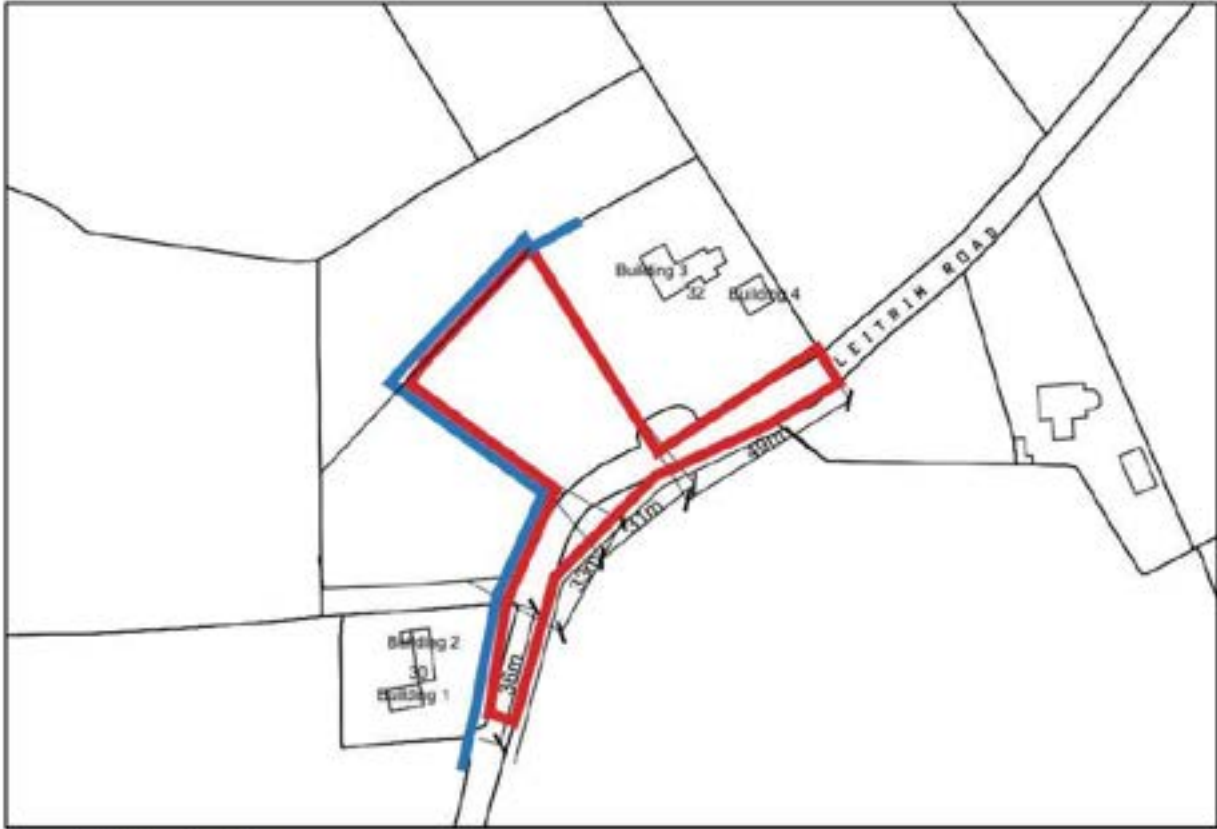
"the evidential context as currently presented on the ground remains the same in this instance and there has been no change in policy in the interim. In giving material weight to this assessment, it has been concluded that there is no substantial and continuous built-up frontage"

The Councils refusal reasons 3-4 relates to rural character and integration. The character of the site on the ground has not changed. The Council raise issue with an indicative site plan previously supported by Council Officers to demonstrate the sites appropriateness for 2 x dwellings. We would reiterate that this is indicative, and the design of the dwellings is not up for consideration in this Outline Planning Application. We would request that Councillors agree with the Officers 3 x original assessments of this which stated:

"It is considered that the 2 sites identified are both large enough to accommodate a dwelling and garage with sufficient provision for parking, private amenity space, services and also spacing with the adjacent property to prevent unacceptable impact....The site bounded by the established curtilages of no. 2 and no. 10 to either side and the increasing land level to the rear will provide a backdrop to the dwellings enabling suitable integration into the countryside and thus no concerns are raised regarding compliance with Policies 13 and 14". This assessment completely contradicts the most recent assessment despite nothing changing.

Application

Development Management Officer Report	
Case Officer: Fergal Connolly	
Application ID: LA07/2024/1426/RM	Target Date:
Proposal: Proposed Infill Dwelling and Domestic Garage	Location: Between 30 and 32 Leitrim Road, Kilkeel, Co Down
Applicant Name and Address: Hugh Keown 208 Moyadd Road Kilkeel BT34 4HL	Agent Name and Address: Glyn Mitchell 19 The Square Kilkeel
Date of last Neighbour Notification:	1 May 2025
Date of Press Advertisement:	11 December 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none">• DFI Roads	
Representations: There have been no third party or neighbouring representations received in respect of this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: N/A	

Site Visit Report
Site Location Plan:

Figure 1- Site Location Plan
Date of Site Visit: 16th May 2025
Characteristics of the Site and Area
<p>The site is located within the rural countryside and is outside any settlement development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The application site is also within the Mourne Area of Outstanding Natural Beauty. The lands outlined in red comprise a roadside plot, between Nos. 30 and 32 Leitrim Road. No. 32 Leitrim Road to the north east of the site is a 1 ½ storey dwelling with detached garage whilst No. 30 Leitrim Road to the south of the site is a single storey dwelling with detached outbuilding.</p> <p>This roadside plot comprises a field which drops steadily from the road, with a stone wall and hedgerow (and field gate) running along the roadside boundary. The southern boundary of the site is defined by hedgerow and the north-eastern boundary is defined by a staggered concrete wall. The rear boundary of the application site is undefined as the red line comprises a portion of a larger agricultural field. The area is characterised by scattered detached roadside dwellings and farm holdings.</p>
Description of Proposal

The application seeks reserved matters permission for the erection of a dwelling & detached garage. The proposal is for a detached, split-level, 1½-storey dwelling accompanied by a detached single-storey garage. The proposed finishes include blue/black slates or tiles, smooth rendered walls with Mourne Granite stone cladding on the single storey front porch, black/cream uPVC windows and French doors, black uPVC guttering and downpipes and hardwood painted external doors.



Figure 2-Site Layout Plan



Figure 3- Proposed Front & Rear Elevations

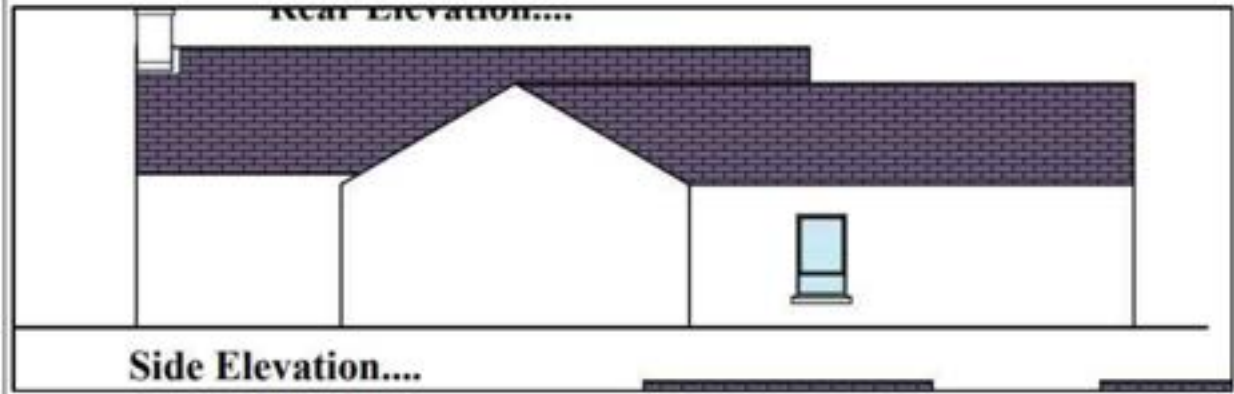


Figure 4- Proposed Roadside Elevation



Figure 5- Proposed Side Elevation



Figure 6- Proposed Ground Floor Plan

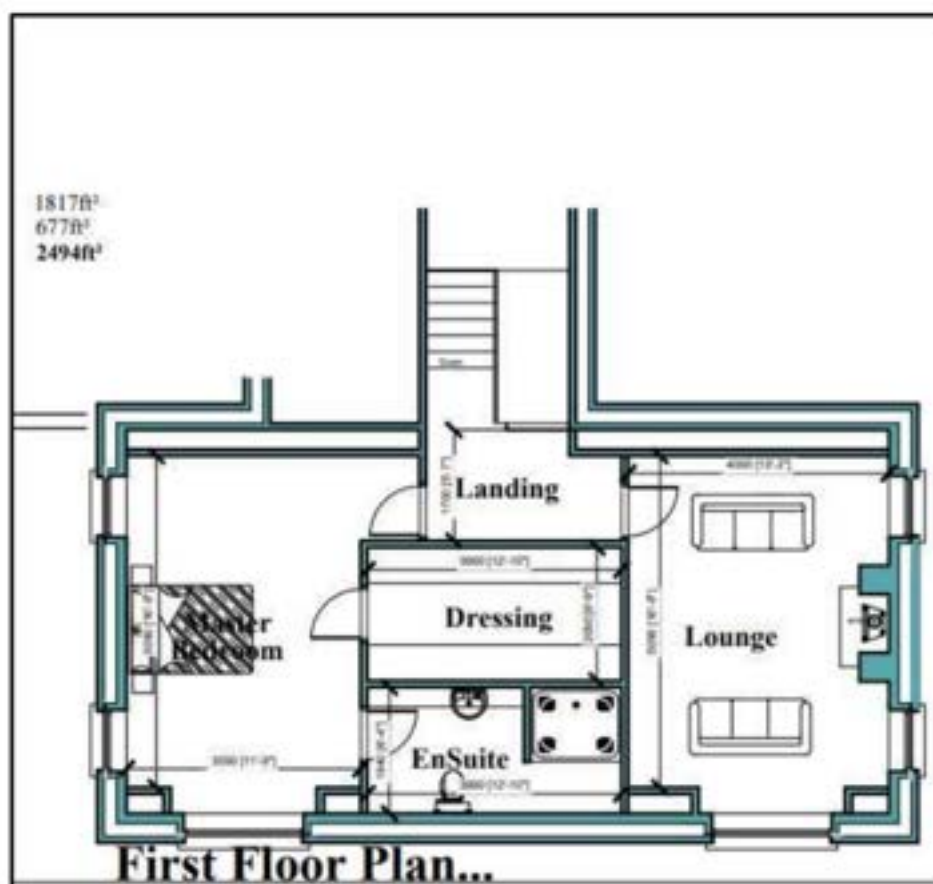


Figure 7- Proposed First Floor Plan

Planning Assessment of Policy and Other Material Considerations

This application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- PPS2 Natural Heritage
- PPS3 Access, Movement and Parking
- PPS21 Sustainable Development in the Countryside
- DCAN 15 Vehicular Access Standards
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

As this is a reserved matters application the site is subject to a recent outline planning approval which is detailed below and will be discussed further in a later section:

Application No: LA07/2023/2536/O

Proposal: Proposed site for two infill dwellings and domestic garages

Decision: Permission Granted

Decision Date: 28th May 2024

SUPPORTING DOCUMENTS

The application was supported with the following documents:

- Application Form
- Site Location Plan
- Site Layout Plan
- Proposed Elevation
- Proposed Floor Plans
- Design and Access Statement

CONSULTATIONS

The following departments were consulted as part of the planning process:

- DFI Roads- No objection

REPRESENTATIONS

Four neighbouring properties were notified, with the application also advertised in the Newry Reporter in December 2024. There have been no representations have been received in respect of the application.

Note: Revised plans were submitted in June following internal discussion and in response to comments and concerns raised by the Planning Dept. It was not considered necessary to re NN on receipt of these revised plans due to their minor nature and as no representations were received to the original scheme, whereby no properties are considered to be prejudiced.

EVALUATION

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 currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan.

The site is located outside any settlement limits as designated on the above Plan. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decisionmaker to the operational policies of the SPPS and the retained PPS21.

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.

Principle of Development

PPS 21 is the relevant policy statement in the assessment of this application. The principle of development for an infill dwelling under Policy CTY 8 was established under planning application LA07/2023/2536/O, which was granted permission on the 28th May 2024.

Planning conditions 1-3 of LA07/2023/2536/O are standard outline conditions. The submission of this application before 28th May 2024 meets with the requirements of condition 1 as the reserved matters application has been made within 3 years of the approval of outline planning permission. It is considered that the principle of development remains active within the application site.

Following a review of the initial plans submitted, the Planning Department contacted the appointed agent on 30th May 2025 to outline concerns regarding the application. While the principle of development on the site was deemed acceptable, the design and layout of the proposal were considered unacceptable. In response, the agent submitted revised plans on 10th June 2025. This assessment is based on those amended plans.

Scale, Massing, Design and Appearance

The proposed development comprises a detached, split-level, 1½-storey dwelling accompanied by a detached single-storey garage. The dwelling features an H-shaped layout, with a central section connecting two distinct wings. The dwelling is designed and sited as such that the side gable faces towards the road. The southern elevation, which faces the road is set at a higher ground level compared to the northern elevation. The proposed dwelling is set within a rectangular curtilage, incorporating on-site parking to the front and private amenity space to the rear and side. A detached garage is proposed adjacent to the southern/roadside boundary, forward of the dwelling.

Following internal discussions and review of the case correspondence was issued to the agent outlining the Planning Department's concerns, it was highlighted that the design and layout of the proposed dwelling should be revised to present a more appropriate frontage to Leitrim Road. The elevation facing the road featured only a small window and a door, which was not considered to provide a suitable or positive frontage and is considered to harm the surrounding area. In the revised plans submitted, as shown in Figure 4 above, no changes have been made to this elevation. Paragraph 3.26 of creating places notes the following in relation to a dwelling's relationship with road frontage;

'Layouts should be designed to ensure that buildings are located and orientated to present an attractive outlook facing onto all roads, existing and proposed'

As a result, the Planning Department's original concerns remain, whereby the design, layout and orientation of the dwelling and siting of the garage remain to be considered unacceptable.

Although the agent referred to a similar house type at No. 31a Leitrim Road, it is considered that, while comparable, that dwelling provides a more appropriate relationship and frontage with the road frontage. The original submission included an attached car port linking the dwelling to the garage. The Department advised that this feature was inappropriate, as it introduced an urban element that was not in keeping with the rural character of the area. This car port has since been removed and is not included in the amended plans submitted by the agent. While the Planning Department note the placement of the garage to the roadside at the neighbouring property (31 Leitrim Road) it is still considered that the placement of the garage at the roadside position is unacceptable for this proposal and requested that this be relocated to the rear of the dwelling at the opposite end of the site.

While it is acknowledged this application is for a dwelling and garage the general principles and thrust of the Addendum to PPS7 (Residential Extensions and alterations) remain to be considered relevant.

Para A11 and A12 of the aPPS7 are key which advises buildings within the curtilages including garages can often require as much care in siting and design.

Garages located in front of the established building line can over dominate the front of a property and are generally resisted.

While the size and design of the garage proposed are acceptable in principle, its siting forward of the dwelling closer to the road is considered to be at odds with these provisions and should be resisted in the interests of visual amenity. It is noted the dwelling adjacent includes a garage forward of that dwelling, which typifies why such features should not be sited forward of the dwelling and how this presents from the road and such examples should not be repeated.

With regards to the dwelling proposed, while its overall size, scale and finish are generally considered to be acceptable, the form, siting and orientation and lack of frontage and presentation to the road are considered to detract from the character of the area and is unacceptable.

While the topography of the lands are noted, undulating landscapes are common feature in the Newry & Mourne district. The form of a dwelling is a key element regarding the visual impact it will have on the landscape. The visual appearance of the dwelling proposed when viewed from critical viewpoints along the Leitrim Rd layout is considered incongruous and out of keeping as a result of its layout, orientation and form.

Having taken the above into consideration the proposal is contrary to the requirements of CTY 13 in which Planning permission will be granted for a building in the countryside were it can be visually integrated into the surrounding landscape and it is of an appropriate design. In relation to the proposed dwelling criterion e) has not been met as the design of the proposed dwelling and siting of the garage are inappropriate for the site and its locality as discussed above.

Amenity

The nearest occupied dwelling is No.32 Leitrim Road to the rear of the proposed dwelling. Given the separation distance, existing and proposed boundary vegetation, and modest size and scale of the proposed dwelling and associated layout and relationship with existing development, it is considered that the proposed dwelling will not impact on the amenity of this property to unacceptable levels in terms of loss of light, overshadowing or overlooking. The site is also considered to be located a sufficient distance from no.30 to prevent any unacceptable impact.

Landscaping

Condition 10 of LA07/2023/2536/O required a planting plan to be submitted at reserved matters stage. Drawing no. 03 REV A shows the proposed landscaping on the site. The boundary treatments are to consist of a new post and wire fence with native species hedgerow and shrubs throughout. To the rear of the proposed dwelling along the boundary with No.32 Leitrim Road there is an existing stone wall which will remain in place which will be augmented with native hedgerow and shrubs at the eastern and south eastern corner of the site. The proposed planting and landscaping would further help to aid the integration of the dwelling and garage into the existing landscape and it is considered acceptable for the proposal.

PPS 3: Access, Movement and Car Parking

The proposed dwelling will be accessible by a new access which is to be created off the Leitrim Road. DFI Roads have been consulted on this application to determine if the proposed access arrangements are achievable and, in its response, has offered no objection to the proposal subject to standard conditions regarding the visibility splays and access

gradient. It is therefore considered that the access is acceptable in this case.

PPS 2: Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment. In assessment of the above, NIEA’s Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, and condition of the application site and associated boundaries, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

As the application site is located within the Mourne AONB the criterion of policy NH6 are applicable to the proposal. Policy NH6 requires that planning permission will only be granted in AONBs where it is of an appropriate design, size and scale for the locality. As mentioned above the proposed dwelling comprises a detached, split-level, 1½-storey dwelling with a single storey storm porch on the front elevation, accompanied by a detached single-storey garage. The dwelling features an H-shaped layout, with a central section connecting two distinct wings. For the above-mentioned reasons earlier in this report in relation to the siting/orientation of the proposed dwelling with respect of the road facing elevation and the siting of the proposed garage it is considered that this proposal is contrary to the requirements of policy NH6 and is not sympathetic to the AONB.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Having taken the above into consideration in that the proposal is contrary to the policy requirements of CTY 13 e) and NH6, it is recommended to refuse this reserved matters application.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 (e) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design, layout, form, and orientation of the dwelling and siting of the garage are inappropriate for the site and its locality and will appear incongruous and will visual detract from the character of the area.
2. The proposal is contrary to policy NH6 of PPS 2, in that the siting, form, orientation and design of the subject building are not considered appropriate for this site and do not respect the special character of this AONB location.

