

September 11th, 2025

### **Notice Of Meeting**

Councillor M Rice

Councillor J Tinnelly

You are requested to attend the meeting to be held on **Wednesday**, **17th September 2025** at **10:00** am in **Mourne Room**, **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

# **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

Items 6 & 7 - Cllrs Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025.

- 4.0 Minutes of Planning Committee held on 20 August 2025
  - Planning Committee Minutes 2025-08-20.pdf

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- 5.0 Addendum List Planning applications with no representations received or requests for speaking rights
  - Addendum list 17-09-2025.pdf

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

6.0 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.

**REFUSAL** 

On agenda as a result of the call in process.

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

Cllrs Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025

LA07-2022-3412-O - Case Officer Report.pdf

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7.0 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.

**REFUSAL** 

On agenda as a result of the call in process.

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

Cllrs Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025

LA07-2023-3099-O - Case Officer Report.pdf

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### Development Management - Planning Applications for determination

# 8.0 LA07/2023/2348/O - Lands immediately adjacent to and north west of No 4 Tullynaval Road, Cullyhanna, BT35 0PZ - Proposed Housing Development

For Decision

### **APPROVAL**

On agenda as a result of the Operating Protocol

LA07-2023-2348-O Case Officer Report.pdf

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9.0 LA07/2025/0533/F - Bessbrook Community Centre, Mill Road, Bessbrook, BT35 7DS - Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access ramps and railings to building exterior.

For Decision

### **APPROVAL**

On agenda as a result of the Operating Protocol

☐ LA07.2025.0533.F - Case Officer Report.pdf

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# 10.0 LA07/2022/1397/O - Lands adjacent to and east of 4, 6 & 8 Shore Road, Killyleagh - Residential Development of 1 no. detached dwelling

### **APPROVAL**

On agenda as a result of the Operating Protocol

LA07.2022.1397.O - Case Officer Report.pdf

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

For Decision

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On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Mark Tumelty and Mr Shane Kehoe.

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

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11. LA07.2025.0100.F - in support.pdf

Page 101

# 12.0 LA07/2024/0295/F - Adjacent to and directly SE of 16 Derryoge Road, Newry, BT34 4JR - Proposed change of house type and re-siting of a dwelling on a farm originally approved under permission LA07/2020/0265/F

For Decision

### **REFUSAL**

On agenda as a result of the call in process

LA07-2024-0295-F - Case Officer Report.pdf

Page 103

13.0 LA07/2024/0401/F - Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down - Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.

For Decision

### **REFUSAL**

On agenda as a result of the call in process

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# 14.0 LA07/2024/0548/F - 364 Newry Road, Newry, BT34 4SF - Replacement dwelling

For Decision

### **REFUSAL**

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Ms Grainne Rice & Mr David Donaldson, supported by applicants Niall and Gillian McAleean.

LA07-2024-0548-F - Case Officer Report.pdf

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

### 14.1 Speaking rights request for item 14 - LA07/2024/0548/F

this item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to any individual, and the public may, by resolution, be excluded during this item of business.

14. LA07.2024.0548.F - in support.pdf

Not included

### Development Management - Planning Applications for determination

15.0 LA07/2023/3411/O - Lands approx 160m SE of 337a Rathfriland Road, Ballyward, Castlewellan. - Proposed site for the erection of a detached off-site replacement dwelling and proposed retention of existing old building for domestic/agricultural storage use.

For Decision

**REFUSAL** 

On agenda as a result of the call in process

LA07.2023.3411.O - Case Officer Report.pdf

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# 16.0 LA07/2022/1239/O - Site adjacent and to the NE of 23 Rathcunningham Road, Toye Downpatrick - Proposed new 2 storey dwelling including landscaping and car parking

For Decision

### **REFUSAL**

On agenda as a result of the call in process

Speaking notes have been requested by Mr David Donaldson in support of the application.

LA07.2022.1239.0 - Case Officer Report.pdf

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16. LA07.2022.1239.O - in support.pdf

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### 17.0 LA07/2023/2331/F - 66 Moss Road, Glassdrumman,

### Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)

For Decision

### **REFUSAL**

On agenda as a result of the call in process

Speaking rights have been requested by Mr David Worthington in support of the application.

LA07.2023.2331.F - Case Officer Report Original.pdf

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LA07.2023.2331.F - Case Officer Addendum Report.pdf

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17. LA07.2023.2331.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

### 18.0 Review of Operating Protocol

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.

נו	Review of O	P and SoD.pdf	
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Not included

scheme\_of\_delegation\_-\_2025 draft.pdf

Not included

Planning Committee Operating Protocol - Sept 2025 draft.pdf

Not included

### 19.0 Audit Action Plan Update

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.

D	<b>Audit Action</b>	Plan	Update.pdf
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Not included

### For Noting

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Planning Historic Tracking Sheet - 2025-08-20.pdf

# **Invitees**

Cllr Terry Andrews
Cllr Callum Bowsie
Fionnuala Branagh
Cllr Jim Brennan
Cllr Pete Byrne
Mr Gerard 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
Mrs Lois Jackson
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
Cllr Kate Murphy

Cllr Selina Murphy
Sinead Murphy
Cllr Declan Murphy
Cllr Siobhan O'Hare
Cllr Áine Quinn
Cllr Henry Reilly
Cllr Michael Rice
Mr Pat Rooney
Mr Peter Rooney
Cllr Michael Ruane
Cllr Gareth Sharvin
Donna Starkey
Sarah Taggart
Cllr David Taylor
Cllr Jarlath Tinnelly
Cllr Jill Truesdale
Mrs Marie Ward
Cllr Helena Young

### NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 20 August 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in

attendance in Chamber: Councillor P Byrne

Councillor C Enright Councillor G Hanna Councillor D McAteer Councillor D Murphy

Councillor W Clarke

Councillor M Rice

Committee Members in

attendance via Teams: Councillor J Tinnelly

Officials in attendance: Mr C Mallon, Director of Economy, Regeneration & Tourism

Mr J McGilly, Assistant Director: Regeneration Mr P Rooney – Head of Legal Administration Ms A McAlarney, Development Manager, Planning

Mr A Donaldson, Senior Planning Officer Mrs B Ferguson, Senior Planning Officer Mr M Keane, Senior Planning Officer

Ms S Taggart, Democratic Services Manager Ms F Branagh, Democratic Services Officer Mr C Smyth, Democratic Services Officer

P/079/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors King and S Murphy.

P/080/2025: DECLARATONS OF INTEREST

There were no declarations of interest.

P/081/2025: 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 - LA07/2023/3444/O - Cllrs Byrne, Clarke, Hanna, King, McAteer, D Murphy and Rice attended a site visit on 23 July 2025.

### MINUTES FOR CONFIRMATION

P/082/2025: MINUTES OF PLANNING COMMITTEE MEETING OF

WEDNESDAY 23 JULY 2025

Read: Minutes of Planning Committee Meeting of Wednesday 23 July 2025.

(Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by

Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 23

July 2025 as a true and accurate record.

### FOR DISCUSSION/DECISION

P/083/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations

received or requests for speaking rights - Wednesday 20 August 2025.

(Copy circulated)

Councillor Larkin proposed to defer item 16 – LA07/2025/0100/F to allow the submission of speaking rights as the applicant missed the deadline due to illness.

AGREED: On the proposal of Councillor Larkin, seconded by

Councillor McAteer, it was agreed to defer item 16 - LA07/2025/0100/F to a future Committee Meeting.

On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to approve the officer recommendations in respect of the following

applications listed on the Addendum List for

Wednesday 20 August 2025:

- 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, washwater 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

P/084/2025: 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

### Power point presentation:

Ms Ferguson stated that the Planning Department was of the opinion that the site did not satisfy the requirements of CTY 2a, as the surrounding buildings did not form a visual cluster due to their separation, the topography, and intervening vegetation. She advised that the site lacked visual linkage with nearby buildings and was not associated with a focal point or crossroads. She concluded that the proposed development would represent an encroachment into the open countryside and could not be visually absorbed into any existing cluster, thereby supporting the reasons for refusal as set out in the officer's report.

### Speaking rights:

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

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

Mr Declan Rooney was present to answer any questions Members may have had.

Councillor Hanna sought clarification on the weight given to both distance and the effect of vegetation in assessing visual linkage. In response, Mrs Ferguson confirmed that distance was a factor in the assessment but emphasised that, in order to establish visual linkage, the

buildings must be visible from one another. She further advised that this determination was made based on conditions at the time of the site visit.

Councillor Enright stated he believed that the proposed dwelling was visually linked to existing buildings and queried why the Planning Department had concluded otherwise. In response, Mrs Ferguson advised that the issue of visual linkage had been fully considered and addressed within the Case Officer's Report.

Councillor Larkin noted the proposed access arrangements, stating that it would involve driving past the front of an existing dwelling and questioned whether this would raise any concerns in relation to access. In response, Mrs Ferguson advised that the proposed layout and any potential issues such as overlooking were issues that would normally be considered at the reserved matters stage.

Councillor Enright sought clarity on whether a Planning Committee Member could reach a different conclusion from that of the Planning Officer. Mrs Ferguson confirmed that Members were entitled to form their own opinions, particularly following a site visit.

Councillor Hanna queried the issue of visual linkage with Mr Declan Rooney who stated that, in his opinion, there was visual linkage, though he acknowledged it was less apparent in the summer months due to leaf growth.

Councillor Hanna queried the weight given to seasonal changes in vegetation when assessing visual linkage. In response, Mrs McAlarney advised that the presence of a cluster was the primary requirement under Policy CTY 2a and cautioned Members against focusing solely on visual linkage. She clarified that while visual linkage could extend over some distance, CTY 2a required the development to be located within a cluster, and it was the Planning Department's view that this proposal did not meet that criterion.

Councillor Hanna asked for clarification on what constituted a cluster, suggesting that a church hall might be considered the centre of one. Mrs McAlarney confirmed that policy clearly defined a cluster as comprising four whole buildings, three of which must be dwellings, and all were located around a focal point. She further advised that the area in question was a sporadic linear development and therefore did not qualify as a cluster for the purposes of Policy CTY 2a.

Councillor Hanna queried Mr Declan Rooney's opinion regarding the cluster, to which he responded that the development around the crossroads and church hall had gradually extended over a number of years and now extended beyond the proposal site.

Councillor Hanna proposed to overturn the application to an approval, stating that he accepted there was a cluster surrounding the crossroads and church hall, he considered the proposal to be sustainable development within the countryside and visually linked in a way that would not harm the existing cluster.

Councillor Enright seconded the proposal, stating that he was convinced the proposal was visually linked with the church hall.

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 Hanna, seconded by

Councillor Enright, it was agreed to issue an approval in respect of planning application LA07/2023/2548/O contrary to officer recommendation as contained in the

Case Officer Report.

Councillor Larkin vacated the position of Chair for the following item as he was not present at the site visit on 23 July 2025.

### Councillor Hanna assumed the Chair - 10.33am.

### (2) LA07/2023/3444/0

On agenda as a result of the Call-In Process. Previously tabled 23 May 2025.

### 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 reminded Members that it was the opinion of the Planning Department that the lane serving No. 21 Drakes Bridge Road terminated at the entrance, with No. 21's curtilage marking the lane's end. She confirmed only two buildings fronted the lane and no definable gap existed, leading to the conclusion that the application failed when assessed against CTY8. She also noted that, although the applicant referenced an outbuilding northeast of No. 21 as a third building to suggest a continuous built-up frontage, the Planning Department did not accept this, affirming that the laneway ended at No. 21's entrance.

### Speaking rights:

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

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

Mr Declan Rooney was present to answer any questions Members may have had.

Councillor Clarke proposed to overturn the application, expressing the view that the gates had been installed to tend livestock and did not signify the end of the laneway. 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: 6
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke, seconded by

Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/3444/O contrary to officer

recommendation as contained in the Case Officer

Report.

Councillor Larkin resumed the Chair at this point - 10.38am

### **DEVELOPMENT MANAGEMENT**

# 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 Clarke, 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 D Murphy, seconded by

Councillor Quinn, it was agreed to come out of closed

session.

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

P/085/2025: LEGAL ADVICE REGARDING A JUDICIAL REVIEW RE ITEM 13

LA07/2023/2294/F AND ITEM 14 LA07/2020/1292/O

AGREED: On the proposal of Councillor Larkin, seconded by

Councillor Byrne, it was agreed to note the legal

opinion provided.

Councillor Tinnelly joined the meeting during discussion on the above item - 10.41am

### P/086/2025: PLANNING APPLICATIONS FOR DETERMINATION

### (1) <u>LA07/2023/2294/F</u>

On agenda as a result of the Operating Protocol and the Scheme of Delegation

### Location:

Unit 5 Shepherd's Way, Carnbane Industrial Estate, Newry, BT35 6JQ

### 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

### **Conclusion and Recommendation from Planning Official:**

Approval

### Power-point presentation:

Mr Donaldson advised the Committee that the Planning Department had previously granted approval for the application on 30th April 2024, with the decision subsequently challenged through legal proceedings and was quashed. He advised that the current application represented a reconsideration of the proposal in light of the issues raised during the legal process.

Mr Donaldson advised that, in line with statutory requirements, the application was readvertised and neighbour notified, with a total of 16 objections received, all of which were detailed and addressed within the officer's report. He confirmed that consultations had been carried out with NIEA (including the Water Management Unit, Regulation Unit, Industrial Pollution and Radiochemical Inspectorate, and the Natural Environment Division), as well as with HED, DFI Roads, DFI Rivers, Environmental Health, NI Water and the Loughs Agency, whereby no objections were raised, subject to compliance with conditions outlined in the Case Officer's report.

Mr Donaldson confirmed that the application was assessed against the Strategic Planning Policy Statement (SPPS), the Banbridge, Newry and Mourne Area Plan 2015, PPSs 2, 3, 4, 6, 11 and 15, the Waste Management Strategy, and the Conservation (Natural Habitats) Regulations 1995. He noted that while PPS 4 Policy PED 7 had been considered due to the zoning of the site as an Existing Economic Development site, the specific proposed use did not fall under Part B of the Planning Use Classes Order (Northern Ireland) 2015, which defined economic uses. He advised that as PPS 4 did not provide policy for waste management facilities, it directed applications to be considered against PPS 11 – Planning and Waste Management.

Mr Donaldson stated as the proposal was identified as involving a Priority Waste Stream, it was considered consistent with Part (a) of Policy WM2 of PPS 11 and that the location within an industrial estate was considered appropriate and consistent with policy guidance. He advised that the compatibility of the development with the surrounding area, including potential impacts on human health, had been assessed and no significant detrimental impact was identified and stressed that no objections had been received from statutory consultees.

Mr Donaldson confirmed that the application had been assessed in accordance with all relevant planning policies and material considerations, including the objections received, and the application was recommended for approval, subject to the conditions detailed in the Case Officer's report. He noted that the conditions within the report were in draft form, and specifically that Condition 6 would be updated to include relevant Waste Codes should the application be approved.

### Speaking rights:

### In Objection:

Mr Seamus Fay, supported by Mr Jim O'Neill & Mr Atchison (Legal Counsel) all spoke in objection to the application.

Mr Fay confirmed that the objector, Environmental Products & Services Ltd (EPAS Ltd), maintained that their ongoing concerns raised in previous representations had not been fully or properly addressed. They argued that key planning policies of PPS 4 had either been misapplied or overlooked, particularly regarding the principle of avoiding incompatible development.

Mr Fay also raised concerns about the accuracy of the project description and the information supporting the application. He noted that the Case Officer's Report referred to Appendix 1, submitted on 16 August 2023, as the basis for restricting the waste types to be processed. However, he stated that the only Appendix 1 available on the Planning Portal was dated 9 April 2024 and listed a wide range of waste types, including hazardous materials such as batteries, oils, coal tar, waste from End-of-Life Vehicles (ELVs), construction and demolition waste, municipal waste, and more. He argued this was inconsistent with the advertised proposal description, which mentioned only the processing of recyclable motor vehicle components. He expressed his concern that statutory consultees and the Planning Department might have assessed the application under the incorrect assumption that it was limited to catalytic converters, therefore had not considered the full range of potentially hazardous materials.

Mr O'Neill stated that the Case Officer's Report had misapplied planning policy, dismissing Policy PED 8, which related to compatibility with existing economic development. He argued that this policy, alongside paragraph 6.90 of the SPPS, was highly relevant as both sought to protect existing businesses from incompatible development, regardless of whether the proposed development qualified as "economic development." He also contended that the proposal did not comply with Policy WM1 of PPS 11, particularly regarding the management of hazardous waste, and that the proposed building was neither purpose-built nor adequately modified to handle such materials.

Mr O'Neill concluded by stating that the proximity of the proposed waste facility could jeopardise EPAS's professional certifications, which were critical to their current operations and future investment plans, potentially causing a direct negative impact on their planned expansion, further stating that should the application be approved he would close his business and relocate it elsewhere.

### In Support:

Mr Colin O'Callaghan, supported by Mr Bradley Mills, Mr Stuart Matthews, Ms Elise Quigley and Mr Frank O'Donoghue (Legal Counsel).

Mr O'Donoghue advised that the proposal was submitted by an American company with established premises across Europe, the closest being in England, aimed at servicing the collection of catalytic converters throughout Ireland. He emphasised that recycling catalytic converters was an important environmental issue, stressing that the company operated under clear protocols and processes subject to controls and permits overseen by both the NIEA and Environmental Health.

Mr O'Donoghue noted that there appeared to be a misunderstanding regarding the nature of the application and explained the recycling process of catalytic converters, confirming that some waste materials would inevitably need to be processed. He described the application as a "catch-all" type, copied from a submission previously agreed with statutory agencies in England to ensure consistency. He invited Members to review the objection statement, noting that it did not identify any existing EPAS processes that would be affected by approval of this application, and highlighted that no statutory consultees had raised objections.

Mr O'Donoghue concluded by stating that the proposal was for a modest, clean, and tightly controlled operation that would create three local jobs, contribute to the circular economy, and had the support of a global company operating to high environmental and professional standards.

Councillor Hanna requested clarity on the objector's position, noting that the objectors referenced ELVs being on site, while the applicant had stated this would not be feasible given the limited space within the proposal.

Mr Fay clarified that the objectors were referring to the list of waste materials included in Appendix 1, submitted by the applicant, which mentioned a range of waste types. He argued that these materials would not be relevant if the site were limited to processing catalytic converters only.

A discussion then took place regarding the list of waste materials to be processed as set out in Appendix 1, during which there was a clear disagreement over the necessity and implications of the list. Mr Fay argued that he believed neither the Planning Department nor the statutory consultees had fully considered the list, highlighting a lack of detail on how all the waste types would be safely processed. In contrast, Mr O'Donoghue emphasised that not all listed materials would necessarily be processed on site, but the comprehensive list had been included as advised by statutory consultees, reflecting the requirements within various waste processing permits.

Mr. Donaldson acknowledged that Appendix 1 contained a detailed list but stressed that the site would be regulated by a waste management license, which would control what materials were permitted on site and how they were processed.

A further discussion followed regarding the specific materials to be brought onto the site. Mr O'Donoghue outlined the recycling process for catalytic converters, while Mr. Mills, the applicant, reiterated that the detailed list in Appendix 1 had been submitted in accordance with advice from statutory consultees.

Councillor Hanna enquired whether the operation of the business was regulated, to which Mr O'Donoghue confirmed that the business was heavily regulated and that the organisation had received no objections from their UK base throughout their years of operation.

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Councillor Byrne advised Mr Fay and his team that the Committee could only consider the application as submitted and could not take into account any potential plans for expansion and requested further details regarding their health-related objections.

Mr O'Neill stated that he had not been visited by Environmental Health in relation to his health objections, expressed concerns about the potential for carcinogenic fibres to become airborne during the recycling of catalytic converters, emphasised his organisation's need for a clean and sterile environment and stressed that the proposal would have a detrimental impact on this.

Following a statement from Mr O'Donoghue, Councillor Larkin reminded everyone present that all comments were to be directed through the Chair and that cross talk was not permitted within the Chamber.

Councillor Byrne queried Mr O'Neill's statement regarding the lack of engagement from Environmental Health. In response, Mr Donaldson advised that Planning Policy PPS4 directed users to PPS11, which specifically addressed the impact of proposals on the surrounding area. He confirmed that Environmental Health would have taken this into consideration as part of their consultation and while he could not speak to the detail of their decision-making process, he stated that Environmental Health had access to all relevant application documentation and had made their assessment on that basis.

Following Councillor Byrne's request for clarity and legal advice regarding the matters raised in the earlier discussion, Mr Peter Rooney advised that the Committee should enter closed session to receive legal guidance.

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

Agreed: On the proposal of Councillor Byrne, seconded by

Councillor McAteer, 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 Hanna, seconded by

Councillor Byrne, it was agreed to come out of closed

session.

The Chairperson advised that legal opinion had been provided during closed session.

Following a query from Councillor Quinn relating to the waste codes detailed at Appendix 1, a further discussion ensued, the outcome of which was the reiteration regarding statutory consultees advice that the application mirrored that of the England based company to allow NIEA to govern on as many of the codes as possible.

Councillor D Murphy queried the number of bases the applicant's company had in existence, whether they all operated in a similar manner and what the Personal Protection Equipment (PPE) requirements were.

Mr Mills advised that the US base was managed in a different manner, but all European organisations adhered to the same operating protocols. He further advised that PPE was role dependant as the organisation carried out occupational health hygiene surveys to ascertain what risks were involved in the role and PPE requirements were based on these findings.

Councillor D Murphy queried the alleged potential airborne carcinogenic materials, to which Mr Mills confirmed that the occupational health hygiene survey included body tests for these fibres, ring fenced where the risks lay and outlined what appropriate safety measures were to be taken.

Mr O'Neill refuted this statement, arguing that the fibres could be attached to shoes and be transmitted in this manner, further arguing that if the industry was heavily regulated this implied it was dangerous and should not be located in close proximity to other organisations.

Councillor Rice queried whether Mr O'Neill and his team had carried out any independent surveys with regard to potential risk from the proposal.

Mr Atchison, for the objector, stated that this was not a requirement on the objector, further that his referenced case law was a clear indicator that there was a clear risk to nearby businesses.

Councillor Larkin queried whether it was possible to condition some of the proposed waste as detailed at Appendix 1, to which Mr Donaldson confirmed that there was a draft condition contained within the Case Officer's Report.

Following further discussions, Councillor Larkin invited those present to rebut any incorrect information that they felt had not been addressed.

Mr Atchison stated that the lack of attendance by Environmental Health and the lack of clarity regarding the proposed waste management on site was a major concern that still needed to be addressed.

Mr O'Donoghue stated that there was still no definitive reason as to why the two organisations could not operate side by side, and that all waste processing would be regulated by statutory organisations.

Councillor Hanna then proposed to accept the officer's recommendations, which was seconded by Councillor Larkin.

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

FOR: 8
AGAINST: 1
ABSTENTIONS: 1

The proposal was declared carried.

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AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2023/2294/F supporting officer recommendation as contained in the Case Officer Report.

### (2) LA07/2020/1292/O

On agenda as a result of the Operating Protocol and the Scheme of Delegation

### Location:

Lands located between Nos 2 & 10 Glassdrumman Road Ballynahinch

### Proposal:

Erection of 2 detached infill dwellings and garages.

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson advised Members that the application had previously been approved but had subsequently been quashed by way of a High Court of Appeal decision dated 3 April 2024 and was now tabled for reconsideration.

Mrs Ferguson reminded Members of the inherently restrictive nature of the CTY8, which sought to prevent ribbon development. Referring to the High Court's findings, she noted that the judgement had confirmed the proposal did not benefit from the CTY 8 exception as there was no pre-existing line of three or more buildings constituting a substantial and continuous built-up frontage and that the court had found the development pattern to be broken by two significant visual gaps, meaning the site failed the essential policy test.

Mrs Ferguson further advised that under Policies CTY 13 and CTY 14, the proposed development would not integrate satisfactorily with the rural landscape, result in a detrimental change to rural character and contribute to ribbon development along the Glassdrumman Road, concluding that the proposal failed to comply with Policies CTY 1, CTY 8, CTY 13 and CTY 14.

### Speaking rights:

### In Support:

Mr Kieran Carlin addressed the Committee in support of the application, urging Members to consider the proposal solely on planning grounds. He outlined that Planning Officers had recommended approval on three previous occasions, and that Members had unanimously endorsed this recommendation in April 2021. Mr Carlin explained that although a judicial review had initially been dismissed by the High Court, the Court of Appeal subsequently quashed that ruling. He stressed, however, that the Court of Appeal was not the planning decision-maker and its role was limited to assessing legal compliance, not forming a planning judgement.

Mr Carlin noted that CTY8 allowed for an exception to ribbon development where a small gap site existed within a substantial and continuously built-up frontage, with garages being considered buildings for the purposes of this policy. He stated that this had been recognised by Planning Officers in their original assessment, which concluded that the buildings at No. 2 (including a detached garage) and No. 10 Glassdrumman Road created the required frontage.

Mr Carlin stated that it was inappropriate for the Planning Department to rely on a potentially flawed assessment by the Court, instead of undertaking a full and independent reassessment of the site based on planning policy and requested that Members have regard to the consistency of previous Planning Department recommendations and approve the application on the same planning merits as had previously been accepted.

Councillor Rice clarified that the argument put forward by Mr Carlin was also highlighted at the Court of Appeal and requested clarity on their reasons for refusal.

Mr Carlin advised that a biodiversity checklist was outstanding, which had now been submitted. He further stated his belief that the argument put forward by the objector was misleading in terms of planning principle, stressing that a judge was not expected to understand planning principle or policy, stating that the garage was considered a building in line with planning policy.

Councillor Rice queried whether the Planning Department felt that the initial decision was wrong in principle following the court ruling, to which Mrs Ferguson advised that the Planning Department had to give weight to a decision made in the High Court.

Councillor Hanna noted that the Planning Department had been influenced by the High Court ruling and queried whether, in light of that decision, garages would no longer be considered as part of a built-up frontage when assessing applications under Policy CTY8.

Mrs Ferguson confirmed that the recommendation was based on the High Court ruling, and weight would have to be given to this moving forward, however each application was judged on its own merit.

Following a query from Councillor McAteer regarding the High Court decision, a discussion ensued regarding what steps could have been taken following the ruling. Mrs Ferguson stated that the outcome was a legal decision that the Planning Department had to take into consideration moving forward, while Mr Carlin advised that the issue could have been taken to the Supreme Court by Council as the decision maker, but noted that this may not have been feasible. He also stressed that the Planning Department should have undertaken a fresh assessment of the application following the ruling, and not simply recommend a refusal based on the ruling.

Following the discussion, Councillor Larkin proposed to accept the officer recommendation. Councillor McAteer seconded the proposal.

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

FOR: 6
AGAINST: 2
ABSTENTIONS: 2

14

The proposal was declared carried.

### AGREED:

On the proposal of Councillor Larkin, seconded by Councillor McAteer it was agreed to issue a refusal in respect of planning application LA07/2020/1292/O supporting officer recommendation as contained in the Case Officer Report.

The meeting did then recess – 1.28pm The meeting did then resume – 2.02pm

Cllr Tinnelly left the meeting during the recess – 1.33pm

### (3) <u>LA07/2024/1426/RM</u>

On agenda as a result of the Call-In Process

### Location:

Between 30 and 32 Leitrim Road, Kilkeel, Co Down

### Proposal:

Infill dwelling and domestic garage

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mr Keane advised Members that the application was a Reserved Matters (RM) application for an infill dwelling along Leitrim Road, Kilkeel, with the principle of development previously established through the granting of Outline Planning Permission. He advised that Condition 3 of the outline permission specified that the design, siting, external appearance, means of access, and landscaping were all matters reserved for further assessment and approval by the Council. As such, the primary considerations under this application were the design, layout, and siting of the proposed dwelling and garage.

Mr Keane noted that the proposed dwelling featured a gable wall facing the road with only a single window and door, which resulted in a poor level of visual presentation and failed to provide a defined frontage. Additionally, the siting of the garage in front of the dwelling was considered inappropriate and uncharacteristic of rural settings.

Mr Keane acknowledged that late correspondence had been received from the agent querying the drawings upon which the recommendation was based, noting that revised plans had been received. He confirmed that these amendments did not render the proposal acceptable and was still recommended for refusal.

### Speaking rights:

### In Support:

Mr Brendan Starkey noted that outline permission had already been granted and that this application dealt solely with design, layout, and landscaping. He stated that the site had a 5m slope from rear to road and that the proposed split-level design responded sensitively to this, avoiding excessive excavation. He refuted concerns about the gable wall facing the

road, stating it included a door and window, provided an active frontage, and mirrored the orientation of neighbouring dwellings. He added that visual impact would be minimal given the site's topography and screening, and that the garage's location, though forward of the dwelling, reflected the arrangement of adjacent properties.

Councillor Hanna proposed to overturn the officer recommendations, stating that he did not believe the proposal was out of character for the area, in relation to the garage location and orientation of the house.

This was seconded by Councillor Rice, who echoed Councillor Hanna's sentiments.

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 Hanna, seconded by

Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2024/1426/RM contrary to officer recommendation as contained in the

Case Officer Report.

### (4) LA07/2024/1180/F

On agenda as a result of the Call-In Process

### Location:

2 Glassdrumman Road, Ballynahinch

### Proposal:

Proposed construction of single storey outbuilding / garage and store building within existing garden of property

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson advised that the site lay within the countryside as defined in the Ards and Down Area Plan 2015, and the proposal had been assessed under Policy EXT1 of the Addendum to PPS7. She stated that the proposed building included a large garage element with a footprint of approximately 155 square metres, clad entirely in dark green grey corrugated metal sheeting, proposed to be sited in the front garden, forward of the existing dwelling.

Mrs Ferguson stated that the Department considered the building to be excessive in scale, not subordinate to the dwelling, and finished in materials out of keeping with the host property. She advised that due to its prominent siting near the road, it was viewed as incongruous within the rural residential setting and unlike anything else in the vicinity. She

noted that while some nearby properties had outbuildings with similar finishes, these were either smaller or located to the rear of the relevant site.

### Speaking rights:

### In Support:

Mr Brian Crawford expressed disappointment at the recommendation to refuse the application, noting that the design had been carefully considered to meet the client's needs and that the chosen materials were selected to reflect rural outbuildings found both in the wider countryside and in surrounding properties. He strongly disagreed with the conclusion that the design was inappropriate, arguing that similar materials had been used in numerous nearby properties, some in more prominent roadside locations, without issue. He referenced several examples that demonstrated a clear precedent for the use of similar materials, often in more visually dominant locations than the current proposal.

Mr Crawford queried whether additional landscaping along the site frontage could be considered to screen the building and reduce visual impact. He asked whether this, or a change in materials, could be secured by conditions to allow the development to proceed and meet the applicant's needs.

Councillor Hanna queried Mr Crawford's request for a condition to secure a recommendation for approval and whether the Planning Department had engaged with the applicant on the issue.

Mrs Ferguson advised that the refusal decision was based on the application as submitted, and that planting would not negate the scale, size and elevational treatment and materials as submitted by the applicant.

Councillor D Murphy queried the examples as mentioned by Mr Crawford, to which Mrs Ferguson refuted each example as inapplicable to the same policies as applied to this application by way of not being a private dwelling or agricultural buildings.

Councillor Hanna expressed his disappointment that the Planning Department had not engaged with the applicant regarding possible amendments that could have made the application more acceptable. He proposed to overturn the application, stating that the proposal was subordinate to the existing building height, had no impact on landscape or private amenity and would integrate into the area with conditions applied regarding the planting being completed prior to construction beginning on the building.

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: 8
AGAINST: 1
ABSTENTIONS: 0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor D Murphy it was agreed to issue an approval in respect of planning application LA07/2024/1180/F

contrary to officer recommendation as contained in the Case Officer Report.

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

### (5) <u>LA07/2024/1077/0</u>

On agenda as a result of the Call-In Process

### Location:

Land 25m west of No 60 Crawfordstown Road, Ballynahinch

### Proposal:

2 x Infill dwellings

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson noted that the site was located in the countryside, as designated in the Ards and Down Area Plan 2015, and the application had been assessed under Policies CTY 1, 8, 13, 14 and 16, as well as retained policies NH2, NH5 and AMP2. She outlined the consideration of the buildings put forward to establish a substantial and continuously built-up frontage as required by CTY8, noting they included No. 60, 60A, 76 and 76A, along with their associated garages and outbuildings. She advised that the Planning Department concluded that Nos. 76 and 76A did not benefit from road frontage, as they were separated from the laneway by defined curtilages and boundary walls with No. 60A, on the opposite side of the laneway, also discounted for the same reason. She confirmed that only one property, No. 60, was considered to have frontage to the road, and therefore the proposal failed to meet the first test of Policy CTY 8.

Mrs Ferguson also advised that that part of the area shown within the indicative site layout did not actually form part of the application site, effectively reducing its size. She confirmed that the plot sizes, as presented, were not in keeping with the established pattern of development in the area, where surrounding dwellings had large curtilages, spacious gardens, and ample room for parking.

She stated that the proposal failed to comply with Policies CTY 1, 8, 13 and 14 as the Planning Department felt that the proposal would result in a ribbon of development along the laneway, leading to an adverse impact on rural character.

### Speaking rights:

### In Support:

Mr Kieran Carlin advised that the site had previously benefited from approval for a replacement dwelling, and that development had commenced and remained extant and that the site, in its current form, was oversized for a single dwelling and could more appropriately accommodate two dwellings under Policy CTY 8.

Mr Carlin argued that the Planning Department had misinterpreted the extent of the private laneway, stating that it extended to Nos. 76 and 76A, both of which had well-defined entrances and curtilages fronting the lane. He stated that this created the required substantial and continuously built-up frontage alongside No. 60 and its detached garage. He pointed out that CTY 8 accepted visual linkage and driveways as valid frontage, referencing similar approvals by the Council in nearby locations in support of this.

Mr Carlin confirmed that calculations presented in the planning statement were accurate and had not included any disputed areas, and that the proposed plots, each measuring 0.2 hectares with 40-metre frontages, were comparable to surrounding plots in size and layout.

With regard to the issue of suburban-style build-up under CTY 14, Mr Carlin noted that where a valid infill opportunity existed, CTY 8 took precedence, citing a relevant Planning Appeals Commission decision in support of this position.

Following a query from Councillor Hanna, a discussion ensued regarding differing interpretations of what constituted frontage onto the laneway. Mrs Ferguson stated that the Planning Department considered the laneway to continue beyond the dwellings; however, the narrower section leading directly to the dwellings was viewed as a private driveway rather than part of the laneway and therefore did not constitute frontage. In contrast, Mr Carlin argued that laneways in the countryside commonly split, and that the section leading to the dwellings should be considered part of the laneway, not a driveway, particularly as access gates clearly marked where the private curtilage began. He further contended that as all dwellings in the area used the same route for access and no formal shared access arrangement existed, the section in question should be treated as part of the laneway for the purposes of assessing frontage.

Councillor Larkin queried the existing permission on site, to which Mr Carlin advised that was extant and was relating to a replacement dwelling. He advised that the applicant felt that proposal was not what the situation needed, as he wished to create two dwellings for is children to reside in.

Councillor Hanna proposed a site visit, to allow the Committee to view the laneway and driveway access to form their own opinion. 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.

Councillor Clarke queried whether site visits could be arranged outside of standard working hours, highlighting that many Elected Members held other employment and found it challenging to secure time off to attend during the day. He suggested that with the longer days in summer that evening meetings could be considered.

In response, Councillor Larkin advised that the Planning Department operated within contracted working hours, which they were required to adhere to, and this limited the flexibility for scheduling site visits outside of those times.

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AGREED:

On the proposal of Councillor Hanna, seconded by Councillor D Murphy it was agreed to defer planning application LA07/2024/1077/O to allow for a site visit

### (6) <u>LA07/2023/2230/0</u>

On agenda as a result of the Call-In Process

### Location:

55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU

### Proposal:

Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson outlined the application that consisted of a detached single-storey gate lodge, historically linked to Ballywillwill House, as annotated on historic maps. She advised that following consultation with Historic Environment Division (HED), it was confirmed that the gate lodge was a curtilage structure associated with the listed Ballywillwill House and therefore received the same legal protection under Section 80(7) of the Planning Act (NI) 2011. As such, any replacement of this structure required exceptional circumstances to be justified.

Mrs Ferguson confirmed that as no exceptional circumstances had been demonstrated, the retention of the original dwelling for storage did not meet this threshold, and no evidence had been provided to support claims that renovation or extension was unviable. She confirmed that while HED had no objections to the proposal, their remit was to consider the impact on the listed building and took no account of other planning policies that were the remit of the Planning Department. She confirmed that the new dwelling was proposed outside the historical curtilage, within an open field, and lacked justification regarding why the existing curtilage could not accommodate a modest-sized replacement. She concluded that the proposal failed to meet the requirements of Policies CTY1, 3, 13, 14, and 15, as well as Policy NH6 of PPS 2.

### Councillor Enright left the room during the above presentation - 3pm

### Speaking rights:

### In Support:

Mr Declan Rooney acknowledged that the Department considered the existing building to be listed, and although the applicant did not fully agree with this assessment, he stated that for the purpose of his address, he would refer to the building as a listed building. He stated that CTY3 presumed against demolition of listed buildings unless there were exceptional circumstances, but stressed that in this case, the existing building was to be retained and incorporated into the development, therefore the requirement for exceptional circumstances

did not apply. He noted that the applicant had worked closely with Historic Environment Division (HED), who had now confirmed they had no objections to the proposal.

Mr Rooney stated that the proposed new dwelling had been located as close to the existing building as reasonably possible, while avoiding the removal of a mature group of trees and vegetation. He argued this siting preserved landscape character and protected potential bat habitats and cited other planning approvals as precedent for similar arrangements. In relation to integration and boundary definition, he contended that the site was already well-screened from public view by mature vegetation and did not rely primarily on new landscaping.

In respect of the refusal reason concerning the transition between town and countryside, Mr Rooney emphasised that the site was located approximately 100 metres up a laneway and was screened by existing mature vegetation, arguing that it was not visible from public vantage points and that the rural character was maintained.