Case Officer Signature: Fergal Connolly
Date: 12 June 2025
Appointed Officer Signature: M Keane
Date: 16-06-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

WRITTEN REPRESENTATION

Reference No: LA07/2024/1426/RM
Proposal: Proposed Infill Dwelling and Domestic Garage
Location: Between 30 and 32 Leitrim Road, Killeel

1. This is a Reserved Matters application for a dwelling and detached garage. The principle of development for an infill dwelling on this site was established in May 2024 under outline planning approval LA07/2023/2536/O. The site is located within the rural countryside and the Mourne Area of Outstanding Natural Beauty (AONB), specifically between Nos. 30 and 32 Leitrim Road. The Planning Department's concerns, as outlined in the Case Officer Report, primarily relate to the design, layout, form, and orientation of the dwelling, and the siting of the garage, deeming them *"inappropriate for the site and its locality"* and *"unsympathetic to the special character of this AONB location."*

Site Analysis & Policy Compliance:

2. The application site presents significant topographical challenges, making the design of a conventional residential structure complex. The site slopes by 5m from the rear of the site up to the road. The design prioritises the utilisation of the site's natural contours to minimise excessive excavation and fill. This approach ensures the dwelling is sensitively integrated into the challenging site, rather than imposing a design that disregards its unique characteristics. The proposed split-level, 1½-storey dwelling is a direct response to these site conditions, seeking to work with the landform. The Case Officer's Report acknowledges that *"The form of a dwelling is a key element regarding the visual impact it will have on the landscape"* yet fails to give due weight to how the proposed design actively responds to the site's topography.
3. The Planning Department's primary concern is the dwelling's relationship with the road frontage, specifically that the side gable faces towards the road and features only a small window and a door, which was not considered to provide a suitable or positive frontage. We disagree with the 'active frontage' concerns for the following reasons:
 - In reaching this conclusion the Case Officer references paragraph 3.26 of Creating Places guidance stating that *"Layouts should be designed to ensure that buildings are located and orientated to present an attractive outlook facing onto all roads, existing and proposed"*. The sentence relied upon is embedded in a chapter about the design of new residential environments emphasising 'layout structure', 'street hierarchy' and 'landmarking' etc, all of which are applicable to place shaping in a more urban context. The visual examples provided on page 35 are also all of developments within settlement limits. While Creating Places is a useful design guide, it is primarily used to assess applications within an urban setting with the Building on Tradition design guide being more commonly utilised in assessing applications in the countryside. Importantly, Creating Places does not introduce a policy requirement that a one-off rural dwelling must present a principal elevation to the road. Applying this sentence mechanistically to an isolated rural dwelling risks importing urban design rules into a countryside context. For all the reason outlined, we consider that paragraph 3.26 of Creating Places is of limited relevance and carries little weight in the assessment of this application.
 - The refusal implies a preference for a more conventional, direct frontage to the road, which is not appropriate for a steeply sloping site where significant earthworks would be required. The design represents a considered balance, respecting the site's contours while providing a well-considered elevation. Rotating the dwelling to front the road would mean that it would face directly into a

sloping bank, providing a poor outlook and diminishing the residential environment for future residents.

- The elevation proposed to front the road does include a window and door, which provides an active frontage, so we dispute the principle of the Officer's concern in his respect. This aside, the site is set down significantly below the level of Leitrim Rd and will not therefore be unduly prominent or stand out as being visually incongruent.
 - The site is located on a sharp bend, meaning the dwelling actively fronts the road upon approach from the south. There is no mention of this within the case officer report.
 - Critically, the neighbouring dwellings along the built up frontage at No's 30 and 32 respectively both have their gable elevations fronting Leitrim Rd. It is therefore unreasonable to refuse the application on the basis that its gable fronts the road when that is the precise design and siting characteristics present in the immediate proximity along the built up frontage.
 - PPS21 policy CTY8 specifically requires infill proposals to respect the pattern of development along the frontage *"in terms of size, scale, siting and plot size"*. The layout and orientation of the dwelling therefore complies with the headnote policy of CTY8, which outweighs any perceived conflict with non-statutory design guidance.
4. The case officer report states that the overall size, scale and finish of the dwelling are acceptable but that the form, siting and orientation (and lack of frontage) detract from the character of the area and that the layout as viewed from critical viewpoints from along Leitrim Rd is *"considered incongruous and out of keeping."* In terms of the form of the proposal, it is 'H' shaped comprising a central core with 2 flanks either side. This style of dwelling is very common - indeed, a similar form of dwelling has recently been constructed immediately opposite the site at No.31a Leitrim Rd. Moreover, this form of dwelling is specifically referenced at page 97 of 'Building on Tradition' as being desirable because it breaks up the bulk and massing of the building and is reflective of the traditional farmhouses historically found in the countryside. The form is therefore both acceptable and in keeping with the prevailing pattern of development.
 5. Regarding visual impact, Leitrim Rd is a winding, single track road that is framed by mature hedgerows. The site is also located significantly below the level of Leitrim Rd and benefits from existing and proposed landscape screening. For all these reasons, only very limited views of the proposal will be possible when travelling immediately past the site along Leitrim Rd. There are no lasting or medium-to-long range views of the site from any viewpoint and even the short range views are merely fleeting. The proposal will not therefore have a harmful visual impact upon the character of the Mournes AONB.
 6. In terms of the garage being sited forward of the dwelling, it is important to note that this location was chosen in direct response to the site's challenging topography. In addition, and critically, both of the neighbouring properties at No's 30 and 32 Leitrim Rd have garages/outbuildings forward of the dwelling. Again, it seems unreasonable that this application could be refused on account of the siting of the garage when it is exactly the same that the properties on either side.

Conclusion:

7. In conclusion, this refusal is based on a subjective interpretation of "appropriateness" rather than a robust analysis of the proposal in its setting and without due consideration of the site specific context and surrounding built development. For the reasons outlined above, the form and siting of the proposal is acceptable and would not harmfully impact upon the character of the area or upon the Mournes AONB. The modest dwelling's design is appropriate for the site and its locality. Therefore, the proposal complies with PPS21 policy CTY13 and policy NH6 of PPS2.

Delegated Application

Development Management Officer Report	
Case Officer: Aoife McAteer	
Application ID: LA07/2025/0100/F	Target Date:
Proposal: Proposed Extension & Alterations to Dwelling	Location: 28 Chestnut Grove, Newry, BT34 1JT
Applicant Name and Address: Shane Kehoe 28 Chestnut Grove Newry Newry BT34 1JT	Agent Name and Address: Mark Tumilty 16 Glenvale Road 16 Glenvale Road NEWRY
Date of last Neighbour Notification:	28 May 2025
Date of Press Advertisement:	12 February 2025
ES Requested: No	
Consultations: It was not necessary to issue any consultations on this application due to its minor domestic nature and having account the site constraints.	
Representations: Seven neighbours were notified of the proposal on the 13th of May 2025. The proposal was also advertised in the local press on the 11th of February 2025.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	N/A
Summary of Issues: N/A	

Site Visit Report	
Site Location Plan:	
Figure 1 Location Map	
Date of Site Visit: 14/05/2025	
Characteristics of the Site and Area:	
<p>The application site is located at number 28 Chestnut Grove Newry, a residential area within the settlement limits of Newry, as defined within the Banbridge, Newry and Mourne Area Plan 2015.</p>	
<p>The site contains a detached bungalow and is situated on the western side of Chestnut Grove. The site sits in a slightly elevated position to the dwellings on the eastern side of Chestnut Grove. Dwellings along this street are similar in scale and design and have a similar appearance to the front. The site benefits from off road parking which could accommodate</p>	

three + parking spaces and an attached garage. The external façade displays pebbledash with brown concrete tiles. Soft boundary treatment runs along the front of the shared boundary with no. 30 with a wooden fence along the rear shared boundary. The dwelling benefits from amenity space to the front of the site and from private amenity space to the rear of the site.



Figure 2 Photo of the front elevation of the application site

Description of Proposal

Proposed Extension & Alterations to Dwelling



Figure 3 Amended floor plan and elevations

Planning Assessment of Policy and Other Material Considerations

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policies Statement (SPPS)
- Addendum to Planning Policy Statement 7 (aPPS7)

PLANNING HISTORY

Planning

Application Number: P/1974/0529 Decision: Permission Granted Decision Date:

Proposal: PROPOSED ALTERATIONS AND EXTENSION TO BUNGALOW

Application Number: P/1977/0873 Decision: Permission Granted Decision Date: 15 November 1977

Proposal: PROPOSED EXTENSION AND ALTERATION TO EXISTING DWELLING

Application Number: P/2012/0821/LDP Decision: Permission Granted Decision Date: 10 December 2012

Proposal: Internal alterations to dwelling

SUPPORTING DOCUMENTS

The required documents have been submitted with the application form.

CONSULTATIONS

It was not necessary to issue any consultations for this application.

REPRESENTATIONS

No representations have been submitted with this application.

EVALUATION

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 indicate otherwise. The application site is located within the settlement limit of Newry City, the Banbridge/Newry and Mourne Area Plan contains no policies relating specifically to the application site or the proposal for an extension to a dwelling.

The policy context is provided by the first Addendum to the Planning Policy Statement 7- Quality Residential Environments (PPS7), entitled 'Residential Extensions and Alterations' (The Addendum). Policy EXT 1 of the Addendum to the Planning Policy Statement 7 is applicable for all residential extensions. Policy states that any extension should be subordinate in scale and similar in style to the existing property, taking account of materials and the local character of the area.

Following initial assessment and internal discussion, correspondence was issued to the nominated agent (16th May) advising the proposals were considered unacceptable and would require amendments.

The PI Dept considered the forward projection of the front/side extension would need to be reduced and the extension set down from the host dwellings ridge height by 0.5m to ensure the extension is subordinate and proportionate to the host dwelling. The extension over the garage would also need to be set down by 0.5m to ensure the extension appears subordinate and to ensure that a terracing effect does not occur due to the proximity with the adjacent dwelling.

The agent responded on the 21/05/2025 providing photos of two dwellings within Chestnut Grove which have been extended and a rebuttal, in support of the application.

Following the review of the rebuttal and attached photos the council issued a further email on the 28/05/2025 which acknowledged the photos submitted but informed the agent that to garner approval the application would need to be amended as advised in the email sent on the 16/05/2025.

The agent provided an amended plan via email on the 06/06/2025 which partially addressed the councils' requested amendments (The height of forward projection has been reduced). The ridge height of the remaining side extensions remained unaltered. The council have therefore

proceeded towards determination based upon the amended drawings submitted on the 06/06/2025.

Note: It was not considered necessary to re NN on receipt of these minor revisions due to their small scale and as these constitute a reduction to the proposals, and as no reps had been received to the original scheme.

Scale, Massing and Design

- (A) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

The proposed extensions to the dwelling are as follows:

- Single storey front/side extension (southern side)
- Single storey rear extension
- Single storey side extension (northern side)

The application proposes a single storey front/side extension to create an open plan kitchen/dining/living space. Amended plans were received on the 06/06/2025 which have set down the height of the forward projection section of the proposed extension from the host dwellings ridge line. The extension would project forward some 3.3m from the front elevation and would be set forward from the streets building line. The extension would also project from the side elevation by 3.9m. Due to the elevated nature of the site which is situated at a higher elevation to the dwellings on the eastern side of Chestnut Grove and the sites close relationship with the highway, the extension would not be considered a subordinate nor proportionate addition to the host dwelling and would represent a prominent visual addition to the dwelling which would be harmful to the character of the dwelling and the local area. There are a few examples of front extensions within the street scene however, these appear to be smaller in scale and relate to a less prominent site with greater separation distances to the highway. Therefore, the proposal in this context would be considered inappropriate and would result in an intrusive addition to the street scene.

The PL Dept has no objection in principle to an appropriately sized forward projection. The agent was requested to reduce this aspect but did not.

The remainder of the side extension extends the ridge line along this side. The agent was requested to reduce the ridge line thus appearing as an ancillary addition. Such extensions should be set down from the ridge line. This is considered further below.

The application also proposes an extension over the existing ground floor garage. The extensions ridge would align with the host dwellings and would be pitched to match the character of the existing dwelling. Due to the close relationship between the host site and the neighbouring dwelling no. 30, the proposed extension in this location, has the potential to create a terracing effect and would visually reduce the openness between the pair. Dwellings within the street scene retain a clear visual break, therefore the proposed would be contrary to the character of the host dwelling and the street scene. Additionally, the proposal would not

represent a subordinate addition to the host dwelling and would therefore be considered harmful to visual amenity. There are a few examples of side extensions within the street scene which align with the host dwellings ridge height however, these relate to sites which are less prominent, have a greater separation distance with the highway or are set at an angle from the road, the characteristics and circumstances of which are not the same as the application site. Therefore, the proposal in this context, due to its size, scale, massing and design of the extensions would be considered inappropriate.

Paragraphs A7 and A8 of the Addendum to PPS7 set out important design considerations for side extensions. One of the problems associated with side extensions is their potential to create a visual terrace effect, which can alter the character of the area by filling the gaps between properties. A further concern arises where a side extension follows at the same height and building line, which often compromises the appearance and architectural integrity of an entire block, and if repeated is likely to have an adverse impact upon the wide character of the area. To address this particular problem, proposals are required to be set back from the building line or front of the house and also set down from the ridge line.

In this particular case, the proposals include extending forward of the building line and are not set down. Policy clearly sets out this is a problem and is consistently resisted by the Planning Dept since the introduction of this policy when required necessary to do so. As set out above, these concerns were raised with the agent, however no reduction was made to the floor-space of the forward projection, while the alterations and extensions to either side extend to the ridge and are not set down.

The Planning Dept has no objection in principle to appropriately sized alterations and extensions, however those currently proposed are considered unacceptable for the reasons stated.

Side extensions can create a visual terracing effect which can alter the character of an area. Chestnut Grove is characterised by detached dwellings.

Having account the size of the works proposed and proximity to either side boundary it is considered the proposals as submitted are unacceptable and contrary to the provisions of EXT1 of aPPS7.

The application also proposes a single storey rear extension which would project off the existing garage to form a bedroom/ensuite. The extension would have a flat roof form which would be in keeping with the character of the existing dwelling and the surrounding character of the area. The extension would project from the rear elevation by 6.9m and would have a width of 5.6m and would be proportionate to the host dwelling. The proposed extension clearly reads as subordinate fitting in with the built form and appearance of the existing property.

The proposed materials of the proposal are considered appropriate, all new windows are aligned to the existing fenestration and match the symmetry of the existing dwelling. The materials proposed largely match the existing in; plaster render walls in white, white uPVC windows and doors and uPVC rainwater goods. The roof form would comprise of brown concrete tiles to match the existing.

Impact on Privacy and Amenity

(B) The proposal does not unduly affect the privacy or amenity of neighbouring residents

The proposed single storey front/side extension would introduce two habitable windows relating to an open plan living area on the southern side elevation. The windows would be situated on the ground floor and would face on to the shared boundary with no. 26. The shared boundary is separated by a 6ft wooden fence and mature hedgerow. Due to the existing boundary treatment which is to be retained, the proposed would not have any unacceptable harmful impact on the residential amenity of no. 26 in terms of overlooking, overshadowing or loss of light or dominant impact.

The proposed northern side extension would form over the existing garage. The neighbouring dwelling no. 30 has a window on its ground floor side elevation relating to the use of their garage. Whilst the proposal would impact on light into this adjoining garage, its use as a garage is noted, and the existing circumstances on the ground are such, that the proposal would not significantly worsen the existing situation and would not be determinantal to the residential amenity of no. 30 to any unacceptable degree. The proposal would therefore be considered acceptable in this instance.

The proposed single storey rear extension would be set back from the shared boundary with no. 30 by 1.2m. No. 30's rear elevation contains habitable windows which are set back form the shared boundary with the application site by some 3m. The application site is set at a slightly elevated position to the neighbouring dwelling no. 30 however due to the set back of the extension and no. 30's habitable windows, it is considered that a sufficient distance will be maintained between the extension and the habitable windows to ensure that there is no harmful impact in terms of over shadowing or a loss of light. Additionally, no. 30's nearest habitable window to the boundary relates to an open plan living space which is served by a second outlook on the front elevation. Therefore, the proposed extension by way of its projection would not cause any harm to residential amenities in relating to overshadowing or a loss of light due to the height of the extension (single storey), the relationship between the neighbouring dwellings and the set back of the neighbour's, No. 30's habitable window.

Private Amenity Space / Access and Parking

The application also proposes the conversion of the attached garage to habitable use which would form a bedroom. Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Neighbour Notification Checked	Yes/No
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Summary of Recommendation: Refusal

Reasons for Refusal:

The proposal is contrary to the SPPS and the Addendum to Planning Policy Statement 7: Policy EXT 1 Residential Extensions and Alterations in that the

height, scale, massing and design of the proposed alterations and extensions are unsympathetic with the built form and will detract from the appearance and character of the area.
Case Officer Signature: Aoife McAteer
Date: 16 June 2025
Appointed Officer Signature: M Keane
Date: 16-06-25

Development Management Consideration

Details of Discussion:

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



Group decision:

D.M. Group Signatures

Date

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/1180/F	Target Date:
Proposal: Proposed construction of single storey outbuilding / garage and store building within existing garden of property	Location: 2 Glassdrumman Road, Ballynahinch, BT24 8UX
Applicant Name and Address: Lydia Hayes 2 Glassdrumman Road Ballynahinch BT248UX	Agent Name and Address: Brian Crawford 1 Monaville Avenue Tonagh Lisburn Antrim BT28 2DF
Date of last Neighbour Notification:	8 April 2025
Date of Press Advertisement:	23 October 2024
ES Requested: No	
Consultations: None required	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report	
Site Location Plan: The site is located at 2 Glassdrumman Road.	
	
Date of Site Visit: 1 st May 2025	
Characteristics of the Site and Area	
<p>The application site comprises a one and a half storey dwelling with two front dormer windows. The site is accessed directly off the Glassdrumman Road with a garden to both sides of the dwelling and to the rear. At the time of the site visit there were a number of ambulance vehicles parked in the driveway to the front and side of the dwelling. There is a detached garage located to the north of the dwelling along the northern boundary. A wall defines part of the roadside boundary along with a wooden fence. A mature hedge defines the southern boundary.</p> <p>The site is in the open countryside outside any settlement limits. The surrounding area is rural in character, largely made up of agricultural fields. Throughout the area are interspersed detached dwellings of a range of sizes and designs.</p>	
Description of Proposal	
<p>Proposed construction of single storey outbuilding / garage and store building within existing garden of property</p>	
Planning Assessment of Policy and Other Material Considerations	

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

This application will be assessed under the following policy considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement (SPPS)
- Ards and Down Area Plan (2015)
- PPS 7 (addendum) Residential Extensions and Alterations
- PPS21 Sustainable Development in the Countryside

DCAN 15 Vehicular Access Standards

Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

PLANNING HISTORY

Planning at site

Application Number: R/1989/0635

Decision: Permission Granted

Decision Date: 29 August 1989

Proposal: Replacement dwelling

Location: 2 Glasdrumman Road, Ballynahinch

Application Number: R/1990/0389

Decision: Permission Granted

Decision Date: 20 June 1990

Proposal: Replacement Dwelling

Location: 2 Glasdrumman Road, Ballynahinch

Application Number: R/2014/0183/F

Decision: Permission Granted

Decision Date: 16 June 2014

Proposal: Rear extension to dwelling and detached domestic garage (retrospective)

Location: 2 Glasdrumman Road, Ballynahinch

Surrounding area

Application Number: R/1994/0744

Decision: Permission Granted

Decision Date: 18 January 1995

Proposal: Extension and alterations to dwelling

Location 126 Old Belfast Road, Ballynahinch

Application Number: R/2002/0830/F

Decision: Permission Granted

Decision Date: 14 October 2002

Proposal: Proposed implement shed/garage (domestic use only)
Location 126 Old Belfast Road, Ballynahinch

Application Number: LA07/2022/1826/RM

Decision: Permission Granted

Decision Date: 10 May 2023

Proposal: Two Infill dwellings and garages

Location: Between 2 and 10 Glassdrumman Road, Ballynahinch

Consultations:

No consultations required given the use and indicated floorplan layout.

Objections & Representations

In line with statutory requirements neighbours have been notified 25-03-2024. The application was advertised in the Mourne Observer on 23.10.2024. No letters of objection or representation have been received in relation to the proposal to date.

Consideration and Assessment:

Section 45(1) of the Planning Act (NI) 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. 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 application is located outside the settlement limits as per the Ards and Down Area Plan 2015.

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.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for residential development. One such instance is an extension to a dwelling house where this is in accordance with the Addendum to PPS 7.