Following a query from Councillor Clarke regarding the retention of listed buildings, a discussion ensued regarding the retention of built heritage and the application of planning policy. Mrs Ferguson advised the Committee that while HED was supportive of the proposal under PPS6, their remit was to consider the impact on the listed building and had no other consideration for planning policy. She confirmed that CTY3 was the applicable policy when applying for a replacement dwelling, and it required exceptional circumstances when replacing a listed building, which she confirmed the Planning Department did not feel were applicable in this proposal.

Councillor Clarke queried the merit of permitting a new build further from the listed building, so as to maintain the listed building status.

Mrs Ferguson confirmed that planning policy resisted replacement and that the listed building should be retained in situ, could be extended or renovated but that there was no merit in replacing the building.

Councillor McAteer queried what the plans were for the listed building and the proposed new build and how HED were involved, to which Mr Rooney advised that details and plans would be confirmed at the reserved matters stage, but the intention was to construct a dwelling similar in character to the listed building and to restore the listed building to be used as ancillary accommodation.

### Councillor Enright re-entered the room - 3.15pm

Councillor McAteer queried whether there was a boundary definition between the listed building and the proposal site. Mr Rooney stated that there was no visible boundary, while Mrs Ferguson stated that the boundary was defined by the existing vegetation and the proposal site was not contained within the curtilage of the listed building.

Councillor Byrne requested further clarity with regard to the wording of CTY3, expressing his belief that it was open to interpretation and was somewhat ambiguous when trying to differ between replacement or demolition and the exceptional circumstances requirement.

Mrs Ferguson stated that the Planning Department were of the opinion that there were no exceptional circumstances that merited the replacement of the listed building. Mrs McAlarney reiterated this sentiment, quoting the applicable section of CTY3.

Mr Rooney stated that should the applicants extend the listed building, it would require a much larger footprint to accommodate the requirements of a modern dwelling and would take away from the character of the listed building.

Following the discussions, Councillor Clarke proposed a site visit to allow the Committee to view the application site. This was seconded by Councillor Rice.

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

FOR: 7
AGAINST: 0
ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke, seconded by

Councillor Rice, it was agreed to defer planning application LA07/2023/2230/O to allow for a site visit.

As Cllr Enright was absent for part of the above presentations and discussion, he was unable to vote on the application.

### (7) LA07/2024/0296/F

On agenda as a result of the Call-In Process

### Location:

40 Lisoid Road, Downpatrick, BT30 8LP

### Proposal:

Replacement dwelling & garage

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson outlined the application, advising that the site was located in the countryside as designated in the Ards and Down Area Plan 2015 and had therefore been assessed under Policies CTY3, 13, 14, and 16, along with retained Policies NH2, NH5, NH6, and AMP2. She confirmed that while the principle of a replacement dwelling had been established through a previous outline approval, the current full application had been assessed on its own merits.

Mrs Ferguson noted that a curtilage restriction had been applied to the outline approval, as the existing curtilage had been deemed sufficient to accommodate a modern replacement dwelling. However, the current proposal significantly extended the curtilage and relocated the dwelling and garage into an open field. She stated that no justification had been provided for the enlarged curtilage or alternative siting, which would result in a more prominent visual impact and a loss of rural character, with the proposed design of the dwelling considered to be out of keeping with the rural context.

Mrs Ferguson concluded that the scale and design of the proposal were not sympathetic to the special character of the AONB and failed to respect local features, architectural styles, and development patterns and was deemed contrary to Policies CTY1, 3, 13 and 14, and NH6.

### Speaking rights:

### In Support:

Mr Jason Martin spoke in support of the application and noted that the case officer handling the outline application had, in an email dated 30 July 2024, expressed contentment with both the principle of development and the proposed curtilage. He argued that the proposed curtilage complied with CTY3, which allowed for flexibility where the existing curtilage was too restricted to accommodate a modest-sized dwelling. He stated that the proposed curtilage was similar in size to those of neighbouring properties and had previously been accepted by the Council in writing.

Mr Martin contended that the design was modest, functional, and well-suited to a modern family, while still reflecting the rural context, and stated that the chosen materials and colour scheme allowed the building to blend into the surrounding landscape, rather than standing out as a white rendered dwelling might. He stated that the proposed dwelling was designed to integrate with the landscape and reflected the character of the area, including the AONB. He emphasised that the design was modest, single-storey, and in keeping with traditional agricultural buildings, and that a previous approval had already established the principle of development on the site. He concluded that the proposal complied with all relevant planning policies and urged the Committee to give due weight to the existing approval and the quality of the design.

Councillor Hanna queried the design, to which Mr Martin stated it made use of materials used in the surrounding countryside, which would help it integrate and have less of a visual impact.

Councillor Hanna queried what the examples of similar design were, to which Mr Martin referenced a dwelling near Ardglass Harbour and another on a nearby dwelling that had both been approved by Committee.

Councillor Hanna queried the refusal reasons relating to the design, to which Mrs Ferguson advised that the application had been refused for a number of reasons beyond the design to include the scale and massing of the proposal and non-compliance with the curtilage restriction from the outline approval.

Councillors Byrne, D Murphy and McAteer all queried the ridge restriction condition from the outline planning permission, clarified that the new proposal was to be considered on its own merit and whether it could include the existing condition if the application was to be considered in its own right and further queried the alleged written approval from a previous case officer as referenced by Mr Martin.

Mrs Ferguson advised that the restriction still applied given the potential for a significant visual impact, and that the nearby agricultural buildings could not be counted as similar design as the current proposal was for a dwelling and not agricultural buildings, and further that an email from a planning officer did not constitute approval from the Planning Department.

Councillor Hanna proposed to accept the officer's recommendations for the proposal, which was seconded by Councillor Quinn.

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

FOR: 2 AGAINST: 5 2 ABSTENTIONS:

The proposal failed.

Councillor Larkin then proposed to overturn the recommendation to an approval, stating that the principle of development had been met with the outline approval, similar dwellings had been approved by the committee and the restricted curtilage was not sufficient in a rural setting to accommodate a modern-day dwelling. He stated that he did not believe the proposal would be prominent, did not offend CTY14 and that with sufficient planting could integrate into the area.

This was seconded by Councillor McAteer, who stated that the design was respectful of the local area and that the garage positioning was not unduly prominent.

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

7 FOR: AGAINST: 0 ABSTENTIONS: 2

On the proposal of Councillor Larkin, seconded by AGREED:

> Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/0296/F contrary to officer recommendation as contained in the

Case Officer Report.

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

### (8) LA07/2023/3007/O

On agenda as a result of the Call-In Process

### Location:

Southeast of 21b Teconnaught Road, Seavaghan, Downpatrick, BT30 7QB

### Proposal:

Proposed infill dwelling and garage

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson informed Members that the site lay within the countryside as designated in the Ards and Down Area Plan 2015 and was assessed under Policies CTY1, 8, 13, 14, and 16, along with retained policies from PPS2, 3, and 15.

She stated that the proposed development relied on No. 46 and No. 50 and their respective detached garages to establish a substantial and built-up frontage, as required by CTY8. She noted that while No. 50 had previously been accepted under another application, further inspection of a glasshouse on site concluded that it was unauthorised and lacked planning permission or a certificate of lawfulness. Citing a relevant Planning Appeals Commission (PAC) decision, she explained that such unauthorised structures could not be considered under policy, and therefore the required gap for an infill did not exist.

Mrs Ferguson concluded that the proposed dwelling would form a ribbon of development along the laneway and would be visually linked with adjacent buildings at Nos. 19A and 21B. As such, the proposal failed to meet the requirements of CTY8 and 14 and would cause a detrimental change to the rural character of the area.

### Speaking rights:

### In Support:

Mr Declan Rooney outlined his support for considering the glass house as part of the frontage, stating that the building in question had been on the site for over ten years and was therefore immune from enforcement. He cited planning appeal decisions and case law supporting the inclusion of such buildings within a built-up frontage despite lacking formal certification.

Mr Rooney concluded that the proposal complied with CTY8, as there was a valid line of three buildings creating a substantial and continuously built-up frontage, and that the gap could appropriately accommodate the proposed dwelling. Accordingly, he contended that the application also met the requirements of Policies CTY1 and CTY14

Councillor Rice sought clarification that there were no live enforcement issues regarding the glass building, and this was confirmed. He then queried of Mr Peter Rooney which case law was correct, as each party had referenced differing case law in support of their position.

Mr Peter Rooney confirmed that each case was essentially correct as there were two separate case law examples. He noted that although Mr Declan Rooney had submitted images to verify that the building had been in place for a number of years, a CLUD could have provided clarity that the building was immune from enforcement.

Councillor Rice queried if the building was immune from enforcement, to which Mrs Ferguson stated that she could not be sure as there had been no CLUD submitted to confirm that and had been discounted from the frontage consideration as a result. Mr Declan Rooney stated that if the Committee were happy that the building had been on site for over five years, they as decision makers could approve the consideration of the building as part of the required frontage.

### Cllr Enright left the meeting at this stage - 4.07pm

Councillor Rice clarified that the Committee could draw their own conclusions based on the evidence submitted to which Mr Peter Rooney advised the Members to take account of all evidence presented and draw their own conclusions.

Councillor D Murphy proposed to overturn the application, stating that he was satisfied that the case law referenced by Mr Declan Rooney was applicable to this application and that the proposal was compliant with policy. This was seconded by Councillor Hanna.

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

FOR: 8
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor D Murphy, seconded by

Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3007/O contrary to officer recommendation as contained in the

Case Officer Report.

The meeting did then recess – 4.08pm The meeting did then resume – 4.17pm

### (9) <u>LA07/2024/0204/0</u>

On agenda as a result of the Call-In Process

### Location:

Approx 100m north of 29 Turmennan Road, Downpatrick

### Proposal:

Dwelling on a farm and domestic garage

### Conclusion and Recommendation from Planning Official:

Refusal

### Power-point presentation:

Mrs Ferguson advised Members that the application was for outline planning permission for a proposed dwelling on a farm and domestic garage, noting that no representations had been received, all consultees had responded with no objections, and that DAERA confirmed the farm business was active and established for over six years with Single Farm Payment claimed during that time.

Mrs Ferguson confirmed that the proposal met the required criteria of CTY10, however, the Planning Department felt that the proposed dwelling would offend CTY8 by contributing to ribbon development. She noted that although the site was located with an established group of farm buildings, it presented onto Cluntagh Road and visually linked with existing buildings in a linear arrangement.

Mrs Ferguson stated that, based on the visual linkage and common frontage, the proposal would add to a ribbon of development and fail to integrate with the rural character of the area. As such, the proposal was considered contrary to CTY8 and 14 and was recommended for refusal.

### Speaking rights:

### In Support:

Mr Gerry Tumelty spoke in support of the application, noting that the proposed site was the only suitable location that met the criteria of Policy CTY10 for a dwelling on an active farm, noting that it was visually linked to the existing farm buildings, accessed via an established laneway, and was screened by mature vegetation. He argued that the proposal complied with Policies CTY1, 10, 13, and 14, and contended that it did not contribute to ribbon development under CTY8, as the mature northern boundary created a visual break. He highlighted that all statutory consultees had offered no objections and urged the Committee to approve the application as it was fully compliant with policy.

Councillor Larkin queried if the application complied with all elements of CTY10, to which Mr Tumelty confirmed that it did.

Councillor Larkin then proposed to overturn the recommendation to an approval, stating that as the application was compliant with CTY10 it negated the need for compliance with CTY8.

This was seconded by Councillor Hanna.

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

FOR: 7
AGAINST: 0
ABSTENTIONS: 1

The proposal was declared carried.

### AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/0204/0 contrary to officer recommendation as contained in the Case Officer Report.

It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

### (10) LA07/2024/0073/F

On agenda as a result of the Call-In Process

### Location:

30m N. of 55 Corliss Road, Crossmaglen, BT35 9BB

### Proposal:

New dwelling and garage on a farm

# **Conclusion and Recommendation from Planning Official:** Refusal

### Power-point presentation:

Mr Donaldson outlined the application details, confirming that the site lay in the open countryside as defined by the Area Plan and was situated on elevated agricultural land adjacent to Nos. 51 and 53 Corliss Road and had been assessed against relevant policies, including CTY 1, 8, 10, 13, and 14. He advised that although the proposal met the basic criteria of Policy CTY 10, compliance with this policy did not exempt it from meeting other applicable policies. He explained that the site was considered prominent in the landscape, lacked integration, and would contribute to ribbon development along Corliss Road and was therefore recommended for refusal.

### Speaking rights:

### In Support:

Mr Brendan Starkey spoke in support of the application, stressing that the farm business met all the requirements of Policy CTY10, including being active for over six years, not having sold off development opportunities in the past ten years, and the proposed dwelling being visually linked and sited to cluster with the existing group of farm buildings. He noted that the proposed dwelling was modest in scale with a ridge height of 6.5m, constructed of appropriate materials, and of a design considered suitable for the rural context.

He argued that the site integrated well within the landscape, benefiting from an established mature hedge and rising land to the rear, and would therefore not rely solely on new planting, and would sit adjacent to an existing dwelling and garage and in proximity to a wider cluster of over eleven farm buildings, offering strong visual linkage. He further argued that the modest scale and design of the dwelling ensured it would not appear unduly prominent or suburban in the landscape.

Mr Starkey contended that the proposal did not have direct frontage to the road and was set back approximately 100m, avoiding any linear form of development along Corliss Road. He referenced an appeal decision in support of this approach, noting that while CTY8 might be technically contravened, the proposal clustered with existing farm buildings and would not result in a detrimental change to rural character. He distinguished this case from appeal decisions cited by the planning department, which related to dwellings with roadside frontage and linear patterns of development. Mr Starkey concluded that those examples were not comparable due to the subject site's setback and clustering.

Councillor Larkin proposed to overturn the recommendation to an approval as the application complied with CTY10. 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: 6
AGAINST: 0
ABSTENTIONS: 2

The proposal was declared carried.

28

AGREED: On the proposal of Councillor Larkin, seconded by

Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/0073/F contrary to officer

recommendation as contained in the Case Officer

Report.

It was also agreed that Planning Officers be delegated

authority to impose any relevant conditions.

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

Agreed: On the proposal of Councillor Hanna, seconded by

Councillor McAteer, 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 D Murphy, seconded by

Councillor Hanna, it was agreed to come out of closed

session.

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

P/087/2025: PLANNING APPLICATION VALIDATION CHECKLISTS

Read: Report from Mr P Rooney, Principal Planning Officer, regarding

Planning Application Validation Checklists. (Copy circulated)

AGREED: It was agreed on the proposal of Councillor D Murphy,

seconded by Councillor Hanna, to publish the

Validation Checklist as attached at Appendix 1 of the Officer's Report. This will be piloted for 1 month to identify and address any procedural issues that may arise and to provide the opportunity for all interested parties to become familiar with the revised process. This would then be implemented at the end of

Contombou 202F

September 2025.

FOR NOTING

P/088/2025: CALL IN ON PLANNING APPLICATION LA07/2023/2274/F -

LANDS AT ABBEY WAY MULTI-STOREY CAR PARK, MILL

STREET & LOWER WATER STREET, NEWRY

29

Read:	At Council Meeting held 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". (Copy circulated)		
AGREED:	It was agreed on the proposal of Councillor D Murphy, seconded by Councillor Byrne, to note the outcome.		
P/089/2025:	HISTORIC ACTION SHEET		
Read:	Historic action sheet for agreement (Copy circulated)		
AGREED:	EED: It was agreed on the proposal of Councillor D Murphy, seconded by Councillor Byrne, to note the historic action sheet.		
There being no	further business the meeting ended at 4.44pm.		
Signed:	Chairperson		
Signed:	Chief Executive		
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#### Item 5 - Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights - Planning Committee Meeting on <u>Wednesday 17</u>
<u>September 2025</u>

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

- LA07/2023/2348/O Lands immediately adjacent to and north west of No 4
  Tullynaval Road, Cullyhanna, BT35 0PZ Proposed Housing Development
  APPROVAL
- LA07/2025/0533/F Bessbrook Community Centre, Mill Road, Bessbrook, BT35
   7DS Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access ramps and railings to building exterior.

   APPROVAL
- LA07/2022/1397/O Lands adjacent to and east of 4, 6 & 8 Shore Road, Killyleagh - Residential Development of 1 no. detached dwelling APPROVAL
- LA07/2024/0295/F Adjacent to and directly SE of 16 Derryoge Road, Newry, BT34 4JR - Proposed change of house type and re-siting of a dwelling on a farm originally approved under permission LA07/2020/0265/F.
   REFUSAL
- LA07/2024/0401/F Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down - Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.
   REFUSAL
- LA07/2023/3411/O Lands approx 160m SE of 337a Rathfriland Road, Ballyward, Castlewellan. - Proposed site for the erection of a detached off-site replacement dwelling and proposed retention of existing old building for domestic/agricultural storage use.
   REFUSAL

#### **Application**

Development Management Officer Report  Case Officer: Rhys Daly				
Proposal: New dwelling with detached garage on gap/infill site.	Location: Directly opposite No 32A and adjoining 33a and 33b Newtown Road, Rostrevor, BT34 3BZ' (Amended Address)			
Applicant Name and Address: Martin McGinn 33 Newtown Road Rostrevor BT34 3BZ	Agent Name and Address: Collins & Collins 11 Marcus Street Newry BT34 1ET			
Date of last Neighbour Notification: Date of Press Advertisement:	3 <sup>rd</sup> October 2024 25 <sup>th</sup> October 2023			
ES Requested: No	20 000001 2020			

#### Consultations:

- NI Water No objections to the proposal
- DFI Roads No objections to the proposal
- NIEA- Refers the Planning Authority to the DAERA Standing Advice NED Single Dwellings

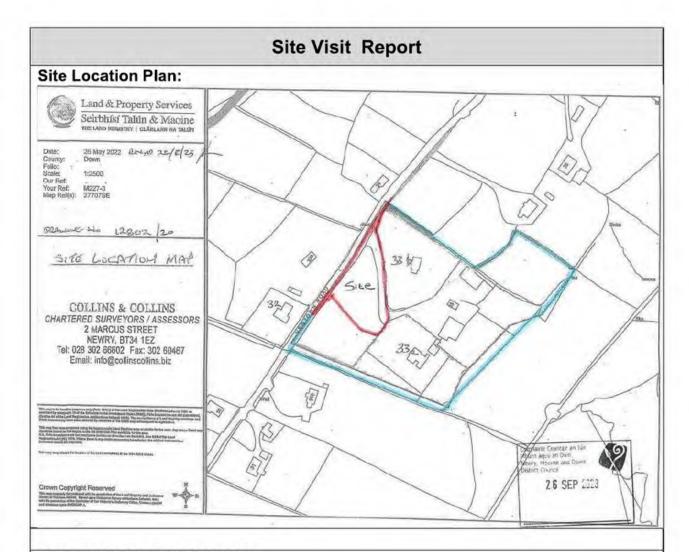
#### Representations:

6 Neighbours were notified on 3<sup>rd</sup> October 2024. The application was advertised in the local press on the 11th October 2023. No representations received to date.

Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

#### Summary of Issues:

As set out above this is an outline application and therefore no details, elevations or finishes have been submitted nor are required as part of this application. These matters would be assessed at reserved matters stage. The main objective of this application is to establish the principle of the development on the application site.



#### Date of Site Visit: 05/06/2024

#### Characteristics of the Site and Area

The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty and a Local Landscape Policy Area.

The application site is located within a field accessible via a field gate off a private laneway which sits along the Newtown Road. The red line boundary comprises the north eastern portion of a larger sloping field, which falls downwards towards the Newtown Road. The site is bounded by a hedgerow along the road side and a wooden fence along the eastern boundary. The south western boundary is currently undefined.

The size, scale and form of the neighbouring dwellings is varied. The lane also gives access to a farm which consists of multiple sheds and a concrete yard.

#### **Description of Proposal**

New dwelling with detached garage on gap/infill site.

#### Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

#### PLANNING HISTORY

No relevant history on the site. There is currently an application under consideration to the south of the site; reference LA07/2023/3099/O.

#### SUPPORTING DOCUMENTS

The P1 form was submitted along with relevant drawings and maps. A biodiversity checklist was also submitted.

#### **EVALUATION**

#### 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 outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The Site is within a Local Landscape Policy Area.

#### Policy CVN 3 of Area Plan

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.

LLPAs are designated to help protect the environmental assets within or adjoining settlements. They include:

- archaeological sites and monuments and their surroundings;
- listed and other locally important buildings and their surroundings;
- river banks and shore lines and associated public access;
- attractive vistas, localised hills and other areas of local amenity importance; and
- areas of local nature conservation importance, including areas of woodland and important tree groups.

The application site is within Designation RR 09 Local Landscape Policy Area Rostrevor. Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed as the following:

The Kilbroney, Rostrevor and Ghann river corridors including associated mature vegetation providing local wildlife habitats and nature conservation interest and the hills and woodland surrounding the settlement including that inside the Kilbroney Park.

A PEA was submitted with the application which concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided.

The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east.

The proposed development is not likely to negatively impact the Local Landscape Policy Area.

#### Strategic Planning Policy Statement

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

#### 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 further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

#### PPS21- Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

#### CTY 8 - Ribbon Development

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

The application site is located within an agricultural field just off the Newtown Road. The field sits west of 33b Newtown Road. 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. NE of the application site lies an agricultural field that has frontage to the Newtown Road. There are no buildings within this field. SW of the red line boundary lies the remaining portion of the agricultural field that is under consideration for the erection of an infill dwelling under LA07/2023/3099/O. SW of that there is another field, with a large detached dwelling and garage that has frontage to the Newtown Road located beyond this field. A ranch style fence denotes the curtilage of this dwelling, whereby a gap exists between the dwelling and detached garage and the southern boundary of the subject field.

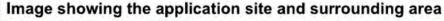
The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway only. The curtilage of this property does not have frontage to the Newtown Road.

There are no buildings to either the north or south sides of the application site with frontage to the Newtown Rd, thus there can be no gap site to infill.

In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane.

In respect of the laneway (aside from the Newtown Rd), whilst the application site has frontage to the laneway, it is located on the other side of the laneway to No. 33b. As the application site is at the junction of the laneway with Newtown Road, there are no buildings with frontage to the laneway to the north.

There is no continuous built-up frontage along this stretch of road or laneway, thus the proposal therefore fails the initial policy test.





Policy CTY8 states "Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings."

The Planning Department have considered the characteristics of the site and do not consider the infilling of this site as acceptable given the reason outlined above, whereby

the site provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

While it is noted there has been pressure for building along this road, it is clear from a site visit and inspection of the grounds there is no substantial and continuous built up frontage to infill a gap. There is no policy to support the principle of development in this instance.

The proposal does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

#### Policy CTY13 - 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.

The application has been presented as an outline application and therefore no detailed design has been provided. The site is open to public view when travelling along the Newtown Road in both directions. Long distant views of the site are also from the adjacent Kilbroney Road that runs parallel to the Newtown Road. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on an elevated position comparable to the public road.

The surrounding landform comprises significant natural and built features immediately adjacent to the site and would provide a backdrop to the proposed development. The proposed development would not be at odds with these existing features, which would allow the development to integrate into the surrounding landscape. It is considered that a single storey dwelling with a low ridge height would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The degree of enclosure provided by the existing built and natural features then means that the

proposed development does not rely primarily upon new landscaping to aid integration. The surrounding built and natural features also provide a significant backdrop to the proposed development which then allows that it would not be a prominent feature in the landscape.

#### Policy CTY14 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.

As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that a dwelling on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road.

#### CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed to serve this development, with surface water disposed to an underground stratum. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-away whilst maintaining sufficient separation distance between the existing dwellings and proposed dwelling. The proposal appears to conform to Policy CTY 16.

#### **Residential Amenity**

It is considered that there is sufficient space to accommodate a modest sized dwelling and maintain acceptable separation distances to avoid any unacceptable loss of light or overshadowing of the neighbouring dwellings. Careful design can also prevent any unacceptable overlooking of adjacent properties. No objections from neighbouring properties had been received as part of this application.

# Planning Policy Statement 3 – Access Movement and Parking DCAN 15- Vehicular Access Standards

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads were consulted in relation to the proposed development.

DFI Roads have offered no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

#### **PPS 2 Natural Heritage**

There are currently no built structures on site. Adjacent habitats include areas of bare ground, residential buildings with gardens, grasslands and hedgerows. The site is located approximately 600m northeast of Rostrevor, in a semi-rural environment. The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east. The site has good linear connectivity within the wider landscape, via hedgerows, watercourses and woodland which are all present in the local area. Proposed works are for the erection of a new dwelling with detached garage and all associated site works.

The closest designated sites are the Western Mournes and Kilfeaghan Upper ASSI, located 1101m east of the site which is not hydrologically connected to the site. Hydrological connections are likely to exist between the site and Carlingford Lough ASSI/SPA/RAMSAR site via the unnamed watercourse running through the northern site boundary.

A PEA was submitted for consideration. The PEA concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided. In this case, if light spill onto any retained hedgerow with trees cannot be kept below 1 Lux, a bat activity survey will be required in accordance with NIEA/BCT Guidelines.

The application site is within an Area of Outstanding Natural Beauty. Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three specified criteria are met. Criterion (a) requires the siting and scale of the proposal to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. This is an outline application and no floor plans or elevations have been submitted. Whilst a dwelling on this site would benefit from the surrounding landform which comprises significant natural and built features and would provide a backdrop to the proposed development, development on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road. Thus, the proposed siting would be unsympathetic to the special character of the Mourne AONB.

#### **Neighbour Notification Checked**

Yes

#### **Summary of Recommendation**

The Planning Department recommend refusal.

#### Reasons for Refusal:

- 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.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, result in a suburban style build-up of development when viewed with existing buildings.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB.

Case Officer Signature: R.Daly

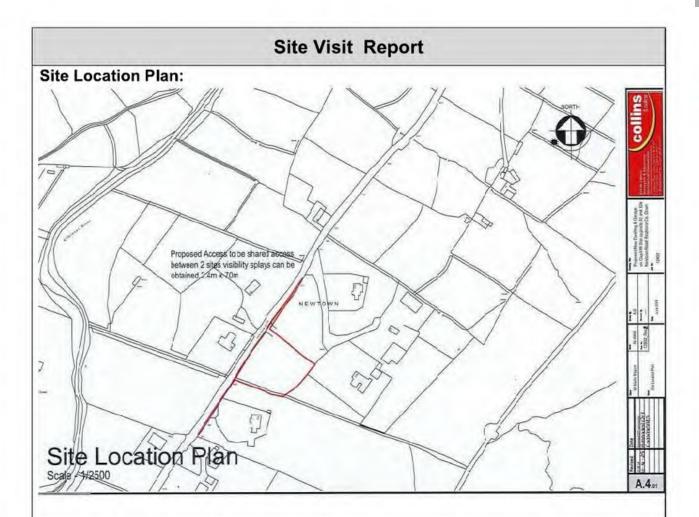
Date: 29th April 2025

Appointed Officer Signature: M Keane

Date: 29-04-25

### **Application**

De	velopment Mana	agement Officer Report
Case Officer: Rhys D	aly	
Application ID: LA07/2023/3099/O		Target Date:
Proposal: New dwelling with detached garage on gap/infill site		Location: Directly opposite no. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ (amended address)
Applicant Name and Address: Martin McGinn 33 Newtown Road Rostrevor BT34		Agent Name and Address: John Collins 11 Marcus Street, Newry BT34 1ET
Date of last Neighbour Notification:		21 June 2024
Date of Press Advertisement:		12 June 2024
ES Requested: No	AND ADDRESS OF THE PARTY OF THE	12 00110 2021
NI Water – Approved of DFI Rivers – Content of HED – Content it will be NIEA - Refers the Pland Dwellings Environmental Health at RM stage.	with standard planni with attached advice nave no impact nning Authority to th	
Representations: 7 neighbours notified a received to date.	as part of the applica	ation process. No representations have been
Letters of Support	0.0	
Letters of Objection	0.0	
Petitions	0.0	
Signatures	0.0	
Number of Petitions of Objection and signatures		



#### Date of Site Visit: 05/06/2024

#### Characteristics of the Site and Area

The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty and a Local Landscape Policy Area.

The application site is located within a field accessible via a field gate off a private laneway which sits along the Newtown Road. The red line boundary comprises the southern portion of a larger sloping field, which falls downwards towards the Newtown Road. The site is bounded by a hedgerow along the road side and a wooden fence along the eastern boundary. The northern boundary is currently undefined.

The size, scale and form of the neighbouring dwellings is varied. The lane also gives access to a farm which consists of multiple sheds and a concrete yard.

#### **Description of Proposal**

New dwelling with detached garage on gap/infill site

#### Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 15 Planning and Flood Risk
- PPS21 Sustainable Development in the Countryside
- · Building on Tradition Sustainable Design Guide

#### PLANNING HISTORY

Planning

Application Number: LA07/2023/3412/O Decision: Decision Date:

Proposal: New dwelling with detached garage on gap/infill site.

Application Number: P/2001/0066/O Decision: Permission Granted Decision

Date: 14 March 2001

Proposal: Site for replacement dwelling.

Application Number: P/2003/2857/O Decision: Permission Granted Decision

Date: 14 April 2004

Proposal: Site for replacement dwelling

Application Number: P/2007/0997/F Decision: Permission Granted Decision

Date: 10 September 2008

Proposal: Erection of replacement dwelling.

Application Number: P/2010/0414/F Decision: Permission Granted Decision

Date: 31 January 2012

Proposal: Retention of former dwelling to be used as farm office with storage

Application Number: P/2010/0252/F Decision: Permission Granted Decision

Date: 02 February 2012

Proposal: Retention of agricultural building

Application Number: P/2009/1554/F Decision: Permission Granted Decision

Date: 23 June 2012

Proposal: Erection of farm dwelling and domestic garage.

#### **EVALUATION**

#### 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 outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The Site is within a Local Landscape Policy Area.

#### Policy CVN 3 of Area Plan

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.

LLPAs are designated to help protect the environmental assets within or adjoining settlements. They include:

- · archaeological sites and monuments and their surroundings;
- listed and other locally important buildings and their surroundings;
- river banks and shore lines and associated public access;
- · attractive vistas, localised hills and other areas of local amenity importance; and
- areas of local nature conservation importance, including areas of woodland and important tree groups.

The application site is within Designation RR 09 Local Landscape Policy Area Rostrevor. Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed as the following:

The Kilbroney, Rostrevor and Ghann river corridors including associated mature vegetation providing local wildlife habitats and nature conservation interest and the hills and woodland surrounding the settlement including that inside the Kilbroney Park.

A PEA was submitted which concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided.

The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east.

The proposed development is not likely to negatively impact the Local Landscape Policy Area.

#### Strategic Planning Policy Statement

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

#### 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 further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

#### PPS21- Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

#### CTY 8 - Ribbon Development

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

The application site is located within an agricultural field just off the Newtown Road. The field sits directly opposite 32 Newtown Road. 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. Immediately SW of the application site lies an agricultural field that has frontage to the Newtown Road. There are no buildings within this field. NE of the red line boundary lies the northern portion of the agricultural field that is under consideration for the erection of an infill dwelling under LA07/2023/3412/O. Further to the SW of application site, beyond the field, there is a large detached dwelling and garage that has frontage to the Newtown Road. A ranch style fence denotes the curtilage of this dwelling, whereby a gap exists between the dwelling and detached garage and the southern boundary of the subject field.

The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway. The curtilage of this property does not have frontage to Newtown Road. In order for a building to have road frontage, the plot on which it

stands must abut or share a boundary with that road, footpath or lane. Whilst the application site has frontage to the laneway, it is on the other side of the laneway to No. 33b. As the application site is at the junction of the laneway with Newtown Road, there are no buildings with frontage to the laneway to the north.

There is no continuous built-up frontage along this stretch of road, thus the proposal therefore fails the initial policy test.

The below images is satellite image of site and the surrounding area.



Policy CTY8 states "Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to

simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings."

The Planning Department have considered the characteristics of the site and do not consider the infilling of this site as acceptable given the reason outlined above, whereby the site provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

While it is noted there has been pressure for building along this road, it is clear from a site visit and inspection of the grounds there is no substantial and continuous built up frontage to infill a gap. There is no policy to support the principle of development in this instance.

The proposal does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

#### Policy CTY13 – 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.

The application has been presented as an outline application and therefore no detailed design has been provided. The site is open to public view when travelling along the Newtown Road in both directions. Long distant views of the site are also from the adjacent Kilbroney Road that runs parallel to the Newtown Road. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on an elevated position comparable to the public road.

The surrounding landform comprises significant natural and built features immediately adjacent to the site and would provide a backdrop to the proposed development. The proposed development would not be at odds with these existing features, which would

allow the development to integrate into the surrounding landscape. It is considered that a single storey dwelling with a low ridge height would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The degree of enclosure provided by the existing built and natural features then means that the proposed development does not rely primarily upon new landscaping to aid integration. The surrounding built and natural features also provide a significant backdrop to the proposed development which then allows that it would not be a prominent feature in the landscape.

#### Policy CTY14 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.

As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that a dwelling on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road.

#### CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed to serve this development, with surface water disposed to an underground stratum. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-away whilst maintaining sufficient separation distance between the existing dwellings and proposed dwelling. The proposal appears to conform to Policy CTY 16. As per Environmental Health's response, if approval was granted, fully detailed drawings showing the location of the plant should be submitted at RM stage for consideration.

#### Residential Amenity

It is considered that there is sufficient space to accommodate a modest sized dwelling and maintain acceptable separation distances to avoid any unacceptable loss of light or overshadowing of the neighbouring dwellings. Careful design can also prevent any unacceptable overlooking of adjacent properties. No objections from neighbouring properties had been received as part of this application.

#### Planning Policy Statement 3 - Access Movement and Parking

#### DCAN 15- Vehicular Access Standards

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads were consulted in relation to the proposed development. DFI Roads have offered no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

#### PPS 2 Natural Heritage

There are currently no built structures on site. Adjacent habitats include areas of bare ground, residential buildings with gardens, grasslands and hedgerows. The site is located approximately 600m northeast of Rostrevor, in a semi-rural environment. The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long-established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east. The site has good linear connectivity within the wider landscape, via hedgerows, watercourses and woodland which are all present in the local area. Proposed works are for the erection of a new dwelling with detached garage and all associated site works.

The closest designated sites are the Western Mournes and Kilfeaghan Upper ASSI, located 1101m east of the site which is not hydrologically connected to the site. Hydrological connections are likely to exist between the site and Carlingford Lough ASSI/SPA/RAMSAR site via the unnamed watercourse running through the northern site boundary.

A PEA was submitted for consideration. The PEA concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided. In this case, if light spill onto any retained hedgerow with trees cannot be kept below 1 Lux, a bat activity survey will be required in accordance with NIEA/BCT Guidelines.

The application site is within an Area of Outstanding Natural Beauty. Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three specified criteria are met. Criterion (a) requires the siting and scale of the proposal to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. This is an outline application and no floor plans or elevations have been submitted. Whilst a dwelling on this site would benefit from the surrounding landform which comprises significant natural and built

features and would provide a backdrop to the proposed development, development on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road. Thus, the proposed siting would be unsympathetic to the special character of the Mourne AONB.

#### PPS 6: Planning, Archaeology and the Built Heritage

Kilbroney House, which is a Grade B listed building (HB16/06/011), is located along Kilbroney Road. HED HB were consulted given the possible associated views of the development which may harm the setting of the listed building. HED HB confirmed that that the development is sufficiently removed in situation and scale of development from the listed asset as to have negligible impact thus complying with Policy BH 11 of PPS 6.

#### PPS 15: Planning and Flood Risk

The development does not lie within the 1 in 200 year coastal flood plain. In relation to the watercourse bounding the site to the south west, due to its small catchment size, the watercourse present has not been modelled and hence has no associated 1 in 100 year fluvial flood plain shown on DfI Flood Maps (NI). However, this does not mean that there is no associated flood risk with this watercourse. Rivers Directorate would advise it is the applicant's responsibility to appoint a competent professional to assess the flood risk and to mitigate the risk to the development and any impacts beyond the site.

Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained along the existing watercourse, but up to 10m where considered necessary. 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.

As this is an outline application, no floor plans or site layout plan has been submitted for consideration. As per Policy FLD 3, if the new buildings/hardstanding exceeds 1000sqm a Drainage Assessment is required. The submission of a DA can be conditioned if permission was to be granted.

Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. As this is an outline application, no site layout plan has been submitted. If outline approval was to be granted, a fully detailed site layout plan should be submitted for consideration.

#### **Neighbour Notification Checked**

Yes

#### Summary of Recommendation

The Planning Department recommend refusal.

#### Reasons for Refusal:

- 51
- 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.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, result in a suburban style build-up of development when viewed with existing buildings.
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB.

Case Officer Signature: R.Daly

Date: 29 April 2025

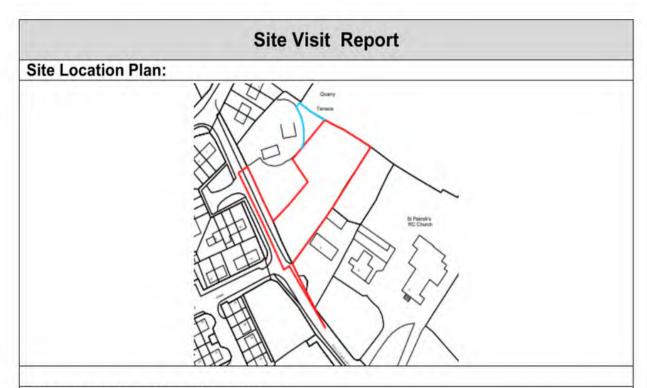
Appointed Officer Signature: M Keane

Date: 29-04-25

### **Application**

Case Officer: Wayne		
Application ID: LA07/2023/2348/O		Target Date:
Proposal: Proposed Housing Development		Location: Lands immediately adjacent to and north west of No 4 Tullynaval Road, Cullyhanna, BT35 0PZ
Applicant Name and Address: Larry Shields 37 Slate Quarry Road Cullyhanna BT350PX		Agent Name and Address: Collins and Collins 11 Marcus Street Newry Newry
Date of last Neighbour Notification:		1 August 2023
Date of Press Advertisement:		7 June 2023
ES Requested: No		
Letters of Support	0.0	
Letters of Objection	12	
Petitions	0.0	
Signatures	0.0	
Number of Petitions of Objection and signatures	0.0	

The proposal shall be considered against all relevant planning policies along with any relevant material considerations including objections received and previous site history.