Addendum to PPS 7 - Residential Extensions and Alterations

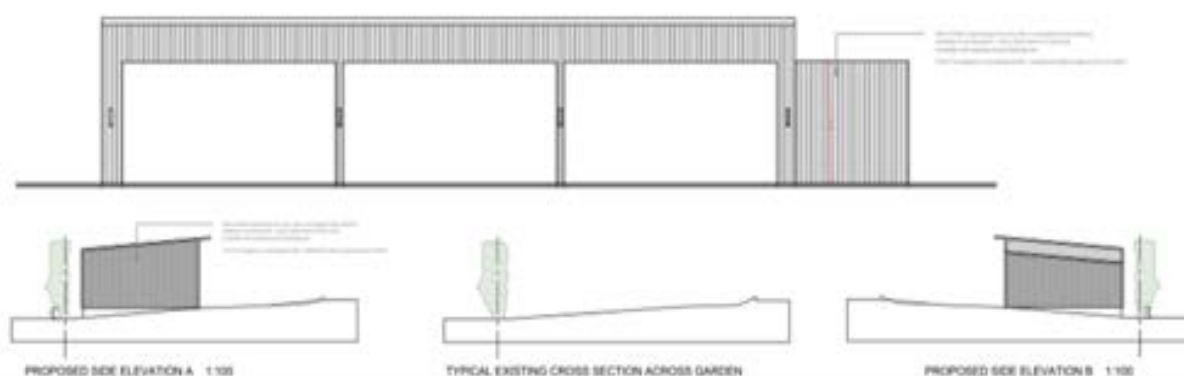
Policy EXT1 of the Addendum to PPS7 –directs that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

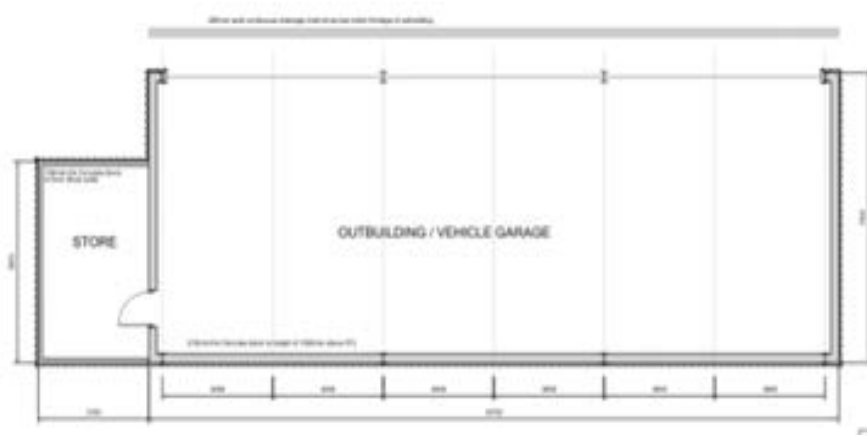
- (a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Proposal

Permission is sought for the construction of a single storey outbuilding / garage and store building within existing garden of No 2 Glassdrumman Road, which is set some 3/4m to the SE of the dwelling at No 2 and some 8.5m from the public road.

The main element of the building has a length of 18m and a depth of 7.3m and a ridge height of 4m. The store element measures 5m x 3m with a height of 3m. Finishes to the store and main outbuilding are to be clad in corrugated metal cladding sheeting on all elevations - colour Dark Green or Dark Grey. There are three openings to the front elevation of the outbuilding.





Proposed elevations, side elevation and floorplan

Character and Appearance

The proposed detached domestic outbuilding / garage and store building is to be erected within the curtilage of the dwelling. Paragraph A11 of Annex A states that buildings within residential curtilage such as garages can often require as much care in siting and design as works to the existing residential property. It goes on to say that they should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from the surrounding area. Paragraph A12 continues that garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted.

The proposed domestic outbuilding/garage and store would have an overall footprint of 155sq m. It is to be positioned approximately 3-4 m from and slightly perpendicular with the dwelling. Whilst the proposed building would be subordinate to the height of the dwelling, it would not be in terms of its scale with the dwelling, its green corrugated metal cladded walls and roof would be at odds with that of the dwelling and would be incongruous. There is a property (128 Old Belfast Road) in close proximity to the site that has grey corrugated outbuildings. There is no planning history on that site, however, from google streetview they seem to have been here for some time. Albeit that said outbuilding has corrugated metal cladding, it does not appear incongruous within its setting given its location to the rear of the property. No 5 Glasdrumman has a carport to the side which also uses green corrugated metal to the side, however, its size and scale are not comparable to the proposal.

Within the application's own site context, the site is open to views from both the Glasdrumman and Old Belfast roads. The proposed building would clearly be visible in close juxtaposition with the dwelling in the front garden. It would look out of place

within this residential curtilage and consequently would detract from the appearance and character of the surrounding area. In this regard, the proposal would be contrary to criterion (a) of Policy EXT1.

Living Conditions of Nearby Residents

The outbuilding would not result in any harm to the neighbours, given that there is adequate separation distance to any neighbouring properties. Therefore, it is considered that the proposal would not result in harm to the amenity of surrounding neighbours by nor would it unduly affect the privacy of any neighbouring properties and is considered acceptable in this regard.

Trees or other Landscape Features

The layout plan indicates that the existing hedgerow to boundary is to be retained but may require cut back to allow for correct positioning of new outbuilding. There will be no impact on any landscape features.

Private Amenity Space

There will be no impact on the private amenity space given this building is to the front/side garden.

Parking and Turning of Vehicles

The proposal will not impact on any parking or ability to manoeuvre cars on the site. No alterations are proposed to the existing entrance to the dwelling given that the application has been submitted on a householder form.

Conclusion

The proposal would not comply with the above planning policy for the reasons given above.

Recommendation: Refusal

Refusal Reason:

1. The proposed development is contrary to Policy EXT1 of Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations, in that the design and scale of the outbuilding / garage and store building would be unsympathetic with the built form and appearance of the existing property within its residential curtilage, detract from the appearance and character of the surrounding area and would be incongruous given the materials used and the open nature of the site, positioned within the front/side garden.

Informative The drawing number to which this decision relates is: Proposed floor layout, elevations & location map - 3C/A/402/01 Typical large scale section & proposed site layout - 3C/A/402/02	
Neighbour Notification Checked	Yes
Summary of Recommendation – refusal as per reason given	
Case Officer Signature: C Moane	Date: 8 May 2025
Appointed Officer Signature: Brenda Ferguson Date: 09/05/2025	

Ref: LA07/2024/1180/F

2 Glassdrumman Road, Ballynahinch

Rationale for call in:

Somewhat difficult to comprehend as the design has been carefully considered in a matter to primarily meet the clients needs but also in line with Planning Policy including Policy EXT1 of Addendum to Planning Policy Statement 7 – Residential Extensions & Alterations. The design and in particular, the materiality were chosen in order to be sympathetic to other outbuildings in the countryside and in surrounding properties.

I note the sections in the Case Officer's report as follows:

1: Character and Appearance:

Whilst the proposed building would be subordinate to the height of the dwelling, it would not be in terms of its scale with the dwelling, its green corrugated metal cladded walls and roof would be at odds with that of the dwelling and would be incongruous.

Could there be a consideration for a different elevational treatment?

2: Living Conditions of Nearby Residents:

The outbuilding would not result in any harm to the neighbours, given that there is adequate separation distance to any neighbouring properties.

Therefore deemed no issue.

3: Trees or other Landscape Features:

There will be no impact on any landscape features.

Therefore deemed no issue.

4: Private Amenity Space:

There will be no impact on the private amenity space given this building is to the front/side garden. Parking and Turning of Vehicles The proposal will not impact on any parking or ability to manoeuvre cars on the site.

Therefore deemed no issue.

It is stated that the design is incongruous given the materials identified in the form of green corrugated cladding. This I find, as noted above, is in blatant contradiction to existing neighbouring dwellings and business properties where green, red and pale grey corrugated and profiled cladding have been incorporated on more visible/prominent locations.

There has been a clear precedent set and below are a list of the properties I would consider have significantly more prominent and as stated, unsympathetic built form.

1: Ballynahinch Ambulance Station - Old Belfast Road - Pale grey profiled cladding

This development is visibly obtrusive in its scale and location and is detrimental to the rural landscape. I am somewhat bewildered that that you state green cladding as chosen for this submission is deemed to be out of character of the surrounding area when other adjacent properties have the same material.

2: 5 Glassdrumman Road - green corrugated sheeting:

Carport as noted to the side of the dwelling.

3: 12 Glassdrumman Road - green corrugated sheeting:

2 buildings prominently located in the front garden adjacent to the roadside.

4: 110 Old Belfast Road - green corrugated sheeting:

To rear outbuilding.

5: 17 Saintfield Road - red corrugated sheeting:

Prominent outbuildings to front of property closer to main road.

6: 19 Saintfield Road - green corrugated sheeting:

Prominent outbuilding to front of property closer to main road.

It begs the question, if the end elevations and/or front elevation were dressed in rendered blockwork to match the dwelling, would this be acceptable? Is there an alternative elevational treatment that you would consider suitable?

It is also stated:

"The proposed building would clearly be visible in close juxtaposition with the dwelling in the front garden. It would look out of place within this residential curtilage and consequently would detract from the appearance and character of the surrounding area."

I disagree with the statement that this building would look out of place. There are numerous dwellings with larger outbuildings adjacent (some noted above) which have been approved and permitted; not subservient to the adjoining dwelling nor smaller in scale as this proposal is.

I also ask, if the application was to include for new planting along the site frontage to form a natural screening, would this be acceptable in order to permit said development for my clients needs?

Would it be considered acceptable as a condition of planning that the front boundary of the property was planted to reduce any alleged visual impact?

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/1077/O	Target Date:
Proposal: 2 x Infill Dwellings	Location: Land 25m metres west of No 60 Crawfordstown Road (formerly known as 74 Crawfordstown Road) Ballynahinch, BT24 8LZ
Applicant Name and Address: Morgan Morrison 76a Crawfordstown Road Ballynahinch BT24 8LZ	Agent Name and Address: Kieran Carlin Suite 1 Bamford House 91 - 93 Saintfield Road Belfast BT8 7HL
Date of last Neighbour Notification:	9 May 2025
Date of Press Advertisement:	7 May 2025
ES Requested: No	
Consultations: see report	
Representations: Yes Joe & Angela Marcus – objects John Nicholl - objects	
Letters of Support	0.0
Letters of Objection	2
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at Land 25m metres west of No 60 Crawfordstown Road (formerly known as 74 Crawfordstown Road) Ballynahinch.



Date of Site Visit: 4th March 2025

Characteristics of the Site and Area

The application site comprises an irregularly shaped plot which is accessed off an existing laneway off Crawfordstown road serving a number of other properties. To the west of the site are two detached properties (76 & 76A). To the north is a detached dwelling on the opposite side of the laneway (60A). Within the site are foundations of a replacement dwelling and to the east is a detached dwelling and garage (60) with associated curtilage. The site contains some scrub vegetation along the eastern boundary and partly along the northern boundary which fronts onto the laneway. The former dwelling on the site has since been demolished, with some soil heaps on the site.

The site lies outside any settlement limit and is therefore located in the countryside.



Description of Proposal

2 x Infill Dwellings

Planning Assessment of Policy and Other Material Considerations

The application site is located outside any settlement development limits as designated by the Ards and Down Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

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 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside

- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

PLANNING HISTORY – on site

Application Number: LA07/2023/2426/O

Decision: Application Withdrawn

Decision Date: 30 April 2024

Proposal: 1 x Infill Dwelling

Application Number: LA07/2016/0037/F

Decision: Permission Granted

Decision Date: 13 May 2016

Proposal: Replacement Dwelling with original dwelling structure retained for store.

Application Number: LA07/2021/0560/F

Decision: Permission Granted

Decision Date: 02 July 2021

Proposal: Renewal of planning permission LA07/2016/0037/F replacement Dwelling with original dwelling structure retained for store.

No 76A

Application Number: LA07/2022/0028/F

Decision: Permission Granted

Decision Date: 25 April 2022

Proposal: Single storey extension to rear of dwelling

Application Number: LA07/2023/3105/F

Decision: Permission Granted

Decision Date: 08 May 2024

Proposal: Proposed single storey rear extension to dwelling (reduction in size from approval LA07/2022/0028/F)

Consultations:

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form

Environmental Health– No objections

NIEA Water management Unit – refer to standing advice

NIEA Natural Environment Division NED – no objections

Objections & Representations

In line with statutory requirements neighbours have been notified on 12.02.2025 and again 25.04.2025. The application was advertised in the Mourne Observer on 02.10.2024 and again 07.05.2025 (Expiry 21.05.2025) (location description was amended). Two letters of objection have been received to date. Both letters have been read in full and the following is a summary of the main points of objection which include:

Neighbour at No 60A

- Previous application: Neighbour would be pleased to see the site being developed; the site having lain vacant since they moved to the area in 2015. However, squeezing two dwellings into the infill site seems disproportionate and excessive, having regard to current Planning Policy, the average area of adjoining sites and the outcome of previous planning applications. They reiterate the reasons behind the previous application which was withdrawn on the basis of being recommended for refusal.
- Site access – increase in traffic
- Amenities – add to difficulties with water pressure
- Privacy – should be maintained if the site is developed, existing vegetation had been uprooted.

Neighbour at No 60

- When applications were made in 2016 and 2021, they raised no objections, as they fully accepted that a suitable application for a single replacement dwelling should be passed.
- In both applications of 2016 and 2021, for a single replacement dwelling, there are stipulations that a second house should not be built on this site.
- They question the claim in the current application in part 4.2, where it states in relation to appendix A, "and another with a footprint of approximately, 160 square meters, similar to the property east the site, Plot 1". Plot 1 being their house, number 60, is approximately, 211 square meters, not 160 square meters.
- In the current application for an in-fill site with two houses, they question the statement "the development would still nonetheless be in-keeping with the surrounding plots".
- They question the claim "The proposal will be modest in scale", they believe that building two houses on a site that has already been passed for planning, as being only large enough for one house, is not in keeping within the "existing built form".
- Contrary to CTY14 - building of two houses, so close to each other, and so close to the existing properties, will further erode the rural character of the area.
- The proposed building of two properties, on a site which the applicant admits in their application is "smaller than the average of the adjacent properties", would greatly reduce the level of privacy afforded.

- Concerned that building another two houses, who will draw water from the same supply, will further reduce the pressure of the supply to their property.
- Increase in traffic - They are greatly concerned that the building of an additional two houses, will further increase the risk for all users of the lane way.
- As there is no sewage service to this area, any new dwelling will be required to install and maintain a septic tank and discharge effluent. They are greatly concerned that the building of two houses could double the risk of the contamination of their well.

Consideration and Assessment:

Section 45 (1) of the planning Act 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, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. 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. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted.

PPS 21

Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed,

the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development

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

The agent indicates that the proposed site is located along a private laneway (still Crawfordstown road address) and adjacent to No. 60 to the east, No. 60a to the north and No. 76 and 76a to the west, with 4 x residential dwellings, 2 x garages and 1 x garage/outbuilding on the Crawfordstown Road. The agent puts weight on the fact that under planning application Ref. LA07/2023/2426/O (which was withdrawn – recommended for refusal), the Officer confirmed that the policy requirement for a continuous and built-up frontage of three or more buildings was met. The circumstances now, however, on the ground are different, in that the old replacement dwelling (which was used as the 'bookend' building on the previous application has since been demolished. Dwellings No 76 and 76A have both defined curtilages surrounded by block walls, which separates their gardens from the laneway and accessed only by respective driveways.



No 76A showing the wall defining their curtilage – this is reinforced by their own planning application showing the red line set back from the laneway - below.



red line set back from the laneway – previous application LA07/2022/0028/F



Wall surrounding the garden of No 76

As confirmed by the PAC (below), an access driveway alone does not constitute frontage to the road and the visibility of a building from the road is not part of the infill policy test. Therefore, No's 76 and 76A cannot be counted towards sharing the same lane frontage as the subject site. The laneway continues past the wall of No 60A, albeit, it is reduced in size to a narrower track and this indicates that No 60A is located on the opposite side of the laneway, so therefore it too has to be discounted.

Planning appeal (2020/A0058) and its decision which relates to the planning assessment for infill dwellings contained with CTY-8 of PPS21, dealt specifically as to whether a

dwelling house in a similar arrangement to this application, constituted as buildings with substantial and continuously built-up frontage, as envisaged by the policy. The commissioner stated; "Whilst it is accepted that visibility of a building from the road is not part of the policy test for infill development, an access driveway alone does not constitute frontage to the road".

As the aforementioned dwellings cannot be counted for the purposes of the policy, then it follows that it does not have common frontage to the laneway (Crawfordstown road), there is no line of three or more buildings to constitute a substantial and continuously built up frontage, as envisaged by the policy. Accordingly, there is no gap or infill opportunity. As there is no substantial and continuously built up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the PAC) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.

Notwithstanding the above and in the interests of conclusiveness, to be clear, in total, there are only two buildings east of the subject site (at No 60) that have frontage to the road but none to the west.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.



Indicative layout

It is noted that the area **circled yellow** above does not actually form part of the site (and is quite misleading, so in effect the site is smaller than what is indicated above. The sites surrounding the application site all contain generously sized dwellings with large gardens and ample room for parking and manoeuvring of vehicles. It is considered that the size of the two plots are not in keeping with the pattern of development in the wider area and would therefore be at odds with the character of the surrounding area.

Foundations in relation to LA07/2021/0560/F for Replacement Dwelling with original dwelling structure retained for store. It is noted that there is no certificate of lawful development for these foundations, nor is there a requirement for such as long as the permission has been implemented correctly and within the correct timeframe.

The agent, however, has indicated that they are not relying on any aspects of the previously approved replacement dwelling. He indicates that this application for two infills will supersede the previous replacement dwelling permission and both dwellings will be subject to their own design at reserved matter stage. He indicates that, if

approved, the implementation of the infill dwellings would make it physically impossible to complete the replacement dwelling.

CTY 16 – Development relying on non mains sewerage.

The application form initially indicated that both dwellings would be served by the mains sewer. Consultation with NI Water indicates this proposal is not within the catchment of any existing NIW Wastewater Treatment Works and as a result, NIW do not have a WwTW to serve this development. NI Water indicate that the closest foul sewer is over 1400m away and private treatment is recommended.

CTY 16 ensures that new developments will not create or add to a pollution problem. As indicated above – Both sites will now rely on septic tanks to service the dwellings. There would be sufficient room within the land in red for a septic tank and soakaways. The granting of planning permission does not negate the need for other consents outside of the planning process. A consent to discharge will be required from DAERA (NIEA). This would be subject to a condition on any planning approval.

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

Policy CTY 13 requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. As this is an outline application the specific siting and design would be determined at the Reserved Matters stage. Case officers note the site benefits from a planting to the south, and east. Whilst there would have to be some ancillary works there would be sufficient landscaping to provide a satisfactory backdrop for dwellings of low elevation, similar to the developments to the west. There would be limited views of the site from the main Crawfordstown road, given its set back off the main road. This is an outline application and design details are not available to assess at this stage. The proposal would comply with Policy CTY 13 subject to suitable conditions.

Policy CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Given the above, it is deemed that the application site would result in a suburban style build-up of development when viewed with existing buildings and create a ribbon of development. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14 read as a whole and the related provisions of the SPPS.

PPS 2 – Natural Heritage

The proposed development is not situated within 100m of any nationally or internationally designated sites. The closest designated site is Bohill NNR c.1.7km southwest. The site is not within 50m of any local sites of nature conservation importance. The proposal complies with policies NH1-3 of PPS 2.

A biodiversity checklist was submitted by an ecologist as part of the application. NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats

NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found. Compensatory planting of native species hedgerow along all new boundaries is considered to be an acceptable replacement habitat and this would be secured by condition. The proposal is therefore considered acceptable in this regard.

The proposal complies with Policies NH 2 and 5 of PPS 2.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DfI Roads were formally consulted and responded with no objections to this proposal, subject to the access being constructed in accordance with RS1 of 2.0m x 80m visibility splays. The access arrangements are considered to be acceptable.