#### Characteristics of the Site and Area

The application site is located within the settlement limits of Cullyhanna as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within an area of white land with no specific zoning, the site is adjacent to a Local Landscape Policy Area.

The site is an are of unused land within the village of Cullyhanna, the site abuts the public road before it rises steeply to the north east and then levels out t an area of relatively flat ground. The site is set with a single storey dwelling No 4 adjacent and south east, adjacent and north west is an undesignated memorial, a line of mature trees run along the boundary of the site with the undesignated memorial, a bus shelter is positioned at the road edge at this boundary. The boundary between the site and No 4 is relatively undefined, with a low-level wall running along the section of this boundary closest to the public road. A couple of trees are positioned on the norther eastern boundary and just outside the site area within the small portion of land outlined in blue an area of bushes is located.

The existing vegetation and development views of the site are limited to area to the front of the site including from St Patricks Park, the rising front portion of the site is visible although the flatter area to the rear is not visible.

The site is located within a village, surrounding uses are a mix of religious, community and predominantly residential.

#### **Description of Proposal**

Proposed Housing Development

#### Planning Assessment of Policy and Other Material Considerations

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS6 Archaeology and the Built Heritage
- PPS 7 Quality Residential Environments
- PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas
- PPS 12 Housing in Settlements
- PPS 15 Planning and Flood Risk
- Creating Places
- DCAN 8 Housing in Existing Urban Areas
- DCAN 15 Vehicular Access Standards
- Parking Standards

#### PLANNING HISTORY

Application Number: P/2003/1632/O Decision: Permission Granted

Decision Date: 20 April 2004 Proposal: Site for housing

Application Number: P/2008/1568/O Decision: Permission Granted

Decision Date: 20 April 2009

Proposal: Site for Housing development 5 No. Dwellings

#### CONSULTATIONS

NIW – The latest response raised no objections subject to conditions.

DFI Roads – The latest response from DFI Roads raised no objections to the proposal subject to a condition, the response takes into consideration the fact that Translink have indicated they are content with the relocation of the bus shelter.

Historic Environment Division

Historic Buildings – Following the submission of additional information the latest response raised no objections, a condition has been suggested.

Historic Monuments – No objections raised.

NIEA WMU – The response received referred to standing advice.

DFI Rivers – The response raised no direct objections with regards to FLD1, FLD2, FLD4 and FLD5 of PPS15. With regards to FLD3 it was stated that a Drainage Assessment would be required if the development exceeded the outlined thresholds. The proposal is under 10 dwellings and does not exceed 1 hectare, information available is limited however it would appear that a housing development with buildings and hardstanding under 1000sqm could be provided on the site. A condition could be included on any approval stating that the development should not exceed 1000sqm, the agent has advised that they would be in agreement with such a condition if approval was to be granted.

#### REPRESENTATIONS

The application was advertised on 07/06/2023, four (4) neighbouring addresses were notified on 18/07/2023, 12 objections in total have been received, the points of objection are outlined below.

- Objections mention the agents reference to PPS21 as relevant policy, this
  information is not correct as this is not the relevant policy for this application.
- Reference is made to the agent stating the need for social housing, this
  application is not being considered on the basis of social housing.
- The proposal is considered to be contrary to policy, this will be considered within the main evaluation section of this report.
- Concerns with density and size of development, consideration within main evaluation.
- Concerns are made to the impact the proposal will have on an existing bus stop; this issue has been addressed within the application. The agent has been in contact with DFI Roads and Translink and it has been agreed that a replacement bus stop can be provided. As a result, the proposal should not result in a longterm impact on the provision of a local bus stop.
- Impacts of biodiversity, this will be considered within the main evaluation.
- Impact on memorial garden (undesignated Monument), consideration within main evaluation.
- Impact on amenity and privacy, consideration within main evaluation.

#### **EVALUATION**

#### EIA Screening

The proposal does not fall within any schedule of the Planning (Environmental Impact Assessment) Regulations (NI) 2017.

#### Planning Act:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plans so far as it material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states where, in making any determination under this Act, regard is

to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### Strategic Planning Policy Statement (SPPS).

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 would not have any likely significant effect on the features of any European Site.

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

The SPPS states that the Local Development Plan process is the primary focus for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives.

#### **Development Plan:**

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Cullyhanna, the site is on white land with no specific zoning, the site is adjacent to an LLPA.

As the application site partially abuts a designated LLPA then the proposal must be considered against Policy CVN3, it is considered that a well-designed small housing development will not result in an adverse effect on the environmental value or character of the designated area, the retention of existing vegetation along with additional planting will aid the development to exist adjacent to the LLPA without resulting in any unacceptable impacts.

#### PPS 7

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable

damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

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

The proposal seeks outline planning permission and although the most recent concept drawing indicated 5 dwellings this is as stated a concept drawing, the description of the proposal does not detail a number of proposed properties.

While detailed plans have not been submitted, the indicative layout plan submitted would not be seen as acceptable with regards to parking of vehicles to the front etc.

Initially the indicative layout showed a dwelling located to the front of the site adjacent to the undesignated monument, it was considered that a dwelling in this location would not be acceptable given the sloping nature of the site and the visual impact it would have on the area.

The concept plan was then amended with any proposed dwellings now shown to the rear of the site on the area of flatter land.

The layout and indicative plots suggest that two storey terrace dwellings are proposed, appropriate design would be considered at RM stage.

The site sits above road level with land rising from the road to the rear of the site, the position of the proposed dwellings shown on the concept drawing will be relatively flat and views will be limited. Overall, it is considered that the development respects its surrounding residential context and is appropriate in character and massing to the surrounding area. As stated, the indicative layout would not be seen as acceptable however it is considered that a small well designed development could be achieved on the site and this would be considered at Reserved Matters.

A material consideration is the previous approval on the site P/2008/1568/O.

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

The site is located in the proximity of St Patricks Church and the adjacent undesignated monument (memorial garden), as such consultation was issued to Historic Environment Division.

The initial response raised concerns with possible impacts on the nearby church with Historic Buildings seeking further information. The response included comments from Historic Monuments who raised no concerns and stated that the proposal is seen to be in line with the SPPS and PPS 6. It is noted that the dwelling shown on the concept

drawing adjacent to the undesignated monument (memorial garden) has been removed. Given that the memorial garden mentioned in objections received is undesignated and not offered protection under PPS6 no concerns have been raised by Historic Monuments and the area of objection has been considered.

Following the submission of information, the latest response from Historic Building states that the proposal is seen to be in accordance with the SPPS and policy BH 11 of PPS 6. A condition relating to materials has been suggested, this can be included on any approval.

The concept plan submitted includes existing vegetation and shows its retention which will protect these features.

The proposal is considered to be in line with this policy requirement.

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

The indicative layout suggests that each dwelling will have adequate provision of private amenity space in line with the guidance contained within 'Creating Places'.

Communal open space is not required in a development of this size however open space has been shown.

A robust landscaping scheme will be conditioned as part of the Reserved Matters submission to ensure that the proposal respects the character of the surrounding area and softens the visual impact of a new development.

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

Neighbourhood facilities are not required as part of this development given the small scale nature of development proposed. Objections had questioned the provision of neighbourhood facilities but given the scale of proposed development these are not seen as necessary.

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

The development is accessed directly onto the public footpath. Public transport is readily available.

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

Whilst the indicative layout shows 2 spaces per dwelling, this will be considered in detail at RM stage where it is anticipated the site can accommodate appropriate parking through careful design.

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

Given the outline nature of the proposal, details of the proposed dwellings form, material and detailing are not before the Planning Authority. The proposal seeks to establish in the first instance the principle of housing being erected on this site. The Planning Authority consider the detail of dwellings can be considered in a subsequent Reserved Matters application. Suitably designed dwellings, in keeping with character in the surrounding area would be acceptable, material suggested by Historic Buildings may be conditioned on any approval.

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

An objection received raised concerns with impacts on the adjacent dwelling No 4 and how there would be a loss of amenity. It is noted that the position of the proposed dwellings shown would be elevated however they would be at a distance of over 40 metres from No 4 with a large shed to the rear of No 4 providing screening. It is anticipated that adequate separation between the proposed dwellings and No.4 can be achieved to protect the amenity of No 4 and that there would not be an unacceptable impact on privacy, loss of light, overshadowing etc. Additional planting along the shared boundary would further protect the amenity of the neighbouring property. Whilst the indicative layout is not approved, amenity would remain a material consideration at RM stage.

The layout plan provided as part of the RM would be fully considered to ensure the amenity of No 4 is protected.

#### (i) the development is designed to deter crime and promote personal safety.

The layout has been designed so as not to lead to an unsafe environment for residents.

The proposed development complies with the requirements of PPS 7 QD1.

#### PPS7 Addendum - Safeguarding the Character of Established Residential Areas.

Policy LC1 guides that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites

(including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria (a) to (c) set out under LC1 are met:

- (a) Whilst the number of dwellings will be clarified at RM stage it is anticipated that an adequate density can be achieved, consistent with the surrounding established residential area.
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area as discussed under PPS7;
- (c) while the details of the dwellings are not before the Planning Authority, it is considered that all dwellings could be appropriately designed to adhere to the details as set out in Annex A.

#### PPS3 - Access / Movement and Parking

The proposal seeks to create a new access onto Tullynavall Road.

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

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

DFI Roads stated in their latest response that they are content with that proposed. The latest response is on the basis of discussions had with Translink and the ability to relocate the bus stop, it is considered the relocation can be achieved.

The parking as discussed under PPS7 is acceptable to DOE Parking Standards.

#### 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.

The applicant / agent completed a Bio-Diversity Checklist, all questions within the checklist have been answered 'no', indicating that the proposed development will not impact on biodiversity or other natural heritage interests.

Having visited the site and viewed the existing vegetation and other features I am content that the existing biodiversity of the site can be protected given existing vegetation to be

retained and additional new planting within the site, the proposal is consistent with policies NH1 (noted above with no impact on European Sites), NH2 and NH5 of PPS2.

#### Conclusion

Having assessed the proposal against the various planning policies and material considerations including objections and planning history and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable in planning terms and approval is recommended.

#### **Neighbour Notification Checked**

Yes

#### Conditions:

- 1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The area of hard surfacing including building roofs shall not exceed 1000m2.

Reason: To ensure adequate drainage.

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

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

5. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 4, have been fully constructed and implemented by the developer. The development shall not

be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

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

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.

7. After completing all remediation works required, and prior to operation of the development, a verification report shall be submitted in writing and agreed with the Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

The verification report shall present all the remediation, monitoring and waste Management works undertaken and demonstrate the effectiveness of the works in managing all development wastes and risks and in achieving the remedial objectives.

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

8. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed prior to commencement and other requirements in accordance with the attached form RS1.

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

9. At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Planning Authority. No development activity, including ground preparation or vegetation clearance, shall take place until the Plan has been approved in writing by the Planning Authority. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

The Plan shall include:

- The retention of mature trees and hedgerows on the site; (specify trees if they are identified on a Drawing or Report)

- Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction Recommendations;
- Planting Schedule to include details of new planting with appropriate numbers of native species of trees/shrub.
- -Buffer planting to the rear of the site to protect the LLPA.

The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted 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: To protect existing trees and minimise the impact of the proposal on the biodiversity of the site, including protected/priority species and to ensure the provision establishment and maintenance of a high standard of landscape.

- 10. Materials to be used in the construction of any dwellings hereby approved on the site shall be:
- Roof: Natural Slate.
- · Walls: Smooth rendered finish.
- Windows/Doors: Painted hardwood timber.
- RWG: Cast metal

Reason To ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

11. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

12. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council. Development shall take place in accordance with the approved details.

Reason: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

13. No development shall take place until a plan showing cross sections of the site to include the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council. The drawing shall include existing buildings adjacent to the site. Development shall take place in accordance with the approved details.

Reason: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

14. A detailed Landscape Management & Maintenance Plan shall be provided prior to the occupation of the development.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long-term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

If a management company is proposed to be used / employed, it shall be demonstrated what fall-back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Outdoor Recreation.

Reason: To ensure the successful establishment and long-term maintenance of public open space and landscaping in the interests of visual and residential amenity.

Case Officer Signature: Wayne Donaldson

Date: 27/08/2025

Appointed Officer Signature: Ashley Donaldson

Date: 29.08.2025

# **Committee Application**

Development Mana	gement Officer Report
Case Officer: Matthew Hunniford	
Application ID: LA07/2025/0533/F	Target Date:
Proposal: Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access ramps and railings to building exterior.	Location: Bessbrook Community Centre, Mill Road, Bessbrook, BT35 7DS (Amended Address)
Applicant Name and Address: Newry Mourne and Down Council Downshire Civic Centre Ardglass Road Downpatrick BT306GQ	Agent Name and Address: Nicola McEvoy Downshire Civic Centre Ardglass Road Downpatrick BT306GQ
Date of last Neighbour Notification:	
Date of Press Advertisement:	6 August 2025
ES Requested: No	

# Consultations:

- · HED Content.
- · Rivers Content and proposed Informatives.

# Representations:

No neighbours were notified. The proposal was also advertised in local press on 4<sup>th</sup> June 2025 and 6<sup>th</sup> August 2025. No objections or representations have been submitted for consideration to date.

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:		

# Site Visit Report

## Site Location Plan:



Date of Site Visit: 27/06/2025

## Characteristics of the Site and Area

The application site, Bessbrook Community Centre, is situated off Mill Road. The subject building is of pitch roof construction with concrete roof tiles and walls finished in red brick.

The building is located within the development limit of Bessbrook, the Bessbrook Conservation Area, and Local Landscape Policy Area Mcknight's hill – designation BK 14.

## **Description of Proposal**

Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access ramp and railings to building exterior.

# Planning Assessment of Policy and Other Material Considerations

- Banbridge Newry and Mourne Area Plan 2015
- · Strategic Planning Policy Statement (SPPS) for Northern Ireland
- · PPS 6 Planning, Archaeology and The Built Heritage
- PPS 15 Planning and Flood Risk
- Newry Conservation Area Guide (1992).
- Development Control Advice Note 11

## **Planning History**

Enforcement Application Number: LA07/2023/0618/CA

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Decision:

**Decision Date:** 

Proposal: Alleged unauthorised in filling of lands on the flood plain

Application Number: LA07/2025/0487/F

Decision: Application Invalid

**Decision Date:** 

Proposal: Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access

ramp and railings to building exterior.

Application Number: P/1990/1099 Decision: Permission Granted Decision Date: 20 March 1991

Proposal: Erection of community centre

Application Number: P/2013/0801/F Decision: Permission Refused Decision Date: 16 June 2017

Proposal: Extension to Community Centre to provide Boxing facilities for Sacred Heart Boxing Club with minor alterations to existing centre and provision of extended car

park

Application Number: LA07/2018/0753/F

Decision: Permission Granted
Decision Date: 18 October 2019

Proposal: Proposed new 'Sure Start' nursery building, with additional 3 No. parking

spaces provided by extension of existing car park.

#### Consideration and Assessment:

Section 45 of the Planning (NI) Act 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 application site is located within the settlement limit of Bessbrook, as designated in the Banbridge / Newry and Mourne Area Plan. There are specific policies in the Plan relating to the application site which is outlined below which include the site's location within a LLPA and in relation to the use of the site as for community purposes.

# Banbridge Newry and Mourne Area Plan 2015

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local

development plan, so far as material to the application, and to any other material considerations. As per the current development plan – Banbridge Newry and Mourne Area Plan 2015, the site lies within the defined settlement of Bessbrook.

The site has a current and long associated community use. Taking into account the planning history i.e., community building, case officers are content with the principle of development.

The site lies within the Bessbrook Conservation Area, and Local Landscape Policy Area Mcknight's hill – designation BK 14 which is assessed in more detail below.

## Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for the proposed alterations and extension of the Community Centre following publication of the SPPS, the retained planning policies will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

## Summary of Proposal

The proposed extension to the community building will have a single storey construction with a rectangular shaped footprint, comprising of a flat roof construction. The extension will measure approximately 28m gross floor space.

The proposal will create new access ramps and railings to building exterior. The application also includes alterations to rooms within the ground floor of the building.

The existing materials and finishes consist of red clay facing brick external wall finish with contrasting colour plinth, window & door head & eaves details. Concrete pantile roof tiles, Painted SW fascia, eaves & soffit.

# Policy ECU 1 Education, Health, Community and Cultural Uses

Planning permission will be granted for education, health, community and cultural uses within settlement development limits provided all the following criteria are met:

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

Given the minor nature of the proposed develop, Case Officers are content the proposed development would not offend Policy ECU 1.

## Local Landscape Policy Area

The application site is located within Local Landscape Policy Area Mcknight's hill – designation BK 14.

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. Volume 3 of the Local Development Plan lists the features of this designated LLPA Mcknight's hill – designation BK 14 which includes;

- Derrymore House (national Trust), woodhouse (listed), parkland setting, woodland, new planting and associated lands;
- · The Millpond and surrounds:
- · The Camlough and Bessbrook river corridors and associated wetlands;
- · Monument including its views and settings;
- Listed building including its views and settings;
- · Disused Bessbrook tramway;
- Nature conservation value.

Having considered the minor nature of the proposal, small extension and alterations, the proposal is considered compatible with the key considerations set out in relation to the LLPA therefore meeting the requirements of CVN 3.

As noted below HED were consulted in relation to the proposal and HED responded with no objections.

# PPS 6 - Planning, Archaeology and The Built Heritage

HED were consulted and in response dated 12<sup>th</sup> June 2025 HED (Historic Monuments) stated that they 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.

Likewise, HED Historic Buildings advises that the proposal is sufficiently removed in situation and scale of development from the listed asset as to have negligible impact.

Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

#### Conservation Area

Bessbrook Conservation area was designated in 1983. it is identified for information on Map no. 3/02a — Newry City, Bessbrook. Development proposals within the Conservation area will be assessed in accordance with prevailing regional policy and with the design guidance contained in the booklet Bessbrook Conservation area (DOE (NI), October 1983.

The development falls within a conservation area as designated within the Banbridge, Newry and Mourne Area Plan 2015. As such the proposal must be tested against the policy requirements of Policy BH 12 – New Development in a Conservation Area.

The Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

a) the development preserves or enhances the character and appearance of the area;

Case Officers are satisfied that the proposal is both minor in scale and appearance. The proposed design is considered to be in keeping with the, subject building, immediate locality and the character of the area.

- (b) the development is in sympathy with the characteristic built form of the area; The proposed extension, and alterations has been designed sympathetically to incorporate the characteristics of the built form in the area.
- c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;

The scale form and detailing of the development respects the characteristics of adjoining buildings in the area. The use of existing materials and is considered acceptable. If minded to approve Case Officers will condition materials acceptable for the proposed extension.

d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area:

Given the nature of the proposed development and the existing use of the building it is not deemed that the proposed development would result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area.

## (e) important views within, into and out of the area are protected;

No views into and out of the area would be impacted as a result of this proposed development.

f) trees and other landscape features contributing to the character or appearance of the area are protected; and

No trees or other landscape features are impacted by this proposal.

g) the development conforms with the guidance set out in conservation area documents.

Case Officers are satisfied that the proposal conforms to the guidance and aims set out in the Newry Conservation Area Guide (1992).

## PPS 15 - Planning and Flood Risk

Following consultation with DFI Rivers, the Department has confirmed policies FLD1, FLD2, FLD3 and FLD4 are not applicable to the site. In relation to FLD5 Development in Proximity to Reservoirs – Rivers Directorate reservoir inundation maps indicate that this site is in a potential area of inundation emanating from both Camlough Reservoir and Bessbrook Pond. Rivers Directorate is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective. Case Officers are satisfied that the proposal does not offend any of the policies contained within PPS 15.

## Design

The proposal includes a single storey front extension with flat roof to form a new multipurpose area which will be connected internally to the entrance lobby. If minded to approve Case Officers will condition that proposed materials are to match the existing and suitable roof material/colour is proposed. Case Officers are satisfied that the height, scale and massing of the proposed extension and internal alterations to the ground floor rooms are acceptable. Additionally the application includes the development access ramps and railings to the exterior of the building. Case Officers are satisfied that the proposal is in keeping with existing development and the proposed development is minor in nature. It is considered the proposed design and appropriately conditioned finishes would respect the existing building and its setting within a conservation area.

Neighbour Notification Checked	Yes/No	
Summary of Recommendation	Approval	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		

## Conditions:

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

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

- The development hereby permitted shall take place in accordance with the specification of external finishing materials outlined below;
- Downpipes & gutters:- to match existing.
- fascia, eaves & soffit:- Painted SW fascia, eaves & soffit to match existing.
- Walls:- Red clay facing brick external wall finish with contrasting colour plinth, window & door head & eaves details to match existing.
- Windows:- to match existing..
- Doors:- to match existing..

Reason: To define the planning permission for the avoidance of doubt and to ensure finishes/materials preserve and enhance the conservation area.

#### Informatives:

- 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.
- This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
- 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.
- Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult Dfl Rivers accordingly on any related matters.
- Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent

of Dfl Rivers. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage (Northern Ireland) Order 1973 which may lead to prosecution or statutory action as provided for.

- 6. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of Dfl Rivers. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage (Northern Ireland) Order 1973 which may lead to prosecution or statutory action as provided for.
- 7. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the Dfl Rivers local Area Office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Case Officer Signature: Matthew Hunniford

Date: 29/08/2025

Appointed Officer Signature: Ashley Donaldson

Date:29.08.2025

<b>Development Manageme</b>	nt Consideration	
Details of Discussion:		
Letter(s) of objection/sup Group decision:	port considered: Yes/No	
D.M. Group Signatures		
Date		

# **Committee Application**

Case Officer: Fionnuala Murray	
Application ID: LA07/2022/1397/O	Target Date:
Proposal: Residential development of 1.no detached dwelling	Location: Lands adjacent to and east of 4, 6 & 8 Shore Road Killyleagh
Applicant Name and Address:	Agent Name and Address:
David Bain	Gary Patterson Architects
35 Downpatrick Road	10 Castleward Road
Clough	Strangford
BT30 8NL	BT30 7LY
Date of last Neighbour Notification:	24.10.2023
Date of Neighbour Notification Expiry:	07.11.2023
Date of Press Advertisement:	28.09.2022
Date of Press Ad Expiry:	12.10.2022

Consultations:

**Environmental Health** was consulted in relation to the most recent drawings and have responded with no objections however require a detailed site plan at RM stages showing location of septic tank, and any areas of subsoil irrigation for the disposal of effluent.

**NI Water** had initially responded with a refusal however the method if sewerage disposal was amended and upon re consultation NI Water have no objections.

**DFI Roads** was consulted in relation to the application and responded initially requesting additional information, upon receipt of information DFI Roads responded to final consultation with no objections subject to conditions. DFI Roads were again reconsulted in relation to the parking afforded to the existing dwelling and again following amended plans the scheme was considered acceptable and in curtilage parking was achieved at both properties, existing and proposed.

**DFI Rivers** was also consulted and responded with no objections however advised that if the development exceeded the thresholds of FLD 3 a drainage assessment would be required. As this is an outline application full particulars are not available to determine if the site will exceed 1000sqm hardstanding. Taking account of the proposed site layout plan and any existing hardstanding the proposed hardstanding is approx. 750sqm therefore a Drainage Assessment is not required. (noting the reduction in scheme to one dwelling)

**NIEA** was consulted and Natural Environment Division responded with no objections subject to recommended conditions that will be attached to any approval that issues, the conditions require a Badger Mitigation Plan be submitted as part of the reserved matters application.

**SES** has responded and advised that due to a significant land buffer of approx. 35+M there can be no conceivable effect to the qualifying features of any European designated site from the proposal.

## Representations:

Objections have been received on the original scheme for three houses and also on the reduced scheme of one dwelling.

A total of 18 objections have been received and 5 letters of comment from 11 different addresses during the processing of this application.

Objections were received on the following basis:

- Shore Road is a narrow road objectors believe never designed for the amount of traffic using it and the development will add to the current pressures.
- Site entrance poses safety concerns.
- Potential ecological impact.
- Potential impact on badgers and their habitats.
- There is an already overloaded sewerage system.
- Risk of overlooking as a result of the development and loss of light during daytime and loss of darkness at night time.
- Site is wet which might potentially cause a shift of the water table which could cause difficulty for residents in Cuan Beach nearby.
- There will be site noise and dust that will be a general disturbance in the area.
- The development would cause safety issues and compromise security of property.
- Close proximity to the electrical substation.
- Land and dwellings will sit much higher than those of Cuan Beach therefore having a significant impact on surrounding development.
- There would be a significant increase in the density of development.
- The site is within the AoNB and there are key views into the site from many vantage points.
- There is an old well in the NW section of the proposed development.

Letters of Support	0
Letters of Objection	18

Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
	There are no outstanding issues as a result of the consultation swill be taken into consideration throughout the report.



### Characteristics of the Site and Area

The site in question is located on rough undeveloped lands located to the rear of dwellings on both Shore Road and Cuan Beach. The site is currently in rough grass, that has not been cut or managed for a period of time. The site is accessed via the side of no 10 Shore Road which is an existing entry point onto Shore Road currently serving no 10. The site is a gradual sloping site sloping downward towards Cuan Beach. The site abuts the curtilages of residential dwellings adjacent and there are a mix of boundary treatments to the site including trees and overgrown hedging in part and more manicured hedging.







The site in question is located within the settlement development limits of Killyleagh as defined in the Ards and Down Area Plan 2015, the site in question is on white lands with no particular zoning. The site is surrounded by a mix of residential dwellings and recreational lands. The site is constrained by areas liable to flooding. No other constraints were identified on the lands in question.

## **Description of Proposal**

Residential development of 1.no detached dwelling

Original proposal sought permission for three dwellings – revised scheme reduced to one dwelling being sought.

### Planning Assessment of Policy and Other Material Considerations

#### PLANNING HISTORY

There is no relevant planning history on the lands associated with the application.

#### CONSIDERATION AND ASSESSMENT

Planning Policies & Material Considerations:

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 3: Access Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments.
- Addendum to Planning Policy Statement 7: safeguarding the character of established residential areas.
- Planning Policy Statement 15 Planning and Flood Risk

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.

The (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.

PPS 7 Planning Policy Statement 7 Quality Residential Environments is considered with QD 1 Quality in New Residential Development being considered, it states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential development. All proposals for new residential development must conform to all of the criteria set out in QD 1.

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

The development is located on white lands within the settlement development limits of Killyleagh and is located adjacent to existing housing and recreation areas. The appearance and condition of the land at present suggests it is not in use for amenity etc as it is overgrown and located away from any associated dwelling houses. It is

considered that a suitably designed dwelling could be accommodated on the site that could respect the character and topography of the site and the surrounding context of the area. It is noted that along the sea front the dwellings are generally single storey in design and appearance with larger dwellings located facing onto Shore Road. The plot is sizeable and is in keeping with development along the Shore Road in terms of plot sizes etc. It is noted that as this piece of land is located to the rear of existing development there is limited views of the actual site are restricted.

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

The main portion of the site does not contain any buildings or landscape features of archaeological importance. An existing garage at the entrance that is used by no 10 Shore Road will be required to be removed however the building does not make any contribution to the built heritage of the area nor is it listed or of any archaeological importance.

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

The proposal seeks permission for a singe dwelling on the site that is of a suitable size so as to provide adequate private amenity space for the dwelling in question and all relevant amenities associated with a dwelling. The site can make use of existing planted boundaries to define the site boundaries and screen the site, there is sufficient boundaries so as to integrate a suitably defined dwelling. Limited planting would be required to define the remaining boundaries of the site that are at present undefined.

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

Given the proposal relates to a single dwelling it is not considered necessary or realistic for the developer to provide necessary local neighbourhood facilities as part of this development. It is also noted that the development of this site will not have any detrimental impacts on any existing neighbourhood facilities within the area.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. DFI Roads have responded to final consultation with no objections in relation to the proposed access arrangements. It is necessary to remove a garage that is utilised by no 10 at present to allow access to the proposed site, the site will be accessed off the road from the existing entrance of no 10 with the existing access to serve two dwellings, with the splays provided as a condition of the permission.

Again given that this permission is for one dwelling there is no requirement to provide any networks for walking, cycling etc and there is no requirement for traffic calming measures. Objections have been raised in relation to the traffic on the Shore Road however DFI Roads have no objections to the proposal and an objection could not be sustained in relation to the impact the addition of a single dwelling could have on traffic pressures on the Shore Road.

## (f) adequate and appropriate provision is made for parking.

The site can accommodate up to two car parking spaces and following the submission of amended plans in curtilage parking has been shown for the proposed dwelling and no 10 who is impacted by the development by way of loss of parking due to the removal of the garage and an access being formed to the side of the dwelling. Satisfactory parking provision has been achieved at the site and DFI Roads offer no objections in terms of the operation of the parking spaces. Below shows the final layout.



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

Policy advises that infill housing in established residential areas will not always be appropriate, particularly in older residential areas and the surrounding built development would be considered to be mature, well established development that is long established. It is noted however that there is a clear mix in the development surrounding the site with a contrast in dwelling styles, designs and character and a vast difference in plot sizes. As this is a single dwelling on a generous plot the development is considered to read with the existing development along Shore Road that would have the more generous plots, it is not considered that the site is being over developed.

This is an outline application therefore full design particulars have not been provided however it is considered that an appropriately designed dwelling can be accommodated on the site without impacting on the existing character of the established residential area. Taking account of the site and the surrounding landscape it is considered that the separation distances between the existing development are acceptable and there will be no impact on amenity as a result of the development however taking account of the context of the area and the gradual drop towards the shore and the height of dwellings along Shore Road and comparably to the dwelling hight, character and appearance of the dwellings along Cuan Beach it is considered appropriate to condition the dwelling to be single storey in height and appearance to ensure the dwelling is respectful of the overall character and appearance of dwellings within the surrounding area.

Due to the position of the land and the surrounding development in order to secure a safe access a considerable lane is required to access the site, long drives or access ways have the potential to have a negative impact and excessive road networks within developments are to be avoided however it is acknowledged that the site can accommodate the lane as the land is largely not visible from public view (noted the dwellings along Shore Road that back onto the lands will have sight of it) and the access can be screened with planting to soften the visual impact. It is considered on this occasion that the lane is acceptable visually.

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

Given the separation distance of dwellings within the area and the proximity of this dwelling to other dwellings it is considered that the dwelling is sufficiently removed from existing dwellings so as to not be likely to cause any demonstrable harm in terms of loss of light, overshadowing, loss of privacy or dominance onto adjacent dwellings. In conditioning the height of the dwelling the potential for impact on amenity is reduced. The objections have been noted in relation to the development, the potential for impact on amenity has been considered and while it is appreciated that the outlook from some

of the dwellings will alter as a result of the works views are not a material consideration. The development has been considered in terms of loss of amenity and it is considered that the dwelling will not have any detrimental impacts in terms of amenity on neighbouring properties. It is noted that objections were submitted in relation to the initial scheme which was for 3 dwellings the scheme has since been reduced to a single dwelling. Material objections have been considered however it is not considered that the application fails to meet the policy requirements.

The issue of light pollution has been raised by several objectors however it is not considered that the light generated by a single dwelling would result in such pollution or change on the overall environment so as to have an unacceptable impact and measures can be taken by home owners to reduce the impact of light pollution impacts on their property.

While it is noted the objectors have raised complaints also in relation to the loss of a view of the night sky, loss of a view is not a material planning consideration and therefore no weight can be given to this objection.

Objections have also been raised in relation to the potential for dust and noise nuisance during construction phases, this is a temporary disturbance, the developer would be expected to meet with all the best practice guidelines in terms of construction and human safety.

## (i) the development is designed to deter crime and promote personal safety.

It is not anticipated that there will be any greater opportunity for crime or an impact on personal safety as a result of the development, the development is for a single dwelling on a private access that will provide access to the existing dwelling, no 10 Shore Road and the proposed dwelling. No further measures are required in order to ensure safety.

## Consideration of PPS 2 Natural Heritage

Objectors raised concerns in relation to the potential for impact on protected species within the site noting the amount of bio diversity found within the site and the concern of a loss of the natural habitat. Objectors also indicated badgers occupied the site. The agent completed a Biodiversity Checklist and Extended Ecological Statement prepared by ATEC NI Environment Consultancy which acknowledged the sites proximity to Strangford Lough Special Protection Area (SPA), Special Area of Conservation (SAC) RAMSAR and Strangford Lough Area of Special Scientific Interest (ASSI). The checklist also took account of the physical condition of the site and hedgerow vegetation.

The extended survey resulted in a badger survey being required as there was evidence of badger activity on the site. The survey was also undertaken by ATEC which found there to be badger activity on the site with 11 sett openings within the surveyed area

which included a 50m buffer. Setts and openings were found within the red line boundary of the site and within the wider countryside surveyed. The survey indicated that the future development of the site may have a direct impact on badgers as two setts were identified within the application site.

NIEA was consulted with the information submitted by the applicant and has responded with no objections subject to conditions, NIEA also indicate that updated surveys may be required in order to fulfil the condition depending on the time that has lapsed between outline and RM.

Taking account of the additional survey work carried out and the consultation responses from SES and NIEA it is concluded that the proposal will not have any detrimental impacts in terms of policy NH 1 European and Ramsar Sites or NH 2 Species Protected by Law.

The site also sits within the Strangford and Lecale Area of Outstanding Natural Beauty therefore policy NH 6 is considered, NH 6 states that permission will only be granted for new development for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

 A) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

It is considered that a suitably designed dwelling can be accommodated on the site, taking account of the mix of developments within the area and also taking account of the character of the area and the size of the site. It is not considered that the development of the site will result in any detrimental impacts to the special character of the AoNB. The works, suitably designed, can be absorbed into the existing built development within the area without having an impact on the overall character found within the AoNB.

B) it respects or conserves features (including buildings and other manmade features) of importance to the character, appearance or heritage of the landscape.

There have been no features noted within the area that would be negatively impacted as a result of the works, the development of the site will not have a detrimental impact on the character, appearance of heritage of the area.

C) the proposal respect	c.	CI	the	the propos	sal respec

□ local architectural styles and patterns.
 □ traditional boundary details, by retaining features such as hedges,

# walls, trees and gates; and □ local materials, design and colour.

This is an outline application therefore full design particulars have not been presented, this can be considered at a later date. Generally it is accepted that a dwelling can be accommodated on the site that can respect the above design requirements.

## Consideration of PPS 3 Access, Movement and Parking

The application is considered against AMP 2 Access to Public Roads, it is noted that following the consultation process the development is considered acceptable by DFI Roads, they are content that the proposed access arrangements can safely operate.

It is noted that there have been objections raised in relation to road safety with the narrow nature of the road giving concern and the access itself. On the basis that DFI Roads are satisfied that the operations are acceptable an objection in relation to roads safety cannot be sustained. The works being for one dwelling will not have an excessive increase on the road pressures currently experienced on Shore Road. It is considered that the application meets the requirements set out in PPS 3.

## Consideration of objections

As noted in the beginning of this report there have been a number of objections in relation to the application submitted and whilst the earlier objections relate to the initial scheme of three dwellings there has continued to be objections to the revised scheme of one dwelling. The content of the objections have been considered and necessary consultation taken place. It is not considered that the objections have raised any issues that have found the application to be unacceptable. As there has been objections received from 6 or more residential addresses this application cannot be considered a delegated matter and must proceed to committee.

# **Neighbour Notification Checked**

Yes

## Summary of Recommendation

#### Conditions:

- Application for approval of the reserved matters shall be made to the Council
  within 3 years of the date on which this permission is granted and the
  development, hereby permitted, shall be begun by whichever is the later of
  the following dates:
  - i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

 A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed prior to commencement and other requirements in accordance with the attached form RS1.

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

4. At Reserved Matters a Badger Mitigation Plan (BMP) shall be submitted to the Planning Authority. No development activity, including ground preparation or vegetation clearance, shall take place until the BMP has been approved in writing by the Planning Authority. The BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise approved in writing by the Planning Authority.

The BMP shall include the following:

- a) Details of updated surveys for badgers;
- b) Provision of 25m buffers from all development activity to all retained badger setts;
- c) Details of wildlife corridors to allow movement of badgers to and from setts and/or foraging areas;
- d) Details of appropriate fencing to protect badgers and their setts/wildlife corridors;
- e) Details of appropriate measures to protect badgers from harm during the construction phase;
- f) Details of the appointment of a competent ecologist to oversee the implementation of badger mitigation measures during the construction phase

Reason: To reduce the impact of the proposal on badgers

The proposed dwelling shall have a ridge height not exceeding 5.5m above FFL at any point. Reason: To ensure the dwelling will not appear as prominent in the landscape and to protect the amenities of nearby residents.

The depth of underbuilding between finished floor level and the ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

7. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings

8. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

 Prior to commencement of development the applicant shall submit a copy of a consent o discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

Case Officer Signature: Fionnuala Murray

Date: 15.08.2025

Appointed Officer Signature: B. Ferguson

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Date: 22/08/2025

# **Delegated Application**

Dev	elopment Mar	nagement Officer Report
Case Officer: Aoife M	cAteer	1
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		
		issue any consultations on this application due account the site constraints.
		ere notified of the proposal on the 13th of May 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	



## Date of Site Visit: 14/05/2025

## Characteristics of the Site and Area:

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.

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

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



# 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/1974/0529Decision: 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 (16<sup>th</sup> 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

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

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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 Managemer	Consideration
Details of Discussion:	
Letter(s) of objection/sup Group decision:	ort considered: Yes/No
D.M. Group Signatures	
Date	



#### **Committee Meeting Written Submission**

Planning Ref Number <u>LA07/2025/0100/F</u>

Our Ref Number 24/75

Re: Proposed Extensions and Alterations to dwelling at No. 28 Chestnut Grove, Newry BT34 1JT

Hello Chairman & Councillors,

I wish to thank you for allowing this application to proceed to the Planning Committee. It is important that the Applicant gets a fair chance to put forward their arguments.

I think it's important for the Committee members to understand the background of this application. We applied for an Extension and Alterations to No. 28 Chestnut Grove – **Photo 1**.

<u>Photo 2</u> is the most recent planning drawings submitted to the Planning Department, in the planning decision report the planning officer has stated that the following amendments were needed to gain approval that the extensions to each side of the host dwelling, ridge lines were to be reduced by 0.5m, we had previously answered this concern with a rebuttal that there were two neighbouring dwellings in Chestnut Grove.

No. 27 seen in **Photo 3** with a new roof over the garage that is running at the same height as the host dwelling.

No. 14 seen in <u>Photo 4</u> which is directly next door to our application site, the roof over the garage has the ridge line running at the same height. It also has a front projection with the ridgeline running in line with the main dwelling ridge.

Another example of an extension similar to ours, is No. 18 Chestnut Grove as seen in <a href="Photo5">Photo 5</a>
LA07/2017/1356/F this application was approved in 2017 for an extension. The approval drawings show that the side extension ridgeline runs level with the existing host dwelling's ridge line. This application was reviewed under the same policy as our current application. For some reason, consistency is not evident in this past application if the Council is stating that our proposal is not in keeping with the current policy, then this previous application is contradictory of the current decision by the Council.

As shown in the previous photos, we feel that the interpretation and implementation of this policy is not consistent and we are keeping with the local character of the existing dwellings in the area.

We feel by keeping the ridge lines the same height as the host dwelling, we are fulfilling the criteria of PPS 7 Policy EXT 1 in that it is in keeping with the immediate character of dwellings in that area, as we are keeping the proposed ridgeline at the same height as the original dwelling.

The size of the proposed front projection is also in keeping with the local design in this area, we feel that this is an unfair judgement by the planning officer as a number of these houses within the development have substantial front projections, of similar size to our proposal such as No. 14, 26, and 67 as seen from the photos on **Photo 6**.

#### Conclusion

We have included a location plan to show the close proximity of similar designs that have been built within this area, previously mentioned. **Photo 7.** 

We believe that the planning officer's assessment has failed to respect the building pattern within the immediate locality. Based upon their opinion, the proposed extension and alterations will not be sympathetic to the height, scale, massing and design of the existing built form and will detract from the appearance and character of the area.

We have proven with photos of existing dwellings in the immediate locality that this is not the case, the proposal will integrate into the surrounding area and will not look out of place, become prominent or create the feel of terracing.

We hope that you have found this PowerPoint and information useful.

Yours faithfully,

Mark Tumilty M.C.I.A.T.

My June

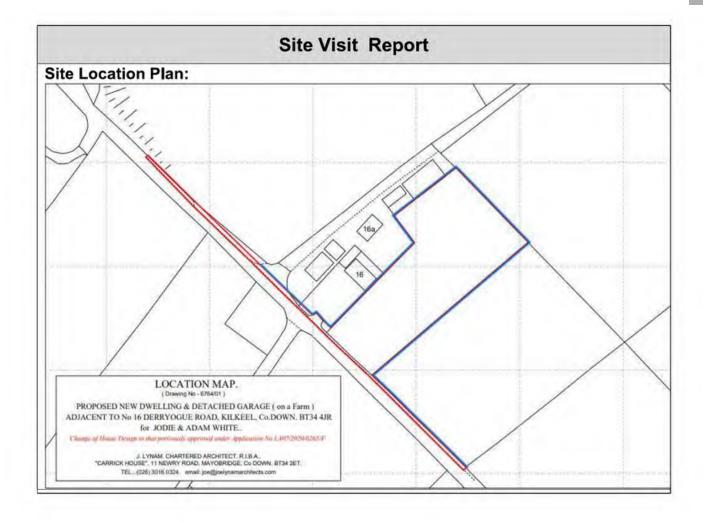
Member of Chartered Institute of Architectural Consultants

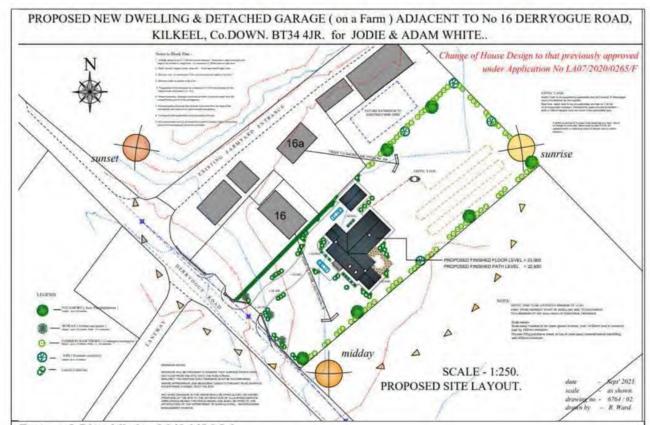
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## **Application**

Dev	velopment Mana	gement Officer Report			
Case Officer: Rhys Da	aly				
Application ID: LA07/2024/0295/F		Target Date:			
Proposal: Proposed change of house type and resiting of a dwelling on a farm originally approved under permission LA07/2020/0265/F		Location: Adjacent to and directly south east of number 16 Derryoge Road, Newry, BT34			
Applicant Name and Adam & Jodi White Go 16 Derryogue Road Kilkeel BT34 4JR		Agent Name and Address: Joseph Lynam 11 Newry Road Mayobridge Newry			
Date of last Neighbour Notification:		22 <sup>nd</sup> May 2025			
Date of Press Advertisement:		30 <sup>th</sup> April 2025			
ES Requested: No					
Consultations: DFI Roads – No objection NI Water – Recommend Representations:	approval.	pplication process, no objections or			
representations have b	een received to dat	е.			
Letters of Support	0.0				
Letters of Objection	0.0				
Petitions	0.0				
Signatures	0.0				
Number of Petitions of Objection and signatures					

Principle of development has been established under Policy CTY 10, as per the previous application. This application considers the re-siting of the approved dwelling and change of house type.





## Date of Site Visit: 30/01/2024

#### Characteristics of the Site and Area

The application site is a roadside field located adjacent and south west of 16 Derryogue Road. The site includes a portion of land within a larger agricultural field. The site is defined by existing hedgerows on the roadside boundary, the northern boundary is defined by the adjacent single storey farm dwelling No. 16 and several farm outbuildings. The rear boundary is defined by existing hedgerows which define the field boundary.

### **Description of Proposal**

Proposed change of house type and resiting of a dwelling on a farm originally approved under permission LA07/2020/0265/F

### Planning Assessment of Policy and Other Material Considerations

The planning application will be accessed against the following policies:

- The Strategic Planning Policy Statement
- The Banbridge, Newry and Mourne Area Plan 2015
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 21 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** 

Application Number: LA07/2020/0265/F Decision: Permission Granted Decision

Date: 24 June 2020

Proposal: Proposed farm dwelling

#### **EVALUATION**

Planning Application LA07/2020/0265/F has already established the principle of a dwelling on the application site. This application will take into consideration the re-siting of and change of design of the new dwelling.

#### 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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside of the development limits Kilkeel and located within the Mournes AONB. There are no specific polices in the plan relevant to the determination of the application which directs the decision maker to the operational polices of the SPPS and the retained PPS 21.

## Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for farm dwellings following the publication of SPPS and it is arguably less prescriptive than the retained policies of PPS 21, PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Para 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 taken into account 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. Building on Tradition refers to farm dwellings and advises that in order to reduce the impact of a new building in the countryside, new buildings are required to be "visually linked", or sited to cluster with an established group of buildings on a farm.

#### PPS 21 – Sustainable Development in the Countryside

Policy CTY1 states a range of development that can take place and is considered acceptable in the countryside. This includes farm dwellings if they meet the criteria set out CTY 10; criteria A and B have been met in previous application. Criterion C will require reassessment due to the re-siting of the new dwelling. This criterion requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practical access from the same lane. The proposed re-siting is considered to cluster and be visually linked with existing farm buildings and original farm dwelling at 16 Derryogue Road, when viewed from critical viewpoints

along Derryogue Road. The farm business is registered to no.16 The access has been deemed acceptable by DFI Roads The proposed site therefore meets the requirements of criterion c.

CTY 13, CTY14 and CTY 8 will also be considered within this application.

#### CTY 8 - Ribbon Development

The new siting of the dwelling brings the dwelling and entire curtilage closer to Derryogue Road, with the curtilage extending to the roadside, thus creating ribbon development along the road which is detrimental to the character, appearance and amenity of the countryside and creates and reinforces a built-up appearance to the road. Ribbon development has consistently been opposed and will continue to be unacceptable. The proposed re-siting of the dwelling is contrary to Policy CTY 8.

## CTY 13 and 14 - Integration and Rural Character

I consider the proposed site reads well with the existing farm grouping from surrounding vantage points. Additional planting will be needed for the new splays and where part of hedgerow is to be removed, this is acceptable. I do not consider the site to rely primarily on new landscaping for integration as roadside planting is to be retained where possible. New planting is proposed for along the rear and the southern boundary, as the site is cut out of a larger agricultural field, this is acceptable. The proposed dwelling is 5.8m ridge height. I consider the proposed dwelling to fit in well with the surrounding area as there many house types in the vicinity ranging from single storey, one and half storeys and full 2 storeys.

However, whilst the proposed re-siting clusters and is visually linked with buildings on the farm, the siting will create a ribbon of development along the road alongside No. 16 and shed to the northwest. Travelling in both directions along Derryogue Road towards the application site there would be transient views of these existing buildings and the proposed dwelling, with a sequential awareness of the development fronting the road. As a result, it would add to the suburban style build-up of development at this part of the Derryogue Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. This position has been accepted by the PAC under 2022/A0114.

### CTY 16 Development relying on non-mains sewage

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 applicant has outlined on the P1 form that a septic tank is the proposed means of disposing sewage. NI Water were consulted, and no concerns were raised. The installation of a treatment plant is subject to NIEA consent. The site layout plan shows the position of the tanks whereby sufficient separation distance remains between existing and proposed dwellings to avoid any unacceptable impacts in terms of odour and noise.

#### Amenity

I am content that the proposed site is an adequate separation distance from existing dwellings and it is not likely to affect any neighbouring residents in terms of overlooking, overshadowing or dominance.

It is noted the site will be immediately adjacent to no.16 however having account the siting of the dwelling, in relation to the siting of the dwelling at no,16, together with the spacing and layout of the dwelling proposed, it is considered it will not result in any unacceptable impact or loss of amenity. It is also noted the levels proposed will respect existing.

## **PPS 2 Natural Heritage**

As stated above, the site is within Mourne Area of Outstanding Natural.

Policy NH6 of PPS 2 requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

Derryoge Road is a minor rural road which is also relatively low lying in the local landscape, whereby views of this roadside site are relatively short term.

A dwelling on this site will be clearly visible from its surrounds and will add to the ribbon of development along this road frontage.

Having account the site history, existing character and low lying nature of the site, it is considered this site and locality can accommodate a dwelling of this size, scale, and design without appearing unduly prominent. This has been accessed above.

Policies NH 2 and 5 of PPS 2 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 habitats, species or features of natural heritage importance. This includes species protected by law.

The site comprises an agricultural field which is enclosed by a hedgerow at present. The proposals will result in the loss of the roadside hedge for access and visibility purposes although compensatory planting is proposed throughout the site. Having account the current condition of the roadside hedge and site constraints, it is considered the proposed development is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. No features were observed

## **Neighbour Notification Checked**

Yes

#### Summary of Recommendation

The application is contrary to CTY 8 and CTY 14 of PPS 21 and therefore refusal is recommended.

## Reasons for Refusal:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1, CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Derryogue Road and does not represent an exception to policy.
- 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 development would, if permitted, result in a suburban style build-up of development when viewed with existing buildings.

Case Officer Signature: R.Daly

Date: 5th June 2025

Appointed Officer Signature: M Keane

Date: 05-06-25

## **Delegated Application**

Development Management Officer Report				
Case Officer: Eadaoin Farrell				
Application ID: LA07/2024/0401/F	Target Date:			
Proposal: Proposed new agricultural shed to shelter existing animal / stock handling facilities for the sole purpose of inspection and treatment of animals.	Location: Opposite and adjacent to junction of Lower Knockbarragh Road with Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down			
Applicant Name and Address: Gerard Magee 10 Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down	Agent Name and Address: Gerard Magee 10 Upper Knockbarragh Road, Ballymoney, Rostrevor, Co. Down			
Date of last Neighbour Notification:	27 <sup>th</sup> January 2024			
Date of Press Advertisement:	8th May 2024 Note: Within correspondence to the applicant dated 10th March 2025, the Council requested an amended address referring to a postal address. No further correspondence/information has been received.  Section 3(2)(b) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that an application for planning permission shall contain the postal address of the land to which the development relates or, if the land in question has no postal address, a description of the location of the land. Upon review, it is determined that the site address provided by the applicant is sufficient to allow members of the public to clearly identify the site.			

## ES Requested: No

### Consultations:

Dfl Roads consider the application unacceptable as submitted. Insufficient detail is available on transportation issues and additional information is required.

Environmental Health request confirmation of the distance between proposed agricultural shed and dwelling not associated to the farm whereby it is recommended that proposed farm buildings are situated a minimum of 75m from dwellings not associated to the farm.

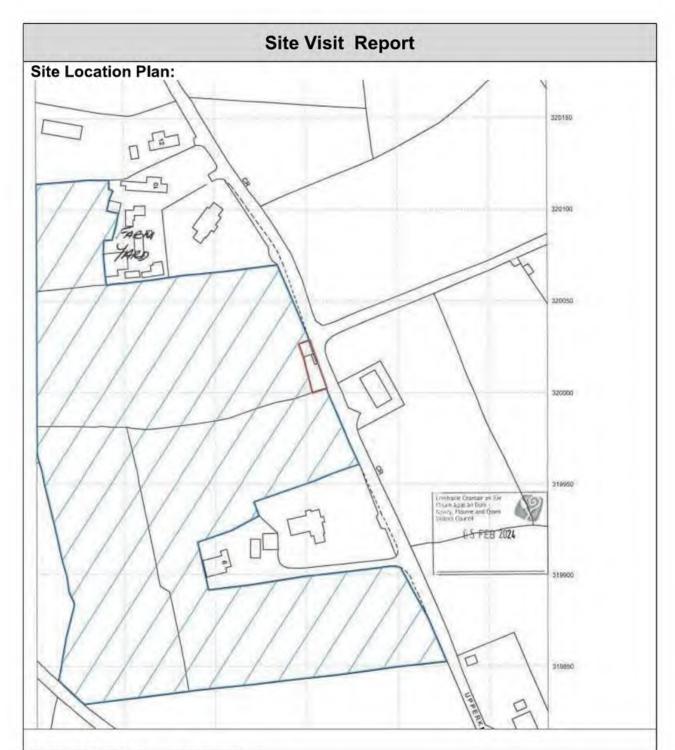
DAERA confirm that the farm holding has been in existence for more than 6 years (from 2010) and that the farm business claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. DAERA advise that the application site is located in field 3/086/070/1B which has not been claimed for BPS by any business. Upon review of the farm maps, there is no field 1B. The site would have been part of field 1A. The Planning Department assume this is a typing error by DAERA.

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.

Representations: No representations received to date.

Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

**Summary of Issues:** Principle of development (active farm, development opportunities sold off, clustering with farm buildings), rural character and integration, access, natural and built heritage, residential amenity.



## Date of Site Visit: January 2025

## Characteristics of the Site and Area

The application site is within the rural countryside, outside any settlement development limits and within an Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The development falls within the consultation zone of a Scheduled

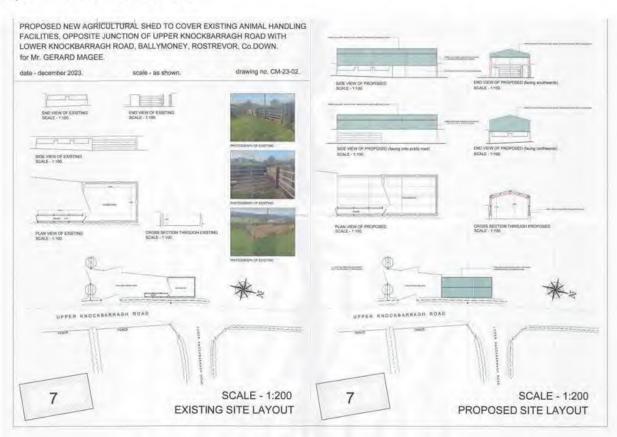
Monument - DOW051:055. The site is in proximity to several designated sites, the closest being Carlingford Lough ASSI 1.7km away and Rostrevor Wood SAC 2.8km away.

The red line boundary is rectangular in shape, comprising a roadside holding pen and crush. The red line boundary is cut out of a larger agricultural field that slopes upwards in a northwesterly direction. The site is bounded by a

combination of a field entrance and hedgerow along its roadside and southern boundaries. The western boundary is bounded by an agricultural metal gate and a post and wire fence. The northern boundary is defined by the holding pen. The farm yard is NW of the site, approx. 85m away and comprises the principal farm dwelling, and several farm buildings.

### Description of Proposal

The application seeks full permission for the erection of a new agricultural shed to shelter existing animal/stock handling facilities for the sole purpose of inspection and treatment of animals. The plans indicate that the footprint/walls of the crush and holding pen are to be used with the walls extended higher and a roof erected over the top. Plans are shown below.



## Planning Assessment of Policy and Other Material Considerations

- The Regional Development Strategy for Northern Ireland 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- PPS2 Natural Heritage

- PPS3 Access, Movement & Parking
- PPS6 Planning, Archaeology and the Built Heritage
- PPS 21 Sustainable Development in the Countryside
- Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside (BOT)

#### PLANNING HISTORY

Relevant planning history includes;

North of application site, dwelling known as No. 8 Upper Knockbarragh Road: P/2014/0680/F - Erection of one and a half storey dwelling on a farm — Permission granted, January 2015.

LA07/2019/0526/F - Proposed minor changes to existing approved dwelling, to include relocation of proposed entrance and the addition of a detached garden store/boiler -Permission granted, August 2019.

North of the application site, adjacent No. 8 Upper Knockbarragh Road: LA07/2025/0769/F - Construction of new farm dwelling, car port and garage along with associated site works and landscaping – Under consideration.

Directly south of application site:

P/2014/0461/O - Proposed domestic dwelling on a farm (under CTY 10 of PPS 21) – Permission granted, December 2014.

#### **EVALUATION**

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 application site is outside any development settlement limits as designated in the BNMAP 2015, the principle of development is established under PPS 21: Sustainable Development in the countryside, Policy CTY 12 – Agricultural and Forestry Development.

Paragraph 5.56 of PPS 21 states that for the purposes of Policy CTY 12, the determining criteria for an active and established business will be as set out in Policy CTY 10 of PPS 21, which requires that the farm business is currently active and has been established for at least 6 years.

Consultation with DAERA has confirmed that the farm holding is currently active and has been active and established for the last 6 years whereby the farm business ID was allocated in 2010 and subsidies have been claimed in the past 6 years. DAERA advised that the application site is located in field 3/086/070/1B which has not been claimed for BPS by any business. Upon review of the farm maps, there is no field 1B. The site would have been part of field 1A. The Planning Department assume this is a typing error by DAERA. Nonetheless, this element of Policy CTY 12 is therefore satisfied.

Policy CTY 12 of PPS 21 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria.

Limited supporting information has been submitted alongside the application. The farm maps submitted indicate that the farm holding comprises approx. 20 hectares of land, with the majority of the land located at the main farm holding at 10 Knockbarragh Road. From my on-site observations, I note that the main farm comprises a number of existing buildings – several smaller, older farm buildings to the east of the farm yard and 3 larger sheds to the west of the farm yard appearing to be constructed sometime between 2018 and 2024. Within 2 of the larger sheds, I observed the keeping of livestock and the 3<sup>rd</sup> larger shed is being used as a silo. The smaller, older sheds were used for storage.



Application site

As outlined in the history section above, a planning application has been submitted for the erection of a new farm dwelling. This farm dwelling is proposed to be sited within the farm yard and involves the demolition of 5 of the smaller, older buildings.

No further information regarding farming activities is available to the Planning Department. Whilst the Planning Department accepts that that a covered pen may have benefits, such as providing cover to the animals, and would be convenient, the Department is not persuaded that in this case it is necessary given that a simple pen was used previously, would offer the same function and would work just as well as a covered pen. In the evidential context provided, it has not been demonstrated that the development is necessary for the efficient use of the holding. Accordingly, the proposal fails to comply with criterion (a) of Policy CTY 12. The applicant was afforded the opportunity to submit further information to satisfy criterion (a). No further information has been received to date.

Criteria (b), (c) and (d) refers to the size, scale and integration of the proposed building and potential impact the building may have on the natural or built heritage. The roadside location is acknowledged. The site is within an Area of Outstanding Natural Beauty. The current pen does not make any impact in the landscape and is barely discernible. The current proposal would be a visible structure when travelling along Upper Knockbarragh Road in both directions and from various viewpoints along Lower Knockbarragh Road and Drumreagh Road. New buildings should be sited beside existing buildings on the farm. In this case, the farm is registered to the applicant's home address at 10 Upper Knockbarragh Road which is located within the farm yard comprising several farm buildings. Given that the proposal is sited approx. 85m from the

farm holding, the proposed building would therefore not be sited beside the existing farm buildings listed above as required by policy.

Policy CTY 12 goes on to state that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons.

As per the assessment above, it is concluded that the proposed shed is not essential for the efficient functioning of the business for the reasons given. it has not been demonstrated why the proposal could not be accommodated at the main farm holding. Moreover, given my conclusion that a simple pen, as used previously, would offer the same function, I am unconvinced that a covered pen is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. The exceptional test of Policy CTY 12 is therefore not met.

Policies CTY 13 and 14 of PPS 21 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 and does not cause a detrimental change to, or further erode the rural character of an area. The shed takes the form of a rectangular plan form with a pitched roof. The shed will have a ridge height of 3.8m above GL, will be 13.4m in length and 5.5m in depth. The design and appearance of the shed making use of green corrugated sheeting provides the appearance of an agricultural building in a countryside location.

Whilst the shed is of an appropriate design and is similar to the agricultural buildings located across the Council district, travelling in both directions along the Upper Knockbarragh Road, I consider the proposed shed to be a prominent feature in critical short distance views owing to the roadside location, separation from the farm holding and lack of well-established natural boundaries on the ground and consequent lack of enclosure for the building.

Long distance views from the Lower Knockbarragh Road and Drumreagh Road are not detrimental given the rising land to the rear which provides a backdrop. Given the above, it is considered the proposed development would not visually integrate into the landscape and would be a prominent feature in the landscape, contrary to criteria (a, (b) and (c) of Policy CTY 13, (a) of CTY 14, criteria (b), (c) and (d) of Policy CTY 12 and Policy NH 6 of PPS 2.

Criterion (e) of Policy CTY 12 refers to the amenity of neighbouring dwellings. The new shed is less than 75m from No. 7 Upper Knockbarragh Road. This dwelling is outside of the farm holding. The shed is to be used to shelter existing animal/stock handling facilities. The Environmental Health Department referred to guidance whereby farm buildings should be sited at least 75m away from dwellings outside the farm holding. However, given the small scale nature of the building, the existing holding pen on ground and intended purpose of the shed for the short term inspection and treatment of animals, it is considered that there will not be a significant impact on this neighbouring dwelling.

As outlined above, the site is in proximity of several designated sites. The drawings indicate that the shed will be used as a covered holding pen. There is nothing to demonstrate that the building will be provided with a slatted floor and slurry tanks for the long-term housing of live-stock. It is considered that should planning permission be granted, the shed will only be used for the inspection and treatment of animals and not for the housing of livestock and this matter can be controlled by means of condition.

The proposal seeks to utilise an existing agricultural gated access into the field. Dfl Roads were consulted and raised concerns with the proposal whereby works to the access are required – the provision of 2.4m x 70m visibility splays. Dfl Roads, in their response, do not consider an agricultural access as a vehicular access and therefore a new access is required with the provision of 2.4m by 70m visibility splays. Whilst the Department acknowledges Roads' comments, consideration must be given to the fact there is an existing holding pen and crush at this location, which is being served by the existing agricultural access. The proposal involves the erection of a roof over the pen. As such, the Department does not consider the proposal to warrant the need for a new access as requested by Dfl Roads.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation

Refusal, as per assessment above.

The Department issued a letter to the applicant in March 2025 relaying concerns with the proposal. The applicant was afforded the opportunity to address the concerns/submit additional information, however no further information has been received to date.

#### Reasons for Refusal:

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that:

- The building is not clustered with an established group of farm buildings on the agricultural holding;
- It has not been demonstrated that a new building is necessary for the efficient functioning of the farm;
- There is no persuasive evidence that a building at this location is necessary for the efficient functioning of the farm.

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 12 and 13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building fails to integrate into the landscape as the site is unable to provide a suitable degree of enclosure for the building

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building would be a prominent feature in the landscape

The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside and Policy NH 6 of Planning Policy Statement 2: Natural Heritage, in that the building would have an impact on the natural heritage whereby the site is within an Area of Outstanding Natural Beauty and

the siting of the shed is not considered sympathetic to the special character of the Area of Outstanding Natural Beauty.

Case Officer Signature: Eadaoin Farrell

Date: 30th July 2025

Appointed Officer: A.McAlarney Date:31 July 2025

## **Delegated Application**

Development Ma	nagement Officer Report
Case Officer: Elaine Eastwood	
Application ID: LA07/2024/0548/F	Target Date:
Proposal: Replacement dwelling.	Location: 364 Newry Road, Newry, BT34 4SF
Applicant Name and Address: Mr Barney McAleenan 6 Church Field Heights Castlewellan BT31 9HY	Agent Name and Address: Bernard McAleenan 5 Dobbin Street Armagh BT61 7QQ
Date of last Neighbour Notification:	3 February 2025
Date of Press Advertisement: ES Requested: No	12 June 2024

#### Consultations:

NI Water- Approval

#### NIEA-

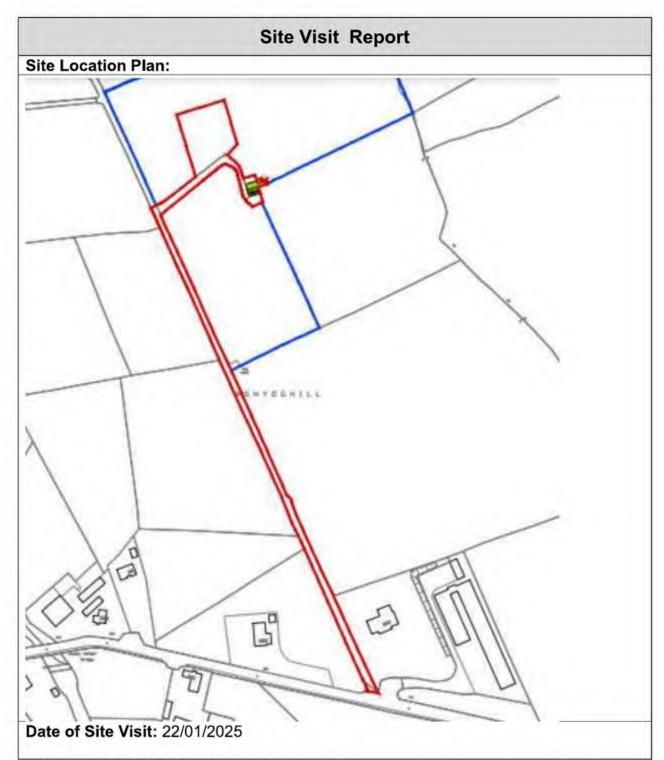
- 23/01/25- NED acknowledges receipt of a Biodiversity Checklist and Bat Surveys carried out in 2022 and advises, due to the lapse in time clarification is sought from the Ecologist that no material changes has occurred since the original surveys took place
- 27/02/25- NED acknowledges receipt of updated Biodiversity Checklist & a Bat Survey Report and refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings, should any specific concerns be raised NED is content to be re-consulted with detailed description of issues.
- DFI Roads- If the proposed dwelling to be replaced could be reasonably occupied
  at present or following minor modification and there is no intensification to the
  existing access, DfI Roads has no further objection to this application. If this is not
  the case then please re-consult.

#### Representations:

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:** No objections or submissions from neighbours have been received and consultees have not raised concerns with the scheme.



### Characteristics of the Site and Area

The application seeks to replace an existing two storey detached dwelling with the new dwelling proposed to the north west of the dwelling to be replaced. The proposed site is part of a larger agricultural field and as such has no existing northern, western or eastern site boundaries. Both the existing dwelling and dwelling to be replaced are accessed via an existing laneway from

Newry Road. The site is located outside any defined settlement limits and within an Area of Outstanding Natural Beauty.

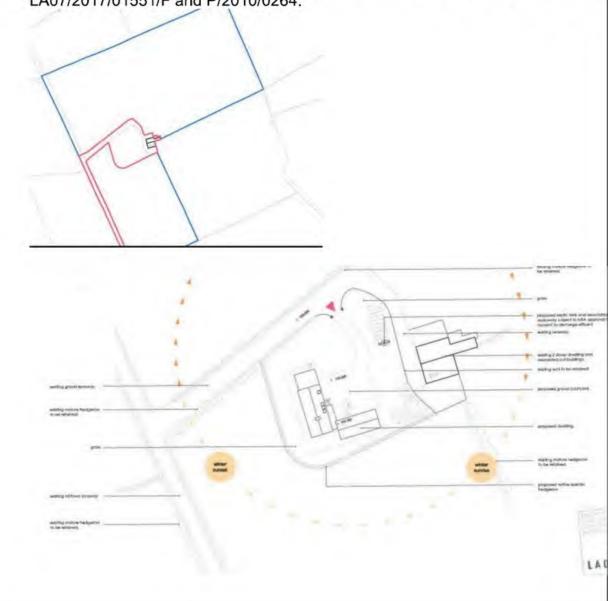
## **Description of Proposal**

Replacement dwelling.

## Planning Assessment of Policy and Other Material Considerations

## Planning History

 LA07/2022/1271/F- Farm dwelling approved in substitution to LA07/2018/1980/F, LA07/2017/01551/F and P/2010/0264.



- LA07/2018/1980/F- Change of house type with associated landscaping and site works in substitution of that previously approved under application LA07/2017/0551/F. Permission granted.
- LA07/2017/0551/F- Farm dwelling and garage (Renewal of P/2010/0264/).
   Permission granted.
- P/2010/0264/F- Erection of 2 storey farm dwelling adjacent to 364 Newry Road.
   Permission granted.

## Planning Policies & Material Considerations:

This application will be assessed under the following planning policies:

- 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 21- Sustainable Development in the Countryside
- · Building on Tradition

#### 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 considered to be 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.

Following a site inspection and discussion of the application, the Planning Department advised the Agent of concerns with the initial scheme proposed, shown below.



The Planning Department advised that "whilst there is no objection in principle to a replacement dwelling, the off site location is not considered appropriate and would not result in demonstrable landscape, heritage, access or amenity benefits as required by policy. It is acknowledged that the existing dwelling curtilage is restricted but it is considered that a dwelling with an extended curtilage could be located immediately adjacent to the replacement dwelling on lands located within the blue line and could utilise the existing access laneway. The Planning Department would allow for a modest increase to the red line area to accommodate this. The dwelling as proposed, is closer to the roadside and would result in a greater visual impact and would create a ribbon of development in conjunction with extant approval LA07/2022/1271/F."

Amended plans were received, shown below.



The Planning Department advised that they remain of the opinion that a dwelling with an extended curtilage could be located immediately adjacent to the replacement dwelling,

to the north east of the existing dwelling. A further opportunity to provide amended plans to reflect this or provide justification as to why the proposed siting results in demonstrable landscape, heritage, access or amenity benefits as required by Policy CTY3 was facilitated.

In response, the Agent provided a rebuttal dated 21/05/2025 which also refers to personal circumstances of the applicants grandson. This was fully considered by the Planning Department however it was not felt that the rebuttal sufficiently addressed the planning concerns with the proposal. The Planning Department advised the application would be progressed recommended for refusal. The Agent indicated on 24/06/2025 he would amend the proposed siting of the dwelling in accordance with the departments preferred location for further consideration by the following day, this has not been submitted.

The Agent submitted further medical information and justification for the scheme dated 11/07/2025. The Planning Department advised this application was submitted as a replacement dwelling under Policy CTY3 and sought confirmation that this was correct or if the applicant intended to apply under Policy CTY6- Personal Circumstances. The Agent confirmed this is a replacement dwelling application under Policy CTY3, this is not an application under Policy CTY6. The justification included reference again to special circumstances, proximity to nearby poultry sheds and erroneously reference to the Plan Strategy of the Area Plan currently under preparation.

#### Policy CTY3- Replacement Dwellings

The application and information submitted will be taken into consideration. In order to comply with Policy CTY3, applications must meet the following criteria:

- Dwelling to be replaced must exhibit the essential characteristics of a dwelling (as a minimum all external structural walls substantially intact)
   The dwelling to be replaced is fully intact with chimneys, windows and doors openings present. The building has the essential characteristics of a dwelling and is suitable for replacement.
- 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 existing dwelling is set within a restrictive curtilage defined by a low wall. The lands surrounding this to the north/ north east are relatively flat and contained within the blue line area on the site location plan. The Planning Department do not consider that the siting of the dwelling to the north west, within the centre of a larger agricultural field relying on new site boundaries, would represent demonstrable landscape benefits. The application is for a replacement dwelling and it is contended the existing site curtilage could be restricted to include additional adjoining lands within the applicants ownership.

A Rath is located c.290m to the west of the dwelling to be replaced. HED records note for DOW055:019- "The site enjoys commanding views all round. Although much disturbed by agriculture, the site is still quite easy to read on the ground. It consists of a circular enclosure c.50m diam. defined by a bank. Along the SW quadrant this much eroded feature is 19m wide, 1m high internally & 1.5m externally. At NE, it is 10m wide, 1m high internally & 0.5m above the faint traces of a ditch 5m wide". It is not considered that the proposed siting would result in heritage benefits given the separation distances to this rath, as suggested by the Agent.

In terms of access, the laneway and adjoining lands are contained within the applicants blue line, improvements could be done to provide a safe access along the laneway to the site of the existing dwelling.

It was raised at a late stage that a major consideration influencing the siting and design layout for this proposed replacement dwelling is the proximity to the large-scale Poultry sheds to the South-East of the application site. The dwelling to be replaced is located c. 360m from the poultry sheds with a number of dwellings in proximity to the sheds. This is considered sufficient separation distance to ensure there are no adverse impacts on the proposal. The agent has not submitted any verifiable evidence to demonstrate that there would be amenity issues with the proposed development and the poultry sheds.



- 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 proposal is single storey and whilst it has a large footprint, it is not considered to have a significantly greater visual impact than the existing building.
- The design of the replacement dwelling should be of a high quality appropriate to its rural setting.
   The dwelling is of modern design, similar to that approved under
  - The dwelling is of modern design, similar to that approved under LA07/2022/127/F for a farm dwelling on adjoining lands. The design of the dwelling, including height, scale, massing, appearance and finishes are considered appropriate and respectful or this relatively low lying countryside site and are acceptable.
- All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality.
   Necessary services can be provided without causing significant adverse impacts.

Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads have advised if the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DfI Roads has no further objection to this application. It is considered that the existing dwelling could be reasonably occupied and a further consultation was not necessary.

The proposal is considered to Policy CTY3 in that it has not been shown that the proposed dwelling could not be sited within the existing curtilage with an extension facilitated and that the proposed site would not result in demonstrable landscape, heritage, access or amenity benefits.

#### Personal Circumstances

The application has been accompanied by medical information and justification for the proposed siting on medical grounds. The Planning Department advised that the application was submitted described as a replacement dwelling and if permission is sought under Policy CTY6, the proposal description would require amendments. On 11<sup>th</sup> July 2025 the Agent confirmed this is a replacement dwelling under Policy CTY3 and not an application under Policy CTY6. The medical circumstances are however a material consideration in the assessment of this proposal however the specific circumstances of the case presented do not overcome the proposals clear non-compliance with policy. Determining weight cannot be attached to the medical circumstances in this case.

## Policy CTY8- Ribbon

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Given the existing dwelling is to be demolished and replaced with a detached dwelling, it is not considered this will create or add to a ribbon of development.

#### Policies CTY 13 and CTY14

Policy 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. Policy CTY14 seeks to ensure new buildings will not cause a detrimental change to, or further erode the rural character of an area. As outlined above, the proposed dwelling is single storey and to be sited on a flat site so it will not appear as prominent in the landscape. However, the site is located centrally within a larger agricultural field which is open to views travelling along the main laneway to the west of the site. The proposal will require three new boundaries to provide enclosure as the site lacks natural boundaries and would therefore rely on new landscaping for integration. The proposal is contrary to criterion b and c of Policy CTY13.



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. The application has outlined on the P1 form that a septic tank is the proposed means of disposing sewage.

It is considered that the application site is of a sufficient size to accommodate the dwelling whilst also achieving sufficient separation distances between the proposed septic tank and adjacent properties. A condition could be attached to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site.

#### Planning Policy Statement 2

The application was accompanied by Biodiversity Checklist, Ecological Statement and Bat Activity Survey. NIEA were consulted and noted Bat Surveys were carried out in 2022 and due to the lapse in time, clarification was required from the Ecologist that no material changes have occurred since the original surveys took place.

Further bat surveys were conducted as the building to be replaced remained to be of moderate bat roosting potential. The updated surveys concluded there are no bats presently roosting in the farmhouse and therefore no impacts on bat species are anticipated. The proposal is in compliance with Policy NH2.

The proposal would result in the creation of new hedgerows, a biodiversity net gain on the site and is unlikely to have any adverse impacts on protected habitats or species in accordance with Policy NH5.

The application site is located within an Area of Outstanding Natural Beauty. The proposed dwelling will replace an existing two storey dwelling and the design, size and scale are considered appropriate. Whilst the site will rely on new landscaping, it is not considered this would impact on the special character of the AONB in accordance with Policy NH6.

#### Planning Policy Statement 3

DFI Roads have advised if the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DfI Roads has no further objection to this application. It is considered that the existing dwelling could be reasonably occupied and a further consultation was not necessary. The proposal will not prejudice road safety or significantly inconvenience the flow of traffic in accordance with Policy AMP2.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

#### Reasons for Refusal:

- The proposal is contrary to Para 6.73 of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Para 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that the proposed off site location would result in demonstrable landscape, heritage, access or amenity benefits.
- 3. The proposal is contrary to criterion b and c Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and, if approved, a building on the site would rely primarily on new landscaping for integration.