Conclusion

Having carefully considered the relevant policy, and considered all material considerations including the site's history and the objector's comments, the proposal does not meet with the criteria as set out in CTY 1, CTY 8, CTY 14 of PPS 21 and refusal is recommended.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this

development is essential in this rural location and could not be located within a settlement.	
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 8 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a line of 3 or more buildings in a substantial and built-up frontage and it would, if permitted, result in the creation of ribbon development along Crawfordstown Road.	
Neighbour Notification Checked	Yes
Summary of Recommendation - Refusal	
Case Officer Signature: C Moane	Date: 30th May 2025
Appointed Officer Signature: B.Ferguson	Date: 30 th May 2025

PLANNING APPLICATION REF: LA07/2024/1077/O

ADDRESS: LAND 25M METRES WEST OF NO 60 CRAWFORDSTOWN ROAD (FORMERLY KNOWN AS 74 CRAWFORDSTOWN ROAD) BALLYNAHINCH, BT24 8LZ (AMENDED SITE ADDRESS)

PROPOSAL: 2 x INFILL DWELLINGS

SUPPORTING STATEMENT – CARLIN PLANNING LIMITED

The proposed application (Ref. LA07/2024/1077/O) is seeking full planning permission for 2 x Infill Dwellings at Land 25m metres west of No 60 Crawfordstown Road (formerly known as 74 Crawfordstown Road) Ballynahinch, BT24 8LZ.

Reason 1: Not essential in rural location under CTY 1

Reason 2: Ribbon Development under CTY 8 and CTY 14

Principle of Infill Development – Policy CTY 1/8 - The site is located along a private laneway and has a previous planning approval for a replacement dwelling on the site. The replacement dwelling has commenced and remains extant. We contend that the application site is too big and could more appropriately accommodate 2 x infill dwellings under Policy CTY 8. The site sits between no. 60 Crawfordstown Road and garage located to the east and nos. 76 and 76a and associated garages to the west. The Officer's report contends that there is no substantial and continuously built-up frontage stating that numbers 76 and 76a don't have a frontage to the laneway, and therefore the proposal does not meet the exception test under Policy CTY 8.

For the purposes of Policy CTY 8 a road frontage includes a private lane, and this is not disputed by the case officer. Policy CTY 8 also states that *"Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked"*.

The key issue is that the Officer has misinterpreted the extent of the laneway. As seen in Figure 1 the private laneway extends to No.76 and has done so for over 20 years (marked in orange). These properties were developed by different people and therefore had to be served by the private laneway.

Both properties (No 76 & 76a) have clearly defined curtilages with boundary walls and gates at the entrance (locations marked in 'blue' on Figure 1 below) fronting the laneway. Number 76a has a clear frontage to the laneway at either side of its entrance gates, marked in 'pink'.

No 76 also has a frontage to the private laneway, similar to many recent planning approvals made by NMANDDC (including LA07/2022/0800/O, LA07/2022/0599/O and LA07/2023/2051/O) all of which accept that a frontage to a road/lane can be created by an entrance or driveway alone. We would reiterate the need for consistency and fairness in decision making as set out in the Strategic Planning Policy Statement (SPPS) for NI.

No. 60 (and its associated detached garage) also extends to the lane and therefore there is a substantial and built-up frontage of 3 or more buildings.

In addition to clear road frontages, all properties, no's 60, 76, 76A all maintain a visual connection that further contribute to the continuous line of development and built-up frontage. The application site meets both tests, i.e. a continuous and built-up frontage to a private lane and the visual linkage.



Figure 1 – showing the extent of the laneway, entrance gates for 76 and 76a, the frontage for 76a and the application site.

Figure 2: Extract from OR showing Private Laneway extending to the entrance of No. 76 with both properties (76/76a) with clearly defined curtilages and entrances.



Size, Scale, Character etc. While not included as a reason for refusal, the Officer Report considers the size of the two plots would not be in keeping with the pattern of development in the wider area. The Officer's report suggests that the applicant has misleadingly included the area circled in yellow in their assessment. This is incorrect. All calculations set out within the Planning Statement (as extracted below) **exclude** this area. The calculations show that the two proposed plots at 0.2ha each is comparable to plots 1, 2 and 3 which has an average plot size 0.21ha. Further, the proposed frontages at 40m each would also be comparable with the surrounding properties which average 0.39m. The plot sizes and frontages are clearly in keeping.

We note the Officer Report also refers to Policy CTY 14 due to 'suburban style build-up'. However, an objection to the proposals where an infill opportunity exists is at odds to the requirements of Policy CTY 8, as confirmed in appeal decision 2013/A0119.



Plot	Site Area (ha)	Frontage (m)
Plot 1 – No. 60	0.21	64
Plot 2 – No. 60a	0.215	82
Plot 3 – No. 76	0.224	5
Plot 4 – No. 76a	0.545	8
Average	0.2985ha	39.75m
Proposed Gap Site, Accommodating 2x Infill Dwellings (Red) and (Blue)	0.40ha (0.2 Per Dwelling)	80m (40m Per Dwelling)

Figure 3: Showing how 2 x infill dwellings comparable in footprint and plot size to surrounding dwellings

Conclusion – The Officer's Report has misinterpreted the extent of the private laneway. As set out above, the private laneway extends to the entrance of number 76 Crawfordstown Road. As such, No76, 76a and No. 60 have lawful frontages onto the laneway, creating a gap site for the purposes of Policy CTY8. In addition, the applicant's planning statement and calculations of surrounding plot sizes and frontages are not misleading and are clear in what has been used in the calculations. Plot size and frontages are clearly comparable.

Delegated Application

Development Management Officer Report	
Case Officer: Richard McMullan	
Application ID: LA07/2023/2230/O	Target Date:
Proposal: Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works.	Location: 55m east of 29 Clonvaraghan Road, Castlewellan, BT319JU (Amended description).
Applicant Name and Address: Erin Wright 73 Cairn Grove Kilcoo Newry	Agent Name and Address: Declan Rooney Planning Permission Experts 32a Bryansford Avenue Newcastle Bt33 0lg
Date of last Neighbour Notification:	14 th May 2025
Date of Press Advertisement:	13 March 2024
ES Requested: No	
Consultations: NI Water -No objections DAERA WMU -No objections NMD EHO -No objections DAERA NED -No objections HED (Buildings) -No objections DFI Roads -No objections	
Representations: Application advertised in local press 15 th March 2023 & 13 th March 2024. Neighbours notified 12 th April 2023 & 26 th Feb. 2024. Additional neighbour notified 14 th May 2025. No objections received to date 11 th June 2025.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Principle of development (replacement of listed building/dwelling), built heritage (listed buildings), natural heritage, access etc.

Site Visit Report

Site Location Plan:



Date of Site Visit: 13th Feb. 2024 & 10th June 2025.

Characteristics of the Site and Area



This site is located upon the eastern side of the Clonvaraghan Road, Castlewellan. Access is gained via an existing concrete driveway which serves the site, numbers 19,

29 & 31 Clonvaraghan Road and Ballywillwill House which is located at the end of the driveway approx. 430m NE of the site.



The site is at a lower level than the Clonvaraghan Road. It is set back from the road approx. 80m. It is located upon the southern side of the driveway it abuts. The site (as per submitted red line) is roughly rectangular in shape with an area of approx. 0.10h in size. Its topography is noted to fall slightly in a southern direction from the laneway to the rear of the site & also in an eastern direction across the front.

Within the site a detached single storey building is in situ. The main body of the building has a rectangular footprint with a few returns emanating from same. The building has no roof with a chimney stack being noted. The walls of the building are seen to be substantially intact being made from stone. Window and door openings are noted in place. Windowsills, quoins and decorative detailing around the front door of the building were noted.

The building within the site is seen to be located in the north western corner of an open grassed field. The boundaries of the site were noted to be defined as follows:

- Northern- Undefined/post & wire fencing.
- Eastern-Undefined
- Western-Adjacent mature trees/bushes
- Southern-Undefined




Driveway leading to and past site

The site is located to the southeast of the defined settlement limits of Clonvaraghan within open agricultural lands. The character of the area is mixed. Residential development within Clonvaraghan is noted to the north west/west of the site. To the north west, west and south of the site open agricultural lands are noted. Ballywillwill House (Grade B1) is noted to the northeast of the site. The building which is the subject of this application is noted to be a gate lodge associated with Ballywillwill House, which is annotated upon maps as below:



1838-1862

<div data-bbox="525 206 1053 792"></div> <div data-bbox="738 795 855 835">Current</div>	
<div data-bbox="185 909 541 949">Description of Proposal</div> <div data-bbox="185 987 1251 1068">Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works.</div>	
<div data-bbox="185 1106 1171 1146">Planning Assessment of Policy and Other Material Considerations</div>	



Site is located to the east of the defined settlement limits of Clonvaraghan within a rural context. It is within an AONB (Ards and Down Area Plan 2015).



Site comprises Gate Lodge of Ballywillwill House which is listed (Grade B1)

PLANNING HISTORY

Planning Application Number: R/1988/1053

Decision: Withdrawal

Decision Date: 07 April 1989

Proposal: Conversion of outhouse buildings to 6 flat units and amenities, new entrance lobby to main house at rear

Application Number: R/1988/1052

Decision: Permission Granted

Decision Date: 07 June 1989

Proposal: Alterations and change of use of the existing Ballywillwill House to a christian retreat centre, together with the conversion of outhouses to six flats units and associated accommodation

Application Number: R/1992/0776

Decision: Permission Granted

Decision Date: 02 April 1993

Proposal: Extension and renovation to Gate Lodge and change of use to self catering accommodation.

Application Number: LA07/2021/2160/O

Decision: Permission Granted

Decision Date: 19 October 2022

Proposal: Farm dwelling and garage with associated site works.

SUPPORTING DOCUMENTS

Application form

Drawings

Design and Access Statement

NI Biodiversity Checklist & Extended Ecological Statement Report (ATECNI Ltd).

Supporting/rebuttal statement

Bat emergence survey report (Aulino Wann & Associates)

CONSULTATIONS

NI Water-No objections

DAERA WMU-No objections

NMD EHO-No objections

DAERA NED-No objections

HED (Buildings)-No objections

DFI Roads-No objections

REPRESENTATIONS

No objections to date 11th June 2025.

EVALUATION



SPPS

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It reflects the Environment Minister's expectations for delivery of the planning system. It has been agreed by the Northern Ireland Executive and it is judged to be in general conformity with the Regional Development Strategy 2035.

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy. Any relevant supplementary and best practice guidance will also continue to apply.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Replacement dwellings: provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;

Protected Species

The presence or potential presence of a legally protected species is an important consideration in decision-making. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Built Heritage

The planning system has a key role in the stewardship of our archaeological and built heritage. The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.

Listed Buildings

Listed buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 21:

Policy CTY 3 – Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either

- (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or

(b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the *replacement of a listed dwelling unless there are exceptional circumstances*

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

Policy CTY 14 – Rural Character

Policy CTY 15-The Setting of Settlements

Policy CTY 16 – Development Relying on Non-Mains Sewerage

PPS 2 Natural Heritage:

Policy NH 2 - Species Protected by Law

Policy NH 6 – Area of Outstanding Natural Beauty

PPS 3 Access, Movement and Parking

Policy AMP 2 Access to Public Roads

Policy AMP 3 Access to Protected Routes

PPS 6 Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building

Consideration:

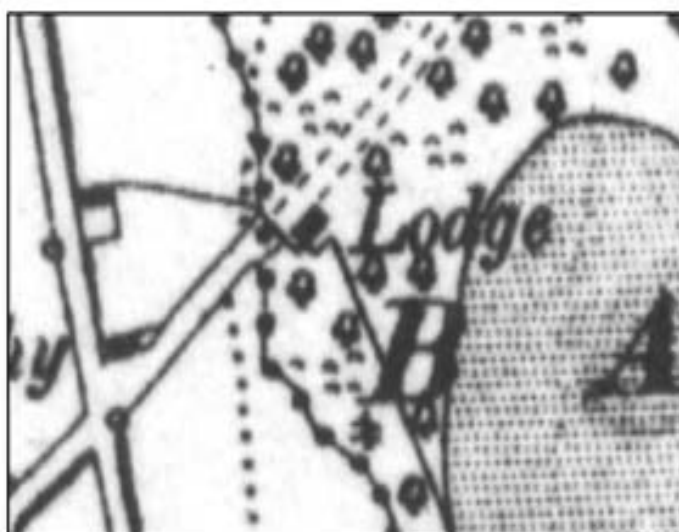
Principle

The building subject of this application is considered to exhibit the essential characteristics of a dwelling (chimney stack, fenestration, decorative quoins & windowsills etc.). All external walls are seen to be substantially intact also. Historical maps and information from HED illustrate that it is a gate lodge associated with Ballywillwill House. Therefore, Council is content that the building subject of this application *is a dwelling house for the purposes of policy*.

In turn it is noted that this application seeks to replace the dwelling immediately to the south-east of the building currently in situ (with the retention of the dwelling to be replaced as a store). This proposed siting is considered to be outside of the established/historical curtilage of the gate lodge as illustrated below via several historical maps.



1838-1862



1900-1932



1916-1957



1952-1979



1957-1986



Current map (with established curtilage in red)



Current site aerial image

The proposed siting is seen to be outside of the curtilage of the dwelling/gatelodge subject to this application. Policy states that replacement dwellings **must** be located within the established curtilage *where practicable*, or at an alternative position nearly *where there are demonstrable benefits in doing so*. An assessment of the planning supporting statement provided with the application finds no reasons having been provided for the siting of the 'replacement dwelling' remote from the established site curtilage. No demonstrable benefits have been outlined in respect of the proposed siting either.

As this application seeks outline permission only, in the event of approval being granted relevant conditions relating to size/ridge heights etc. could be utilised to ensure that the new dwelling does not have a visual impact significantly greater than the existing dwelling. It is noted that a concept plan has been provided which illustrates that the dwelling to be replaced has a footprint of approx.. 59m.sq with the new dwelling illustrated as having a footprint of approx.. 115m.sq. The ridge height is also seen to be illustrated as being slightly higher than the gate lodge, with a lower FFL. HED are seen to be content with this detail as provided. On balance it is therefore considered that the new dwelling will not have a visual impact significantly greater than the dwelling that is to be replaced. Further detail would be provided in the event of approval at Full/R. Matters stage.

In turn, following detailed consultation with the Dept. of Communities Historic Buildings Unit, it is seen that the gate lodge dwelling is a curtilage structure of HB18/16/001A-Ballywillwill House **and therefore is afforded the same protection as Ballywillwill House itself under Section 80(7) of the Planning Act (NI) 2011.**

HED Historic Buildings consider the gate lodge at 55m east of 29 Clonvaraghan Road, Castlewellan to be a curtilage structure of HB18/16/001A - Ballywillwill House and therefore afforded the same protection as Ballywillwill House itself under Section 80 (7) of The Planning Act (NI) 2011. HED advises that Listed Building Consent (LBC) is required for any changes to its layout or fabric under Section 85 of the same legislation. Please refer to Image 1 below.

Section 80(7) of The Planning Act (NI) 2011 states the following:

(7) In this Act "listed building" means a building which is for the time being included in a list compiled under this section; and, for the purposes of the provisions of this Act relating to listed buildings, the following shall be treated as part of the building—

- (a) any object or structure within the curtilage of the building and fixed to the building;*
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st October 1973.*

It is noted that the SPPS outlines that *Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;* As a result of the above comments/status of the building subject of this application the agent was made aware of same and that Council contended that to replace the dwelling would be unacceptable as no exceptional circumstances have been provided in respect of same.

The agent in turn is noted to have provided a response to the above concerns, 8th May 2024, following up upon an email sent, 3rd April 2024. Council have considered the contents of same in conjunction with HED comments regarding the status of the building and find no supporting information to remove concerns as raised in respect of the replacement of a building/dwelling that is listed. It is noted that the agent within their rebuttal concludes with the following:

*'It is our considered opinion that the dwelling to be replaced is its own independent unit which does not fall within the listed curtilage of Ballywillwill House. **We do not consider the building to be listed by way of association with Ballywillwill House.** If the planning authority and HED stick to their assertion that the building is listed, we are of the opinion the Planning Authority are acting unreasonably by applying an exceptional policy test to justify its replacement, given that we are proposing to retain the building and not demolish it. This approach is clearly supported by the policy provisions of PPS 6. Furthermore, the proposed retention of the building to preserve its historic and architectural interest should be treated as an exceptional planning gain. This has already been welcomed by HED, and we would respectfully request the planning authority reconsider their stance and look favourably on the development proposal.*

An assessment of the agent's rebuttal outlines the following:

A-Disagrees that the building is listed (*Council considering comment from HED are content that it is listed by association with Ballywillwill House*).

B-Ambiguity/inconsistency between PP21/PPS 6 (*Council note that HED are content with the proposed new dwelling adjacent to the gate lodge regarding PPS 6 policy requirements. However, contend that PPS 21 is a planning policy that does not fall to HED to decide upon*). HED advise that the building is listed which Council have considered, in turn engaging the exceptional test as noted within the SPPS and Policy CTY 3).

C-Building will continue to deteriorate, renovation/restoration may be impossible/ financially unviable (*No supporting information has been provided to support this and on its own it would not be an exceptional circumstance*).

D-Not possible to extend/renovate to provide suitable accommodation (*no evidence has been provided to support this and on its own it would not be an exceptional circumstance*).

E-Any extension would result in the loss of the essential character of the building (*any works to the gate lodge by way of extension would be required to gain planning approval and LBC so as to ensure that they would be acceptable*).

F-Extending to the rear not feasible due to NI Water Foul Sewer (*potentially a side extension to the western side of the building could be provided to overcome this issue*).

This application seeks to **replace** the dwelling via the SPPS and Policy CTY 3 of PPS 21. Council acknowledge that this application is unique in that it seeks to replace the dwelling *but also to retain it* (as a store). However, **by seeking its replacement** policy CTY 3 is engaged (in conjunction with the SPPS) which clearly outlines that the replacement of a listed building is **only acceptable in exceptional circumstances**. Considering the information as provided within this application it is considered that no exceptional circumstances have been provided that would outweigh Councils concern in respect of the replacement of a listed building as per the SPPS and Policy CTY 3 of PPS 21.

PPS 21

As outlined previously, the proposed siting of the new dwelling is outside of the established curtilage of the dwelling that is to be replaced into an open field. No supporting information has been provided outlining that the curtilage of the dwelling is so restricted that it could not reasonably accommodate a modest sized dwelling, or that it has been shown that the proposed siting would result in demonstrable landscape, heritage, access or amenity benefits.



Proposed site in open field.

As this application seeks outline permission only no detailed drawings have been provided apart from an indicative site layout drawing. In the event of approval being granted relevant conditions can be utilised in respect of the potential size/design of the new dwelling (footprint/ridge height etc.). Although concerns with regards to integration may arise given the nature of the site boundaries via policy CTY 13 of PPS 21. All required services it is considered can be provided without significant adverse impacts upon the local environmental or local character. The development seeks to utilise the existing access (with modifications) and DFI Roads are seen to offer no objections to same. Council is therefore content that the development would not prejudice road safety or sig. inconvenience the flow of traffic etc.

Access

DFI Roads have been consulted and are noted within their last consultation response to offer no objections to the scheme as proposed (with alterations to the existing access proposed). Council is content that the development therefore complies with the requirements of PPS 3 policy AMP 2. Policy AMP3 is not engaged as the Clonvaraghan Road is not a Protected Route.

Built Heritage

The Dept. for Communities HED unit have outlined that they have no objections (conditional) to the development as proposed. They outline the following:

HED Historic Buildings has considered the effects of the proposal on the listed building and on the basis of the information provided give the following advice:

- *HED Historic Buildings considers the proposal satisfies the policy requirements of Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions.*

We welcome the retention of the gate lodge. We note the proposed dwelling sits in close proximity to the gate lodge and, in this instance, are supportive of the proposal as it ensures the ongoing viability of the gate lodge. Any planning application submitted for this site should clearly show any works proposed to the gate lodge.

HED Historic Buildings request to be consulted on any future planning applications submitted for this site.

HED Historic Buildings are seen to be content that the provision of a new dwelling within proximity to the Gate Lodge is acceptable in respect of the SPPS and PPS 6 BH 11, which considers the potential impacts of development *upon the setting of a listed building*. While council acknowledge this, it is also contended that this does not satisfy the requirements of the SPPS and Policy CTY3 which clearly outlines that 'planning permission will not therefore be granted for the replacement of a listed dwelling unless there are **exceptional circumstances**'. As assessed previously the circumstances in this case on balance do not outweigh policy objections to the principle of development.