Case Officer Signature: E. Eastwood

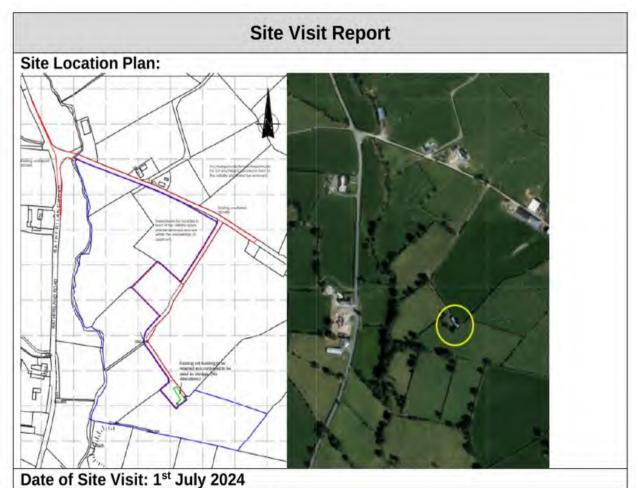
Date: 29 July 2025

Appointed Officer: A.McAlarney Date: 31 July 2025

Development Management	Consideration
Details of Discussion:	
Letter(s) of objection/supp Group decision:	ort considered: Yes/No
D.M. Group Signatures _	
Date _	

# **Delegated Application**

Case Officer: Catherin	ne Moane				
Application ID: LA07/2023/3411/O		Target Date:			
Proposal:		Location:			
Proposed site for the erection of a detached off-site replacement dwelling and proposed retention of existing old building for domestic /agricultural storage use		Lands approx 160m South East of 337a Rathfriland Road, Ballyward, Castlewellan, BT31 9RA			
Applicant Name and Address: Tom Copes 67 Knockgorm Road Banbridge BT32 3TE		Agent Name and Address: Patrick O'Reilly NI Planning Permission, Scottish Provide Building 7 Donegall Square West Belfast			
Date of last	127				
Neighbour Notification					
Date of Press Advertisement:		18 October 2023			
ES Requested: No					
Consultations: see re	eport				
Representations: No	ne				
Letters of Support	0.0				
Letters of Objection	0.0				
Petitions	0.0				
Signatures	0.0				
Number of Petitions of Objection and signatures					



## Characteristics of the Site and Area

The site is located off Moat Pad (which is an existing Public Right of Way PROW) which is accessed off Rathfriland road. The site is then accessed down a further an existing laneway, part of which is defined by some hedging on both sides but then crosses over an existing field (which is undefined and then accesses the subject building, some 260m from Moat Pad laneway. The building is of part stone and part concrete block construction with 3 doorways and a window on the SW elevation and none on the rear NE elevation. The 'L' shaped building also comprises and element to the SE which has an upper floor level and external steps leading up. This element was covered with vegetation and had a window opening and larger opening to the NW elevation, the building was partly collapsed to the SE elevation. The area is rural in character.





## **Description of Proposal**

Proposed site for the erection of a detached off-site replacement dwelling and proposed retention of existing old building for domestic /agricultural storage use

## Planning Assessment of Policy and Other Material Considerations

The site is located within the rural area, as identified in the Banbridge / Newry And Mourne Area Plan 2015.

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

- The Banbridge / Newry and Mourne Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 15 Planning and Flood risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
  - Policy CTY 1 Development in the Countryside
  - Policy CTY 3 Replacement dwellings
  - Policy CTY 13 Integration and Design of Buildings in the Countryside
  - Policy CTY 14 Rural Character
  - Policy CTY 16 Development relying on non-main sewerage

#### Guidance

DCAN 15 Vehicular Access Standards Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

### PLANNING HISTORY

No relevant planning history on the site.

#### Consultations:

DFI Roads – No objection subject to condition and RS1 form

NI Water - Statutory Response

NIEA - Water Management Unit - refer to standing advice

## **EIA Screening**

As the development is within Category 10 (b) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2017 and located within a 'sensitive' area (Mourne AONB) the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development.

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.

## **Objections & Representations**

In line with statutory requirements no neighbours were required to be notified. The application was advertised in the Mourne Observer 18.10.2023. No letters of objection or representation have been received in relation to the proposal to date.

## **Consideration and Assessment:**

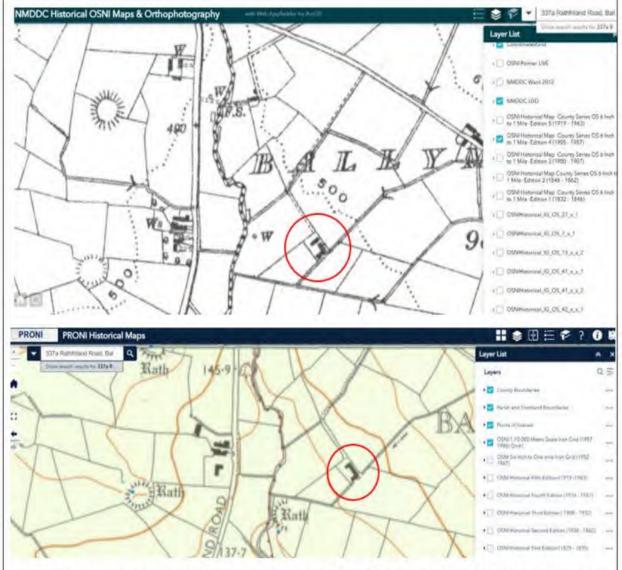
Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made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

Policy CTY1 – Development in the Countryside (CTY1), of Planning Policy Statement 21- Sustainable Development in the Countryside (PPS21) states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Outline

planning permission is sought under Policy CTY3 – 'Replacement Dwellings' of PPS21 for an off-site replacement dwelling.

Policy CTY3 states that planning permission will be granted for a replacement dwelling where the building exhibits the essential characteristics of a dwelling provided that all replacement cases meet additional criteria in relation to siting, size, design, services and access. The first step in determining whether a development opportunity exists is to identify whether the building exhibits the essential characteristics of a dwelling.



It is unclear whether the building shown on the 1905-1957 and the 1957-1986 historical maps is the subject building given the limited level of detail. There was an L-shaped building and separate building which appears in the 1905-1957 map, which may have been a dwelling at the time, but it changed some time after that, with subsequent historic map (1957-1986) then showing a 'U' shaped rectangular building. It cannot be determined whether the previous building on the site had been demolished in whole or

not, but clearly if not, physical works have since been undertaken to the original building to account for the change in footprint.

When looking at the physicality of the building, it is evident that there has been intervention to the building over the years, whereby a significant proportion to the 'northern' element of the 'L' shape has been completely rebuilt in concrete breeze block presumably to accommodate some form of agricultural storage. Internally the roof has been increased in height from the original stone gable portion, with breeze block added to the sides and partial rebuilding of some of the southern gable wall to gain additional height. The remaining portion comprises of stone construction with a doorway lintel evident which may be the original positioning given its height. The doorway with the door has been altered from the original and its unclear if this may have been a window opening at one point, given that vernacular dwellings in the past tended had a door and three windows on the front façade and the two door openings would be side by side.





Evidence of breeze block rebuild



Gable wall rebuilt - no windows/doorways to the rear

No windows appear to be present to the rear of the building. The absence of windows and often doorways in the rear wall of a building can be characteristic of old dwellings, (particularly as this would be a north facing wall) however, the same can be the case in respect of old agricultural buildings also.



The only window, does not look original and surrounded by concrete block which would have been added at a later date.

The disposition of the stonework within the north-western internal wall gable could be suggestive of there having been some form of chimney breast attached in the past. There is possibly a section of chimney flue with an indent in the wall evident. There is, however, no remnants of any hearth evident. The possibility that some agricultural buildings at that time may also have had a chimney cannot be ruled out either. There is no evidence of a chimney on the roof. The roof has since been replaced with corrugated sheeting. This is not conclusive evidence that the building exhibits the essential characteristics of a dwelling.

Therefore, from the assessment of the building, setting aside more recent alterations such as the modified floors and internal block built sections, despite the presence of the chimney flue remnant and some partial original stonewalls, there are no other essential characteristics of a dwelling evident. The only window is a new addition and surround by blockwork. There are no interconnected rooms and there is no defined kitchen / hearth area within the building.

The agent in his evidence indicates that historical records and local knowledge also support that this was indeed a dwelling before falling into disrepair, however, no evidence was submitted to substantiate this claim, regardless of these modifications /alterations, the policy test remains as to whether the essential characteristics of a dwelling are exhibited in the in-situ building. What is on the ground presents not as a former dwelling, but its current use as agricultural building. Whilst part of the building may have been in use as a dwelling given the location of the flue remnant, that would not satisfy the policy test, which relates to assessment of "the building to be replaced", meaning the in-situ building as a whole.

As there is no dwelling to replace the remaining part of CTY 3 is not engaged, however, in the interest's completeness and in the event that it had been found that there was a replacement opportunity, the proposal would be required to meet an additional five bullet points.

The first bullet point requires that the proposed 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;

Paragraph 6.73 of the SPPS strengthens the language used in this respect. It states that replacement dwellings *must* (my emphasis) 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.

Looking at the previous OS maps and aerial's it is evident that the established curtilage could be considered restrictive to accommodate a modest size dwelling in today's standards. However, this could be overcome by increasing the existing curtilage to the south east (where there is currently no defined boundary at present). It does not require the dwelling to be off sited to where is indicated within the red line. In this regard there is no justification presented that a dwelling could not be replaced in situ.

 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;

This second criterion of Policy CTY3 relates to the integration of a new dwelling into the surrounding landscape and requires that the replacement dwelling would not have a visual impact significantly greater than the existing building. Policy CTY13 of PPS21 also relates to the integration of building in the countryside and 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. In this case it stands if the proposal satisfies the second criterion set out by Policy CTY3 it should also satisfy the tests of integration and design of buildings in the countryside as required by Policy CTY13.

This is an outline application, with an indicative footprint shown in the off-site location. The computerised imagery submitted with the D&AS shows a chalet type bungalow dwelling presented as single storey with an upper floor level of accommodation. There will be views of the dwelling on the new off-site location from along the Rathfriland Road (around No 382) given that the off-site location has no defining SW boundary, there would be clear views of the proposed dwelling from along this road, alternatively there are more glimpsing views of the existing structure ('dwelling' to be replaced), given the intervening vegetation from the surrounding fields and that it is located on lower ground than the off-site location.

 the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

The design could be conditioned in terms of a ridge height restriction, design guide including materials and finishes if deemed appropriate in this AONB.

 all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

There should be no issues concerning services as there are other dwellings on the laneway along Moat Pad (Public right of way (PROW).

# access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads have been consulted and as there is no dwelling to replace this would be considered intensification of the existing access and therefore the full access standards apply. Following a number of amendments, DFI Roads now offer no objections subject to submission of detailed plans at reserved matters stage and in accordance with the RS1 form with 2.4m x 80m spays required onto the public road.



There are potential views of the proposed dwelling, given its off-site location on a more open site on slightly higher ground than the 'dwelling' to be replaced. Even with a modest ridge height restriction, it has not been demonstrated that the overall size of the new dwelling would allow it to integrate into the surrounding landscape and that the visual impact of the proposed replacement building would not be significantly greater than the building to be replaced. Furthermore, the applicant has indicated that the old existing 'replacement dwelling' should be retained to be used for domestic /agricultural storage use. However, given the separation distance between the two buildings, the retention of this building could not be considered as being sympathetically incorporated into the layout of the overall development scheme, to form an integrated building group, and allowing its retention would add to a build up of buildings in the countryside.

For an off-site replacement there must be a clear demonstration of betterment in terms of landscape and visual integration, this is not been demonstrated in this case.

In addition, notwithstanding the above that the building does not meet the initial tests of CTY 3, PPS21 requires that additional criteria included in Policy CTY13 - Integration (CTY13) and Policy CTY14 - Rural Character (CTY14) are also met and determining weight should be given to them. In this case, given the landscape, one building can still

have a significant effect on the area if it is poorly sited. The proposed siting does not represent betterment and it conflicts with policies CTY13 and CTY14.

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

Policy CTY13 of PPS21 states that a new building will be unacceptable in the countryside where it is a prominent feature in the landscape, or it relies primarily on the use of new landscaping for integration. It is accepted that whether a new building integrates is not a test of invisibility but rather an assessment of how the development of the proposed site will blend unobtrusively with its immediate and wider surroundings. The north eastern boundary provides a backdrop with some mature trees along this boundary, however, the proposal will be a prominent feature in the landscape because the new building will appear isolated on raised land. The critical views from the west shows that the site is more open because it has no natural screenings to the south west and south east. The impact of a dwelling and ancillary works on this open agricultural field would be visible for a few hundred metres distance when travelling along Rathfriland Road in both directions, but given the lack of development along these fields, it will appear prominent. Consequently, the site will have to rely on new boundaries to the south west to provide enclosure for integration.

#### 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. The justification and amplification of Policy CTY14 says that one building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes. While the off-site location cannot be described as exposed, given that many surrounding fields have good boundary treatments of trees and mature hedgerow, it is more open in nature than where the current building is sited. The off-site location provides an important setting for the amenity and character of this rural area and the undeveloped off-site location contributes positively to the rural character in this area and helps maintain rural character on approach to the development limit of Dechomet to the south. Therefore, a dwelling on the site would be prominent in the landscape and would have a detrimental impact to the rural character of the area.

# CTY 16 Development relying on non main 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. A septic tank is proposed and would therefore be subject to consent to discharge from NIEA.

#### Impact on Residential Amenity

The proposed dwelling is not located directly beside any other properties. Consequently, it is considered that the proposal will have no adverse impact on neighbouring properties.

#### PPS 2 - Natural Heritage

Policy NH 1 - European and Ramsar Sites - International

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 site would have no viable hydrological links to any European sites, therefore the site is not located wholly or partially within any statutory or non-statutory designated sites.

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

As part of the application, the applicant provided a Biodiversity checklist which was submitted and completed by the agent. The agent was advised that a biodiversity checklist should be completed in the first instance in order to determine if any further surveys are required and indicated that this should be completed by an ecologist given that the application is for a replacement dwelling and potential for impact on bats which are a protected species. No further comments were received from the agent regarding this aspect of the application. However, as the applicant is seeking to retain this building as it is for domestic/ agricultural storage then there should be no impact. However, if this is not the case, further surveys would need to be submitted should there be any demolition or modification of this building.

#### Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
- local architectural styles and patterns;

- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

This is an outline application with no details of the design of the dwelling. While the choice of materials and the design of the buildings could be conditioned to be acceptable in the AONB the overall siting and layout of the off-site replacement dwelling is not sympathetic to the AONB.

#### PPS 3 - Access, Movement and Parking

### 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 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.

DFI Roads have been consulted and as there is no dwelling to replace this would be considered intensification of the existing access and therefore the full access standards apply as detailed above. DFI Road have no objections subject to the RS1 form.

#### Conclusion

The proposal is contrary to Policy CTY3 and does not represent any other type of development listed in Policy CTY1 considered to be acceptable in principle in the countryside. No overriding reasons have been provided to demonstrate why this development is essential in this rural location and could not be located within a settlement. Therefore, the development is also contrary to Policy CTY1.

The proposal is contrary to policies CTY1, CTY3, CTY13 and CTY14 of PPS21 for the reasons set out above.

In addition, a dwelling, sited as proposed, would unacceptably extend development into the attractive natural landscape of the Mourne Area of Outstanding Natural Beauty at this sensitive location, which is close to the Dechomet settlement development limit.

#### Recommendation:

#### Refusal

The Drawing upon which this refusal is based is as follows: site location plan - 0001 proposed site layout - 1001

#### Reasons for Refusal:

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) 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 in a settlement.
- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY 1 and CTY 3 of PPS 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and the applicant has not demonstrated that an alternative off site location would result in demonstrable landscape, heritage or amenity benefits.
- 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 13 & CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside, and Policy NH 6 of Planning Policy Statement 2, in that the proposal will be a prominent feature in the landscape and will rely primarily on the use of new landscaping for integration which will have an adverse impact on the rural character of the area which is a designated AONB.

#### Informative

#### This refusal is based on the following plans

site location plan – DRG1 REV A block plan - 01

#### **Neighbour Notification Checked**

146

Summary of Recommendation – refusal as above			
Case Officer Signature: C Moane	Date: 24 July 2025		

# **Delegated Application**

Development Mana	gement Officer Report	
Case Officer: Fionnuala Murray		
Application ID: LA07/2022/1239/O	Target Date:	
Proposal: Proposed new 2 storey dwelling including landscaping and car parking.	Location: Site adjacent and to the north east of 23 Rathcunningham Road Toye Downpatrick BT30 9PE	
Applicant Name and Address: Mr & Mrs Ken McMillan 23 Rathcunningham Road Toye Downpatrick BT30 9PE	Agent Name and Address: 23 Design Ltd Postmasters House 33 Shore Road Holywood BT18 9HX	
Date of last Neighbour Notification: Neighbour Note Expiry:	04.07.2023 18.07.2023	
Date of Press Advertisement: Date of Press Ad Expiry:	15.08.2022 07.09.2022	
ES Requested: No		

Consultations:

**DFI Roads** was consulted and initially responded with objections to the application, however the agent submitted amended plans and upon re consultation DFI Roads have no objections.

**NIEA** was also consulted and Marine and Fisheries responded with no objections however recommended that the Authority considers impact of climate change, flooding and coastal erosion on the site.

**DFI Rivers** was consulted and responded with no objections.

NI Water was also consulted and responded with no objections.

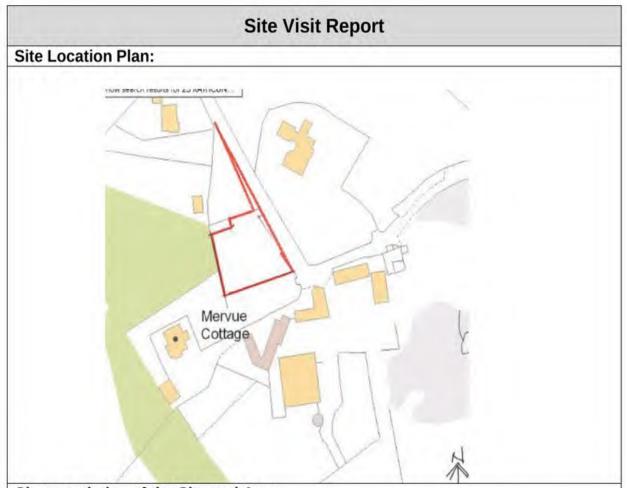
**Shared Environmental Services** were consulted given the proximity to the shore and potential for impact on any European designations – SES are content that the works will not have any detrimental impacts advising that there is no viable environmental or pollution pathway for effects from the proposal on any European site or mobile site feature.

#### Representations:

Advertisement and neighbour notification was carried out as detailed above and to date there has been one letter of objection received from the occupants of no 20 Rathcunningham Road, Killyleagh and was on the following basis:

- The applicant is not in full ownership of the lane submitted to serve this
  application, they have a right of way over it to serve agricultural lands to
  the rear.
- The objector also believes that the applicant does not possess the lands required to achieve the required slays.
- Approx. 33m of hedgerow would be required to be removed to achieve the splays and this would have impacts on wildlife etc.

Letters of Support	0
Letters of Objection	1
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	
Summary of Issues:	



#### Characteristics of the Site and Area

The site in question is located off the Rathcunningham Road and consists of a section of garden and a planted area that runs along the roadside. The site has trees within it and there is a thick band of planting along the boundary of the Rathcunningham Road. to the rear of the site is a large 2 storey dwelling (no 23), grand in stature and with concrete steps and walls down onto the front lawn which is part of this application site.

The site is not within any settlement limits as defined in the Ards and Down Area Plan 2015. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty. The site is in close proximity to the inner coastline and is within a very scenic part of the coastline, the land rises up away from the coastline. There are several single dwellings and farm buildings within the surrounding landscape of the site in question.

#### **Description of Proposal**

Proposed new 2 storey dwelling including landscaping and car parking.

#### Planning Assessment of Policy and Other Material Considerations

#### PLANNING HISTORY

There is no relevant planning history associated with the site in question.

#### 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.

The site is in close proximity to a sharp bend in the road, along the road are dwellings and outbuildings known as 19 and 21 Rathcunningham Road. In terms of development there a number of buildings that can be considered having a frontage to the road. East of the site and sitting at an angle to the site given the bend in the road are a collection of outbuildings and habitable accommodation (6 in total) the site itself is the front garden of no 23 with no 23 having a frontage running to the road and north east of the stie is a overgrown field area before reaching the curtilage of no 21 which consists of a dwelling and sitting angled to the road and a smaller garage sitting forward of that (2 buildings). Adjacent to no 21 is the curtilage of no 19 and again there are 2 buildings associated with this site. In terms of a line of 3 or more buildings along a road frontage, it is considered that one exists along the road, albeit broken by a gap on the lands adjacent to the site in question. The site itself however is the front garden of dwelling no 23 which already has frontage to the road therefore the filling of this lands is not the filling of a gap within an otherwise SCBUF but rather it would be development to the front of a dwelling already contributing to the frontage development.

CTY 8 policy is clear in setting out this situation as not acceptable as a gap site as it states that for the purposes 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, no 23 is accompanying development to the rear therefore this site does not meet the basic requirements of CTY 8 and it is not considered that there is a gap within an otherwise substantial and built up frontage, no 23 contributes already to the ribbon of development given the frontage to the road and the site being within the front garden of no 23.



The principle of development has not been established however for completeness of the assessment consideration is given to the remainder of relevant policy.

#### Consideration Of CTY 13 Integration And Design Of Buildings In The Countryside

The application is also considered against 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 it is of an appropriate design. A new building will be unacceptable where:

### (a) it is a prominent feature in the landscape.

The site in question is located on a relatively level site in a heavily planted area with a large two storey dwelling to the rear of the site, taking account of the build development and the site context a dwelling could be located on this site without being prominent within the landscape, this aspect of policy has not been offended.

- (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.
- (c) it relies primarily on the use of new landscaping for integration.

The site has a considerable amount of planting available to help screen the site, if a dwelling was developed on the site some of the planting would be lost including trees to accommodate the dwelling and the required sight splays. The site can be adequately screened and can integrate into landscape utilising the existing planting and screening of the site and will not rely on new planting to be able to do so.

# (d) ancillary works do not integrate with their surroundings.

Ancillary works could largely integrate with the surroundings, the majority of necessary services are located in close proximity to the site in question. The access will require a loss of planting that will open the site up temporarily however re planting of boundaries would be of benefit. It is not considered that the ancillary works will have any detrimental impacts on the overall area and can integrate without having detrimental impacts visually.

# (e) the design of the building is inappropriate for the site and its locality.

this is an outline application therefore design particulars have not been submitted, the agent has however stipulated in the proposal description that the dwelling sought is 2 storey. There is sufficient planting surrounding to accommodate a two storey dwelling. There is some concern as to how this would read given the relationship with the grand

dwelling to the rear of the site. If the application were to be approved the design could be considered further at RM stages in terms of visual impact and amenity.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

Again, it is considered that the landform can accommodate a dwelling at this site and the rising topography to the rear of the site can accommodate development. Again, the considerable planting and mature screening can help with the integration of the dwelling and the existing build development can act as a backdrop.

(f) 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.

The proposal is not sought as a dwelling on a farm under CTY 10 therefore this section of policy is not relevant.

#### CONSIDERATION OF 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.

As discussed previously this development does not sit proud or elevated and is adequately screened with a sufficient back drop to help the site integrate and ensure the works are not prominent.

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

There is a collection of buildings within the vicinity of the site at present and while the dwelling sought would be located on the front lawn of the large dwelling located to the rear (no 23) it is not considered that the overall context of the area would alter as no 23 is set well back off the road, albeit with a large front lawn running to the road and it is well screened and the access appears to now be taken from the side and not directly in front of the dwelling. This aspect of policy has not been offended.

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

There is a mix of development adjacent to the site including the large context of no 23 to the quainter cottages adjacent and then a large shed adjacent again to this and agricultural buildings. A further dwelling at this location would not impact on the

traditional pattern of settlement however the overall context of no 23 would be altered. That said the planting prevents there being a key view of no 23 for most of the year and the overall context of the land and areas reduces the views of no 23 therefore a refusal in relation to this aspect of policy would be difficult to sustain.

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

As discussed in the assessment of CTY 8 it is not considered that there is a gap to be filled here as no 23 is a dwelling within an existing ribbon of development and fronts onto the road, therefore there is not a gap at this location as there is development to the rear of the site and logically with this acceptance it cannot be considered that the works would therefore add to, or create a ribbon of development.

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

Again, as in the consideration of CTY 13 the site can be developed for residential development without having any detrimental impacts on rural character. Sight splays are required and will be provided which will temporarily see the removal of hedging however it will be a condition that the planting is reinstated to the rear of the sight splays and given the short distance views available of the site in either direction the short-term loss of planting can be tolerated.

#### 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. Splays of 2m x 33m are required.

# CONSIDERATION OF PPS 2 NATURAL HERITAGE

Taking account of the heavy screening of the site and the trees within the site a bio diversity checklist was required which was submitted along with an ecological statement in relation to the site, the outcomes have been considered and it is noted that the assessment concludes that no further works are required. The Authority is satisfied that the works are not likely to have any negative impacts on the natural heritage of the area.

# Neighbour Notification Checked

Yes

### **Summary of Recommendation**

The application has been considered and justified in the above report and a recommendation of refusal is made for the reasons outlined below.

#### Reasons for Refusal:

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- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location 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 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as there is not a small gap site sufficient to accommodate up to two houses within a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Case Officer Signature: Fionnuala Murray

Date: 31st July 2025

Appointed Officer Signature:B. Ferguson

Date: 31/07/2025

# DONALDSONPLANNING

# LA07/2022/1239/O SITE FOR DWELLING, RATHCUNNINGHAM ROAD, KILLYLEAGH SPEAKING NOTE FOR COMMITTEE

#### The Officer Report confirms that:

There are <u>no objections</u> from any of the statutory consultees.	V
The proposal <u>meets all the requirement of CTY 13</u> in terms of integration and design.	1
It also meets the requirements of CTY14.	V
The overall context of the area would not alter as No 23 is set well back off the road.'	<u>\sqrt{1}</u>
'As there is development to the rear <u>it cannot be considered that the works</u> would add to or create a ribbon of development'	$\frac{1}{\sqrt{2}}$
It accepts that there is a line of 3 or more buildings with common frontage, as required by policy.	$\frac{1}{2}$

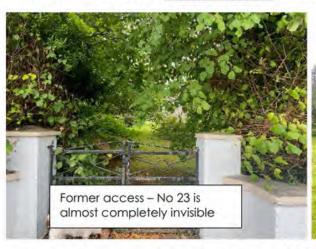
#### So why then has this been recommended for refusal??

There is only **one issue** to be considered. The Officers sole concern is that the site is regarded as being in the front garden of No 23 and so would:

'not be filling a gap but would be development to the front of a dwelling which already has frontage'.

#### The following points set out why this single concern cannot be sustained:

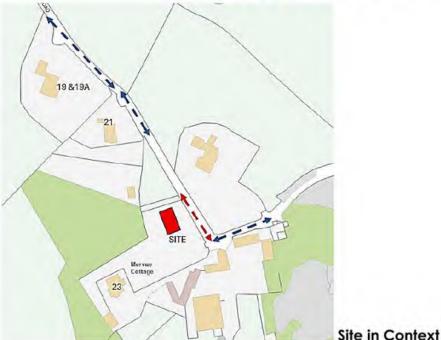
No 23 sits some <u>70 metres back</u> and is almost completely screened from view:





- 2. The access which is used by No 23 is not by the gates shown above, but by a separate laneway located to the south of its front garden.
- 3. The main orientation of No 23 is to Strangford Lough, <u>not</u> Rathcunningham Road.
- 4. Development within the proposed site will respect the building line and 'read' in association with the adjacent frontage buildings along Rathcunningham Road, as illustrated below:

# DONALDSONPLANNING



5. The PAC has confirmed that Policy CTY8 does not exclude situations where there is development to the rear of an infill site.

In 2016/A0058 the PAC noted that the building to the rear did not 'read' as part of the linear pattern and the site was therefore a suitable gap.

And in Appeal 2016/A0082 it was determined that the building to the rear was screened by an existing orchard.

Plainly, both of these appeal decisions are directly comparable to the Rathcunningham Road proposal, and in this context the Officer concerns could not be sustained at appeal.

6. Finally, it is worth noting that the CTY 8 phrase 'without accompanying development to the rear' no longer appears in the definition of ribbon development set out in COU6 of the Council's Draft Plan Strategy 2035. The authors of the Council's Draft Plan Strategy have obviously recognised that development to the rear is not something which should prohibit infill development.

#### Conclusions

It is evident from the Officer Report that there will be **no harm** to local character in this case. The unduly restrictive interpretation of CTY8 is misplaced as No 23 is far to the rear of the application site and does not read as part of the developed frontage. A new building in this location will be entirely consistent with the policy exception which allows for suitable infill development. The Committee is respectfully asked to allow this sustainable proposal.

David Donaldson BSc Hons MRTPI

September 2025

# **Delegated Application**

Target Date:
Location: LANDS 80M TO THE WEST OF 66 MOSS ROAD BALLYNAHINCH BT24 8XZ
Agent Name and Address: Aaron Shannon 39 Belfast Road Saintfield
00.14.0000
20 July 2023
26 April 2023

# **Site Visit Report**

# Site Location Plan:



# Date of Site Visit: Aug. 2023

#### Characteristics of the Site and Area

The application site comprises a portion of an agricultural field which. Is located up a long, shared access lane off the northern side of the Moss Road. The site contains open field, and sits adjacent to a ruinous building with no roof.

The site lies outside the settlement limit of Ballynahinch and is therefore located in the countryside as designated in the Ards and Down Area Plan 2015.







# **Description of Proposal**

Dwelling on a Farm

# Planning Assessment of Policy and Other Material Considerations

The application is considered against Ards and Down Area Plan 2015, PPS 2,PPS 3 Access, Movement and Parking and PPS 21 Sustainable Development in the Countryside and SPPS. Building on Tradition Design Guide.

#### PLANNING HISTORY

Planning

Application Number: R/1998/0641 Decision: Permission Granted Decision

Date:

Proposal: Replacement dwelling incorporating adjoining self

contained unit

Application Number: R/1975/0018 Decision: Permission Granted Decision

Date:

Proposal: REPLACEMENT BUNGALOW

Application Number: R/1974/0657 Decision: Permission Granted Decision

Date:

Proposal: REPLACEMENT DWELLING.

Application Number: R/1997/0596 Decision: Permission Granted Decision

Date:

Proposal: Replacement dwelling and partially self-contained unit

Application Number: R/1997/0595 Decision: Permission Granted Decision

Date:

Proposal: Removal of Occupancy Condition, Planning Reference

R/86/0401

Application Number: R/1986/0401 Decision: Permission Granted Decision

Date:

Proposal: RETIREMENT BUNGALOW

Application Number: R/2004/0891/F Decision: Permission Granted Decision

Date: 07 October 2004

Proposal: Erection of replacement dwelling

Application Number: LA07/2016/1478/F Decision: Permission Granted Decision

Date: 10 April 2017

Proposal: Proposed Replacement Dwelling and Garage (in substitution of previous

approval R/2004/0891/F)

Application Number: LA07/2022/0906/F Decision: Permission Refused Decision

Date: 21 March 2023

Proposal: Replacement single storey dwelling

#### CONSULTATIONS

DAERA – the farm business has been in existence for more than 6 years, having been allocated in 2006. The fam business has claimed payments in each of the last 6 years and the application site is on land for which payments are being claimed by the farm business.

DFI Roads – Initially responded seeking amended plans to show forward sight distance of 60m and access gradient of 1:25 for first 10m. Upon receipt of the amended plans, DFI Roads responded with no objections subject to conditions relating to access gradient and visibility splays being attached to any permission granted.

DFI Rivers - FLD1 - Development in Fluvial and Coastal Flood Plains – Dfl Rivers would like to bring it to the attention of the Planning Authority and the applicant that the existing access to the site via Moss Road is partially affected by the 1 in 100 year

Strategic Flood Plain. The applicant would need to ensure safe access and egress from site.

NI Water - no objections

#### **EVALUATION**

As this application is for full permission for a dwelling on a farm, the initial policy context considered is CTY 10 Dwellings on Farms.

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- The farm business is currently active and has been established for at least 6 years;
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- 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; or
  - verifiable plans to expand the farm business at the existing building group(s).

The farm business in question is registered to 66 Moss Road. DAERA confirms that the farm business was established in 2006 and that farm payments have been received in each of the last 6 years. Officers are therefore satisfied that the farm business is active and established. Point A of CTY 10 has been met.

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any dwellings or development opportunities sold off from the farm holding in the last 10 years. This is further confirmed by the answer to Q5 of form P1C which states that there have been no dwellings or development opportunities sold off from the farm holding within the last 10 years. **Criteria B has been met.** 

Criteria (c) requires the proposed dwelling to be visually linked or sited to cluster with an established group of buildings on the farm.

Exceptionally an alternative site may be considered elsewhere on the farm provided there are no other sites available at another group of buildings on the farm or out farm and where there are either

- Demonstrable Health and Safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

This application seeks full permission for a farm dwelling and garage. The site is located adjacent to a ruinous stone barn which is missing its roof. There had, at one point been a dwelling on the site also, however this is no longer in existence. Officers are not satisfied that the proposed dwelling would be visually linked or would cluster with an established group of buildings on the farm, since there is only one roofless building to visually link or cluster with. Fails this element of policy.

Furthermore, the site is considered to be too far removed from the nearest group of farm buildings associated with the farm. The site layout shows that the nearest building to the application site is a fairly new replacement dwelling with integrated garage at no. 66/64 (some ambiguity on the plans as to which number house number this dwelling is) – again, this is a building, not buildings. In any event, officers consider it to sit too far away from the proposed site for the proposed dwelling to cluster with it.

The site is set to the south west of a farm cluster at no. 66/68 (house number ambiguity again) comprising a dwelling, and a number of sheds and outbuildings. The distance between the proposed site and this cluster is some 120m. While this cluster is considered to represent buildings rather than a single building, it is however considered to be too far removed from the site for them to visually link and cluster successfully as per the policy. **Criteria C has not been met.** 

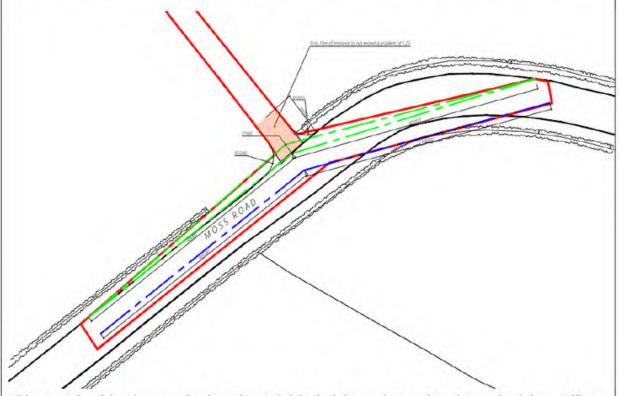
Late into the planning process, the agent submitted supporting documentation to assess the acceptability of various other sites that would cluster with the existing farm and concluded that all sites but this application site were unacceptable for various reasons but mostly relating to the need for engineering works or reducing the opportunity for potential **future** farm expansion. Officers are not satisfied that the information submitted has considered all possible alternative sites and therefore remain of the opinion that the chosen site submitted under this application is unacceptable for the reasons mentioned above.

Policy CTY10 also stipulates that proposals must further meet the requirements of CTY 13, 14 and 16.

CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed dwelling would be single storey with a large rear return.



It is considered to be of an architectural style and design acceptable within the countryside and in keeping with the rural character of the area. Given the setback from the road, there would not be any harmfully overbearing impact in views of the dwelling from Moss Road. The dwelling would make sure of the existing access however this access requires improved splays which would require vegetation clearance of a bank of vegetation opposite as shown below:



This stretch of bank opposite is substantial in height and contains dense hedging. Officers consider that its clearance to a depth of over 3m, as required by DFI Roads, could be harmfully detrimental to the character of this rural area and biodiversity value (priority habitat). The removal of this high bank of hedging would expose a significant difference in land level between the field

behind the hedge and the road and would presumably require some sort of retaining structure to hold back the higher level of the field. No details of this have been provided to enable officers to determine how this would function or appear in views from the road but given that the rest of the road is bounded by dense and mature hedging, its removal and or replacement with a retaining structure would appear quite jarring while travelling along Moss Road and make the proposed development more apparent within the local landscape.



Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where (a) – (e) occur. The development of the site itself would not be unduly prominent (conspicuous) given the setback from the road and screening of vegetation in the foreground. A dwelling on the site itself would not be considered to result in a suburban style build-up of development or create ribbon development. However, as mentioned above, the provision of the necessary ancillary works to provide a safe access in line with DFI Roads requirements would result in a considerable impact upon rural character and be prominent in views along the Moss Road. Given that CTY14 allows for ancillary works to facilitate visibility splays however, this is considered acceptable in this regard.

#### **ACCESS**

Policy AMP2 of PPS 3 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; and

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

DFI Roads were consulted as part of this application and initially responded requesting amendments to be made in relation to forward site distance being included in the red line and the access gradient to be 1:25. Upon receipt of these requested amendments, they responded raising no objection subject to the imposition of conditions with any permission granted.

PPS 2 Policy NH5 - Habitats, species or features of Natural Heritage Importance states that 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. Hedgerows are considered to be a priority habitat. The proposed development would require the removal of a stretch of mature hedgerow along the Moss Road roadside opposite the site entrance in order to facilitate clear visibility splays. This hedgerow at the time of site inspection appeared to be healthy, dense in species and of a substantial age. It also appeared to be required to hold back the field behind it which is on a level greater than the road. No information has been provided to identify compensatory planting as part of the scheme and there has not been any detail submitted to provide clarity on treatment to levels between the field bank and the road side e.g retaining structures. Applicant has not submitted a Biodiversity checklist with the application. Officers have concerns that the impact of these works to facilitate visibility splays will result in a harmful loss of priority habitat, contrary to Policy NH5 of PPS2.

As set out above, while the farm business is active and established, the proposed dwelling siting is not considered to visually link or cluster with associated farm buildings. The proposal is also considered to result in a harmful loss of priority habitat (hedgerow.)

As such, the proposal is therefore recommended for refusal.