Natural Heritage

DAERA NED have provided standing advice in respect of the development as proposed. Council is content with this in conjunction with the ecological information provided (NI Biodiversity Checklist & Extended Ecological Statement Report (ATECNI Ltd) & Bat emergence survey report (Aulino Wann & Associates). It is considered that the development will not result in any harm to any noted interests of natural heritage importance within the site or remote from it including bats, badgers and/or designated sites etc. The development is in keeping with the requirements of the SPPS and PPS 2 Natural Heritage.

Integration/Character (CTY13/14)

Given the nature of the site and its topography it is considered that no issues in respect of prominence shall arise in this instance. It is noted that only one of four site boundaries is defined via mature landscaping. The front, rear and side (eastern) boundaries are currently undefined/defined via post and wire fencing only.

When viewed from the laneway passing the site this would result in issues of concern with respect to the integration of the development as proposed. While the western site boundary is comprised of mature trees it is considered that on balance the site lacks long established boundaries/is unable to provide a suitable degree of enclosure for the development as proposed (which sits within an open field). Consequently, it would rely upon new landscaping for the purposes of integration.

Given the nature of the site, it is considered that required ancillary works could be provided to integrate into the site/surrounding area (utilising appropriate conditions regarding existing/proposed levels and FFL's etc.). As this application seeks outline approval only no detailed design detail has been provided apart from a site layout drawing. In the event of approval being forthcoming HED conditions as requested in conjunction with appropriate planning conditions could ensure that a dwelling of appropriate size and design is provided. The development is seen to extend out into an open field which lacks sufficient boundaries. When viewed from the laneway there is a flat open backdrop to the development as below which would result in the development being contrary to point (f) of policy CTY13. Point (g) of policy CTY 13 is not engaged in this instance.



As Council contend that the principle of development in this instance is unacceptable, it is therefore found that the development would result in a suburban style build-up of development when viewed with existing buildings (gate lodge and dwellings within defined settlement limits of Clonvaraghan to the west of the site) noted within proximity of the site. Further to this the provision of the dwelling would in turn not respect the pattern of development noted within the local area which mainly consists of dwellings within the defined settlement limits of Clonvaraghan fronting onto the Clonvaraghan Road. It is noted that one dwelling to the north east of the site fronts onto the laneway, but as the principle of development is considered to be unacceptable in this case, on balance the provision of same would also not respect the pattern of development either.

To provide a dwelling as proposed within this application, fronting onto the laneway to its north, as per the dwelling that is to be replaced which is considered to be unacceptable in principle as previously outlined would result in the creation of a ribbon of development along this stretch of the laneway. Both buildings would be visually linked when viewed from the laneway (with both fronting onto same) which would be

contrary to point (d) of policy CTY 14 of PPS 21. No concerns with regards to point (e) of policy CTY 14 shall arise.

Setting of Settlements (CTY 15).



Site visually linked to defined settlement of Clonvaraghan

When viewed from the laneway that passes the front of the application site it is seen that the gate lodge building reads with development that is located within the defined settlement limits of Clonvaraghan (which is seen to be at a higher level than same/the site). The proposed replacement dwelling would in turn be visually linked to the gate lodge and also the development noted within Clonvaraghan. This in turn would be considered to be contrary to policy CTY15 of PPS 21 as it would mar the distinction between the defined settlement and the surrounding rural/countryside area.

AONB

The proposal would fail to conserve or enhance the character and features of the AONB.

As the proposal is unacceptable in principle. For reasons outlined above, it would be detrimental to the rural character of the area and hence by extension to the AONB.

The proposal is contrary to NH6 of PPS 2.

Waste

NI Water, DAERA WMU and NMD EHO unit offer no objections to the development as proposed. It is seen that mains water shall be utilised. Sewerage shall be disposed of via a septic tank.

EIA Regulations

As the site is within an AONB an EIA Screening is required in this instance.

This has been carried out 9 th June 2025 and it has been found that an ES is not required.	
Neighbour Notification Checked	Yes
Summary of Recommendation	
Refusal	
Reasons for Refusal:	
<p>The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the dwelling to be replaced is a listed building protected under Section 80 (7) of The Planning Act (NI) 2011 and no exceptional circumstance have been provided to justify its replacement.</p>	
<p>The proposal is contrary to the SPPS and policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside as the proposed new dwelling is not sited within the established curtilage of the dwelling to be replaced and it has not been demonstrated that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;</p>	
<p>The proposal is contrary to the SPPS and policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside as the site lacks long established natural boundaries, being unable to provide a suitable degree of enclosure for the development to integrate into the landscape, relying primarily on the use of new landscaping for purposes of integration. It also fails to blend into the site due to its lack of a backdrop.</p>	
<p>The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would result in the suburban style build up of development when viewed with existing buildings; it does not respect the pattern of development exhibited in the area and it would create a ribbon of development along the laneway.</p>	
<p>The proposal is contrary to the SPPS and policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside as it would mar the distinction between the defined settlement of Clonvaraghan and the surrounding countryside.</p>	
<p>The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the proposal fails to conserve or enhance the character and features of the AONB.</p>	

Case Officer Signature: R McMullan
Date: 11 th June 2025
Appointed Officer Signature: Brenda Ferguson
Date: 16/06/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Dear Members,

This application has been recommended for refusal by the Department as they do not consider the proposal to comply with Policies CTY 3, CTY 13, CTY 14, CTY15 of PPS21 and Policy NH6 of PPS2.

Firstly, the Department contend that this is a listed building and while we do not necessarily agree with this assessment, for the purpose of this presentation we will address this as a listed building.

In terms of the first refusal reason resulting to Policy CTY 3- The essential thrust of the Case Officer refusal under CTY 3 is that as the Department consider this a listed building, there should be exceptional circumstances demonstrated for its replacement.

The Listed Buildings element of Policy CTY 3 reads:

"The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed (our emphasis) as being of special architectural or historic interest. Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances."

The wording of this policy clearly favours the retention of listed buildings, which is the case with this development proposal. This element of the policy was clearly written to protect listed dwellings from demolition and replacement – which I accept would warrant exceptional circumstances. In the current case the listed dwelling will be retained and sensitively incorporated into the overall development scheme- therefore complies with the first sentence of this paragraph.

As the listed dwelling is being retained to preserve its architectural and historic interest, there should be no requirement to provide exceptional circumstances for its replacement. This interpretation is supported by the provisions of Planning Policy Statement 6 – Planning Archaeology and the Built Heritage, whereby exceptional circumstances are only required in the cases of the proposed demolition of a listed building under Policy BH10 - and this is only in the cases where the building cannot be retained. As we are retaining the building, - we consider that the applicant has been subject to an extremely harsh assessment of the policy by the Planning Department.

We have worked closely with HED in this development scheme. **HED are now supportive and offer no objections to the development proposal.**

In terms of the second refusal reason relating to siting it within the curtilage, the purpose of this element of the policy is to site a new replacement dwelling on or close to the footprint of the original dwelling that is to be demolished. In this case the original dwelling is being retained. The new dwelling has been sited as close to the dwelling as possible. To site the new dwelling within the curtilage of the original dwelling would result in the loss of the existing group of mature trees and vegetation. The proposed siting provides demonstrable landscape benefits by retaining the group of mature trees and vegetation. Furthermore, the removal of those trees may have an adverse impact on protected species such as bats. There are many examples of new dwellings approved close to buildings that are to be retained. A quick search of the

planning portal identified a long list of similar developments including LA07/2023/3356/F & LA07/2024/1161/F.

In terms of the third refusal reason, the site does not lack long established natural boundaries. It is located approximately 100m up a laneway accessed off the Clonvaraghan Road, screened from the public road by existing mature trees and vegetation. The proposal will provide a degree of new natural boundary treatment but does not primarily rely on it for integration. Respectfully, this refusal reason is misplaced.

The fourth refusal reason suggest that the proposal will result in a suburban style build up, and create in a ribbon of development. We respectfully disagree with this. The proposal is for a new replacement dwelling with the original dwelling retained for ancillary purposes. The new dwelling will be located to the rear of the original dwelling, therefore will not extend the ribbon of development.

In terms of the fifth refusal reason, the proposed site is located 100m up a lane, off the Clonvaraghan Road. It is not visible from public vantage points. The existing large group of mature trees and vegetation successfully maintain the distinction between town and country. This reason for refusal cannot be sustained.

In terms of the sixth refusal reason, The proposal respects and conserves features (including buildings and other man-made features) of importance to the character, appearance and heritage of the landscape. The existing mature trees and vegetation will be retained and augmented, and the listed dwelling is to be retained. The proposal fully complies with policy NH6(b). As per normal planning procedures, policies NH6(a) and (c) are design related and should be assessed at Reserved Matters stage.

In conclusion, we feel that a fair assessment of the policy thrust has not taken place here. The applicant appears to be subject to an extremely harsher than necessary assessment, with the expectation to provide exceptional circumstances, even though we are retaining the building in situ, and HED have not requested them.

The whole thrust of PPS21 and the SPPS is that of sustainable development and protection of our built heritage. As the proposal retains the original building as part of the development proposal, we consider it policy compliant. We would like to reinforce that we have worked closely with the HED and they are supportive and have offered no objections to the proposal.

We respectfully request that the Planning Committee afford this application a fairer assessment against Policy CTY3, and consider the material considerations of the application, being the fact we are retaining the listed building (in accordance with policy) and the support received from HED.

Delegated Application

Development Management Officer Report	
Case Officer: Sarah Murray	
Application ID: LA07/2024/0296/F	Target Date:
Proposal: Proposed replacement dwelling & garage	Location: 40 Lisoid Road, Downpatrick, BT30 8LP
Applicant Name and Address: L & C McNally 40 Lisoid Road Downpatrick	Agent Name and Address: 2020 Architects 49 Main Street Ballymoney
Date of last Neighbour Notification:	3 rd June 2024
Date of Press Advertisement:	24 th April 2024
ES Requested: No	
Consultations: DfI Roads – No objections. NIEA NED – Acknowledges Biodiversity Checklist & Bat Survey Report Environmental Health - Substantive Response Provided	
Representations: None received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: No objections or representations have been made. Consultees are content with the proposal.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 6th June 2025

Characteristics of the Site and Area

The site is located along the minor Lisoid Road, Downpatrick. It is comprised of portion of land cut out of a larger agricultural field, along with a derelict single storey and associated out-buildings. The site is relatively flat throughout and defined at the roadside by a mature hedge. Opposite site there are a number of detached single storey dwellings with a variety of plot sizes. The site is located within the rural area outside the development limit of any settlement and is surrounded by agricultural land which is predominantly used for grazing. The area is noted to be an Area of Outstanding Natural Beauty as designed by the Ards and Down Area Plan 2015.



Description of Proposal

Proposed replacement dwelling & garage

Planning Assessment of Policy and Other Material Considerations

This application will be assessed under the following planning policies:

- Strategic Planning Policy Statement for Northern Ireland
- Ards and Down Area Plan
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Building on Tradition

PLANNING HISTORY

Application Number: R/1977/0053

Proposal: IMPROVEMENTS AND EXTENSION TO FARM DWELLING

Decision: Permission Granted Decision Date: 11 April 1978

Application Number: LA07/2020/1523/O

Proposal: Replacement Dwelling and Detached Garage

Decision: Permission Granted Decision Date: 09 April 2021

SUPPORTING DOCUMENTS

- Application Form
- Site Location Plan PD001
- Site Layout Plan PD002 & draft Site Layout Plan PD002 01

- Proposed Plan Elevations PD003
- Proposed garage PD004
- Design and Access Statement
- NI Biodiversity Checklist – Preliminary Ecological Appraisal Bat Survey Report

CONSULTATIONS

DfI Roads – No objections conditions suggested.

NIEA NED – Acknowledges Biodiversity Checklist & Bat Survey Report

Environmental Health - Substantive Response Provided

REPRESENTATIONS

None received.

EVALUATION

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out 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.

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds. Section 05 deals with Replacement and details basic rules, size and scale, and forms to be avoided.

PPS21- Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

In order to comply with Policy CTY3, the principle of replacing this dwelling is established with the outline approval however there are other criteria which must be adhered to:

- *The proposed dwelling must be sited within the established curtilage of the existing building (Curtilage is defined as the immediate, usually defined and enclosed area surrounding an existing or former dwelling house).*

This criterion has not been complied with and issue was raised with the agent. On the 16th June 2025 it was suggested that a slightly larger area, to the area outline in yellow, would be acceptable but not what is proposed as it is effectively twice the width of the existing curtilage.



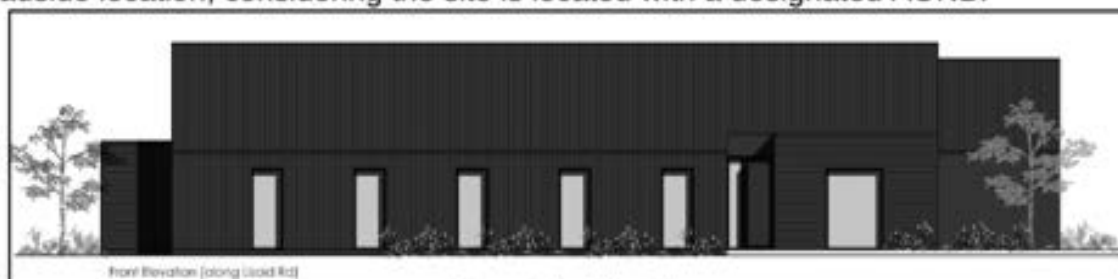
Approved Site Location Plan



Proposed Site Layout Plan

- *The overall size of the new dwelling must integrate into the surrounding landscape and have no significantly greater visual impact than the existing buildings.* The proposed dwelling has a modest ridge height of approximately 5m, however its positioning being sprawled across the larger curtilage in my opinion would cause a significantly greater impact. It was suggested it should be pushed forward towards the eastern corner of the site on the footprint of the original dwelling. It was also suggested that the proposed garage should be relocated to the rear. A draft amended site layout was received on 21st May 2025, but did not include any of the suggested amendments requested.

- *The design of the replacement dwelling should be of a high quality appropriate to its rural setting.* Black corrugated metal is proposed as the finish for the design of the dwelling, this is not typical of the character in this rural area and especially not at roadside location, considering the site is located with a designated AONB.



Proposed Front Elevation

The proposal is considered does not comply fully with Policy CTY3.

Policies CTY13 & CTY14

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the proposed dwelling and garage would not suitably integrate into this countryside location and would have an adverse impact on rural character of the AONB.

CTY 16: Development Relying on Non-Mains Sewerage

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 dwelling proposes to use a septic tank. The tank shown to the south of the proposed dwelling and far enough away from both the subject dwelling and proposed dwellings to avoid any unreasonable nuisance. The septic tank and soakaway are indicated within land that is controlled by the applicant. Applicant/developer to require NIEA Consent for any discharge. 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.

PPS3- Access, Movement and Parking

DFI Roads have been consulted on this application have no objections and suggested conditions. There is ample space within the curtilage for parking.

Planning Policy Statement 2- Natural Heritage

Given the proposal seeks replacement of an existing building an assessment of its impact on BioDiversity has been carried out. The applicant has submitted a Bio-Diversity Checklist Preliminary Ecological Appraisal Bat Survey Report.

Having inspected the site and upon reviewing the assessments, it is concluded that while some of the roadside boundary may have to be removed to enable provision of visibility splays, it could be compensated for by like-for-like replacement planting with native species hedgerow species. It could also be conditioned that clearance of vegetation or demolition of buildings is undertaken outside the bird nesting season (1st March – 31st August).

No evidence of badgers, or suitable habitat for smooth newt was identified within the site. In addition, habitats immediately surrounding the site were assessed as having low potential for foraging and commuting bats and none of the boundary vegetation surrounding the site was assessed as having significant bat roosting potential. The buildings on site have been assessed for Bat Roost Potential and it was concluded bat roosts are not present. Nesting swallows were however noted within the existing building. It would therefore be appropriate to condition its demolition outside the bird nesting season as noted above.

With regard to designated features it is noted that the site is located outside the Tyrella and Minerstown ASSI and Murlough Special Area of Conservation (SAC) and

<p>approximately 248m from an undesignated watercourse. It is considered therefore that the site would not be hydrologically linked to a designated area. It is noted that the applicant proposes to use a septic tank. This will be subject to a discharge consent. Due to the scale of the development it is considered that there will be no likely significant impacts from the development on any designated sites.</p>	
Neighbour Notification Checked	Yes/No
<p>Summary of Recommendation Refusal</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 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 CTY 3 of PPS 21, Sustainable Development in the Countryside in that: <ul style="list-style-type: none"> • The size of the proposed curtilage is considered unacceptable in this rural area. • The overall size of the new dwelling does not allow it to integrate into the surrounding landscape and it has a visual impact significantly greater than the existing building • The design of the proposal is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness. 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: <ul style="list-style-type: none"> • The new development is a prominent feature in the landscape • The site is unable to provide a suitable degree of enclosure for the development to integrate into the landscape • The site relies primarily on new landscaping for integration • The design of the building is inappropriate for the site and its locality • The proposal fails to blend with the landform, existing trees, buildings and other natural features which provide a backdrop. 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, sustainable Development in the Countryside in that: <ul style="list-style-type: none"> • The new building is unduly prominent in the landscape • It does not respect the traditional pattern of settlement exhibited in that area • The impact of ancillary works would damage rural character 5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that: 	

<ul style="list-style-type: none">• The scale of the proposal is not sympathetic to the special character of the AONB and of the particular locality.• The proposal does not respect or conserve features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape• The proposal does not respect local architectural styles and patterns.
Case Officer Signature: Sarah Murray
Date: 18th June 2025
Appointed Officer Signature: Brenda Ferguson
Date: 19/06/2025

LA07/2024/0296/F – Item no.20 – 40 Lisoid Road, Downpatrick

- Contrary to refusal reasons 1 & 2, there is a live approval on the site for a replacement dwelling (LA07/2020/1523/O) which shows that the principle of a replacement dwelling on this site is acceptable. In addition to this, the previous case officer sent an email on the 30/07/2024 stating "I am content with the principal and proposed residential curtilage". The proposed curtilage is permissible under CTY3 of PPS21 as it states that if a curtilage is so restricted that it could not accommodate a modest sized dwelling it can be located outside this. The curtilage is similar to adjacent properties and it is clear that the proposed curtilage is in compliance with CTY3 as the council have already accepted it in writing.
- Contrary to the 2nd and 3rd element of the second refusal reason, the proposed dwelling has been designed by a qualified Architect utilising building on tradition (the official guidance document) and years of experience to create a proposal that is befitting of the landscape. It doesn't sprawl across the site as eluded to in the case officers report and it is misguided to state the design is not high quality. The scale and massing has been carefully considered, breaking down the building into different Sections and utilising textures to further break the massing. Additionally, the proposal has a ridge height of just 5m, with constrained gable widths and a traditional pitch on the roof (all outlines as good examples in Building on Tradition) ensuring it is not a prominent feature in the landscape. The proposed dwelling is not excessively large and provides a modest level of accommodation for a modern family unit.

Additionally, the proposed finishes on the building were chosen to emulate traditional farm buildings, with a colour that allows it to blend into the countryside when viewed from afar. Render, corrugated metal and timber are all utilised in a harmonious colour scheme to provide texture and interest to the building when viewed from the roadside, yet blend as one when viewed from a distance, allowing the proposal to blend with the landscape instead of competing with it, like a white rendered house would do. The use of materials are identified in building on tradition and have been approved in NMandDDC previously in the countryside.



- Contrary to refusal reasons 3 & 4, the proposal is not going to be a prominent feature in the landscape, and has been designed to harmonise with it, in compliance with CTY13 & CTY14. The site has a previous approval for a new dwelling, meaning the council have already established that a dwelling will be placed here, yet in this application they are saying that it will rely on new landscaping and the site doesn't provide a suitable degree of enclosure. No matter what dwelling was to be placed here, the boundary treatments and screening would be the same. It is our opinion that the design is suitable for the area and will not be a prominent feature in the landscape, especially with a 5m ridge height and broken frontage, complying with Policies CTY13 & 14.
- The final refusal reason relates to Policy NH6 of PPS2, stating that the proposal is not sympathetic to the character of the AONB and the locality and does not respect local architectural styles or patterns. Contrary to this, no two dwellings are the same along this road, the only feature that they all share is being single storey, which the proposal respects. The proposed design is emulative of agricultural buildings, of which there are

many in the locality, with the scale and massing of a traditional rural dwelling. We strongly believe that the proposal is respectful of the local character and that of the AONB and complies with Policy NH6 of PPS2.