#### **Neighbour Notification Checked**

Yes

#### **Summary of Recommendation**

#### Refusal

#### Reasons for Refusal:

- The proposal fails to comply with the SPPS and PPS 21 CTY10 (c) in that the new building would not be considered to visually link or cluster with an established group of buildings on the farm.
- 2. The access works required to facilitate the proposal are considered to result in a harmful loss of priority habitat and therefore fails to accord with PPS 2 NH5 (Habitats, Species or Features of Natural Heritage Importance)

Case Officer Signature: J McMullan	Date: 22 January 2024	
Appointed Officer: A.McAlarney	Date: 22 January 2024	

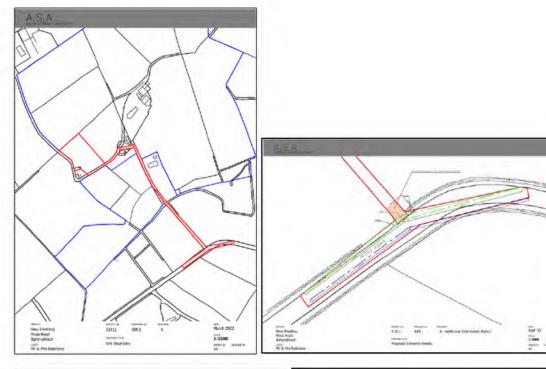
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# LA07/2023/2331/F

66 MOSS ROAD, GLASDRUMMAN, BALLYNAHINCH, BT24 8XZ, accessed via 19 Old Saintfield Road.

Dwelling on a Farm (Amended drawings provided)

# 1-Original Submission.







#### Summary of Recommendation

#### Refusal

#### Reasons for Refusal:

- The proposal fails to comply with the SPPS and PPS 21 CTY10 (c) in that the new building would not be considered to visually link or cluster with an established group of buildings on the farm.
- The access works required to facilitate the proposal are considered to result in a harmful loss of priority habitat and therefore fails to accord with PPS 2 NH5 (Habitats, Species or Features of Natural Heritage Importance)

Case Officer Signature: J McMullan Date: 22 January 2024
Appointed Officer: A.McAlarney Date: 22 January 2024

Presented to committee with recommendation of refusal.

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

me proposar was accitared carned.

AGREED:

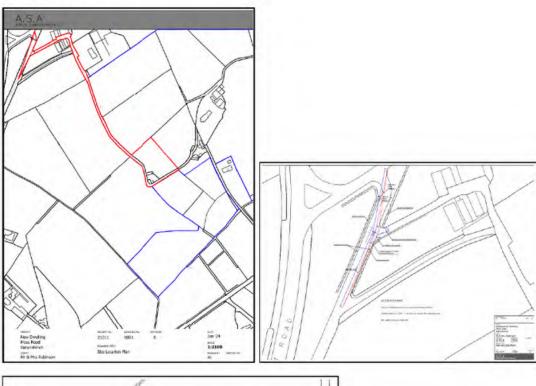
On the proposal of Councillor D Murphy, seconded by Councillor Finnegan, it was agreed to defer planning application <u>LA07/2023/2331/F</u> for Members to receive legal advice regarding the application.

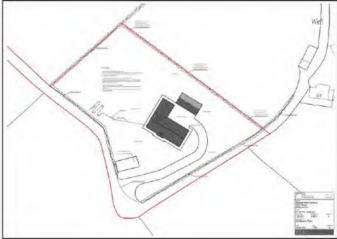
Legal advice received, and the Planning Department have been instructed by the Planning Committee to progress the above application on the basis of the amendments received.

Application amended -alternative access proposed.

Application re-advertised and additional neighbours notified due to amended red line March / April 2025.

#### **Amended Scheme**





DFI Roads -No objections

Site inspected April 2025.







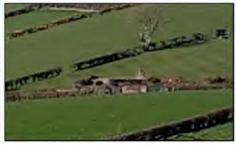














#### Consideration:

Amended access arrangement is acceptable (DFI Roads offer no objections to same), therefore the 2nd proposed refusal reason can be removed. Council would remain to have concerns with regards to the siting of the dwelling as per the original recommendation and the application as amended would not overcome the 1<sup>st</sup> proposed refusal reason as per the original DM report which is as follows:

 The proposal fails to comply with the SPPS and PPS 21 CTY10 (c) in that the new building would not be considered to visually link or cluster with an established group of buildings on the farm.

To date, 5<sup>th</sup> August 2025 no objections have been received.

Refusal as per above reason:

B. Ferguson 07/08/2025

R McMullan 5/8/2025.

# **Briefing Note**

Ref: LA07/2023/2331/F Date: 10 September 2025

Title: Briefing Note for Members

Subject: New Farm Dwelling, Moss Road



Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH

T: 028 9091 8410 F: 028 9091 8201

E: admin@pragmaplanning.com

This briefing has been prepared to inform Members of the key issues in respect to the application LA07/2023/2331/F, which is scheduled for Planning Committee in March.

There is a single issue involved, it is:

1. The material considerations in respect to CTY 10 and the applicant's circumstances.

Correspondence regarding this has been forwarded to the planning office. it is addressed below.

#### Material Considerations in Relation to the Applicant's Circumstances

A material consideration is any factor to which the Planning Act requires attention to be paid that could make a difference to the outcome of the application. The weight to be attached to any particular material consideration is a matter for the Planning Committee as the decision maker.

The applicant is in his 60s and intends to retire from farming with his son taking over the farm.

Additionally, at present two households occupy the farmhouse, the applicant's and his son's, totalling 7 people living in a building that is not designed for that number. Consequently, the dwelling is overcrowded. This situation has persisted for seven years and is preventing the applicant from retiring from farming.

Despite retirement dwellings no longer having an express position in policy, the applicant's circumstances are a material consideration as defined by the Courts with the weight to be placed upon that is a matter for the Planning Committee as the decision taker.

As a retirement dwelling, it is essential that the new house be sited in a location where it will not impede the efficient economic running of the farm or its future development.

#### Policy CTY 10 and Visual Linkage

Policy CTY 10 permits a farm dwelling where it meets a number of criteria, this proposal meets all of these. The criteria include the new dwelling being sited to cluster with <u>or be visually linked</u> to the farm buildings. It is important to note that buildings do not have to cluster where they are visually linked. In this case:

- The farm consists of a linear group of buildings that run from north-east to south-west across the hillside and are visible as a linear grouping from the Moss Road.
- The proposal sits within this linear group and is visually linked with the buildings on the farm.





CTY 10 requires the proposal to be visually interlinked with the other farm buildings, which it is. CTY 10 also makes allowance for landscaping to separate out sites that would otherwise be closer together, which also occurs in this case.

Finally, CTY 10 permits a degree of separation where there are no sites available and there are firm plans to expand the farm business.

In this case the business is currently being expanded, on the east side of the farmyard.

As part of our appraisal, we identified a number of alternatives that appeared in two dimensions to cluster with the farm buildings. These are shown in our paper submitted to the planning office; the sites are:

- Potential site A is located at the only field entrance where it is possible to bring heavy agricultural equipment onto the farm, in this location the laneway providing access is narrow, large vehicles require significant space for manoeuvring and siting a dwelling in this location would prevent such access.
- Potential site B is located west of the farmhouse, on a steeply sloping ground. Significant engineering would be required to construct a dwelling in this position and accessing it would render the entire field unusable for agricultural purposes, harming the economic viability of the farm.
- Potential site C is located north of the farmhouse, again this land is very steep, and access would be required through the farmyard creating clear conflicts with the operational needs of the farm. Additionally, the engineering needed for siting and access requires half of the field it is located in, impeding access from the farmyard into the fields to the north, harming economic viability.
- Potential site D is located north-east of the main farm group. The farm has recently been expanded in this area.

It is clear that none of the potential alternatives are available to be developed, consequently the proposal meets this test, and the application should be approved.

#### Summary

The need for a dwelling and compliance with policy CTY 10 is not in question, the farm is active, and the proposal aligns with all the aspects of CTY 10. The planning officers have not fully considered the policy and in particular the visual interlinkage between the buildings.

This is a core part of the policy, dwellings do not have to cluster with the other buildings where they are visually interlinked; we have clearly demonstrated that inter linkage and that no other sites are suitable. The planning officers have not given this due consideration.

For these reasons the Committee is free to reject the recommendation and approve the application.

#### **Request at Planning Committee**

To help inform the Committee's views it may be useful and informative for Members to conduct a site visit and in the first instance a deferral is sought to allow a site visit to take place.

Report to:	Planning Committee
Date of Meeting:	17 <sup>th</sup> September 2025
Subject:	Dfl Draft Transport Strategy 2035 Consultation
Reporting Officer (Including Job Title):	Jonathan McGilly Assistant Director Regeneration
Contact Officer (Including Job Title):	Lois Jackson Development Plan Manager and Planning Enforcement

For c	For decision For noting only x		
1.0	Purpose and Background		
1.1	The Department for Infrastructure has prepared a draft Transport Strategy to 2035. It describes the draft Strategy as the beginning of a bold and necessary journey to ensure that our transportation system meets the demands of tomorrow, while reflecting the values and priorities of our community today.  A 12-week consultation process opened on 24 June 2025 and closed on 16		
2.0	September 2025.  Key issues		
2.1	The draft Transport Strategy's vision is "To provide a sustainable, safe, accessible and effective transport system which meets the region's climate change requirements, serves the needs of urban and rural communities and supports economic growth".  The strategy is developed around four Strategic Priorities for Transport, each of		
	which contribute to Sustainable Development Goals.  These Strategic Priorities for Transport reflect the contribution that the transport system can make to the improvements of people's everyday lives, and to our society in general.		
	The priorities reflect the collective responsibility of everyone- government, business and individuals, to embed sustainability into the decisions we make.		
	Under each strategic priority there are a range of transport measures that are intended to work together to holistically achieve the Transport Vision for 2035.		
	The four strategic priorities are that Transport:  • Is Resilient and Sustainable  • Supports Connected and Inclusive Communities  • Is Safe and Healthy		

	Supports Green Growth	
3.0	Recommendations	
3.1	Note the content of the report and response issued to Dfl draft Transport Strategy 2035 Consultation.	
4.0	Resource implications	
4.1	N/A	
5.0	Due regard to equality of opportunity and regard to good relations (comp the relevant sections)	olete
5.1	General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes	
	It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations	$\boxtimes$
5.2	Proposal relates to the introduction of a strategy, policy initiative or practand / or sensitive or contentious decision  Yes □ No ⊠	tice
	If yes, please complete the following:	
	The policy (strategy, policy initiative or practice and / or decision) has been equality screened	
	The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation	
5.3	Proposal initiating consultation	
	Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves	
	Consultation period will be 12 weeks	
	Consultation period will be less than 12 weeks (rationale to be provided)	
	Rationale:	
6.0	Due regard to Rural Needs (please tick all that apply)	
6.1	Proposal relates to developing, adopting, implementing or revising a policy /	

	strategy / plan / designing and/or delivering a public service  Yes □ No ☒
	If yes, please complete the following:
	Rural Needs Impact Assessment completed
7.0	Appendices
	Appendix 1: NMDDC Response to Dfl Draft Transport Strategy 2035 Consultation
8.0	Background Documents
	Transport Strategy 2035- Consultation Document

Comhairle Ceantair

and Down

District Council

an Iúir, Mhúri agus an Dúin

Newry, Mourne

#### Marie Ward Chief Executive

Date: 8<sup>h</sup> September 2025

Ref: Draft Transportation Strategy 2035 Consultation

Department for Infrastructure

Transport Plan and Modelling Unit James House, Gasworks Site 2-4 Cromac Avenue Belfast

Dear Sir/Madam,

Re: Draft Transportation Strategy 2035 Consultation

#### Representation Response of Newry, Mourne and Down District Council

Newry, Mourne and Down District Council (NMDDC) welcomes the opportunity to comment on the Department's Draft Transport Strategy 2035 Consultation.

The Strategy's vision "To provide a sustainable, safe, accessible and effective transport system which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports economic growth" and the five reasons for the need for change are noted.

#### Strategic Priority 1: Is Resilient and Sustainable

The Council notes this strategic priority, which acknowledges the ambitious legislative targets required by the Climate Change Act (NI) 2022 (CCA). It is noted that not every decision must result in a reduction in carbon emissions and that some decisions that result in increased emissions may be necessary to support wider strategic priorities.

NMDDC welcomes the acknowledgment that not all places will be able to decarbonise in the same way and at the same pace. It notes the intention that any actions required to meet emission reduction targets for 2030, 2040 and 2050 will link closely to the development and delivery of the Transport Plans. In this respect it is important to note that the Newry, Mourne and Down Sub-Regional Transport Plan has not been produced to date. The Council would welcome further discussion in relation to the preparation of this Plan to support the Local Development Plan.

It is also noted that the Local Transport Study (LTS) recognises the rural nature of the district with a high proportion of its population living in rural areas. While the LTS refers to the Council's Preferred Options Paper the Council's draft Plan Strategy is currently out for public consultation with a Plan period of 2020-2035. The closing date for representations is 22<sup>nd</sup> September 2025.

The Department's three-pronged approach to reducing the carbon impact of transport, as set out in the Draft Transport Strategy, requires switching fuels, shifting modes and reducing journeys. With regard to shifting modes, it acknowledges that "to achieve this there needs to be viable alternatives that are safe, accessible, reliable, efficient and affordable". Given the rural nature of the district, and much of NI, this will an important consideration. The sustainability section of NMDDC welcomes the move towards sustainability and active travel in Dfl's draft Transport Strategy.



The Council agrees that the planning system has a key role to play in supporting transport priorities and would welcome the continued joint working relationship with DfI transport planners to ensure the integration of NMDDC's LDP and the Department's NMD Sub-Regional Transport Plan.

The Strategy introduces the intention to adopt a Vision and Validate approach that is intended to focus on the movement of people and goods rather than vehicles to help ensure that appropriate sustainable transport measures are considered at the outset and then incorporated into a realistic and achievable design. NMDDC would agree with the importance of this approach.

The draft Transport Strategy identifies two main reasons why potential disruption from adverse events in the future is likely to increase; climate change and the aging state of much of the transport infrastructure, particularly the road network which has lowered the resilience of the network and left it exposed to problems and costly interventions. It is noted that the Department will consider its strategic approach to achieve the right balance between investment in maintenance activities and other aspects of asset management although no further details are provided.

#### Strategic Priority 2: Supports Connected and Inclusive Communities

The Council notes this strategic priority, which seeks to achieve a transport system that facilitates sustainable and inclusive connections to social and economic opportunities close to where people live and further afield. This is to be achieved through a number of ways including inclusive transport (ensuring accessibility is a condition of public investment); transport integration (such as park and ride/share, park and stride and mobility interchanges) and the future development of the Regional Strategic Transport Network (RSTN) (taking account of the Executive commitments including City and Growth Deal transport projects, as well as considering the All-island Strategic Rail Review).

This is of particular relevance to the NMDDC area not only as a result of its cross-border location and the existing Regional Strategic Transport Network in the district but also the commitment of the Belfast Region City Deal to the Newry Southern Relief Road Scheme.

Other considerations highlighted by the Strategy include continuing to monitor emerging trends in the use of micro-mobility vehicles such as electric scooters; continued improvement of motorcycle awareness among road users; prioritisation of service provision where they will deliver the largest impact in terms of modal shift.

It is noted the Department will continue to consider the benefits of providing minimum levels of frequency and services by settlement type and size and learn from initiatives delivered by other jurisdictions to improve rural connectivity. In addition, it will continue to review community transport services to determine how it can more fully play a role in the wider transportation system. The Council welcomes this approach particularly in relation to rural schools to reduce journeys by single cars. Local Park and Ride/Share Schemes will be critical to achieving any change to the status quo.

With regard to the road network, it is acknowledged that to deliver the Department's strategic priorities, the development of roads will continue to focus on the Strategic Road Network. Parking measures which aim to reduce the number and length of journeys undertaken using a private car and promote sustainable transport will remain a key priority for the Department. It will also ensure that new parking policies and measures are deliverable, workable and will align with the strategic Priorities for Transport. The Council has a locational advantage with Newry City's strategic position on the Belfast-Dublin corridor. The RDS identifies Newry and Downpatrick as main hubs with Newry also identified as a gateway. The Council supports the strong connections north and south however would welcome further discussion regarding improvements to the road network east-west.



#### Strategic Priority 3: Is Safe and Healthy

The Council notes this strategic priority, which sets out the Department's aim to deliver a transport system by 2050 where no-one is killed or seriously injured. It includes measures for road safety, railway safety and improving air quality including continued partnership with Councils and others on these matters. The Council supports the Department's aim under this strategic priority and would request further studies be carried out on the A1 corridor in respect of the middle crossings which pose a risk to users.

#### Strategic Priority 4: Supports Green Growth

The Council notes this strategic priority, which includes the commitment of the Department to continue to assist in reducing the carbon associated with its operational activities and drive sustainable economic growth. It also highlights the measures companies across all sectors can play in promoting workforce policies that reduce the carbon impact of travel such as working from home policies and travel incentives. NMDDC recognises the benefit of such practices.

With regard to freight movements, it is recognised that almost all of NI's freight is moved by road and that this will not change significantly in the Strategy period. The Strategy realises the importance of providing a more regionally balanced RSTN to support indigenous businesses with better linkages to gateways whilst enhancing opportunities to attract foreign investment.

The importance of gateways is further recognised by the Strategy with the commitment that the Department will continue to work with air and seaport operators and other public authorities to ensure that have the necessary support and legislative basis to sustainably grow their operations, meet climate change commitments and other regulatory requirements. This is of particular importance to the NMDDC area with the presence of Warrenpoint Harbour.

While there is currently no rail freight in NI the Council notes that the Department recognises its advantages and as such will explore opportunities to develop rail freight through future feasibility studies. The Council is home to an important and strategic stretch of railway which passes through Newry linking it with the main Belfast-Dublin line and is keen to explore further opportunities in regard to increasing the rail network for both people and freight.

#### Investment and Delivery

The Council notes the legacy of underinvestment on transport services in NI and the clarity provided regarding financial allocations for City and Growth Deals being ringfenced when allocated to the Department and so cannot be spent on other projects.

With regard to the need to meet stretching emissions targets in relatively short timescales the Strategy confirms the Department intends to utilise increased modelling and data capability within the Department to better demonstrate how individual projects will impact against the Strategy's outcome. It also sets out its approach to investment decisions, public transport revenue subsidies and alternative funding opportunities such as developer contributions.

The Monitoring and Delivery section of the Strategy clarifies that it will be accompanied by a series of Delivery Frameworks that will outline the progress towards the Strategic Priorities for Transport and that these will link to Carbon Budget periods.

The Delivery Framework will be accompanied by monitoring indicators following the principles of evidence-based decision making and the content will be closely linked to the Departments key transport workstreams such as the CAA Transport Sectoral Plan, Transport Plans etc.



It is acknowledged that the delivery of the Strategy will also be dependent on the actions of key transport partners and stakeholders, the choices of individuals and wider changes in the transportation. As such the Council agrees with the Department's commitment that the delivery framework will take account of transport developments such as the preparation and adoption of Council's LDP's, changes in other related UK and NI government policies and changes in the public's travel behaviours.

Finally, NMDDC welcomes the production of an updated draft Transport strategy which recognises the need for change. It welcomes the move towards sustainability and active travel and the acknowledges that the Department alone does not have responsibility for the achievement of Climate change Act targets. The Council would note that the monitoring and review of the Strategy will be critical to ensure its delivery. The Council would welcome further detail on the monitoring of the Strategy's measures at the appropriate time.

Yours faithfully

Development Plan Team



# **Transport Strategy**

2035



CONSULTATION DRAFT JUNE 2025

### Ministerial Foreword

I am delighted to share with you the draft Transport Strategy to 2035, setting out a clear vision for a transport system that enables economic growth, strengthens regional balance, and enhances our connectivity.



Transport is fundamental to the growth and development of our society, influencing how we live, work and connect. A modern, efficient, and sustainable transport system is essential for our future prosperity. As we look to the future, we face new challenges and opportunities that demand a fresh approach to transportation and a collaborative effort to create change.

This draft Transport Strategy is the beginning of a bold and necessary journey to ensure that our transportation system meets the demands of tomorrow, while reflecting the values and priorities of our community today.

Through this draft, I have set out a comprehensive vision that is both actionable and adaptable; that addresses both urban and rural connectivity; creates a cleaner and greener foundation for growth; and recognises my commitment to improving regional balance.

I recognise that transport is not just about infrastructure, it's about the people who rely on it daily. My commitment is to build a system that is safe, efficient, and inclusive, ensuring that everyone—regardless of their location, income, or ability—can access the opportunities they need to thrive.

This draft strategy is an important first step, and I encourage you to engage in this consultation, share your views, and help shape a transport system that works for all and safeguards the environment for future generations.

LIZ KIMMINS
Minister for Infrastructure

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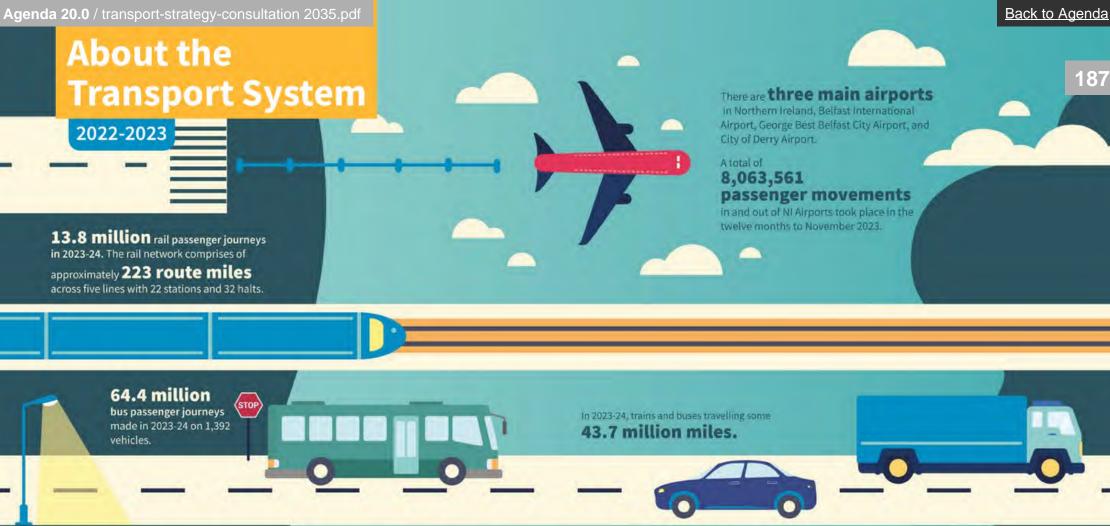
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The Road network consists of over

25,922km of public roads

with over 9,700km of footways, 5,800 bridges and approximately

290,000 streetlights

and is an asset of approximately £36Bn.

The road network has an extensive network of signage, traffic signals, controlled pedestrian crossings, and other traffic monitoring and management infrastructure.



The estimated total tonnage through NI's major ports was 27.5 million tonnes

in the twelve months to June 2023.

Additionally, a total of **610,970** non-freight vehicles passed through NI Ports.

There are 5 commercial ports in NI.

4 Public Trust Ports - Belfast, Foyle, Warrenpoint and Coleraine; and 1 is in private ownership - Larne, which is owned by P&O Ferries Group.

### How we Travel

#### FIGURE 1: How we Travel

24%

4,940

838

141

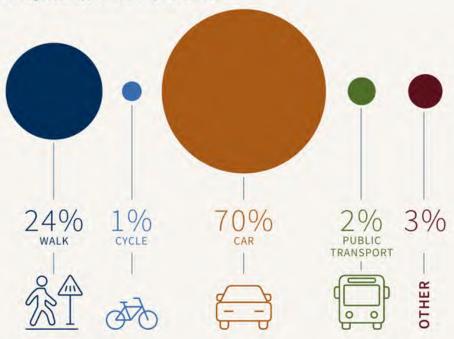
24% of people living in a household whose day to day activities are limited do not have a carorvan

available for use.

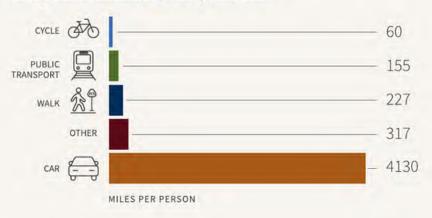
On average, Northern Ireland residents travelled 4,940 miles. The average number of **journeys made** per person was **838**.

In 2021 the average person made 141 car journeys of under 2 miles.

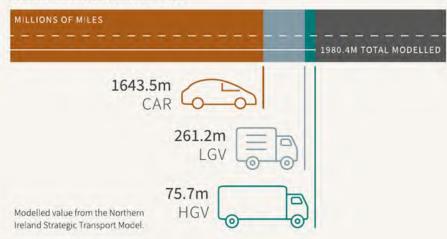
#### Average Journeys Per Person by Travel Mode



#### Average distance travelled per person by Travel Mode



#### Vehicle Distance on NI Roads in 2023



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# The Need for Change

#### Traffic Congestion



Travel here is highly dominated by private vehicles, more so than any other region in the UK. In NI in 2021, 70% of all journeys were made by private car with only 24% of journeys made by walking, 2% by public transport and 1% by cycling with the remaining journeys made by taxis, motorcycles, and other modes. Car dominance detracts from the quality of urban areas and can result in traffic congestion that increases carbon emissions and air pollution. Traffic congestion has a direct impact on the economy through lost productivity and increased costs for businesses and consumers.

#### **Climate Change**



Climate Change poses a major global challenge. Through the <u>Climate Change Act (Northern Ireland) 2022</u> we are committed to reducing NI emissions and have identified a pathway to decarbonize the domestic transport sector. The latest reporting Green House Gas (GHG) inventory (2022) highlights that domestic transport is the second largest emitting sector in NI (after agriculture), and road transport emissions are its main source.

The inventory also highlights that domestic transport (and agricultural) emissions are still above the 1990 reported baseline figure. Emission savings have been generated from advancements in technology over the last 30 years, however these savings from improved vehicle engines and fuels for Internal Combustion Engines (ICE) vehicles have been cancelled out by the increasing numbers of ICE private vehicles on the network, and the number of vehicle journeys being undertaken across all distances (short and long).

#### Health & Wellbeing



There are growing rates of obesity, diabetes, and heart disease here. In 2023/24, around two-thirds of adults were either overweight (37%) or obese (28%), this is an increase in the obesity rate from 2010/11 that was 23%. NI is also reported to have the highest prevalence of mental health problems in the UK with psychiatric morbidity in NI 25% higher than in the rest of the UK.

A transport system that encourages more people to want to travel by active means, for all or part of their journey, can play a role in improving people's mental and physical health and wellbeing.

#### **Road Safety**



Every death or serious injury on the road network is a tragedy and there remains much work to do to make road transport safer for all users.

Improving safety for all is critical for encouraging an increase in the percentage of journeys made by active travel and public transport. It is also central to good placemaking and for creating an inclusive transport system.

#### Equality



Over time, an assumption that access to services and opportunities will be achieved by private car has disadvantaged large sections of our society, in particular people with disabilities and low-income households. This can limit their life choices and result in social exclusion and disadvantage.

Only 45% of social housing tenants in NI have access to a car, significantly lower than the NI average. Additionally, areas of Belfast and Derry/Londonderry that have the lowest car ownership can experience some of the worst impacts from traffic congestion, such as poor air quality. This means those who contribute least to the problem can feel the impacts the most.

Although there have been significant improvements in the provision of accessible travel options, the reality is that for many people transport remains a major issue and barriers remain.

# Local Action that Contributes to Global Change

The United Nations 17 Sustainable
Development Goals provide an
internationally agreed set of high level
interconnected global targets to address
environmental, economic, and social
challenges. The four high level strategic
priorities of this Strategy are mapped to the
Sustainable Development Goals ensuring
that the task of change is approached
holistically and is shared equitably
across society. This will ensure that local
communities enjoy the benefits from a more
sustainable transport system while also
looking towards our global commitments.





































# Strategic Priorities for Transport

This strategy is developed around four Strategic Priorities for Transport, each of which contribute to Sustainable Development Goals. These Strategic Priorities for Transport reflect the contribution that the transport system can make to the improvement of people's everyday lives, and to our society in general.

The priorities reflect the collective responsibility of everyone - government, business, and individuals, to embed sustainability into the decisions we make.

Under each strategic priority there are a range of transport measures. They do not operate in isolation rather they will work together to holistically achieve the Transport Vision for 2035.

Our Strategic Priorities are that Transport:

01

Is Resilient and Sustainable

PAGES 16-49

02 Supports
Connected
and Inclusive
Communities

PAGES 50-69

03 Is Safe and Healthy

PAGES 70-75

04

Supports Green Growth

PAGES 76-8



























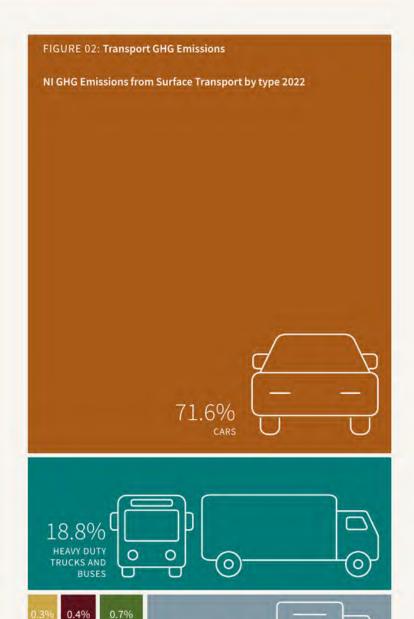


# The Climate Change Act

- 1. The Climate Change Act (NI) 2022 (CCA) sets the legal target of net zero greenhouse gas emissions (carbon emissions1) by 2050, with challenging bridging targets for 2030 and 2040. These ambitious legislative targets represent a decisive change in our approach to decarbonisation, requiring a step change in all sectors to achieve this.
- 2. After agriculture, domestic transport is the second largest emitting sector in NI, accounting for 18% of all emissions as shown in Figure 2.
- For the last 30 years the carbon emissions from the transport sector have broadly remained above the 1990 baseline reporting figure. During this time, emission savings have been generated by technology advancements in Internal Combustion Engines (ICE) and fuels, however these have been offset against the increasing number of ICE vehicles on our networks and the length of journeys they travel. The growth of new electric vehicles will play a pivotal role in decarbonising the transport sector here. supported by a change in behaviours and a recognition that it will need to be implemented in a 'just' manner.
- 4. Going forward it will not be sufficient to simply show that our transport decisions avoid emission increases. Decisions will need to proportionately demonstrate how they contribute to the wider transport decarbonisation programme as well as delivering other sustainability objectives. The Department has a duty to "exercise its own functions, so far as is possible to do so, in a manner that is consistent with the achievement" of net-zero.
- 5. This does not mean that every decision must result in a reduction in carbon emissions. Some decisions that result in increased emissions may be necessary to support wider strategic priorities. However, these decisions must not impede the wider transport decarbonisation programme.
- Given the geographical characteristics of NI, not all places will be able to decarbonise in the same way and at the same pace. It is expected that, in the near term, larger urban areas will lead decarbonisation efforts with smaller carbon reductions coming from smaller settlements and rural areas. Longer distance journeys will also offer the potential for significant carbon reductions. Transport in all areas will need to almost completely decarbonise by 2050.

- 7. The actions required to meet the 2030, 2040 and 2050 emission reduction targets will be set out in a transport sectoral plan. These actions and targets will link closely to the development and delivery of the Transport Plans that the Department is responsible for.
- 8. To provide an evidential basis for transport decarbonisation, the Department has developed the NI Transport Emissions Model (TEM). This model, along with other data and evidence, is being used to support policy, planning and operational decisions and will ensure that the Department's actions, as a whole, will see a reduction in emissions from transport. The TEM will also help identify where more work is required to ensure we meet our responsibilities in the CCA.

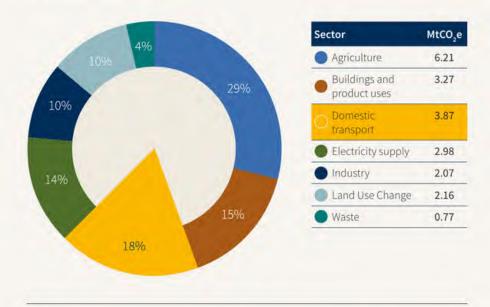




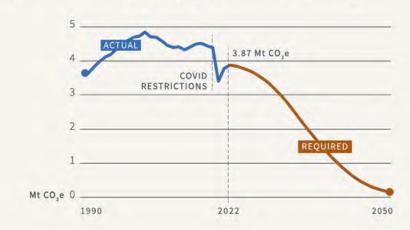
8.2%

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#### GHG emissions from transport and projected reductions to met 2050 target



OTHER

#### <u> 194</u>

# Reducing the Carbon Impact of Transport

- The Department has a three-pronged approach to reducing the carbon impact of transport: switching fuels, shifting modes and reducing journeys, as shown in Figure 3.
- 10. The TEM has allowed the Department to consider various transport decarbonisation pathways and their ability to deliver against emission reduction targets. This has identified that, by a large margin, the switching of fuels to zero emission and low emissions vehicles (ZEVs / LEVs) provides the most realistic and deliverable means to reduce transport carbon emissions. This takes account of a range of factors, including settlement patterns and travel behaviours. Therefore, the transition to ZEVs and LEVs will be at the centre of the Department's approach to reducing the carbon impact of transport.
- 11. Shifting modes and reducing the length of journeys are also important for transport decarbonisation, and these are the most sustainable solutions when consideration beyond direct tail pipe emissions is taken into account. It is recognised that shifting modes and reducing journeys can have a significant impact on reducing congestion within our urban areas supporting clean, green and vibrant city and town centres. These measures can also improve people's health and wellbeing, and support the social inclusion of all members of society.

#### FIGURE 03: Reducing the Carbon Impact of Transport



#### **Switching Fuels**

- Switching fuels is critical to our transport decarbonisation pathway and is explained later in this Strategy under the heading Zero and Low Emission Fuels.
- 13. However, simply transitioning to alternative fuels is insufficient to deliver a sustainable transport system and therefore, there is a need to facilitate increased use of other modes in order to meet environmental, economic and social objectives related to emissions, congestion and car-dependency.
- 14. Some journeys will always need to be undertaken by private vehicle. For example: journeys in more rural areas, where public transport services are more limited; journeys where health or mobility make other modes infeasible; or journeys by people working in occupations which require regular travel to multiple locations such as tradespeople or those working in the community.
- 15. In NI, freight is moved almost exclusively via road transport. In this sector the options currently for reducing vehicle kilometres travelled and electrification are also more limited. Therefore, a focus on switching to alternative fuels will be required.

#### **Shifting Modes**

- 16. This seeks to encourage more people to replace some, or all, of their private car journeys with more sustainable modes where it is feasible to do so. Achieving modal shift will require a range of complementary measures that prioritise and promote sustainable modes.
- 17. The Travel Survey for Northern Ireland found that the average journey undertaken in NI is around 6 miles, with the private car being the dominant mode of travel. This relatively short journey distance presents an opportunity for modal shift, particularly in our towns and cities where the average journey is shorter again.
- To achieve this there needs to be viable alternatives that are safe, accessible, reliable, efficient, and affordable.
- 19. Providing stand-alone active travel and public transport improvements will be insufficient to generate the level of change required. We will also need to consider ways to make sustainable travel options more desirable than private car journeys where possible, especially in our larger towns and cities.



#### **Reduce Journeys**

- 20. This seeks to reduce the need, length and frequency of private car journeys, particularly for single car occupancy trips. This change requires better physical and digital connectivity, appropriate local services, and the facilitation of home working and remote working hubs.
- This requires integrated working between town planners, transport planners, private developers, and central and local government. It needs solutions

that efficiently bring people and key services closer together. This can be through digital services and through integrated transport and land-use planning that provides for homes that are close to people's everyday needs.

#### MEASURE RS01

Building our understanding, and reducing the Carbon Impact of Transport, is a priority for the Department.

# Integrated Transport and Land Use Planning

- 22. The planning system has a key role to play in supporting transport priorities. The Strategic Planning Policy Statement (SPPS), councils' Local Development Plans (LDPs), and guidance within Living Places will continue to guide decision making to improve connectivity and promote more sustainable patterns of transport and travel.
- 23. In tandem with the councils' LDPs the Department is preparing a suite of new transport plans. Integrated LDPs and Transport Plans are fundamental to future sustainable development. The Departments transport planners and councils' LDP teams have been working closely together to ensure that the policies, land use allocations, and key site requirements of LDPs are closely linked with the transport policies, proposals and investment identified in the transport plans.
- The Department is preparing eight new transport plans in total. This will include a regional plan, covering the Strategic Transport Network and 7 Local Transport Plans (LTPs) covering council areas.
- 25. The regional plan for the Strategic Transport Network is concerned with the future development of the strategic road network, the limited stop interurban buses which run on them, and the rail network across all of NI. The Strategic Transport Network is shown later in Figure 10.

- 26. The local transport plans consider the shorter, local transport movements. Figure 4 shows the transport plan areas.
- 27. The transport plans allow for an assessment of the current transport issues and needs of an area and then seeks to address these by identifying a range of new transport policies and measures. This may include new active travel or road schemes, changes to how road space is used (such as new bus priority measures), or new public transport services and infrastructure.
- 28. The transport plans may also identify where changes to parking provision or the introduction of other transport measures (such as road user charging) could support the transport and placemaking objectives for an area. The preparation of the transport plans has a heavy focus on stakeholder engagement and will allow local people to shape and influence the creation of more sustainable transport for their community.
- 29. The transport plans provide a strategic level assessment of transport needs and solutions. Before any individual scheme or policy measure is advanced, it will need to undergo its own relevant decision-making processes, such as legislative approval, feasibility studies, and environmental and equality assessments.

#### FIGURE 04: Local Transport Plans



# Vision and Validate Approach to Transport Planning

- 30. Past approaches to transport planning focused on predicting future travel demand and providing capacity for that travel. This used historical traffic patterns, specifically peak commuter traffic, and socio-economic trends to determine the future need for infrastructure. This approach could result in decision makers favouring private vehicle road-based solutions, often at the expense of sustainable modes. This reinforced the status-quo of private vehicle use.
- 31. The Vision and Validate approach has been widely adopted by the transport planning discipline as a better way of achieving sustainable transport outcomes. It starts with setting a vision of what we are seeking to achieve, and then, through a validation process identifies the infrastructure and services needed to deliver that vision.
- 32. The Vision and Validate approach will focus on the movement of people and goods rather than vehicles. This will help to ensure that appropriate sustainable transport measures are considered at the outset and are then incorporated into a realistic and achievable design. Ultimately, this will improve the quality of individual transport and land use schemes and support our Strategic Priorities for Transport.

#### Vision and Validate and the Transport Plans

- 33. The Vision and Validate approach recognises that roads and streets often have dual functions. They facilitate the 'movement' of people and goods by various modes of transport, as well as providing 'places' for people and activity. The Vision and Validate approach can establish a shared vision that can balance both the movement and place functions of areas.
- 34. To ensure that this dual function of our transport network is considered, a Place and Movement Framework (PMF) will be established in the transport plans. This framework can be used to broadly describe the characteristics of each street or road depending on the character of the area, how it prioritises place and movement and the types of transport measures that will support the Vision for the transport plan.
- 35. Different road types can have the same movement function or the same place function, albeit for different underlying reasons. For example, a RSTN road can have high movements of vehicles, whereas a town centre can have high movements of pedestrians. The key thing is they cannot share the same place and movement function. The RSTN road has a low place function, whereas a town centre has a high place function.
- Figure 5 provides an example of a Place and Movement Framework.

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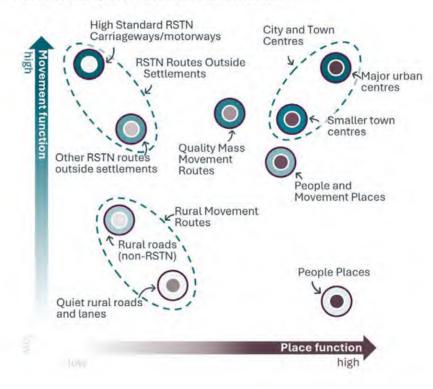
- 37. Providing sustainable transport solutions cannot be achieved through a one-size-fits-all approach and the PMF will be supported by individualised approaches to network planning and design. Factors such as available road widths and the functioning of the network will influence what transport measures can be introduced and the degree to which it is appropriate or possible to promote one road user over another.
- 38. Many urban roads will seek to adopt a Sustainable Hierarchy of Transport Users that promotes walking and wheeling, then cycling, then public transport, with private vehicles at the bottom. However, in some location's local constraints such as limited road space and network function means the needs of vehicles will remain a key consideration in planning and design. This is to ensure necessary car trips (those where there is no viable alternative) and freight movements are facilitated and managed.

- Figure 6, Figure 7 and Figure 8 illustrate how the PMF and a Sustainable Hierarchy of Transport Users can inform the planning and development of the transport network.
- Within any hierarchy, the requirements of disabled people will be fully considered with appropriate solutions identified.

#### **MEASURE RS02**

The Department will apply the Vision and Validate approach in the planning and development of the transport system.

FIGURE 05: Example of a Place and Movement Framework



### **Examples of Transport Modes**







VEHICLES





PUBLIC TRANSPORT (BUS)

FIGURE 06: Place and Movement Categories

EXAMPLES OF AREA TYPES INDENTIFIED IN A TRANSPORT PLAN	
TRAFFIC FREE ROUTES	Traffic free transport routes facilitating active travel connections, including greenways. As with all active travel infrastructure, these will consider the needs of the most vulnerable road users first.
PEOPLE PLACES	Neighbourhood areas including residential streets. Sustainable transport hierarchies may promote walking/wheeling and then cycling, followed by public transport and then private vehicles.  Measures may include enhanced active travel provision, the reduction in speed limits (to 20mph) and other road restrictions (such as restricting HGVs).
CITY AND TOWN CENTRES	Destination places that also facilitate high volumes of delivery and access movements. Sustainable transport hierarchies will seek to support economic vitality and placemaking. This may promote walking/wheeling and then cycling, followed by public transport and then private vehicles. The access needs of people with reduced mobility, and businesses will remain important considerations.  Measures may include a reduction in speed limits (to 20mph) and the reallocation of road space to sustainable modes and placemaking.
PEOPLE AND MOVEMENT PLACES	Mixed use places that serve the local community. Sustainable transport hierarchies will need to reflect the character of the area and may generally promote walking/wheeling and then cycling, followed by public transport and then private vehicles. Measures may include a reduction in speed limits (to 20mph) and the reallocation of road space to sustainable modes.





GOODS



VEHICLES





PUBLIC TRANSPORT (BUS)

FIGURE 07: Place and Movement Categories

#### EXAMPLES OF AREA TYPES INDENTIFIED IN A TRANSPORT PLAN Routes that facilitate high volume of movement into urban areas, focused on public transport. QUALITY Sustainable transport hierarchies may seek to give greatest priority to public transport. The MASS MOVEMENT requirements of other road users will need to reflect the character of the area and the function of the network, balancing the promotion of active travel, while maintaining vehicle movements. Measures ROUTES may include bus priority measures, including the reallocation of road space. CONNECTING Sustainable transport hierarchies will need to reflect the character of the area and the function of Routes that facilitate connecting movement within MOVEMENT the network, balancing the promotion of active travel and public transport while maintaining vehicle settlements. movements. ROUTES Routes that are part of the RSTN and are located within These routes will need to provide for vehicle movements while also reflecting the character of area and **RSTN** settlements. These facilitate both local and strategic promotion of active travel and public transport. ROUTES movement. These can be City/Town Centres, Connecting Movement Routes, People and Movement Places and/or (Inside Settlement) Quality Mass Movement routes. Routes, outside settlements and are part of the RSTN. They are the RSTN primary road network connecting main settlements and gateways. ROUTES These will continue to provide for public transport and private vehicle 0 0 movements (particularly the movement of goods / freight). Active travel (Outside Settlement) infrastructure will be provided and promoted only where it is appropriate. RURAL Routes that connect settlements but are not part of the On quieter rural roads and lanes measures may seek to promote active travel while discouraging Strategic Transport Network. These will continue to provide MOVEMENT traffic not requiring access. Measures may include a reduction in speed limits and other road for vehicle movements with active travel and public transport restrictions. ROUTES measures where it is appropriate.

# **Behavioural Change**

- 41. Supporting the decarbonisation of the transport sector, at the pace required by the CCA, will require a change in people's travel behaviour. Behavioural change encompasses a wide range of measures which aim to encourage and incentivise sustainable travel.
- 42. Travel choices can be complex and are influenced by several factors. This includes personal characteristics such as age, gender, learned behaviour/ habit, and income. They can also depend on where people live and/or work, caring responsibilities, geography, availability of transport, convenience, and the built environment.
- 43. The reasons why people are travelling have also changed. For example, more time spent on leisure activities means people are choosing to travel greater distances to take part in outdoor pursuits. Also, the changing nature and location of work, and the move to more online services and retailing has transformed many people's behaviour in recent years.
- 44. In support of achieving our carbon emission targets and creating a healthier society, we need to encourage people to think differently about how they travel and appreciate the collective difference that small personal changes can make.
- 45. Investing in sustainable modes of transport, and successfully encouraging people to think about how they travel and consider choosing a sustainable way to make that journey, will have a significant impact on the environment,

- as well as on our society's general health and well-being.
- 46. The Consumer Council published research on the <u>Decarbonisation of Transport</u> in June 2023, the results of which are summarised in Figure 9. Understanding attitudes towards travel is key to implementing changes so people can make their own sustainable travel choices and create a better transport system for everyone. Research found that:

66

Consumers generally agree that there is a need to reduce congestion and to reduce carbon emissions in towns and cities. Transferring their journeys to public transport is the obvious answer for them, but many say that comfort, convenience, timetabling and safety need to be improved before they would consider using it instead of their cars. People with families who travel with buggies do not see buses as a viable alternative, and those whose journeys are complicated say that using public transport to get from A to B via C and D would be challenging.

"

47. Measures such as improving road safety, improving the attractiveness of public transport, and active travel promotion and education will all support behavioural change. However, it is recognised that these will need to be complemented by actions that disincentivise ICE cars, especially within our urban areas. This will require clear messaging in relation to the benefits – both on a personal and societal level – that sustainable transport can bring.

#### MEASURE RS03

The Department will make effective use of communication tools to encourage behavioural change.



FIGURE 08: Consumer Council research on the Decarbonisation of Transport (2023)

#### **Reducing Private Car Use**

61%

Believe that it would be difficult to reduce their use of private cars (easy, 28%). This rose to 78% for those living in rural areas.

65%

Support traffic calming measures to reduce the speed of traffic to accommodate other road users. 56%

Support increasing the number of cycle lanes.

Living in a rural area with a lack of nearby public transport is the most common reason consumers believe it would be difficult to reduce their use of private cars (25%), with the convenience offered by a private car over public transport cited by 18% of consumers and being disabled or having mobility problems cited by 9% of consumers.

30%

Support congestion charging for those driving into cities and large towns in Northern Ireland 73%

Feel they need more information before deciding to change the way they travel.

Younger consumers said they would be prepared to pay more on average to park their car, with those who most often use a car to get about saying they would be prepared to pay less compared with those who most use alternative forms of transport.

Increasing the use of Public Transport

25%

Say they are dependent on public transport but most consumers say they are not (75%). 16%

Used public transport in the past but no longer use it.

Those more likely to say they are dependent on public transport included younger consumers, those in lower social grades, those with a disability and those in lower income groups.

<1/2

Less than half of consumers believe that public transport in Northern Ireland is affordable (49%), convenient (45%) or is frequent enough to meet their needs (36%). 29%

Say poor service availability/frequency is the single biggest barrier to using public transport (locationally inconvenient to access public transport, 20%: cost, 15%).

29%

Never think about using public transport.

28%

Regular user of public transport.

5%

Planning to start using public transport.

13%

Starting to think about using public transport. 9%

Recently started using public transport.

# **Travel Demand Management**

- 48. Travel demand management aims to influence travel behaviour (how, when, and where people travel) to increase the efficiency and resilience of the transport system. It is also about achieving other policy objectives (such as reducing congestion, improving air quality and reducing carbon emissions from transport).
- 49. Demand management is about making it easier and more desirable to travel by the most sustainable means. Demand management is not about stopping people from making their own travel choices.
- 50. To outline the range of potential measures necessary to manage and shape demand on the transport system, the Department will develop a Demand Management Framework (DMF). The Framework will be based around three key pillars:
  - Creation of Capacity

These measures include (but are not limited to) the reallocation of road space and/or the provision of new space for active travel and public transport priority measures. It also includes a rationalisation of public transport routes and timetables to improve frequency and better serve local need (including those with reduced mobility), demand and capacity.

Network Management
 These measures include (but are not limited to) improvements in public transport ticketing

systems as well as more accessible timetables, real time information, vehicle restrictions around schools, residential areas and urban centres, as well as the optimisation of traffic signal timings to promote active travel and public transport.

· Behavioural Change

As outlined in the previous section, these measures are wide ranging and encourage and incentivise sustainable travel behaviour. It will be an integral part of the Department's work over the period of the Transport Strategy.

- 51. The DMF will consider how best practice from other places could be applied in NI. The Framework will also consider potential economic impacts and the potential impacts on communities, particularly for disabled people and those with reduced mobility. The DMF will consider the sequencing/timing of demand management measures in parallel with the delivery of improved sustainable mobility alternatives.
- 52. Development of the DMF will require a strong focus on stakeholder engagement, and cross-Departmental and local government collaboration.

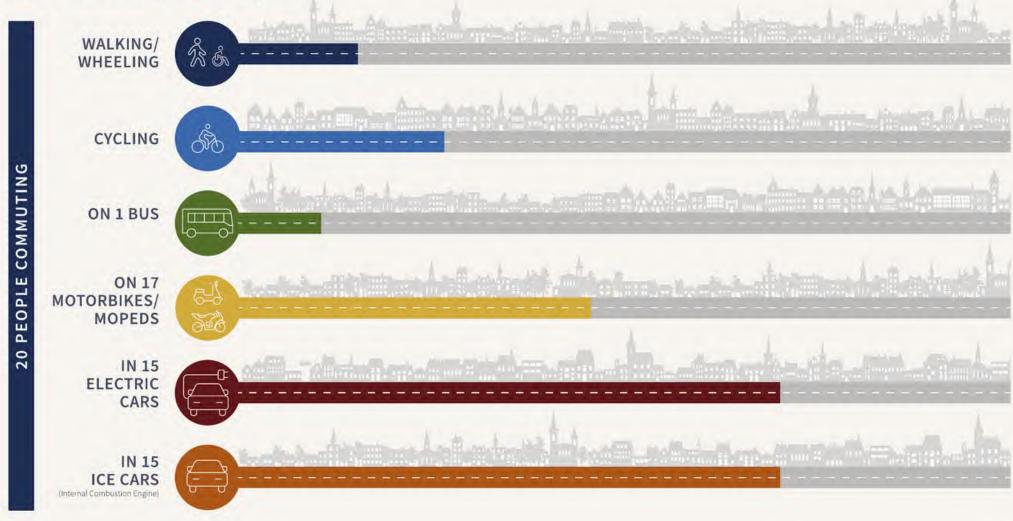
#### MEASURE RS04

The Department will develop a Demand Management Framework.

#### Reallocation of Road Space

53. The prioritisation and reallocation of existing road space in our urban areas towards public transport and active travel will be a key measure to support the Department's strategic priorities for transport.





# 54. Reallocating existing road space to better facilitate public transport and active travel infrastructure will be key to providing the efficient and effective

and cities.

movement of people in our larger towns

- 55. Road space may also be reallocated to create better urban places for people to enjoy, for example, as part of a pedestrianisation scheme. This can encourage active travel, stimulate economic activity, support council place shaping plans and improve the environmental and urban quality of the area.
- When considering the reallocation of road space, the needs of people with disabilities, goods delivery, and servicing vehicles will be considered.
- 57. Reallocation of road space will, where appropriate, be subject to stakeholder engagement and the relevant statutory processes. When reaching a decision, the Department will give significant weight to our policy priorities of creating modal shift, improving road safety, reducing carbon emissions, improving air quality and improving the quality of the urban environment.

#### MEASURE RS05

The Department will implement a programme of road space reallocation as a means of achieving the following:

- Providing sufficient capacity for sustainable modes;
- Improving safety for pedestrians and cyclists; and
- Encouraging mode shift from the private car and reducing emissions.

# **Evidence Based Decision Making**

58. The Department will invest in evidence collection and robust data-led decision-making tools. This will support robust decision making and the identification of key priorities that align with the Department's vision for transport and allow for ongoing monitoring and evaluation of interventions.

#### Data

59. Data plays a significant role in understanding the current state of the transport system. As travel patterns evolve with emerging technologies, climate goals, and societal needs, the Department recognises the critical need to invest in the collection, management, and use of both traditional and new data sets - including real-time mobility data, active travel metrics, freight movement, and behavioural insights. A more strategic and integrated approach to data will enable better decisionmaking, targeted investment, and responsive policy development. The Department will work collaboratively with industry, academia, and public sector partners to establish data-sharing frameworks, improve data quality, and enhance analytics capacity. Key actions will include investment in digital infrastructure, the development of a Transport Data Hub for Northern Ireland, and the adoption of open data principles to support innovation, accountability, and public engagement.



### Zero and Low Emission Fuels

#### **Transport Modelling**

- 60. The Department developed a suite of strategic transport modelling tools that can estimate the transport impacts of land-use decisions, infrastructure changes, transport policies, and changes to transport services (such as public transport). The strategic modelling tools cover all NI with greatest detail provided in the cities of Derry/Londonderry and Belfast.
- Transport modelling will provide the default evidence base for many of the Department's decisionmaking processes. This will ensure a consistent and transparent approach to developing a sustainable transport system.
- 62. To facilitate this consistent and transparent approach, the Department is working towards making this suite of strategic transport modelling tools available to appropriately experienced external users, with the expectation it will be used in the transport assessment process of planning applications where the scale, location or impact would warrant this approach.
- Transport modelling is not suitable for all decision making, for example the nature, location and scale of some decisions would not warrant, or cannot utilise transport modelling processes.

#### MEASURE RS06

The Department will invest in enhancing and collating its data evidence gathering including the use of innovative technology and techniques.

#### **MEASURE RS07**

Where appropriate, the Department's transport modelling tools will be the default evidence base.

- 64. NI is working collaboratively with nations across the UK to phase out new non-zero emission cars, vans, motorcycles, scooters and Heavy Goods Vehicles (HGVs).
- 65. Responsibility for the policy and regulation of zero emission fuels, and the associated infrastructure, is spread across many public bodies. Moving to zero emission fuels will involve collaborative efforts across a wide range of public and private stakeholders from the energy and transport sectors and require the adaption of NI's energy infrastructure and the transport system.

#### **MEASURE RS08**

The Department will work collaboratively with nations across the UK to phase out new non-zero emission cars, vans, motorcycles, scooters and Heavy Goods Vehicles (HGVs).

#### **Electric Vehicle Uptake**

- 66. The Department's <u>research</u> shows that there are a range of factors that can influence the take up of EVs, including purchase and resale prices, overall running costs, vehicle range and availability of public charge points.
- 67. The Department has established the EV Infrastructure Task Force to bring together representatives from government, consumers, energy providers and industry, to consider the

- EV infrastructure required to deliver a fit for purpose, modern accessible EV charging network.
- 68. The Task Force published the Electric Vehicle Infrastructure Action Plan in November 2022. This Action plan agreed key actions that were critical enablers to provide greater confidence and certainty for the EV market. These actions have delivered encouraging commercial market developments and have been enhanced by the introduction of the Zero Emission Vehicle (ZEV) mandate and Vehicle Emissions Trading Schemes. These interventions alongside a new approach to direct stakeholder engagement are collectively driving Electric Vehicle uptake and creating demand and stability in the vehicle retail, and commercial charging infrastructure markets.

#### **Alternative Fuels**

- 69. UK Government policy on the transition to zero emissions is technology neutral. Key market and technology interventions will dictate the best solutions for zero emission cars, vans, motorcycles and road freight. Whilst battery electric is likely to dominate the car and van sectors, it is expected that battery electric, hydrogen fuel cell, and other alternative fuels, will have both interim and longer-term roles to play in the decarbonisation of the HGV sector.
- 70. For lighter vehicles in the logistic markets battery electric solutions are already widely used. Solutions for long-

- haul HGVs are also currently available, with industry considering and trialling various options including electric, hydrogen and also synthetic fuels.
- 71. Alternative fuel technologies, such as biomethane or biofuels such as Hydrogenated Vegetable Oils may provide interim solutions in delivering CO2 emissions reductions until the zero-emission technologies and associated refuelling infrastructure under development are more prevalent in the HGV market. Moving to both zero emission fuels and interim alternative fuel technologies in this sector will be heavily influenced by developments in GB, Ireland, and across Europe given the international nature of supply chain logistics.

#### MEASURE RS09

The Department will continue to work with other public authorities and stakeholders to support the development of alternative fuel options on the transport system.

#### Decarbonising Public Sector Fleets

- 72. Considerable funding has already been provided or committed for the purchase of zero and low emission buses. The focus to date has been in the metropolitan areas of Belfast and Derry/Londonderry where battery electric and hydrogen fuelled vehicles have been deployed, improving air quality in those areas.
- 73. In addition to decarbonising the public transport fleet, the Department is working with other departments and local councils, to explore options to meet the Executive's commitment for all departmentally owned or leased cars and vans being zero emission by 2035.
- 74. The Department will also continue to consider how alternative fuels can be adopted to decarbonise the plant and machinery we use to manage the transport network.

#### MEASURE RS10

The Department will continue to work with public sector partners to increase the overall percentage of zero emission vehicles in the public sector fleet.

#### MEASURE RS11

The Department will continue to work with Translink on the ongoing decarbonisation of the bus fleet.



#### **Decarbonising the Rail Network**

75. Decarbonisation of the rail network will take time and significant investment. To ensure the right decarbonisation solutions are identified the Department will continue to work with Translink. This will consider the most appropriate option for decarbonising the region's railways and will identify which sections of the network are best suited to electrification, battery electric, hydrogen, or multiple options. In the meantime, when purchasing rolling stock, the Department will explore options for these to have the capability for conversion to decarbonised fuel options at a later date.

#### MEASURE RS12

The Department will work alongside Translink on a rail decarbonisation strategy.

# Embodied Carbon Emissions from Transport Infrastructure

- 76. Embodied carbon emissions from infrastructure are the carbon emissions associated with materials and processes throughout the whole lifecycle of construction. It includes any emissions created during the manufacturing of materials (extraction, transport, manufacturing), the transport of those materials to the construction site, and the construction practices used. It also refers to the emissions produced in subsequent maintenance and any disposal of end-of-life materials.
- 77. For example, in a typical road development project, the production of materials represents about 70% of the embodied carbon, with concrete and asphalt the main emitters. There is no method of reducing embodied carbon after construction. This is why the amount of embodied carbon produced or potentially produced must be addressed now to meet short and long-term climate targets.
- 78. To inform the broader management of carbon emissions from infrastructure projects across NI (not just transport), the Department alongside the Strategic Investment Board and others are developing a climate and environment framework for infrastructure projects as part of an Enabling Action Plan to support the Investment Strategy for Northern Ireland.
- 79. This will support the assessment of the carbon impacts of infrastructure projects during all stages of their lifecycle, including concept, delivery, operation and decommission, as well as help inform policy decisions, and will provide for a consistent application of carbon and environment standards in project design and delivery.

#### MEASURE RS13

The Department alongside the Strategic Investment Board will publish a climate and environmental framework for infrastructure projects.

# Embodied Carbon Product Construction Use End of life Construction Raw material supply Manufacturing Construction Operations Construction Operations Deconstruction/ processing demolition and disposal

# Ecologically Responsible

- The way in which the Department delivers infrastructure services can have a positive impact on the natural environment.
- 81. The Department has published its Environmental Mission Statement for Infrastructure Development and Management. The Environmental Mission Statement, is used to guide the work of the Department to ensure that there is an environmental focus through all the Department's activities from major works to smaller projects.
- This will include the use of nature-based solutions that can protect, restore or sustainably manage ecosystems in order to promote both human well-being and biodiversity, and/or provide other environmental, social and economic benefits.
- 83. The continuing development of the Department's transport evidence base and modelling tools will also support evidence-based decision making through the statutory environmental assessment process.

#### **MEASURE RS14**

The Environmental Mission Statement for Infrastructure Development and Management will be used to guide the planning, design and delivery of transport.



#### Resilience

- 84. Resilience is the ability of the transport system to withstand the impacts of adverse events, and to recover promptly from its effects. This can include extreme weather events, major accidents, and equipment or infrastructure failures.
- 85. Exposure of transport systems to adverse events is influenced by the age, condition, and location of infrastructure. The impact from disruption is influenced by the character of the network in terms of journey movements or number of areas and services supported.
- Potential disruption from adverse events in the future is likely to increase for two main reasons.
- 87. First, because of climate change and an increase in the intensity and frequency of storms leading to more frequent and severe flooding events, land instability, including landslides and landslips, falling trees and damage to structures. Sea level rises and increases in the height of storm surges may also affect port operations and damage and/or disrupt coastal transport systems and defences. The Department's actions to manage and adapt to the risks of climate change are recorded in the NI Climate Change Adaptation Programme.
- 88. The second strategic driver of lower network resilience is the aging state of much of our transport infrastructure, particularly the road network. Prolonged underinvestment in maintenance has weakened the inherent resilience of the network and left it more exposed

- to problems that cannot always be fixed promptly and often require more extensive and costly interventions when they fail. Good maintenance of transport infrastructure is an essential part of enhancing resilience so that it is less susceptible to failures during adverse events. As a result, the Department will need to consider its strategic approach to achieve the right balance between investment in maintenance activities and other aspects of asset management such as adding to or developing the network.
- 89. To enhance resilience the Department considers the latest flood risk management advice in the planning and design of new transport infrastructure. In addition, as part of the NI Civil Contingencies Framework, the Department and its transport partners have preparedness plans to prepare, respond and recover from adverse events.
- 90. Providing a range of transportation options for people's journeys also increases resilience. For example, having viable and accessible public transport or active travel alternatives during a road closure may allow people to still make their journey by alternative means and help to reduce pressure on the other diversionary traffic routes around the disruption.

























## **Inclusive Transport**

- 91. A fundamental principle of good design is ensuring that places and travel are accessible and inclusive for as many people as possible. This means enabling both disabled people and non-disabled people to use space, transport and travel generally in the same way.
- 92. The Department recognises that the current design of some of our transport system and spaces can create barriers for disabled people and others with reduced mobility. Narrow cluttered footways, the absence of dropped kerbs, a lack of accessible crossing points or a complex and confusing streetscape can make everyday journeys challenging.
- 93. In addition, parts of the public transport network have limited accessibility for those with reduced mobility. The Department continues to engage with Translink about improving accessibility on services and at stations and stops. Many issues can be overcome through improved fleets and infrastructure, but some issues are harder to address. In particular, the nature of some older train stations can make a fully accessible environment harder to achieve.
- 94. People with hidden disabilities or communication barriers, such as autism or learning difficulties can also struggle to access transport. Training and education for staff plays an important role in changing attitudes and ensuring that people who require a little more understanding and support can access transport with confidence.

- 95. The Department will build in accessibility as a condition of public investment in our transport system and spaces. To achieve this, we will use best practice design standards including Inclusive Mobility and adhere to the latest statutory and technical requirements at a minimum. The Department will continue to keep advice and guidance under review to ensure the highest standards of accessibility can continue to be met.
- 96. The Department recognises the importance of engaging with people with disabilities and their organisations when planning and making changes to travel and spaces. We will continue to engage directly with the Inclusive Mobility and Transport Advisory Committee (IMTAC) and other stakeholders in the preparation of the transport plans and in the development and implementation of schemes to ensure investment provides safe and accessible travel and places for everyone. Proactive engagement is also key to the Department meeting. its statutory obligations around the promotion of equality and good relations.

#### MEASURE CC01

### **Urban Design and Placemaking**

- 97. Placemaking is the process of creating quality places that people want to live, work, invest and spend time in. Quality urban design will encourage more people to choose to walk, wheel, cycle or use public transport by making the overall experience safer, more accessible, and attractive.
- 98. The Department's Urban Stewardship and Design Guide, '<u>Living Places</u>' establishes the key principles behind good place making. It seeks to inform and inspire all those involved in the process of managing (stewardship) and making (design) urban places, with a view to raising standards across NI.
- 99. The Department will continue to incorporate the guidance within 'Living Places' in the planning and development of the transport system. This includes removing unnecessary traffic from urban areas to create inclusive space for people and sustainable modes of transport.
- 100. The Department will continue to work with the Department for Communities and with the councils to ensure a holistic approach is taken to public realm that recognises and balances placemaking and transport functions. The multistakeholder approach in the preparation of the transport plans has a key role in supporting integrated transport and quality urban design.

# Ending Violence Against Women and Girls

- 101. Most women and girls have become used to limiting how, when and where they travel due to gender-based violence and harassment.
- 102. Violence against women and girls is an umbrella term used to cover a wide range of harm, abuse, and violence against women and girls because of their gender. Some women and girls may face particular risks to their safety, such as those with disabilities.
- 103. Violence against women and girls can lead to significant and lasting impacts. Acknowledging the scale of this violence, and the impact it is having on their lives is an important first step in addressing the problem.
- 104. The safety of all users is already a feature of the planning and design of the transport network. This may include appropriate lighting and ensuring that crime and the fear of crime is considered in the urban design of transport schemes though measures such as passive surveillance.
- 105. To support the Executive's Strategic Framework to End Violence Against Women and Girls the Department and our partners will use our communication channels to promote positive attitudes and behaviours to prevent violence against women and girls on the transport network.

of initiatives to maintain safety and a high level of service. This includes collaborative working in a multi-agency approach to create a safe environment for women and girls using public spaces, including public transport services, ensuring everyone can travel with confidence. Translink's front line staff also promote a zero-tolerance approach to all forms of antisocial behaviour including gender-based harassment.

#### MEASURE CC02

The Department support the whole of government, whole of society approach to end violence against women and girls.

## **Transport Integration**

- 107. A sustainable and low carbon transport system requires the opportunity for people to move from one mode to another easily. For example, walking or driving to/from a bus stop; cycling to a train station; changing from one bus to another; using a park and ride facility; or using a mobility hub to transfer to a bike share or use of a car club.
- 108. The integration of transport modes will be a key consideration in the preparation of the transport plans and in the design of individual transport schemes.

#### Park and Ride / Park and Share

- 109. Due to the dispersed settlement pattern in NI, there are a substantial number of people who do not have access to high quality public transport by active travel from their home.
- 110. Park and Ride/Share can allow people who are reliant on a private vehicle at an early point in their journey to transfer to public transport services or shared transport for their onward journey. This may be at formal Park and Ride / Park and Share sites or through informal parking arrangements along the transport network. These increase the usage of public transport and maximise the value of investment in existing and new schemes.

- 111. Park and Stride sites can remove traffic from urban centres by allowing private vehicle users to park at the edge of settlements or urban centres and use active travel modes to continue their journey into the centre. These sites can be particularly useful for towns that serve rural populations with high private vehicle dependency.
- 112. The Department will further develop and increase the capacity and attractiveness of Park and Ride/Share. This will include creating new, or enhancing existing, Park and RideShare sites and by providing better infrastructure along transport routes, such as improved shelters and waiting facilities.

#### MEASURE CC03

The Department will further develop, and increase the capacity, of Park and Ride/Share and Share facilities.

### **Mobility Interchanges**

113. Mobility interchanges are places on the transport system where different services intersect. The Department will continue to invest in high-quality interchange facilities or Mobility Hubs to ensure that the full benefit of transport investment is realised by linking services and infrastructure.



## Regional Strategic **Transport Network**

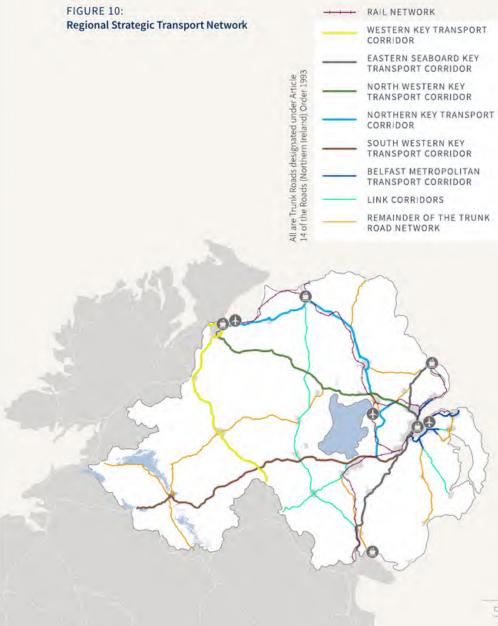
- 114. The Regional Strategic Transport Network (RSTN) incorporates NI's railway network and the Strategic Road Network that includes the five Key Transport Corridors (KTCs), four Link Corridors, the strategic routes in the Belfast Metropolitan Area, and the remainder of the trunk road network. In addition, it includes:
  - · Inter-urban bus services primarily using the RSTN and serving Hubs, including cross-border services.
  - · Park & Ride (P&R) / Park & Share (P&S) sites serving an inter-urban bus service or a rail station or located on the RSTN.
- 115. The RSTN provides the principal routes for moving goods and people throughout NI. The RSTN enables economic activity across the region, addresses regional imbalance, facilitates connectivity to services and opportunities, and provides access to the gateways. As such the maintenance and improvement of the RSTN remains a key priority for the Department when planning, funding, and developing the transport system.
- 116. The future development of the RSTN will be set out within a new Transport Plan that will run to 2035. This plan will take account of the Executive commitments such as the Flagship and City and Growth Deal transport projects, as well as considering the recommendations of the All-Island Strategic Rail Review. Strengthening economic

competitiveness and connectivity across the region, improving the resilience and safety of the network and creating placemaking opportunities are all important considerations.

117. Figure 10 shows the RSTN.

#### MEASURE CC05

will be outlined within a new Transport





### **Active Travel**

- 118. Active travel is defined as 'travelling by physically active means such as walking, wheeling, or cycling'. The health benefits of increased physical activity are widely accepted, and this presents an opportunity not only to improve the efficiency of our transport network, but to improve the general health and wellbeing of society.
- 119. Enabling more people to walk, wheel or cycle for shorter journeys is the most cost-effective way of reducing transport emissions while making our towns and cities more pleasant places to live, work and socialise. Efficient and accessible active travel networks can also help to combat transport inequalities by providing inexpensive travel options for the many people in society who cannot drive or do not own a car.
- 120. For active travel to become the natural choice for shorter everyday journeys, the associated infrastructure needs to be improved, expanded and well maintained. The cycling network in particular needs considerable investment for it to become a direct and coherent network that feels safe for everyone to use.
- 121. These network improvements can be complemented by other measures such as education programmes and robust enforcement of traffic regulations.
- 122. The CCA requires the sectoral plan for transport to set a minimum spend on active travel from the overall transport budgets of 10%. This investment will

- facilitate accelerated development of the active travel network across NI in the years ahead.
- 123. The NI wide Active Travel Delivery Plan will support the delivery of this increased investment in active travel. Combined with existing delivery plans, the Belfast Cycling Network and the Strategic Plan for Greenways, the Active Travel Delivery Plan will provide the basis for a highquality active travel network within and connecting towns and cities.
- 124. Implementation of the Active
  Travel Delivery Plan will include
  the reallocation of road space and
  rethinking traffic management on some
  streets to create a safe, connected,
  coherent network that is easy for
  everyone to use.
- 125. When investing in active travel the Department will seek to maximise benefits through continued collaborative working with other departments, councils, schools, community organisations, the third sector, businesses, developers, and private landowners.
- 126. Active travel measures will be designed to be used by a wide range of people and will consider the needs of the most vulnerable road users first.

#### MEASURE CC06

Increased investment in Active Travel to create a safe, connected, coherent network that is easy for everyone to use.

#### Active Travel Infrastructure Maintenance

127. Active Travel infrastructure needs to be maintained to an appropriate standard to encourage use. Footways and cycle tracks are generally less expensive to maintain than carriageways, however addressing key issues such as effective street lighting, regular street sweeping, and sustainable management of vegetation will be crucial to ensuring that facilities are well used and offer viable and accessible alternatives to the private car.

## Micro-mobility

- 128. Micro-mobility refers to a range of small, lightweight vehicles operating at speeds typically below 25 km/h (15 mph) and driven by users personally.
- 129. Personal light electric vehicles such as electric scooters or electric skateboards cannot be used on public roads or footways in NI.
- 130. While these personal mobility vehicles could contribute to more sustainable travel choices for people, there are also concerns about their safe introduction for the rider and other road users. The Department will continue to monitor emerging trends in this area and any decision regarding their future role as part of the transport system will be subject to broad stakeholder engagement.

## Motorbikes

- 131. Motorcycles and Mopeds are an established form of transport and have a role to play in reducing the impact of traffic, particularly in urban areas where they take up less parking and storage space.
- 132. The Department will continue to improve motorcycle awareness among other road users and promote safe driving practices for all to improve motorcycle safety.

#### MEASURE CC07

improve motorcycle awareness amon other road users and promote safe driving practices for all to improve motorcycle safety.



## Public and Shared Transport

- 133. Public transport in NI comprises Translink bus, coach and rail services, private bus and coach services, Rathlin and Strangford ferry services, and community transport (that operates as a public membership service). Shared transport options include car and bike share schemes and taxis.
- 134. Despite public transport being a viable option for many trips, too many people still choose to travel by car, contributing to the congestion in our towns and cities. According to the Travel Survey NI (TSNI) only 3% of the total distance travelled in 2021 was on public transport<sup>2</sup>. This relatively low base means there is an opportunity to deliver significant modal shift to public transport by making it easier to choose public transport over the private car more often.
- 135. The Department will look to develop and support a public transport system which, in terms of frequency, reliability, comfort and journey time, provides an attractive alternative to the car. The principles outlined earlier in this Strategy regarding the integration and accessibility of the transport network are key components of how we will drive the development of public transport options going forward.
- 136. However, when developing the public transport system, it is neither affordable nor sustainable to create a public transport system so all-encompassing that every journey requirement will be met by public transport services.

137. To have the most impact in delivering modal shift, the Department must prioritise its funding and focus the provision of services where this will make the most significant difference. In many cases the propensity for people to use public transport is higher in major towns and cities and between large urban centres where population densities offer the most potential to increase the number of journeys taken by public transport.

#### MEASURE CC08

The Department will look to develop and support a public transport system which provides an attractive and accessible alternative to the car, with provision of services prioritised and focussed on where they will deliver the largest impact in terms of modal shift.

#### **Bus and Coach**

- 138. Having a greater reach, bus and coach services account for the majority of all public transport journeys. These journeys can be increased further through improved and expanded services and infrastructure.
- 139. These improved and integrated services need to be supported by improved bus priority measures on key corridors. This will reduce journey times and improve the reliability of services to encourage more people out of private cars and onto bus services.

- 140. In many rural locations it can be challenging to provide the same frequency of services along direct routes to make public transport a realistic alternative to private vehicles. However, it remains important that people in rural communities, particularly those with no or limited access to a private car, can access key services, employment, training and education opportunities by sustainable means. The Department will continue to consider the benefits of providing minimum levels of frequency and services by settlement type and size and learn from initiatives delivered by other jurisdictions to improve rural connectivity.
- 141. Demand responsive services, aided by technology, may also provide an alternative model of service delivery, offering a more personal, on-demand service, particularly when linked into inter-urban fixed route services.
- 142. The continuing development of Park and Ride sites on the edge of larger urban areas and along the RSTN will also allow rural dwellers to switch to more sustainable modes of travel for some or most of their journey.

#### MEASURE CC09

The Department will deliver additional bus priority measures and Park and Ride facilities to encourage more people out of their cars and onto the bus.

#### Rail Network

- 143. While limited in size and reach, the rail network provides an attractive transport option for those communities it serves, helping to unlock regeneration and growth opportunities, attracting investment, and supporting sustainable development.
- 144. The All-Island Strategic Rail Review (AISRR), published in July 2024, examined how the rail network could contribute to the decarbonisation of the island's transport system, promote sustainable connectivity into and between major cities, enhance regional accessibility and support balanced regional development.
- 145. It includes 32 recommendations which provide an evidence-based framework to inform the future direction of travel for investment in the railways across the island. To implement the recommendations of the AISRR, a range of projects/schemes would be required. Each of these will be subject to appropriate feasibility options, and environmental assessments at project stage.
- 146. As rail is less suited to supporting lower demand corridors and dispersed communities, future feasibility studies will focus on connections between larger settl ements which have the potential to deliver the greatest modal shift. However, there are opportunities for smaller settlements to link into an extended rail network through enhanced bus provision.