- We are explicitly complying with all the criterion set out in policies CTY1, CTY3, CTY 13, CTY 14 & NH6. The assessment of the design created by a qualified architect is incorrect and misguided.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3007/O	Target Date:
Proposal: Proposed infill dwelling and garage	Location: Southeast of 21b TECONNAUGHT ROAD SEAVAGHAN DOWNPATRICK DOWN BT30 8QB
Applicant Name and Address: Steven McMullan 3 Glenhurst Gardens Whitewell Road Newtownabbey BT357JW	Agent Name and Address: Eoin Morgan 32a Bryansford Avenue newcastle bt330lg
Date of last Neighbour Notification:	12 February 2024
Date of Press Advertisement:	14 February 2024
ES Requested: No	
Consultations: see report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report	
<p>Site Location Plan: The application site is located to the south east of Southeast of 21b Teconnaught Road, Seavaghan, Downpatrick.</p>	
	
<p>Date of Site Visit: 15th March 2024 & 22nd May 2025</p>	
<p>Characteristics of the Site and Area</p> <p>The site is located off the Teconnaught Road down an existing laneway which serves a number of properties. The site is a roughly rectangular shaped plot and comprises primarily of scattered scrub and whinbushes with several areas containing some hardstanding and waste tips of stone and wood piles, some machinery, an old outhouse and some shipping containers. The site is quite overgrown in parts and is accessed via an existing field gate. The boundaries are enclosed with existing vegetation with the boundary along the laneway defined by a wooden range style fence and gate. The area is rural in character.</p>	
<p>Description of Proposal</p> <p>Proposed infill dwelling and garage</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The application site is located outside the settlements in the open countryside within the as designated in the Ards and Down Area Plan 2015.</p> <p>The following planning policies have been taken into account:</p>	

Regional Development Strategy

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 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character
- Policy CTY 16 Development Relying on Non-Mains Sewerage

Ards and Down Area Plan 2015.

PLANNING HISTORY

Planning

Application Number: R/1997/0483

Decision: Permission Granted

Decision Date: 06 October 1997

Proposal: Extension to dwelling with renovations

Application Number: R/1999/0598/F

Decision: Permission Granted

Decision Date: 06 September 1999

Proposal: Two storey replacement dwelling (renovation grant application).

Application Number: R/1998/0777

Decision: Permission Granted

Decision Date: 01 October 1999

Proposal: Proposed dwelling

Application Number: R/2000/1494/F

Decision: Permission Granted

Decision Date: 30 May 2001

Proposal: Proposed new dwelling and double garage

Application Number: R/2002/1202/O

Decision: Permission Granted

Decision Date: 26 September 2003

Proposal: Dwelling

Application Number: R/2002/1534/O
 Decision: Permission Granted
 Decision Date: 04 December 2003
 Proposal: Site for dwelling.

Application Number: R/2004/0539/O
 Decision: Permission Refused
 Decision Date: 07 July 2006
 Proposal: Proposed dwelling and garage.

Application Number: R/2004/0540/F
 Decision: Permission Granted
 Decision Date: 11 September 2006
 Proposal: Dwelling.

Application Number: R/2005/1445/F
 Decision: Permission Granted
 Decision Date: 06 July 2007
 Proposal: New access to land adjacent to No: 23 Butney Lane.

Application Number: R/2008/0189/F
 Decision: Permission Granted
 Decision Date: 15 July 2009
 Proposal: Proposed traditional cottage replacing existing cottage.

Application Number: R/2013/0130/RM
 Decision: Permission Granted
 Decision Date: 17 July 2013
 Proposal: Proposed new dwelling on a farm

Consultations:

NI Water – Statutory response – no objections
 DFI Roads – No objections subject to RS1 form – see below
 NIEA – Water Management Unit – No Objections – refers to DAERA standing advice for multiple dwellings
 NIEA – Natural Environment Division – No objections
 DFI Rivers – No objections

Objections & Representations

In line with statutory requirements neighbours have been notified on 29.01.2024. The application was advertised in the Down Recorder on 14.02.2024 (Expiry 28.02.2024). No letters of objection or support have been received to date.

Consideration and Assessment:

Section 45 (1) of the planning Act 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, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area Plan 2015.

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. 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. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built-up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the

definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The agent considers that the site is such a gap site, falling within a substantial and continuously built-up frontage. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.

As per the high court judgement – Gordon Duff v Newry, Mourne and Down District Council [2022] (NIQB37) and the subsequent court of appeal judgement - Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) [2024] NICA 42, Policy CTY8 refers to a small gap site within an otherwise substantial and continuously built-up frontage, that is to say, which is continuously built up (in line with the policy) but for a 'small gap site' which is under consideration for development.

On considering that Judicial Review (JR) as referred to above, the restrictive nature of Policy CTY8 was further reinforced. The Judge had noted that:

"An exception to the prohibition against ribbon development can only be established if all of the conditions underpinning the exception are made out. Absent fulfilment of any of these conditions, the very closely defined exception cannot be made out. In construing and applying the exception, the decision-maker must bear in mind the inherently restrictive nature of the policy, the principal aim of which is to prevent the spread of ribbon development in rural areas".

Paragraph 5.33 of Policy CTY 8 of PPS 21 says that for the purpose of this policy a road frontage includes a footpath or private lane. The site comprises a roughly rectangular shaped plot which fronts onto the narrow unadopted laneway (referred to as Teconnaught Road) (this is a laneway which accesses off the main Teconnaught road. No 19A is a dwelling with garage to the rear. It has a large plot with defined curtilage and is considered that the dwelling (and positioning of the garage) have frontage to the laneway, No 21B is a dwelling, with this dwelling fronting directly onto the laneway. Moving SE along the laneway is the site, which has frontage to the laneway. When travelling further SE next is (what the agent deems to be another infill opportunity) which extends across part of an existing agricultural field. The agent has identified a glasshouse as the 'bookend' building. This glass house sits approx. 15m back from the laneway. No 21 is located set back from the laneway down an existing access.

There was debate with the agent as to whether this glasshouse was a 'building' for the purposes of CTY 8. Section 250 of the Planning Act (Northern Ireland) 2011 provides the appropriate definition of a building. This section of the legislation provides supplementary interpretation of what constitutes a building and is a guide to the

interpretation of the Act itself. While the definition includes "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building" it is envisaged that the policy writers would not have considered 'any structure' or 'any part of a building' as referred to in the Act as an appropriate building for the purpose of applying the policy. Accordingly, its usefulness in respect of interpreting Policy CTY 8 is limited especially given the overall wording of the policy. The fact that something has been erected on land is not sufficient to make it a building for the purposes of the policy and it is for the decision maker to determine what constitutes a building on a fact and degree basis.

The agent therefore advised that the definition of Building according to Section 250 of the Planning Act includes "any structure or erection". The agent continues that the PACs approach to Policy, as established by *William Orbinsons Planning Appeals 5th Edition*, directs the commission to interpret the policy head note by reference to explanatory text, footnotes and relevant legislation. He indicates that this has been established through various appeals.

The agent also indicates that the Courts have also held similar structures (polytunnels) as 'buildings' for the purposes of planning law (*Hall Hunter v First Secretary of State* [2007] 2 P. & C.R. 5). Structures occupying a lesser footprint have also been considered as buildings by the Planning Appeals Commission and he quotes appeals 2021/A0124 and 2021/A0144.



Glasshouse

On further investigation the glasshouse has a concrete plinth which is at least 2 blocks deep and inside there are paving slabs which appear to have concrete grouting as the base for the glasshouse. While ordinarily glasshouses could be considered temporary in nature and dismantled easily on site, the block base and plinth gives it a more permanent fixture and for the purposes of the policy is considered to be acceptable as a

building it therefore falls that it complies with the definition of a building for the purposes of Policy CTY8. Notwithstanding the above and after undertaking a history check there does not appear to be planning permission or a certificate of lawful development for the glasshouse. The PAC have considered situations like this in appeal 2016/A0107 whereby an unauthorised building as part of a ribbon of development was not accepted as a building for the purposes of applying the policy.

"Whilst the curtilage of each these two properties abuts the roadside, the outbuilding at No.9 does not have the benefit of planning permission and is under investigation by the enforcement section of the planning authority. Irrespective of whether the outbuilding has been there for 5 years as suggested by the appellant, given its unauthorised status I cannot take it into consideration"

In this respect for the purposes of the policy the glasshouse cannot be counted as one of the 3 buildings.

As the aforementioned building (the unauthorised glasshouse) cannot be counted for the purposes of the policy, then it follows that it does not have common frontage to the private lane, there is no line of three or more buildings to constitute a substantial and continuously built up frontage, as envisaged by the policy. Accordingly, there is no gap or infill opportunity. As there is no substantial and continuously built up frontage the proposal does not meet the first test as set out in Policy CTY8. In these circumstances (as accepted by the PAC) it is not necessary to assess such matters of development pattern, plot size, frontage width and scale of development which are deemed irrelevant.

Notwithstanding the above and in the interests of conclusiveness, in the event that the lawful status of the glasshouse was resolved positively, consideration will be given as to the suitability of the 'gap' for a dwelling.

Whether or not a gap is suitable for infill development in accordance with CTY 8 is a matter of planning judgement, taking into account what one ascertains on the ground, and is not merely a mathematical exercise.

Paragraph 5.34 infers that for the purposes of the policy, the 'gap' is between buildings. The gap between the two buildings is approximately 131 metres wide. In assessing whether that gap is 'small' and thus compliant with the policy, one must assess it in the context of the existing pattern of development along the frontage in terms of size, scale, siting and plot size. While consideration of an infill is not a mathematical exercise it does serve to inform the assessment of the proposal.

Building on Tradition (BoT) states that where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. It goes on to say that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The guidance states that a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon. When considering the plot frontages along this stretch of road, No 19A has a frontage of approx.66m, No 21B has a frontage of approx.54m, with the average being 61m. The proposed site frontage is approx.61m.

The plot at No. 19A is around 0.26 hectares, with the plot size of the No 21B approximately 0.23ha. The plot size of the site would be around 0.26 hectares which, from the site inspection, would have a similar depth to those on either side and would therefore respect the existing development pattern along the road. This aspect of the proposal would be considered acceptable.

In terms of building to building distance measurements, there is a gap of 131m between no. 31B and the glasshouse building to the east. The agent sets out that this gap which includes the application site and a further agricultural land (not part of this application), is sufficient in size only to accommodate 2 dwellings in an otherwise substantial and continuously built up frontage. This gap could allow for two sites with a frontage of 67m. the proposed site has a width of 61m and therefore officers agree that the gap could accommodate a max of 2 dwellings.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

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

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that the site is cut from a larger agricultural field, which is enclosed by vegetation which is to be retained, given the limited views from the main part of the Teconnaught road and the existing topography, it is deemed that suitably designed single storey dwelling could be accommodated on the site without appearing prominent.

CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable.

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

Development of the site would be visually liked with the two adjacent buildings at No 19A and No 21B and would read as a ribbon of development from this aspect. In doing so it would conflict with criterion d of PPS 14 (read as a whole and the related provisions of the SPPS), which would cause a detrimental change to the rural character of the area.

CTY 16 – Development relying on non mains sewerage. There would be sufficient room within the land in red for a septic tank and soakaways. The grant of planning permission does not negate the need for a consent to discharge outside of the planning process.

PPS 2 – Natural Heritage

The agent was asked to submit a biodiversity checklist, further information was requested in relation to badgers. NED have 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. The proposal complies with policies NH1 and NH2 and NH5 of PPS 2.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted as part of the proposal and have no objections subject to the RS1 form at reserved matters stage of 2.0m x 45m and the access position via existing laneway. DFI Roads have reconsidered the need for a 6m wide lane for the first 10m, and reduced this request to 4.8m for the first 10m, based on the site specific circumstances of this proposal. The proposal complies with AMP 2 of PPS 3.

PPS 15 Planning and Flood Risk

DFi Rivers have been consulted with regard to the proposal.

FLD1 - Development in Fluvial and Coastal Flood Plains. The proposed built development does not lie within the 1 in 100 year or Climate Change fluvial Plain. Hence The Department for Infrastructure Rivers Directorate cannot sustain an objection under this sub-policy FLD 1.

FLD2 - Protection of Flood Defence and Drainage Infrastructure Rivers Directorate Flood Maps (NI) does not indicate that there are any designated or undesignated watercourses affecting or within the vicinity of the proposed main development site.

FLD3 - Development and Surface Water. Rivers point out that there is some impermeable hardstanding on the site, it is deemed that this hardstanding would not be more than 1000sqm, therefore a Drainage assessment would not be required.

FLD4 - Artificial Modification of Watercourses. Dfi Rivers indicate that a new access is proposed onto the Teconnaught Road, they deem that this access would require culverting of an undesignated watercourse located immediately to the edge of the Teconnaught Road. Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for both the Planning Authority and consent is required from Rivers Directorate local area office engineers for Schedule 6 of the Drainage Order 1973. However, the access is not a new access is use of an existing access which will require some alterations.

FLD5 - Development in Proximity to Reservoirs. Not applicable to this site.

Conclusion

For the reasons given above, the proposal fails to satisfy the requirements of Policies CTY 8, and CTY 14 of PPS 21 and the related provisions of the SPPS. No overriding reasons have been presented to demonstrate how the proposal would be essential in the countryside, thus it is also contrary to Policy CTY 1 and the related provisions of the SPPS.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this

<p>development is essential in this rural location and could not be located within a settlement.</p> <p>2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 8 21, Sustainable Development in the Countryside in that it fails to meet the provisions for infill dwellings as there is not a line of 3 or more buildings in a substantial and built-up frontage and it would, if permitted, result in the creation of ribbon development along the unadopted laneway known as Teconnaught Road.</p> <p>Informative</p> <p>The plans to which this refusal relate include, site location plan 01</p>	
Neighbour Notification Checked	Yes
Summary of Recommendation - refusal	
Case Officer Signature: C Moane	Date: 11 June 2025
Appointed Officer Signature: Brenda Ferguson	Date: 13/06/2025



Reference	LA07/2023/3007/O
Location	Southeast of 21b TECONNAUGHT ROAD
Proposal	Proposed new infill dwelling and garage

Response to Refusal Reasons

Dear Members,

The current application has been recommended for refusal by the department as they do not consider the proposal to comply with CTY 1, CTY 8 and CTY14 of PPS21.

The crux of the Department argument is essentially that one of the buildings making up the substantial and continuously built-up frontage does not benefit from a Certificate of Lawfulness therefore the Department consider it an authorised structure which cannot form part of this frontage.

We respectfully disagree with this assessment, and consider that despite the absence of a CLUD, it can still be counted towards the built-up frontage as has been highlighted in various appeals and case law precedents.

The building has been on the site for 10 years, therefore it is considered immune from enforcement, and as it is immune from enforcement, it can be considered as a building within the substantial and continuously built-up frontage. This was established by appeal decision 2015/A0052:

The appellant also relies on the metal clad shed centrally positioned within the host field in his assessment. Although no CLUD has been submitted to regularise this building, the LPA's representative confirmed at the site visit that the building was immune from enforcement. This being the case, this structure falls to be considered in my assessment. The dwellings at no. 8 and 6 along with the shed read as a line of three buildings along this road frontage and therefore meet the first test in Policy CTY 8."

There is historical Google Earth Imagery dating back to 2016 which clearly shows the building in situ. Figure 1 show the building in situ in 2016, and figure 2 shows the same building in 2023, in the same location. Images in the Case Officers report confirm that the building is still there today.



Figure 1 – 2016 Google Earth Image



Figure 2 – 2023 Google Earth Image

Case law states that, in the absence of a Certificate of Lawfulness, where there is significant evidence that a site has been in use for many years, then it is up to the decision maker to take into account that evidence and afford it the appropriate weight (*R (on the application of Zurich Assurances Ltd (t/a Threadneedle Property Investments) v North Lincolnshire Council* [2012] EWHC 3708).

Therefore, we respectfully request the committee members consider the material consideration that the building is immune from enforcement and count it within the substantial and continuously built up frontage.

As the case officer has already considered that the aforementioned are buildings for the purposes of the policy, these fall within the built up frontage, consequently there is a line of three buildings which constitute a substantial and continuously built up frontage.

As the gap site can accommodate up to a maximum of two houses, whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plots sizes, the proposal therefore conforms to Policy CTY8.

Consequently, the application conforms to Policy CTY8, as the building south east of the gap site counts towards to the frontage due to its immunity, it therefore falls that the proposal conforms to Policies CTY1 CTY8 and CTY14 of PPS21.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/0204/O	Target Date:
Proposal: Dwelling on a farm and domestic garage	Location: Approx 100m North of 29 Turmennan Road, Downpatrick, BT30 9BT
Applicant Name and Address: A Dugan 29 Turmennan Road Downpatrick BT30 9BT	Agent Name and Address: David Burgess 24 Templeburn Road Crossgar
Date of last Neighbour Notification:	29.07.2024
Date of NN Expiry:	12.08.2024
Date of Press Advertisement:	27.03.2024
Date of Press Ad Expiry:	12.04.2024
ES Requested: No	
<p>Consultations:</p> <p>NI Water was consulted and responded with no objections to the proposal.</p> <p>DAERA was consulted and responded advising that the farm business number is active and has been established for a period of more than 6 years, the farm is a category 1 farm business and farm business payments have been made for each of the last 6 years. DAERA also advise that the site in question is located on lands under the control of the farm business.</p> <p>DFI Roads was consulted and responded with no objections subject to conditions, splays of 2.0m x 33m are required.</p> <p>DFI Rivers was consulted and responded with no objections.</p> <p>NIEA was consulted, Water Management Unit responded with standing advice.</p> <p>Environmental Health was consulted and responded with no objections with advice for applicant given.</p> <p>Shared Environmental Services was consulted and made the following comments:</p> <p>On consideration and agreement, the following may be included in the planning report: Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA</p>	

report, and conclusions therein, prepared by Shared Environmental Service, dated 29/05/2025. This found that the project would not be likely to have a significant effect on any European site.	
Representations: The application has been advertised and neighbours notified as detailed above and to date there have been no representations received in relation to the proposal.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	
Summary of Issues: There are no outstanding issues as a result of the consultation and publicity process.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 03.03.2025

Characteristics of the Site and Area

The site in question is located to the rear of the dwelling and farm buildings known as 29 Turmennan Road however the site is actually off the Cluntagh Road. The site is located on what appears to be agricultural land to the north of an agricultural shed, concrete hard standing and what appears as a yard/sand school. The site is bounded to the north with a planted field hedgerow, the site stops short of the road frontage with an existing lane being utilised to gain access to the site. the eastern boundary of the site remains undefined and the southern boundary is an associated agricultural building and yard.

The site in question is not located within any settlement limits as defined in the Ards and Down Area Plan 2015, the site is located in open countryside of an area characterised by a drumlin type topography and single dwellings and farm steads. The site is constrained by an area liable to surface water flooding. The site is also in close proximity to Turmennan SAC.

Description of Proposal

Dwelling on a farm and domestic garage

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/1998/0679/O - Site for dwelling and domestic garage - rear of 29 Turmennan Road Crossgar – refusal – 10.02.1999

R/2005/0966/F - Proposed New Dwelling - Adjacent To 51 Cluntagh Road, Magheracronmoney, Crossgar – approval – 12.11.2005 (Robert Greene)

LA07/2024/0206/O - Site for two infill dwellings and domestic garages - Between 25 and 29, Turmennan Road, Downpatrick – pending

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 21: Sustainable Development in the Countryside

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 Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents 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.

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are

considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. CTY 10 Dwellings on Farms is the relevant policy consideration for this proposal.

Consideration of CTY 10 Dwellings on Farms

CTY 10 is considered and it states that planning permission will be granted for a dwellinghouse on a farm where all of the following criteria are met:

- (a) the farm business is currently active and has been established for at least 6 years.**

DAERA was consulted and responded advising that the farm business is active and has been for a period of 6 years or more and was in receipt of farm payments in kind for each of the last 6 years. On the basis of this response it can be considered that this aspect of policy has been met.

- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008.**

The agent has indicated on the P1 that there have not been any approvals on the grounds within the last 10 years nor has there been any development opportunities sold off from the holding within the last 10 years. A history search was carried out on the lands identified on the P1 as being part of the farm business and there was no planning history identified that would suggest this aspect of policy had not been met.

- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:**

- **demonstrable health and safety reasons.**
- **verifiable plans to expand the farm business at the existing building group(s).**

The site sits adjacent to an existing agricultural shed and an additional building that looks to be used as stables and the dwellinghouse known as no 29 Turmennan Road, there are three separate buildings within this complex which are in a linear arrangement (this will be discussed later in report). It can be concluded that the site can visually link or cluster with an established group of buildings on the farm.

It is noted that the farm shed does not have any formal permission but appears on aerial maps as far back as 2010 and is accepted as a building on the farm.

The site has proposed to take access from an existing access serving the farm building and yard at present, this aspect of policy has been met.

Consideration of CTY 13 Integration and Design of Buildings in the Countryside.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

(a) it is a prominent feature in the landscape.

The site is on agricultural lands and the ground gradually slopes away from the road, the land cannot be considered to be overly elevated and the development of this site would not result in a dwelling that would be prominent in the landscape. The site could accommodate a dwelling at this location without resulting in prominence.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

The site can make use of the majority of existing screenings at the site, there is a strong boundary north of the site that can be utilised. Some screening is required to be removed to provide the sight visibility splays however this can be reinstated. The site is located adjacent to existing development, being the shed to the south of the site, this helps create enclosure.

(c) it relies primarily on the use of new landscaping for integration.

The site will benefit from new planting however it will not rely on new planting in order to integrate, there is one boundary that requires definition being the eastern boundary. The site will also require the reinstatement of sight splays where hedging is removed to achieve splays. taking account of the open topography of the site and lands the site is visible from the Turmennan Road however the views are over short ranges and not prominent.

(d) ancillary works do not integrate with their surroundings.

Ancillary works will integrate into their surroundings, an existing lane is to be utilised to provide access and necessary services are already in close proximity to the site in question presently therefore there should be no demonstrable harm in providing utilities at the site. This aspect of policy has been met.

(e) the design of the building is inappropriate for the site and its locality.

This application seeks outline approval therefore full plans and particulars have not been submitted in relation to the proposal however taking account of the characteristics of the site and the surrounding context it is considered a ridge height of 6.5m max would be appropriate, this is consistent with the approach taken on the site south east of this site for infill dwellings. There is nothing to suggest that a suitable design cannot be presented that would be inappropriate for the site, this can be considered in greater detail should approval be granted.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The site can blend with the existing landform exhibited in the area, the site is a sloping site however a level platform for construction can be achieved on the site without this being detrimental visually.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This aspect of policy has been covered under consideration of CTY 10 and it is accepted that the site can accommodate a dwelling that can visually link or cluster with an established group of buildings on the farm. This aspect of policy has not been offended.

Consideration of CTY 14 Rural Character

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

(a) it is unduly prominent in the landscape.

As discussed previously within this report the development of a suitably designed dwelling at this site would not result in prominence. The site topography can accommodate a dwelling without it being prominent in the landscape.

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings.

The overall context or character of the area would not be more suburbanised if a dwelling were to be permitted at this site. The general site does appear to be of a context that could accommodate a dwelling without resulting in a suburban style build up of development at the site.

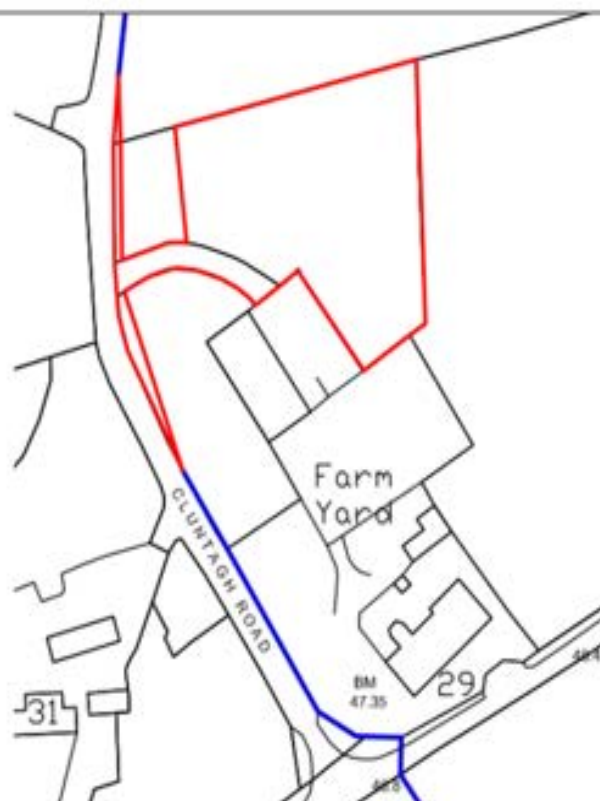
(c) it does not respect the traditional pattern of settlement exhibited in that area.

In broad terms the development does respect the overall traditional pattern of development found in the rural area in that it is a single dwelling located on a reasonable sized plot of land affording a curtilage that is typical of rural dwellings.

(d) it creates or adds to a ribbon of development (see Policy CTY 8)

The siting of the dwelling does result in a ribbon of development along the Cluntagh Road. The site has been described as approx. 100m N of no 29 Turmennan Road which is in itself accurate however the site does present onto the Cluntagh Road with access being taken off the same road. No 29 Turmennan Road sits on the corner at the junction of both Cluntagh and Turmennan Road with the side gable presenting onto Cluntagh Road, there is also a separate stable block to the rear of no 29 and within its curtilage visible from the road, there is then a sand arena and a large shed all in a linear arrangement along Cluntagh Road, therefore it is considered that there is a ribbon of development along this section of the road and a dwelling at the site suggested would be an addition to this ribbon as per the terms of policy set out in CTY 8 point 5.33.





As the drawing above shows the site does not run to immediately adjacent to Cluntagh Road (not having a frontage to the road) however the absence of a road frontage does not negate the building from contributing to a ribbon of development. 5.33 of CTY 8 sets out what constitutes a ribbon of development, buildings do not have to have a road frontage to represent a ribbon of development. The curtilage arrangement does not change the fact that the built development will all read as a ribbon this being the 4th building in the ribbon. It is also noted that in not taking the curtilage to the road the northern part of ground between the site and the road is basically an unusable portion of ground and detail has not been included as to its proposed use or if it is to be planted, the plot of ground is too small so as to be used for any reasonable agricultural purpose and would require fencing to separate it from the road and the curtilage of the dwelling. This is a peculiar arrangement not respecting existing character.

It is considered that the siting offends this aspect of policy and those of CTY 8 as there is the addition of an existing ribbon of development as a result of the siting.

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

An existing access is to be utilised to accommodate the dwelling, this is an extremely short lane that in itself will not have any detrimental impacts. As covered earlier within the report it is not considered that the ancillary works will have any detrimental impacts and will not damage rural character.

CONSIDERATION OF PPS 3 ACCESS, MOVEMENT AND PARKING

DFI Roads has responded to consultation with no objections subject to compliance with the attached RS1 form returned from DFI Roads, this would form part of the conditions of the decision to be considered at reserved matters stages.

CONSIDERATION OF PPS 2 NATURAL HERITAGE

The land in question is grazed agricultural lands, and of the boundaries that require removal no trees will be required to be removed. Taking account of the characteristics of the site it is not considered that any further information or surveys are required in relation to the proposal, and it is not considered that the development of this site would have any detrimental impacts on any natural heritage aspects. SES have been consulted and are content with the proposal. The site is not within any AoNBs as per designations.

Neighbour Notification Checked

Yes

Summary of Recommendation

This proposal has met the policy considerations of CTY 10 however has failed to meet the provisions of CTY 14 Rural Character in that the development is considered to result in additional ribboning of development therefore a recommendation of refusal is made.

Reasons for Refusal:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CTY 8 and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that, the proposal would, if permitted, add to a ribbon of development along Cluntagh Road, which would result in a detrimental change to the rural character of the area.

Case Officer Signature: Fionnuala Murray

Date: 17 June 2025

Appointed Officer Signature: Brenda Ferguson

Date: 19/06/2025

Planning Committee Schedule of 20th August 2025

Planning reference: **LA07/2024/0204/O**

Proposal: **Dwelling on a farm and domestic garage**

Applicant: **Allison Duggan**

Recommendation: **Refusal**

Refusal Reason:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CTY 8 and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that, the proposal would, if permitted, add to a ribbon of development along Cluntagh Road, which would result in a detrimental change to the rural character of the area.

Application Site

The site is to the rear of the farm complex located at 29 Turmennan Road and is actually accessed off Cluntagh Road. The site is located in the defined countryside as stated by the Ards & Down Area Plan 2015, the site surroundings are characterised by drumlin type topography characteristic of this area of the district. Access to the site is via an existing access which services the farm complex with the farm buildings found to the south of the chosen site while the northern boundary consists of an existing mature hedgerow which screen the site from south traveling vehicles, the eastern boundary is currently undefined but it is envisaged that this boundary will consist of post and wire fencing and a planted natural hedge such as hawthorn that will thrive in the locality.

Policy CTY1

The proposal meets with the requirements of the policy as the proposal is for a dwelling and garage on an active farm under Policy CTY10.

Policy CTY10

Reading the officers report it is accepted that the site meets with the requirements of the policy ie business currently active and established for 6 years, no opportunities out-with the settlement limits have been disposed of within 10 years from the date of the application, the new buildings are visually linked to the established group of buildings and access is via the existing access point. Thus compliance with this policy

Policy CTY13

Consideration of the proposal against this policy, the officer accepts that site can accommodate a dwelling that can visually link or cluster with an established group of buildings on the farm.

Policy CTY14

The 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 an area. The officer consider the proposed would not be unduly prominent and the topography can accommodate a dwelling and garage, the officers report further states 'the overall context or character of the area would not be more suburbanised if a dwelling where to be permitted at this site'. The proposal is accepted as respecting the overall traditional pattern of development as it is a single dwelling typical of rural dwellings with a reasonable sized curtilage plot. Part (d) of the policy refers to creates or adds to a ribbon of development and the officer contends that the chosen site will create a ribbon of development to the North of the complex on Cluntagh Road and

as such be at variance with this aspect of Policy CTY14 and by fact be contrary to point 5.33 of CTY8.

Policy CTY8

It has to be argued that the chosen site avails of the only lands which comply with the Policy under which this submission was made namely CTY10 and while consideration has to be given to other policies it has to also be accepted that the proposed site is the only location which meets with the policy constraints and it is contended that the site is not at variance with Policy CTY8 rather the fact that the site is set back from the Clunagh Road North of the acceptable access point to address these concerns and is bounded by a mature hedge and boundary to the North thus ribboning is addressed. The site chosen meets with the constraints of all aspects of the Policy for a Dwelling on a Farm CTY10 and it is contended that there is no other available site which allows for compliance with this policy and it is stated that the mature boundary to the North of the site provides a break which prevents the site from being at variance with Policy CTY8.

Based on the above assessments of the policy context it has to indicate that the application site is capable of taking a dwelling and garage and thus the proposal does not add to ribboning rather it avails of the only acceptable opportunity to locate a dwelling in compliance with Policy CTY10 and this has to be weighed against the consideration of the officer against the only aspect of Policy CTY14 that arise and in our opinion the other aspects of the relevant policies have been met and as such the proposal should benefit from the grant of an approval

Other Agencies

The proposed site meets with other considerations by other consultees and agencies -

PPS 3 DFI - Roads issued a R51 form, indicating 2m by 33m visibility spays are required and these are achievable within the proposed road frontage, it is considered that there is sufficient land to accommodate parking, turning and manoeuvring.

DAERA – Business is category 1 business, has been in existence for more than 6 years and site is on land under the control of the farm business

NIEA – Standard Advice, DFI Rivers – No Objections. Ni Water – Standard Advice.

Environmental Health – No Objections. Shared Environmental Services – The project would not be likely to have a significant effect on any European site.

Representations -- No objections from neighbours or the publicity process.

Conclusion

The site as chosen complies with the requirements of a dwelling and garage under Policy CTY10 for a dwelling on the farm and as such should benefit from the grant of permission under that policy as the application meets the tests of the policy and the chosen site is the only available site to meet the requirements of the policy.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development as the site meets with the required of the policy and is capable of accommodating a dwelling on the farm as required by the policy.

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0073/F	Target Date:
Proposal: New dwelling and garage on a farm	Location: 30m N of 55 Corliss Road, Crossmaglen, BT35 9BB
Applicant Name and Address: Tomas McCabe 55 Corliss Road Rostrevor Crossmaglen BT35 9BB	Agent Name and Address: Alan Blue 19 The Square Kilkeel BT34 4AA
Date of last Neighbour Notification:	9 April 2024
Date of Press Advertisement:	7 February 2024
ES Requested: No	
Representations: No objections or representations have been received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against all relevant planning policies and any relevant material considerations.	

Site Visit Report																				
<p>Characteristics of the Site and Area</p> <p>The application site is located outside any settlement limits as defined within the Banbridge /Newry and Mourne Area Plan 2015.</p> <p>The site is an area of agricultural land set back from the public road, the site is part of two agricultural fields, the site is in an elevated position above the public road. The site rises to the north east, part of the site is adjacent and north of a single storey dwelling and associated garage. The remaining portion of the site is north east of No 15 and behind an existing mature hedge and close to further buildings within the farm holding. The site is accessed via an existing private laneway.</p> <p>The site is located within a rural area, although there are a few other properties in close proximity to the site the character of the area remains rural at present.</p>																				
<p>Description of Proposal</p> <p>New dwelling and garage on a farm.</p>																				
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policy documents provide the primary planning context for the determination of this application:</p> <ul style="list-style-type: none"> • Banbridge / Newry and Mourne Area Plan 2015 • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 21 – Sustainable Development in the Countryside • Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15 • Planning Policy Statement 2 Natural Heritage • Building on Tradition <p>PLANNING HISTORY</p> <table> <tr> <td>Application Number: P/2009/0002/O</td><td>Decision: Permission Granted</td><td>Decision</td></tr> <tr> <td>Date: 16 July 2009</td><td></td><td></td></tr> <tr> <td>Proposal: Erection of farm dwelling</td><td></td><td></td></tr> <tr> <td>Application Number: P/2010/0910/F</td><td>Decision: Permission Granted</td><td>Decision</td></tr> <tr> <td>Date: 29 March 2011</td><td></td><td></td></tr> <tr> <td>Proposal: Erection of dwelling and detached garage in substitution to approval P/2009/0002/O.</td><td></td><td></td></tr> </table> <p>CONSULTATIONS</p> <p>NI Water – No objections.</p> <p>DFI Roads – No objection, conditions suggested.</p>			Application Number: P/2009/0002/O	Decision: Permission Granted	Decision	Date: 16 July 2009			Proposal: Erection of farm dwelling			Application Number: P/2010/0910/F	Decision: Permission Granted	Decision	Date: 29 March 2011			Proposal: Erection of dwelling and detached garage in substitution to approval P/2009/0002/O.		
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DFI Rivers – No objections raised.

DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for each of the last 6 years.

NIEA (Water Management Unit) – No objections raised, the response refers to standing advice.

REPRESENTATIONS

The application was advertised on 07/02/2024, two neighbours were notified on 24/03/2024, no representations or objections have been received.

EVALUATION

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in each of the last 6 years. The proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed of, the Council are content from the information available that no development opportunities have been disposed of from the holding in the past 10 years and so the proposal meets criteria CTY10b.

The application site is located adjacent to buildings on the farm holding including the adjacent dwelling and its garage and other agricultural buildings. The proposal meets CTY10c in that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm. Policy states that access should be from an existing lane, the proposal is to use the existing laneway.

The principle of a dwelling under CTY 10 is considered acceptable given that all criterion are met, policy CTY10 does however state that other relevant policy must be met including CTY13 and CTY14.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

(a) it is a prominent feature in the landscape; or

When travelling along the public road the application site sits elevated and open to views, the proposal shows the dwelling to be positioned adjacent and north of an adjacent single storey dwelling. It is considered that the proposed dwelling in the identified location will be a prominent feature in the landscape given the open elevated nature of the site.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

The site is very open due to a lack of established natural boundaries with the result being that a suitable degree of enclosure is not provided to allow the proposed dwelling to integrate. The Council had suggested the dwelling be located in the norther eastern portion of the site to the rear of an established hedge, the suggested relocation of the dwelling was not made.

(c) it relies primarily on the use of new landscaping for integration; or

As outlined above the application site lacks established natural boundaries, to allow the proposed dwelling in the submitted location to integrate, the site would rely primarily on the use of new landscaping.

(d) ancillary works do not integrate with their surroundings; or

Given the use of the existing laneway and a new access taken from this, it is considered that the required ancillary works are acceptable in this case.

(e) the design of the building is inappropriate for the site and its locality; or

The proposal is for a modest single storey dwelling, the design includes features such as small porch, chimneys to the ridge and a side return stepped in and set below the main ridge level. The proposed dwelling design is seen as appropriate.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The proposed dwelling is similar in design to the adjacent single storey property, the area does slope and levels are to be similar to adjacent development. It is considered that the proposal blends with the landform given the adjacent development.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As previously outlined it is considered that a dwelling on this site would be visually linked and sited to cluster with an established group of buildings on the farm.

For the reasons outlined above the proposal is considered to fail criterion a, b and c, this is due to the site being prominent, lacking established boundaries that would allow a dwelling to integrate, the proposed dwelling will be a prominent feature and will require new boundaries to allow integration.

CTY14

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

A new building will be unacceptable where

(A) It is unduly prominent in the landscape; or

As outlined within the consideration of CTY13 it is considered that the proposed dwelling will be a prominent feature given the open elevated nature of the site.

(B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or

The site is adjacent to a dwelling and garage, associated farm buildings and a further dwelling to the south east of the private laneway, when viewed along with these buildings the proposal would result in a suburban style build-up of development.

(C) It does not respect the traditional pattern of settlement exhibited in that area; or

The traditional pattern of development in the vicinity are detached dwellings, adjacent properties are set back from the public road, the proposal would respect the traditional pattern exhibited in the area.

(D) It creates or adds to a ribbon of development; or

The position of the application site adjacent to a dwelling and garage, associated farm buildings and a further dwelling to the south of the site on the opposite side of the laneway. The proposed dwelling will read with the adjacent dwelling and further dwelling on the opposite side of the private laneway when travelling along the public road, as a result the dwelling will create a ribbon of development.

The site is not considered to be an infill opportunity under CTY8 as it is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

The agent for the application was advised that the Planning Department had concerns that the proposal would create ribbon development and asked to amend the location of the dwelling to the norther eastern corner behind an existing hedge row. The agent advised that having discussed with the applicant it was felt that the submitted location was acceptable and to move the dwelling would raise issues with having to cut into the site and also being too close to farm buildings.

The whole site is sloping and a level of cut will be required to allow development, no health and safety information was submitted to show that a dwelling could not be positioned in the location suggested by the Planning Department, other dwellings on farms have been approved in close proximity to agricultural buildings and this is relatively common in such a rural setting.

A relevant PAC decision 2022/A0114 considered a similar case with reference to ribbon development.

The PAC decision states in paragraph 15,

"Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained."