#### MEASURE CC10

Future rail feasibility studies will focus on the potential to have most impact on modal shift, unlock regeneration and growth opportunities attracting investment and supporting sustainable development.

#### **Community Transport**

- 147. Community transport, comprising of the Urban Disability Action Transport Scheme (DATS), Rural Dial-a-Lift (DAL) and Shopmobility schemes, plays a vital role in supporting and sustaining local, particularly rural, communities. Its main objective is to address social isolation by providing transport for those who cannot avail of or find it difficult to use public transport. It helps connect communities and ensures that some of the most vulnerable in our society can access essential local goods and services and more actively participate in society.
- 148. Transport is a key part of many of the strategies being taken forward by various government departments. There is a need to consider how the current services and benefits provided by community transport are maximised, and how its future potential can be realised, funded, and resourced.

149. An evaluation of community transport has been completed and a review will be undertaken to consider community transport provision for the medium to longer term and how the benefits and flexibility of the provision can be captured and more fully used in the wider transport system.

#### MEASURE CC11

The Department will continue to review community transport services to determine how the benefits and flexibility of the provision can be captured and more fully play a role in the wider transport system.

#### **Private Operators**

- 150. Private operators help keep communities connected by delivering local and national public transport services and extending the reach of the public transport network. They are also a key provider of home-to-school transport services and tour services to visitors.
- 151. By providing services, private operators can contribute to delivering modal shift. They are ideally placed to respond to the needs of communities and offer opportunities to enhance the current provision of public transport services.

152. Closer integration of public and private operators and the development of shared infrastructure and services can help maximise the benefits private operators offer and their role in the public transport system. This can enable new and tailored solutions to local connectivity gaps, which complement and build on existing services and increase the connection within and between communities through additional strategic connectivity networks.

#### Taxis

- 153. Taxis provide an important transport service offering door to-door trips and the ability to complete one-off journeys that are difficult to efficiently offer by other modes. Taxis can be of particular importance for people with disabilities and older people who may not have easy access to private cars or public transport. Taxis can also play an important role in Mobility Hubs and Interchanges.
- 154. Taxis are often essential to the nighttime and evening economy of our towns and cities, supporting the health and vibrancy of Northern Ireland's hospitality sector. Providing a safe means home for people on nights out after public transport services have finished improves the safety of our transport network and communities.

- 155. Having a range of transport options is also important for our tourism sector with taxis playing an important role, in combination with Public Transport, by connecting our gateways and hospitality assets.
- 156. The Department will continue to work with taxi providers to support the sector's essential role within the transport system.

#### MEASURE CC12

The Department will continue to work with private operators and taxi providers, recognising their role within the transport system.

## Road Network

- 157. Roads form the main transport arteries across NI and provide the corridors by which pedestrians and cyclists, public transport, freight, and cars move. Roads are the backbone of an effective and sustainable transport system.
- 158. To deliver the Department's strategic priorities, the development of roads will continue to focus on the Strategic Road Network.
- 159. Non-strategic road schemes will focus on improving road safety, resilience, decarbonising transport (particularly though modal shift) and placemaking,

#### Maintaining the Road Network

- 160. Over the last decade there has been a shortfall in funding for road network structural maintenance. This primarily involves road resurfacing programmes but also includes structural drainage and road surface dressing. It is estimated that the annual funding requirement for these is £195m (2022/23 prices)<sup>3</sup>. In the 2022/23 financial year £127m was invested.
- 161. This is further exacerbated by limited revenue funding for essential maintenance operations, such as pothole repairs, meaning the Department has had to operate a limited maintenance service policy.

- 162. As a result, there has been a gradual but steady deterioration in the condition of road assets which then fail to meet the demands and expectations of road users. This can impact journey time reliability, increase carbon emissions, and create risk of injury or damage to people and property. It also reduces overall resilience to adverse events.
- 163. The Department will set out a new approach to how the road network is maintained; one that focuses resources in a way that balances safety and cost effectiveness while at the same time, improving value for money and level of service. The new approach needs to be data driven and supported by sound engineering judgement, so it delivers intelligent interventions that address the challenge in a meaningful and sustainable manner.

#### **MEASURE CC13**

The Department will publish a new roac maintenance strategy.

## **Parking**

- 164. The SPPS states that a regional strategic objective for transportation and landuse planning is to promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion.
- 165. The cost and availability of car parking is a major influence on the mode of transport people choose for their journeys, even for those locations well served by public transport.
- 166. Within many town and city centres it is recognised that the provision of adequate short-stay public parking facilities, is required to maintain economic vitality and viability and to allow them to compete with out-ofcentre developments. Suitable parking is also important for people that have no alternatives to the private car, such as those with specific mobility needs.
- 167. However, an inappropriate supply of car parking, particularly long-stay commuter parking, can act as an impediment to economic growth and works against the Strategic Priorities for Transport.
- 168. Reflecting this, parking measures which aim to reduce the number and length of journeys undertaken using a private car and promote sustainable transport will remain a key priority for the Department. This links to the DMF and the reallocation of road space presented earlier in this Strategy.

#### **Inconsiderate Parking**

- 169. Many of our streets were not designed to accommodate today's volumes of car ownership. At some locations with insufficient road width or the absence of driveways, motorists may choose to park on the pavement rather than obstruct the road or impede traffic flow.
- appear to help keep vehicular traffic moving, it can often create other issues. At some locations, especially where footways are narrower, it forces pedestrians onto the carriageway and into the flow of traffic increasing the risk of collisions between vehicles and pedestrians. This is an issue for everyone but especially impacts those who are blind or partially sighted, those with mobility difficulties, and those pushing prams or buggies.
- 171. In November 2023, the Department prohibited parking wholly or partly on a footway at a number of specific locations, including bus lanes, the limits of any mandatory cycle lane, and the limits of any mandatory school keep clear areas.
- 172. The PSNI has powers to enforce against a vehicle found to be causing a general obstruction or found to be obstructing the access to premises.

## Enforcement

#### **Residents' Parking Schemes**

- 173. A Residents' Parking scheme is an area where only vehicles with a valid permit or ticket can park during the specified time period the scheme is in operation. The primary aim is to discourage vehicles from outside an area (such as commuters) from parking within residential streets. Residents' Parking Schemes are not suitable for most areas and are usually in response to a unique set of circumstances relating to a specific location.
- 174. The Department has only been able to introduce one scheme. It is located at Rugby Road/College Park Avenue, Belfast and became operational on 16 April 2018. All other attempts to introduce schemes have been unsuccessful, either because it was not possible to secure sufficient levels of support from residents at the development stage, or due to objections to the scheme during the public consultation.
- 175. In response to these challenges the Department conducted a review of Residents' Parking Schemes. The results of this review were published in a Residents Parking Review Report in November 2024.
- 176. Reflecting the recommendations of the Residents Parking Review Report the Department will adopt a strategic approach to parking. This will ensure that new parking policies and measures (including for Residential Parking Schemes) are deliverable, workable and

will align with the Strategic Priorities for Transport. The holistic consideration of parking alongside other transport issues in the local transport plans is an important part of this strategic approach.

#### MEASURE CC14

The Department will ensure that parking policies and measures are deliverable, workable and will align with the Strategic Priorities for Transport.

- 177. Keeping people safe, including those with additional mobility needs, while maintaining the efficiency of our transport system relies on a high degree of compliance with road traffic laws and <u>The Highway Code</u>.
- 178. Road rules also support good placemaking and promote sustainable modes of transport, as people feel safe to use active travel options and have confidence in reliable public transport journeys.
- 179. Knowing and applying the rules is a responsibility shared by all. Only collectively can we reduce road deaths and casualties occurring on our roads and create a more efficient, sustainable and accessible network for everyone.
- 180. The Department will continue to work with voluntary and community organisations, councils, and relevant agencies such as the PSNI to ensure that rules are enforced robustly, and enforcement capabilities continue to be fit for purpose.

181. The Department will also continue to influence driver behaviour though education and media campaigns so that courteous and rule abiding behaviour is the norm for everyone and the need for enforcement action is reduced.

#### MEASURE CC15

other organisations will ensure that investment in sustainable transport is protected through appropriate enforcement of road traffic laws, including exploring innovative new methods. This will be supported by public information and education campaigns.











10 REDUCED INEQUALITIES

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6 CLEAN WATER AND SANITATION

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## **Road Safety**

- 182. In 2024, 68 people were killed in road collisions. Every death or serious injury on the road network is a tragedy and there remains much work to do to make road transport safer, in particular addressing dangerous road user behaviours (including carelessness/ inattention, driving at excessive speed or being impaired through alcohol/ drugs) which cause approximately 95% of road casualties.
- 183. Improving road safety underpins all aspects of the Department's work. Improving safety (and perceived safety) is critical to increasing the percentage of journeys made by active travel and public transport. It is also central to good placemaking and for creating an inclusive transport system.
- 184. The Department has published the Road Safety Strategy for NI to 2030. The Road Safety Strategy has three strategic outcomes:
  - · Safe People: Our people will be safer on our roads.
  - · Safe Roads: Our roads will be safer for all.
  - · Safe Vehicles: Our vehicles will be safe.
- 185. The Road Safety Strategy sets out a collaborative and partnership approach by providing a framework for government and other road safety stakeholders to establish their own road safety plans, objectives, and interventions to eliminate road crashes which result in serious injuries or fatalities.

186. Beyond 2030 the Department's ambition is that by 2050 fatal accidents should no longer occur on our roads. This ambition is not beyond our reach. New technology will offer many opportunities to improve road safety. However new technologies alone cannot address all the issues and reaching zero fatalities will require the collective effort of the public and public authorities together.

#### MEASURE SH01

## Railway Safety

#### 20mph Speed Limits

- 187. To improve road safety and encourage active travel the Department will introduce more 20mph speed limits in appropriate locations. This will be a targeted approach and will take account of factors including road safety; the character of the area; the function of the transport network; the promotion of active travel; and urban place shaping.
- 188. The Department has already reduced the speed limit to 20mph in many areas such as outside schools, residential areas, and in urban centres. This has made these places safer, particularly for vulnerable road users. A person is five times less likely to be fatally injured if struck by a vehicle at 20mph than at 30mph. It can also make places more attractive to walk and cycle.

189. The imposition of any new speed restriction, or amendment to an existing speed restriction, requires a Speed Limit Order to be made. As part of the statutory process the Department will seek the views of the Police Service of Northern Ireland (PSNI), local communities and other interested groups before changing the speed limit.

#### MEASURE SH02

The Department will introduce more 20mph zones in appropriate locations.

- 190. Railway safety is an issue which affects everyone who interacts with the rail system, whether that is as a passenger, someone who works on the railway, or as a member of the public who crosses a level crossing when travelling.
- 191. The Department, as the Rail Safety
  Authority, monitors safety performance
  on the rail network and publishes an
  annual safety performance report and a
  report of performance against Common
  Safety Indicators (CSIs). In comparison
  to GB, Ireland and other EU countries
  the NI rail network is among the safest in
  Europe across most CSIs.
- 192. The Department, in its rail safety regulatory role works closely with Translink, the wider rail sector and other health and safety partners, to bring about improvements in railway safety. Each year, the Department conducts audits and inspections of mainline railway operators to ensure their safety management systems are adequately managing risks on the rail network.
- 193. There are emerging challenges for railway safety as the Department supports investment in new and upgraded railway infrastructure and rolling stock partly as a result of maintaining an aging network, and partly as a result of efforts to encourage modal shift and decarbonisation of our transport system. These challenges will bring new people into contact with our railway network, primarily as passengers but also as employees working on the railway.

194. The Department will continue to work with partner organisations to undertake work to improve our approach to railway safety, including on a cross-border basis, and has established the NI Rail Safety & Technical Standards Group to engage with industry on safety and standards issues.

#### MEASURE SH03

The Department will continue to work in partnership with other public authorities and stakeholders to improve railway safety.

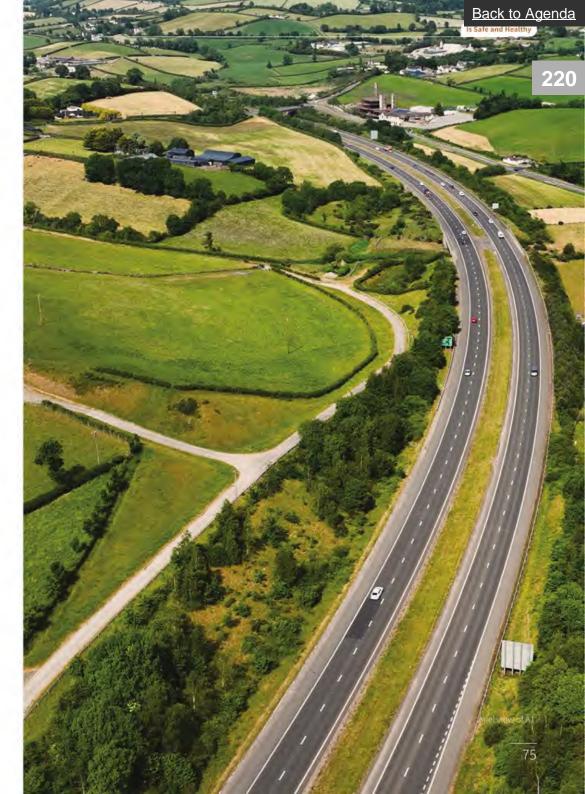
## Improving Air Quality

- 195. Poor air quality is the largest environmental risk to public health in the UK, as long-term exposure to air pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer, leading to reduced life expectancy.
- 196. Road transport is responsible for a range of pollutant emissions, those of greatest concern are nitrogen oxides and particulate matter. In 2022, road transport contributed 30% of the UKs Nitrogen Dioxide (NO2) emissions. In terms of human exposure it is the location of these emissions at ground level, often close to homes, schools and shops in urban areas that make their health impacts greater than those from other sources such as energy and industry.
- 197. NI has 17 Air Quality Management Areas (AQMAs) declared because of NO2 emissions from road traffic. These primarily occur in urban areas experiencing high volumes of traffic.

- 198. Particulate matter (PM10 and PM2.5) arises as a by-product of the combustion of petrol and diesel and from physical processes, such as brake pad, tyre, and road surface wear. Although no objectives for particulate matter are exceeded in NI, there is still a need to address what levels there are, as there is 'no safe level'.
- 199. For AQMAs that have transport related issues the Department works with local councils as they prepare and implement their Air Quality Action Plans (AQAPs). These AQAPs contain actions that the Department, alongside other 'Competent Authorities' are taking to address air quality issues.

#### MEASURE SH04

The Department will continue to work in partnership with councils and DAERA in the preparation and implementation of AQAPs and the Clean Air Strategy for NI.





























## Transport and the Green Economy

- 200. Companies in NI are looking towards delivering innovative sustainable growth that creates both commercial and societal value while lowering their carbon impact. These companies can deliver significant impacts on clean energy and low carbon technology. Their expertise and passion for innovation and engineering will create opportunities to deliver lasting generational transformation in NI.
- 201. The NI Executive's Energy Strategy will support the growth of a new skills base for a low carbon economy.
- 202. The Department will continue to assist in reducing the carbon associated with its operational activities and drive sustainable economic growth through its transport and workplace policies.
- 203. Companies across the public, private and voluntary sectors can also play a crucial role in promoting workforce policies that reduce the carbon impact of travel, for example, through working from home policies and travel incentives that promote active and sustainable travel options.
- 204. The Department will also continue to work with other authorities in NI, the UK and Ireland to develop green growth policies and investment opportunities.

## **Freight Movements** and Economic Growth

- 205. Almost all of NI's freight is moved by road. This will not change significantly in the Strategy period. Businesses and consumers rely on efficient, reliable, safe, and resilient connections between our towns and cities and to our gateways to Ireland, Britain, and the rest of the world.
- 206. Providing a more regionally balanced RSTN will support many of our indigenous businesses with better linkages to our gateways and will provide enhanced opportunities to attract foreign direct investment. Being able to tap into every part of NI is crucial for us to reach our full potential by providing greater accessibility, improved safety and increased inclusion.
- 207. Ensuring the transport system (and particularly the RSTN) is safe, well maintained and is operating efficiently is central to supporting the freight sector and economic growth. Further improvements to the RSTN will provide freight movements with efficiency savings and better journey time reliability.
- 208. There is currently no rail freight in NI. Rail transport can offer key advantages for longer distances, particularly across the island of Ireland, and regional freight movements. Future rail feasibility studies will, where appropriate, explore opportunities to develop rail freight.

- 209. Last mile freight movement is the final stage of a product's journey. It is typically the movement of a single or small number of packages from a delivery warehouse to a customer's home or business, usually as part of a larger consignment of other small packages being delivered to multiple locations. The majority of these movements are conducted by Light Good Vehicles (LGVs) rather than HGVs.
- 210. In addition to switching fuel of LGVs, a priority for last mile freight movements is to reduce their number in our towns and cities, and reducing the time they spend there. Having appropriate loading and servicing spaces can improve safety and reduce disruption to other travellers (including bus lanes, cycleways and pavements). Appropriate provision of loading and servicing spaces can also reduce the amount of time freight vehicles need to spend finding an appropriate location to load/unload their goods, preventing congestion at pinch points and reducing emissions.
- 211. Loading and servicing plans for urban centres can reduce the adverse impacts from goods vehicles while supporting logistic operations. The Department will continue to monitor freight movements within urban centres and will introduce Loading and Servicing Plans with key stakeholders where this is considered beneficial.

212. The improvement of active travel infrastructure and the encouragement of cycle freight could also reduce LGV traffic in larger urban areas. Improving the efficiency of last mile freight movements though freight consolidation will also be encouraged.

#### MEASURE GG01

Through the maintenance and development of the RSTN, the Department will support the efficient movement of freight across NI and to gateways.

#### MEASURE GG02

The Department will continue to monitor freight and logistics operations in urban areas to support efficient operations and reduce adverse impacts.

## Gateways: Ports and Airports

- 213. NI is reliant on our gateways for the import of essential goods and for access to key export markets and destinations for travellers. Safe and efficient access is essential for the functioning of our ports and airports.
- 214. As gateways to international trade and supply chains, it is vital that our ports and airports are appropriately equipped to decarbonise their operations. Our ports and airports have already started to take steps to decarbonise with ZEVs and zero-emission energy sources now widely used.
- 215. As next generation technologies and fuels become available our Gateways will need to provide appropriate infrastructure to facilitate the move away from fossil fuel energy. This is needed to meet commitments in the CCA and to allow our Gateways to attract trade and investment from industries that require low carbon infrastructure to support their own climate objectives and operational needs.

216. Aviation and maritime shipping sectors are inherently global in nature, and this makes them some of the most challenging modes of transport to decarbonise. Given their global nature, the UK Government is leading in decarbonisation through the Jet Zero strategy: delivering net zero aviation by 2050 and Maritime 2050: navigating the future.

#### MEASURE GG03

The Department will continue to work with air and seaport operators and other public authorities, such as the Department for the Economy and UK Government, to ensure our Gateways have the necessary support and legislative basis to sustainably grow their operations, meet climate change commitments and other regulatory requirements.

## Sustainability through Innovation

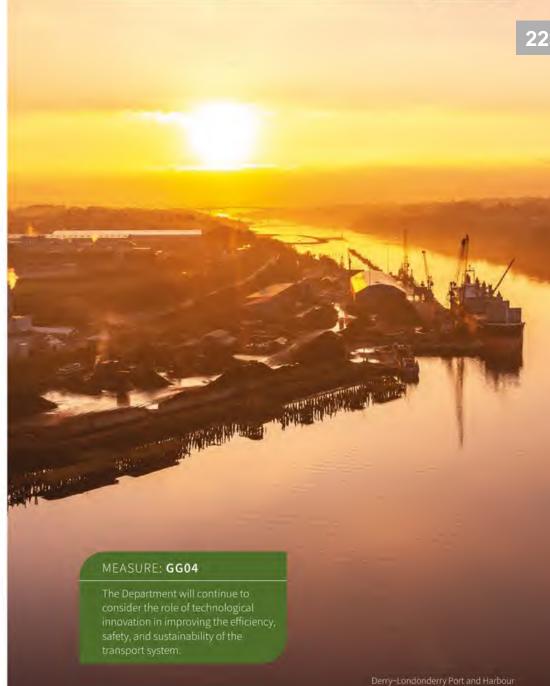
217. Technology has a significant role in improving the efficiency, accessibility and sustainability of the transport system.

#### **Intelligent Transport Systems**

- 218. The Department already uses Intelligent Transport Systems (ITS) to process data from sources such as sensors, real-time data on traffic flow, weather conditions, and other factors that can impact the transport system. This is used to inform decisions regarding routing, traffic management, and other operations.
- 219. As more data and computing power becomes available the Department will integrate more ITS into the management of the transport system. This will include the possibility of utilising ITS to promote more sustainable forms of travel - for example providing public transport and active travel priority on routes at certain times.
- 220. Real time decision-making in public transport linking to ITS can also help identify and predict surges in road usage, for example at sporting or cultural events; or adapting routes to deal with blockages caused by roadworks. Other advancements in public transport such as integrated ticketing and Mobility as a service will make it easier to transfer between public transport services.

#### Connected & Autonomous Vehicles

- 221. Connected and autonomous vehicles are an emerging and potentially significant change to road transport. The term connected vehicles refers to vehicles that can communicate with each other; with infrastructure; and with the wider system of other road users and networks through data sharing.
- 222. Autonomous vehicles use automated driver-assistance systems such as Radar/LiDAR, ultrasound, and in-vehicle cameras, along with other on-board and roadside sensors and other state-of-theart technologies to deliver self-driving vehicles capable of operating without any driver input.
- 223. The Centre for Connected and Autonomous Vehicles (a joint unit of the Department for Transport and the Department for Business & Trade) is leading on the development of policy, safety standards and industry development of autonomous vehicles for the UK Government.
- 224. Led by Belfast Harbour, the Harlander project will see the deployment of the UKs first fully driverless transport system. The Harlander will provide a twovehicle passenger shuttle service within the Belfast Harbour estate, providing sustainable last-mile connectivity from the Titanic Quarter railway station to Thompson Dock in Queen's Island. This is driving innovation in this area and developing local skills and knowledge that will have global application.

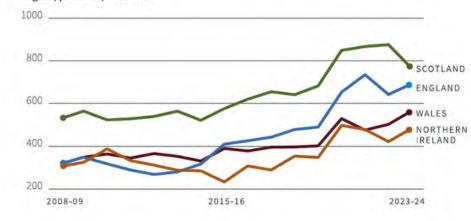




## Maintenance

- 225. NI has a legacy of underinvestment with the spend on transport services the lowest spend per head of population of all the UK Nations, as shown in Figure 11. Likewise, investment in Ireland has also been higher. This has resulted in a back log in maintenance over the past decade.
- 226. The Department commissioned Mr Jim Barton, a UK Highway expert, to undertake an Independent Review into the Funding Requirements for Structural Maintenance of the Northern Ireland road network. The report, published in 2019 highlighted the funding disparity between NI and the GB nations. The report found that NI road resurfacing programmes over the past decade have amounted to less than two-thirds of the level of funding necessary and had resulted in a maintenance backlog of more than £1.2Bn (in 2019 prices). Due
- to recent years inflationary pressures, the cost to replace the service potential of the road network will have increased; accordingly, failure to keep pace with minimum investment will also mean that whilst repairs and refiling are happening, the backlog is not being addressed, and in fact is increasing, resulting in a noticeable deterioration of the roads asset.
- 227. The rail network must be maintained to a high standard of safety in compliance with the rail safety regulatory framework. A backlog in historic investment means increased funding will be required over the period of this strategy to ensure the railway can operate efficiently and adhere to statutory standards. Maintaining standards and customer satisfaction is also important to ensure the railways continue to offer an attractive form of transport, particularly compared to car travel.

FIGURE 11: UK identifiable expenditure on services by function (Transport), country and region, per head, 2008-2022





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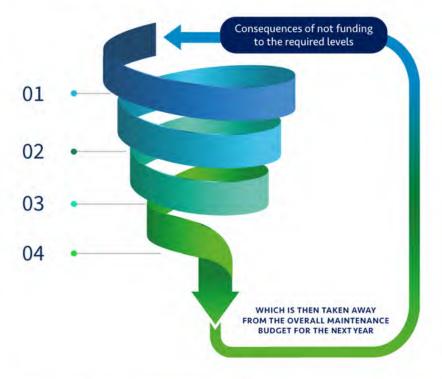








FIGURE 12: Consequences of not funding infrastructure to required levels



- O1 Not funding our infrastructure to the required level means that maintenance is delayed or reduced in scale.
- 02 Infrastructure becomes more unreliable and can expose the public to greater health and safety risks or a reduction in services and requires more short term repairs.
- These repairs often take longer to complete, are more expensive or occur more regularly leading to more delays and disruption or closures.
- The infrastructure is then in place for longer than it is designed for and when required to be replaced costs more to undertake.

- 228. Figure 12 shows the downward spiral and implications caused by underinvestment in maintenance. Put simply, it is better value to maintain the asset well and in a timely fashion to avoid the asset deteriorating more quickly, which results in more costly and complex interventions in the future.
- 229. For these reasons, it is important that existing transport assets are efficiently maintained before investing in new assets. Maintenance costs are generally recurrent annual costs.
- 230. The existing transport network is the platform on which society functions; its quality and utility are implied assumption in all public services. A failure to safeguard its condition and address the deterioration experienced over the past ten years is likely to see some parts of the network being rendered unusable. Addressing maintenance backlogs is key to managing risks to public safety and ensuring that the base level assumption of connectivity for citizens and businesses is sustained.

#### **Existing Scheme Commitments**

231. While this is a new Strategy, there are a number of Ministerial priorities, such as the Flagship and the City and Growth Deals Transport Projects, which will need to be built into modelling and financial assumptions. Specific allocations for Flagship or City and Growth Deals is ringfenced when allocated to the Department so cannot be spent on other projects.

#### Delivering our Transport Objectives

- 232. Finite budgets create the need to prioritise not only between the maintenance of our transport assets and the delivery of new projects but which of these new projects will be delivered and when. Managing these competing needs will require difficult decisions to be made.
- 233. Delivering infrastructure programmes and services doesn't only require financial investment; it also needs a talented and capable workforce. Recruitment and retention difficulties mean that the part of the Department responsible for managing the road network currently has a vacancy rate of approximately 27%. Accordingly, we are currently undertaking a review of our operating model to seek to ensure we have sufficient capability and capacity to competently, safely and sustainably deliver our objectives in the future.
- 234. Given the need to meet stretching emissions targets in relatively short timescales, increased modelling and data capability within the Department will help us to better demonstrate how individual projects will impact against this Strategy's outcomes.
- Deliverability will also be an important factor in determining relative priorities.



#### **Public Transport Assets**

- 236. The Department invests both significant capital and revenue funding in Public Transport.
- 237. In 2023-2024 financial year the
  Department funded Translink with
  £167.7m of revenue support as well
  as £275.4m in capital support in the
  delivery of our public transport system.
- 238. There will continue to be a need for ongoing fleet renewal programmes. In recent years bus fleet renewals has focussed on replacing diesel vehicles with electric vehicles, with much of the Metro fleet in Belfast and Derry/ Londonderry having been replaced.
- 239. An electric bus is currently around 60% more expensive than a Euro 6 compliant diesel bus. Affordability and the most effective means to reduce the carbon emissions from transport will need to be considered before embarking on full replacement of all Translink buses and coaches with zero and low emission alternatives.
- 240. Investment decisions will give weight to urban and inter-urban bus service improvements that have the potential to increase accessibility and help induce significant modal shift.
- 241. Longer term rail proposals including the expansion and electrification proposals presented in the All-Island Strategic Rail Review, published in July 2023, will be considered in more detailed feasibility assessments in this period to 2035. Affordability will mean the option to

procure and construct these projects is unlikely before 2035 without significant additional transport funding being made available and/or a change to Executive transport priorities.

#### Public Transport Revenue Subsidies

- 242. The Department provides revenue funded subsidies to Translink by two streams. One is through a Public Service Agreement (PSA) and the other is through Concessionary Fares.
- 243. Through the PSA, the Department includes a commitment that funding should be maintained at such a level to ensure that the public service obligation activities performed by Translink enable it to maintain its financial viability over the life of the Corporate Plan. This will continue.
- 244. Through the Northern Ireland
  Concessionary Fares Scheme the
  Department promotes accessible public
  transport for those most at risk of social
  exclusion by providing free and half
  fare public transport at all times of the
  day for those aged over 60 or with a
  qualifying disability. The Scheme also
  covers half price fares for children and
  young people.
- 245. Following a public consultation on proposed changes to the eligibility criteria for the Scheme in 2023, it was decided to retain the current concessions under the Scheme, including maintaining age eligibility

- at 60. To help protect the Scheme and manage overall costs, a fee for those applying for, renewing or replacing their concession pass will be introduced.
- 246. The eligibility criteria for the Scheme will remain under review to ensure the Scheme can continue to be provided for those most in need. This will include looking for opportunities to increase the concession available to those with qualifying disabilities, or extending the eligibility criteria for the Scheme, if the financial position allows.

#### Alternative Funding Opportunities

- 247. Given the pressures on the transport budget the Department will explore alternative forms of funding for the maintenance and improvement of the transport system.
- 248. This could involve consideration of areas such as road user charging (tolls), congestion charging, greater partnership working and shared prioritisation with delivery partners and a broad review of the fees and charges managed by the Department in the delivery of its transport functions. The Department will also continue to make effective use of developer contributions to improve transport in line with the provisions in the SPPS.

# Monitoring and Delivery

- 249. The delivery of this Strategy will be achieved through a combination of new and existing transport programmes and decision-making processes. This will see both immediate and incremental change. For example, creating behavioural changes will require immediate action combined with long-term planning. This is to ensure change becomes embedded and the transport system is future proofed for societal needs and demands.
- 250. This Strategy will be accompanied by a series of Delivery Frameworks that will outline the progress towards the Strategic Priorities for Transport. These Delivery Frameworks will link to Carbon Budget periods. The first Delivery Framework will be published alongside the adopted Strategy and will set out the actions and measures that are expected to be taken forward in the period to 2027. Subsequent Delivery Frameworks will review the effectiveness of the actions taken in the previous period so that positive change can be reinforced, and changes made where necessary. The Delivery Framework will be accompanied by monitoring indicators following the principles of evidencebased decision making as set out earlier in this Strategy.
- 251. The content of the Delivery Frameworks will be closely linked to the preparation, delivery and outworking of the Department's key transport workstreams such as the CCA Transport Sectoral Plan, Transport Plans, Active Travel Delivery Plan and the Road Safety Strategy. As

- these programmes are developed further, they may provide the delivery reporting of this Strategy. This will ensure that action is focused in the correct areas and duplication of effort is avoided.
- 252. Delivery of this Strategy will also be dependent on the actions of key transport partners and stakeholders, the choices of individuals and wider changes in the transportation (such as the uptake in low and zero emission vehicles and technological advancements in transport). Reflecting this, the Delivery Frameworks will take account of wider transport developments such as the preparation and adoption of the councils LDPs, changes in other related UK and NI government policies and changes in the public's travel behaviours.

#### Impact Screening and Assessments

- 253. Throughout the delivery phases, individual projects will be appropriately screened in line with the <u>Department's</u> <u>Equality Scheme</u>.
- 254. Other assessments, such as Strategic/ Environmental Impact Assessments, will be undertaken, where appropriate.

## Withdrawn Documents

- 255. Upon adoption of this Strategy the following documents will be withdrawn:
  - Moving Forward: Northern Ireland Transport Policy Statement.
  - The Regional Transport Strategy for Northern Ireland 2002-2012.
  - Ensuring a Sustainable Transport
     Future A New Approach to Regional
     Transportation.
  - Planning for the Future of Transport Time for Change.

## Abbreviations List

ABC	Armagh City, Banbridge and
SRTP	Craigavon Sub-Regional
	Transport Plan
AISRR	All-Island Strategic Rail Review
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
CCA	Climate Change Act
CCG	Causeway Coast and Glens Sub-
SRTP	Regional Transport Plan
CO2	Carbon Dioxide
CSI	Common Safety Indicator
DAERA	Department of Agriculture,
	Environment and Rural Affairs
DAL	Dial-a-Lift
DATS	Disability Action Transport
	Scheme
DMF	Demand Management
	Framework
ETP	Eastern Transport Plan
EU	European Union
EV	Electric Vehicle
FO SRTP	Fermanagh and Omagh Sub-
	Regional Transport Plan
GB	Great Britain
GHG	Greenhouse Gas
HGV	Heavy Goods Vehicle
ICE	Internal Combustion Engine
IMTAC	Inclusive Mobility and Transport
	Advisory Committee
	B 10 10 10 10 10 10 10 10 10 10 10 10 10

ITS	Intelligent Transport Systems
km/h	kilometres per hour
KTC	Key Transport Corridor
LDP	Local Development Plan
LEV	Low Emission Vehicle
LGV	Light Goods Vehicle
LTP	Local Transport Plan
mph	miles per hour
MU SRTP	Mid Ulster Sub-Regional
	Transport Plan
NI	Northern Ireland
NMD	Newry, Mourne and Down Sub-
SRTP	Regional Transport Plan
NO2	Nitrogen Dioxide
NWTP	North-West Transport Plan
PM	Particulate Matter
PMF	Place and Movement
	Framework
PSA	Public Service Agreement
PSNI	Police Service of Northern
	Ireland
RSTN	Regional Strategic Transport
	Network
SPPS	Strategic Planning Policy
	Statement
TEM	Transport Emissions Model
TSNI	Travel Survey Northern Ireland
UK	United Kingdom
ZEV	Zero Emission Vehicle

# Photo Credits

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Transport Strategy

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Report to:	Planning Committee
Date of Meeting:	September 2025
Subject:	Planning Enforcement Update
Reporting Officer (Including Job Title):	Jonathan McGilly – Assistant Director
Contact Officer (Including Job Title):	Lois Jackson – Development Plan Manager

For c	lecision For noting only x				
1.0	Purpose and Background				
	<u>Purpose</u> To provide Members with an overview of the current situation of the Council's Planning Enforcement Section in terms of overall caseload and staffing levels.				
	<u>Background</u> The Enforcement Section is responsible for investigating alleged breaches of Planning Control within the District, and taking formal enforcement action against breaches, where it is considered expedient to do so, including the service of enforcement and breach of condition notices, as well representing the Council at the resulting enforcement appeals and court hearings. This is carried out in accordance with the Council's <u>Planning Enforcement Strategy</u> .				
2.0	Key issues				
2.1	The staffing and caseload levels in the Council's Planning Enforcement Section or June 30 <sup>th</sup> 2025 were as follows:-  Enforcement Caseload and Resourcing				
	<ul> <li>Caseload: 158 new cases received between January 1<sup>st</sup> 2025 and June 30<sup>th</sup> 2025 (6 month period). This brings the total number of live enforcement cases on June 30<sup>th</sup> 2025 to 732, an increase from 680 in August 2024 (approximately 8% increase).</li> </ul>				
	<ul> <li>Staffing: Of the officers currently in post, two are currently on sick leave (one in each office) and a maternity leave commences in November 2025. An exercise to identify cases assigned to the officers who are absent (to determine if cases can be closed due to breaches being rectified) is currently underway. A Temporary Senior Officer took up post in Enforcement on June 30<sup>th</sup> 2025 and a recruitment competition to fill the vacancy on a permanent basis has now been filled, start date tbc.</li> </ul>				
	Appeals and Formal Enforcement Action				
	<ul> <li>There is a large number of enforcement appeals and formal cases which have progressed to the courts. This requires extensive management, evidence gathering and preparation.</li> </ul>				

	Live Enforcement Appeals – approx. 7 ongoing					
	Live Court Cases – approx. 21 ongoing and at various stages.					
3.0	Recommendations					
3.1	That the Committee notes the above information.					
4.0	Resource implications					
4.1	There is a potential need for additional recruitment competitions to cover current and expected vacancies within the Enforcement Section to maintain service levels and to reduce the overall caseload.					
5.0	Due regard to equality of opportunity and regard to good relations (complete relevant sections)	plete				
5.1	General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes					
	It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations					
5.2	Proposal relates to the introduction of a strategy, policy initiative or practand / or sensitive or contentious decision  Yes  No  If yes, please complete the following:	ctice				
	The policy (strategy, policy initiative or practice and / or decision) has been equality screened					
	The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation					
5.3	Proposal initiating consultation					
	Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves					
	Consultation period will be 12 weeks					
	Consultation period will be less than 12 weeks (rationale to be provided)					
	Rationale: N/A					

6.0	Due regard to Rural Needs (please tick all that apply)			
6.1	Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service			
	Yes □ No □			
	If yes, please complete the following:			
	Rural Needs Impact Assessment completed			
	An RNIA will be published with the draft Plan Strategy.			
7.0	Appendices			
	N/A			
8.0	Background Documents			
	N/A			

## 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
	PLA	NNING COMMITTEE MEETING - 2	9 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	Recommended for approval on 20.08.2025 committee. To be issued following call in period.	Y
	PLANI	NING COMMITTEE MEETING - 5 F	EBRUARY 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
	PLA	NNING COMMITTEE MEETING - 2	23 JULY 2025		
LA07/2023/30 99/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 held 21 August 2025. To be tabled at September 2025 Committee	Y
LA07/2023/34 12/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 held 21 August 2025. To be tabled at September 2025 Committee	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	PLAN	 NING COMMITTEE MEETING — 2	20 AUGUST 2025		
LA07/2025/ 0100/F -	28 Chestnut Grove, Newry, BT34 1JT - Extension & alterations to dwelling	Deferred	M Keane	To be tabled at September Committee	Y
LA07/2024/ 1077/O	Land 25m west of No 60 Crawfordstown Road, Ballynahinch - 2 x Infill dwellings	Deferred to allow for a site visit	B Ferguson	Site visit to be arranged	N
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	Deferred to allow for a site visit	B Ferguson	Site visit to be arranged	N