A further example of a decision taken within a PAC decision is within appeal 2019/A0184 which states in paragraph 14,

<p>"Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Compliance with policy CTY10 does not provide an exemption from compliance with other policies. CTY10 refers to the need for a proposal to meet the tests of policies CTY13 and CTY14 and the latter states that development creating ribbon development will be unacceptable. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding."</p> <p>The Planning Department have considered the information submitted by the agent, however it is still considered that the proposed development will create a ribbon of development and is contrary to policy.</p> <p>(E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.</p> <p>As previously outlined the proposed ancillary works are considered acceptable.</p> <p>For the reasons outlined above it is considered that the proposal fails to comply with policy criterion a, b and d. The proposal would be unduly prominent, result in a suburban style build up and create a ribbon of development which would result in a detrimental change to the rural character of the countryside.</p> <p>Neighbour Amenity</p> <p>The proposed dwelling will not unduly impact on the amenity of any neighbouring properties given the proposed design and separation distance.</p> <p>CTY16</p> <p>Any approval would require the inclusion of negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.</p> <p>PPS2</p> <p>The proposal would not result in a significant area of mature vegetation being removed, the proposed dwelling will include the planting of new boundaries which would benefit biodiversity in the area, it is considered that the proposal would not have a detrimental impact on biodiversity.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation</p> <p>The application has been considered against relevant planning policies along with material considerations and for the reasons outlined would be considered unacceptable.</p>	
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.
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, if permitted, it would create a ribbon development and does not represent an exception to policy
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development on the site will be a prominent feature, is unable to provide a suitable degree of enclosure for buildings to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. 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 buildings would, if permitted would be unduly prominent, result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case Officer Signature: Wayne Donaldson

Date: 28/05/2025

Appointed Officer Signature: Pat Rooney

Date: 6/06/2025

WRITTEN REPRESENTATION

Reference No: LA07/2024/0073/F

Proposal: Dwelling and Garage on a Farm

Location: 30m North of 55 Corliss Rd, Crossmaglen, BT35 9BB

Context of the Proposal:

1. Planning permission is sought for a dwelling and garage on a farm. Officers confirm the farm business is active and established, that no development opportunities have been sold off from the holding in the past 10 years, and that the proposal is visually linked and sited to cluster with an established group of buildings on the farm. The development is therefore acceptable in principle, subject to compliance with policies CTY13 (integration) and CTY14 (rural character).
2. The proposal is for a modest dwelling with a ridge height of 6.5m and constructed of appropriate materials (render/natural slate). Officers confirm that the design is appropriate.
3. The planning department's concerns relate to perceived undue prominence, ribbon development, and insufficient natural enclosure.

Landscaping & Visual Integration (CTY13):

4. The site, 30m N of 55 Corliss Road, Crossmaglen, is within agricultural land, set back from the public road. It is adjacent to an existing chalet bungalow and garage, and close to a cluster of agricultural buildings, which provide visual linkage and effective clustering. An existing hedge forms a significant backdrop, with rising land to the rear further aiding the proposal's integration into the receiving landscape.
5. Policy CTY13 states a new building is unacceptable where *"the site lacks long established boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate"* or *"it relies on new landscaping for integration."* The proposed site utilises two existing established boundaries: a hedge to the rear and a common boundary with the adjoining residential plot. The policy does not state that an absence of existing vegetation for proposed boundaries is fatal. The key test is acceptable integration, and the CTY13 amplification text references proximity to existing buildings, topography, existing landscape features as backdrop, and suitable design as criteria relevant to the assessment of visual impact.
6. The site benefits from an established mature hedge and rising land to the rear, both forming a backdrop. The proposal also clusters with the adjoining dwelling/garage and the wider farm building group. The dwelling is modest (6.5m ridge height) and suitably designed for its rural setting, which is undisputed. For these reasons, the proposal integrates acceptably and does not rely solely on new landscaping for integration. The scheme would also enhance local biodiversity with additional native species planting.

Prominence & Rural Character (CTY14):

7. Corliss Road is a minor, single-track road with low traffic volumes. Due to its winding nature, intervening boundary vegetation, and undulating landscape, there are only short-term (temporary) views of the site from the road as you travel immediately past the site – there are no lasting or long range views. Existing hedgerows and undulating land comprehensively screen the site from Corliss Road to the north, becoming apparent only when immediately passing it. From the south, the proposal is screened by the adjacent dwelling. Rising land and mature hedgerows also form a backdrop as viewed from this perspective.

8. The proposed dwelling is modest and sited next to an existing dwelling of comparable height and scale. The proposal will not break the skyline, respects prevailing development patterns and character, and will not cause harm to rural character through undue prominence.

Ribbon Development (CTY8 & CTY14):

9. The proposal is located adjacent and north of an existing dwelling and detached garage and is set back from the road by approximately 100m. It does not create a linear form of development or have direct frontage to the public road, therefore preventing ribboning. Furthermore, the proposal is visually linked and sited to cluster with a substantial group of buildings on the farm, which ensures there is no detrimental impact upon rural character.
10. Appeal 2019/A0016, concerning a farm dwelling on Carricknab Road, Downpatrick, supports this approach: *"The proposed dwelling would, in association with the two adjacent farm buildings, read as visually linked with a common road frontage and would therefore create a ribbon of development for the purposes of Policy CTY 8. However, as set out above, the proposed dwelling would be visually linked and sited to cluster with an established group of buildings on the farm and therefore meet the rural character and integration test inherent in Policy CTY 10. Policies CTY 8 and CTY 10 must be considered in the round and I judge that while CTY 8 may be technically contravened, the fact that the proposal would present visually as part of a cluster, would ensure that there would be no resulting detrimental change to or erosion of rural character. The Council's objection on the grounds of loss of rural character through creation of ribbon development is not upheld."*
11. The planning department cites appeal decisions 2022/A0014 and 2019/A0184 to support their position. In both cases the development had a direct frontage and immediate visual presence to the road and contributed to exacerbating a linear pattern of development already present along the roadside. In addition, whilst there were buildings on the farm present, they did not form a cluster of development, rather they radiated along the road and in both cases the proposals were deemed to exacerbate the ribboning effect. In short, whilst those developments were located adjacent to buildings on the farm, the exacerbation of a linear pattern of development along the roadside frontage was dominant, which caused a harmful impact upon the rural character of the area.
12. These appeal examples cited by the Planning Department are not comparable to the proposal namely on account of the proposal's 100m set back from the road and absence of roadside frontage. A further differentiation is the proposal's proximity to 11+ buildings that cluster in a group to form a single entity in the landscape rather than radiating along the road.
13. The Commissioner for appeal 2022/A0014 states that *"each case must be considered on its own merits and direct comparables are rare."* For the above reasons, we consider the appeals referenced by the planning department are not comparable and therefore carry little weight in the determination of this application. Appeal 2019/A0016 does involve citing adjacent to a group of building and is therefore of more direct relevance.

Conclusion:

14. For the reasons outlined above, the proposal would not be unduly prominent, integrates acceptably, does not rely on new planting for integration, and would not cause a detrimental change to or further erode the rural character of the area. The modest dwelling's design is appropriate for the site and its locality. Therefore, the proposal complies with PPS21 policies CTY1, CTY10, CTY13 & CTY14.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2274/F

ADDENDUM REPORT (post 19th June 2025)

Date Received: March 2023

Proposal: Full permission is sought for a Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Public realm works to part of existing surface car park, part of Lower Water Street and along Mill Street. Demolition of the existing multi-storey car park and alterations to the existing road network.

Location: Lands at Abbey Way multi storey car park, Mill Street and Lower Water Street, Newry.

Background

This application was presented to Planning Committee on 19th June 2025, following a Pre Determination Hearing (on the same day), where the Officers recommendation of approval (subject to a series of draft conditions), was agreed.

Matters to be considered

Since this recommendation of approval was agreed, further representations have been received from Ciaran Rafferty Solicitors (on behalf of Ozanam House (30 Mill Street)) and P Murdock.

The main issues raised include the following:-

- Was a shadow analysis study submitted given the proximity of the site (30m) to properties at Mill Street and St Colman's Park, with concerns regards overshadowing, dominance, noise.
- Queried which roof plan is the proposal based on,
- Queried the noise report submitted "Preliminary Acoustic Report " dated December 2020 and comments from Environmental Health.
- The proposals are not in accordance with the Climate Change Act (NI) 2002.

These representations have been uploaded, published to the public register and acknowledged.

Assessment of further Representations

A shadow study analysis was not provided with the application. Architectural shadow studies depict how shadows move throughout the day. A shadow diagram presents a visual representation of how a proposed development would cast its shadow. It highlights shadowed areas in sensitive locations such as public spaces, communal amenity areas, traditional and arterial main streets, and residential private outdoor amenity areas. A shadow study analysis was not considered necessary to assess the impact of the proposal. The original planning report dated 18th Sept 2024, considered impact on residential amenity including matters such as overlooking, overshadowing, loss of light and dominant impact.

The Planning Department undertook a detailed site visit during the processing of the application and noted the use of all adjoining/adjacent properties along Mill Street, Lower Water Street, St Colmans Park, Hill St, John Mitchel Place and Abbey Way.

It is noted Ozanam house (No.30 Mill St) is occupied by Vincents (SVP) shop with conference centre above. This building is in commercial use.

A preliminary acoustic report (dated 2020) was submitted with the application. Environmental Health were consulted as part of the processing of the application, including this report, who offered no objections in principle, subject to conditions.

During the processing of the case revised plans were submitted. In respect of the roof plan, the Planning Department noted the plant remained centrally located on the roof. The Planning Department determined it was not considered necessary to reconsult Environmental Health, whereby the original comments provided by Environmental Health were considered to remain applicable and valid. The revised roof plan was received on 6th Feb 2024 (Drawing No 1201 P2). A condition will be attached requiring detail of plant equipment on the roof and its acoustic screening.

The Civic Hub building is proposed on a brownfield site in the heart of Newry city centre. In terms of climate control and sustainability, the building has been designed to exceed current Building Regulations, especially in terms of thermal efficiency and conservation of fuel and power (Technical Booklet F2). Through the integration of PV panels, thermal envelope performance (reducing air permeability, U-values and g-values), air source heat pumps, high efficiency lighting systems, etc. the proposed development has been designed to reflect the demand for energy and use low-energy systems to additionally conserve and utilise energy to the maximum extent practicable.

The applicants have advised that they are targeting an 'Excellent' rating through BREEAM accreditation. This is the most widely used assessment and certification scheme for the built environment. Within the assessment they have identified the following measures, which is not an exhaustive list:

- Responsible construction practices
- Thermal modelling of the building design

- Reduction of energy use and carbon emissions
- Sustainable transport measures
- Review and monitoring of water consumption
- Responsible sourcing of materials
- Construction waste management plan
- Operational waste management plan
- Climate change adaptation strategy appraisal
- Functional adaptability and design for disassembly

As well as the above measures, other specific criteria has been identified within the Contractor's Scope in relation to environmental / sustainable considerations, which they must comply with:

- Reduction in Energy, Carbon Emission and water consumption. The Contractor is to comply with the minimum mandatory specifications / best practice specifications of the Department for Environment, Food and Rural Affairs' (DEFRA) 'Government Buying Standards'
- Environmental Assessment Rating. The individual BREEAM Energy - ENE 01 & ENE 02 criteria shall achieve sufficient credits to attain an 'excellent' rating for these individual criteria, regardless of the 'overall' BREEAM rating achieved; and the individual BREEAM Water - WAT 01 & WAT 02 criteria shall achieve sufficient credits to attain an 'excellent' rating for these individual criteria, regardless of the overall rating achieved
- Waste Reduction and Recovery. The Contractor shall meet minimum good practice targets for waste reduction and recovery
- Reused / Recycled Content of Products and Materials. The Contractor shall calculate and report the recycled/reused content of materials
- The use of sustainable timber – all timber and wood derived products acquired by the Contractor and supply chain for use in the performance of the contract shall be certified as legal and sustainable from a scheme or schemes which are recognised as delivering NI and UK Government requirements for timber procurement.

Whilst it is acknowledged that the Climate Change Act (Northern Ireland) 2022 has not yet been implemented into Planning Policy, the Planning Department has had full regard to the aims of the Act in achieving emission reduction targets which will ensure that Northern Ireland makes a contribution to the achievement of the UK 2050 Net Zero target.

The Planning Department acknowledge the brownfield nature of the site, the demolition of a multi-storey car park is being replaced by a civic building which proposes zero parking provision but instead relies upon active travel measures. The Planning Department believe that the project has been proactive in considering and implementing measures to reduce carbon emissions in the design of the scheme and both during construction and the future operation of the building.

Summary

The Planning Department has acknowledged and considered the additional representations received and consider sufficient information and detail has been provided to make an informed decision, whereby the proposal is considered to comply with all relevant legislation and planning policies.

Decision

As advised above, the application was presented to the Planning Committee on 19th June 2025 where the recommendation of Approval was accepted. The decisions of the planning committee are subject to call-in under Paragraph 21 of the Council's Standing Orders. The application was not Called In.

Draft 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. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council 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.

3. All site works and development shall be in accordance with the programme of archaeological work approved under the condition No.2.

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

4. 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 No.3.

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 the 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.

5. No external brickwork or stonework shall be constructed or applied on site unless in accordance with a written specification and a physical sample panel, the details of which having been submitted to and approved in writing by the Council. The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external materials.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings.

6. No windows, or external doors shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the Council. The details shall include their design, profile, materials, finish and colour, cills, head and reveals.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings.

7. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in

writing by the Council. The details shall include scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings.

8. No external roofing, including flashings, fascia boards and paving slabs, shall be constructed or applied unless in accordance with a written specification and a physical sample, details of which shall have first been submitted to and approved in writing by the Council.

The sample shall be provided on site and made available for inspection by the Council for the duration of the construction works.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings.

9. Prior to commencement of external landscaping, samples shall be submitted and approved in writing by the Council in respect of all external materials and finishes proposed, to include;

- a) Retaining wall along Abbey Way

- b) Paving slabs

- c) Paving setts

- d) Kerbs

- e) Steps

- f) Handrails and guardings

Reason: to ensure that the landscaping is of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings

10. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme, showing location, number species and size of trees, hedging and shrubs to be planted in association with the development. The scheme as finally approved shall be carried out prior to occupation of the development. Trees or shrubs dying, removed or becoming seriously damaged within 5 years of planting shall be replaced in the next planting season with others of similar style and species unless the Council gives written consent to any variation.

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

11. No external lighting shall be installed unless in accordance with details which shall have been submitted to and approved in writing by the Council. The details shall include the specification of the lighting including luminance levels (Lux) and the design and appearance of fixtures including columns, casings and brackets as applicable.

Reason: To ensure that the lighting does not disproportionately attract attention away from the Grade A listed St Patrick's Cathedral building and form a competing focus to it.

12. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006, the details of which shall be submitted to and agreed in writing with the Council.

Reason: To ensure a practical solution to sewage disposal from this site is possible

13. No development shall proceed beyond sub-floor construction until a foul sewerage network engineering solution is provided by the developer to the satisfaction of NI Water.

Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of indirectly connected European Sites in Carlingford Lough from adverse effects.

14. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible

15. The vehicular accesses at Mill Street and Abbey Way, including visibility splays, forward sight distance shall be provided in accordance with Drg No 19048-HAM-XX-XX-DR-A-1001-P6- Proposed Site Plan date published 18-10-24 **prior to the commencement** of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

16. An engineering design solution, showing how only service vehicles can exit from the proposal onto Lower Water Street, shall be submitted to and agreed in writing by the Council prior to commencement of development. The agreed design solution shall be implemented prior to the commencement of development.

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

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

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

18. The building hereby approved shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing Drg No 19048-HAM-XX-XX-DR-A-1001-P6- Proposed Site Plan date published 18-10-24 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing, and traffic circulation within the site.

19. A shuttle bus service, for both staff and members of the public, shall operate to and from the new Civic Hub to car parking at Cecil Street Leisure Centre **at 20 min intervals** between 0800 to 1000 and 1600 to 1800 and every 30 minute intervals between 1000 and 1600 Monday to Friday. This service shall be subject to review following 12 months from the date the building hereby approved is occupied and with any proposed changes to be assessed and agreed by the Council in consultation with DFI Roads.

Reason: To ensure that adequate provision has been made for parking and traffic circulation.

20. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in

the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

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

21. The Retaining wall as part of the proposal will be the sole responsibility of the applicant/management company in terms of maintenance and ownership and DFI will have no responsibility for this wall. The Applicant shall enter into a legal agreement with DFI Roads to indemnify the Department against any claims or failures in the public road arising from the implementation of the new civic hub and retaining wall.

As is required, this indemnity will correspond with the TAS approval for the design life of the wall of 120 years as per DMRB standard.

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

22. All active travel/travel measures outlined in the Travel Plan (dated 31-07-24), including Information and Promotion, Walking, Cycling, Public Transport, Managing Car Use and Staff Parking, shall be complied with prior to following occupation of the building hereby approved, unless otherwise agreed in writing with the Council.

Reason: To ensure the orderly development of the site.

23. All plant equipment on the roof shall be acoustically screened to ensure no noise disturbance to neighbouring residential accommodation. Details of which shall be submitted to and agreed in writing with the Council prior to occupation of the building hereby approved.

Reason: In the interests of residential amenity.

24. Prior to any demolition or construction works commencing on site an operational plan shall be submitted to and approved in writing by the Council (for consultation with Environmental Health) which addresses noise, vibration and dust, including hours of operation, dust suppression, monitoring of noise and vibration as per the submitted Acoustic Report dated December 2020. Development shall be carried out in accordance with the agreed plan.

Reason: To ensure the orderly development of the site.

25. In the event that any previously unknown contamination is discovered, development on the site shall cease immediately pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of the Council (in consultation with Environmental Health at Newry, Mourne and Down District Council).

Reason: To ensure the orderly development of the site.

26. A detailed Construction Environmental Management Plan shall be submitted to and agreed in writing with the Council prior to the commencement of any works hereby approved. This shall include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses. Once approved, the CEMP shall be adhered to at all times unless otherwise agreed in writing with the Council.

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

27. 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

28. Silt traps and settlement ponds shall be utilised and be capable of settling out materials prior to discharge off site. The traps and ponds shall be inspected on a monthly basis and maintained accordingly.

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

29. Any oil or fuel stored on site shall be kept in a bunded area (providing 110% capacity of the largest stored unit), 100m from any watercourse that appears on a 1:10 000 O.S. map of the site.

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

30. No construction to be made, trees planted or other obstruction permitted over any sewer which traverses the site, or within the permitted wayleave width. A diversion may be necessary. No development shall commence until the applicant has demonstrated to the satisfaction of the council, that NIW are content that the proposed development will not affect this sewer, and sufficient drawings have been submitted, which clearly indicate the required wayleaves .

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

31. All services within the development shall be laid underground.

Reason: In the interests of visual amenity

<p>Case Officer Signature: M Keane Date: 05-08-25</p>
<p>Appointed Officer Signature: A McAlarney Date: 05-08-25</p>

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 - 29 JUNE 2022					
LA07/2019/08 68/F	Proposed commercial unit comprising creche and associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	A Donaldson	Readvertisement Aug 24 following amended proposal description. Under consideration.	N
PLANNING COMMITTEE MEETING - 5 FEBRUARY 2025					
LA07/2022/16 02/F	To the rear and immediately NE of 7-9 Queen Street Warrenpoint - Proposed 4 no. 3 bedroom semi- detached dwellings with in curtilage parking with access onto Queen Street	Deferred to allow the agent to work with Planning Department to provide further information	M Keane	Amended scheme now received for formal review and reconsideration.	N
PLANNING COMMITTEE MEETING – 23 JULY 2025					
LA07/2023/25 48/O	Approx 65m south of 54 Manse Road, Crossgar - Site for dwelling and domestic garage under CTY2A	Deferred – to allow for a site visit	B Ferguson	Deferred as no quorum following site visit. To be tabled at 20 August meeting.	Y
LA07/2023/32 85/F	NI Water Waste Water Pumping Station Opposite No.21 Shore Road, Annalong, BT34 4TU - Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers, enclosed by a 1.2m high stone wall with 4m	Deferred – to be tabled at a future Committee meeting.	M Keane	To be tabled at 20 August meeting	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	wide, 1.2m high access gate for vehicular access. Above ground will have control kiosk housing pump control, wash-water kiosk, lighting column with site lighting & telemetry to allow for remote monitoring.				
LA07/2023/3099/O -	Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ - New dwelling with detached garage on gap/infill site.	Deferred to allow for a site visit	M Keane	Site visit to be arranged	N
LA07/2023/3412/O	Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ - New dwelling with detached garage on gap/infill site.	Deferred to allow for a site visit	M Keane	Site visit to be arranged	N
LA07/2023/3444/O	20m E of 21 Drakes Bridge Road, Downpatrick - Proposed infill dwelling.	Deferred to allow for a site visit	B Ferguson	Site visit held 23 July 2025. To be tabled at 20 August meeting.	Y