



October 23rd, 2023

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 18th October 2023 at 10:00 am** in **Chamber Monaghan Row Newry.**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies and Chairperson's remarks.

Cllr Campbell

2.0 Declarations of Interest.

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

- Item 8 - LA07/2022/1714/F – Cllrs Campbell; Enright; Finnegan; Larkin; D Murphy; D McAteer attended the site visit on 09-10-2023

Item 9 - LA07/2022/1384/F – Cllrs attended the site visit on 07-09-2023

4.0 Minutes of Planning Committee Meeting held on Wednesday 20 September 2023. (Attached)

 *Planning Committee Minutes 2023-09-20.pdf*

Page 1

5.0 Addendum List - Planning applications with no representations received or requests for speaking rights. (To follow)

 *Addendum list - 18-10-2023.pdf*

Page 9

Local Development Plan Items - Exempt Information

6.0 LDP Update – Presentation of future papers (for noting). (Attached)

This item is deemed to be restricted by virtue of 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.

 *EXEMPT LDP future papers.pdf*

Not included

 *EXEMPT Annex 1 - DfI LDP Regulations Questionnaire.pdf*

Not included

7.0 Review of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 – DfI Request for feedback from Councils. Council response (for noting) (Attached).

This item is deemed to be restricted by virtue of 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.

 *EXEMPT re Review of LDP Regulations.pdf*

Not included

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

8.0 LA07/2022/1714/F - New Dwelling and Garage - Lands 71m south west of existing agricultural building which are immediately adjacent to No.52 Ribadoo Road, Ballyward, Castlewellan. (Attached)

REFUSAL

- In line with the Operating Protocol no further speaking rights are not permitted on this application (Mark Harvey agent, will be available to answer any queries Members might have)
- A site visit was held on 09-10-2023 - Cllrs Campbell; Enright; Finnegan; Larkin; D Murphy; D McAteer attended.

 *1714_Ribadoo(1).pdf*

Page 11

 *LA07-2022-1714-F Ribadoo Farm Dwelling.pdf*

Page 19

9.0 LA07/2022/1384/F- Proposed replacement dwelling and detached garage with retention of existing dwelling for ancillary use - 50 Carrickbroad Road, Drumintee, Newry, BT35 8TQ. (Attached)

REFUSAL

- In line with the Operating Protocol no further speaking rights are not permitted on this application (Mark Tumilty agent, will be available to answer any queries Members might have)
- A site visit was held on 07 September 2023 - Cllrs Enright; Finnegan; Larkin; King; D Murphy; J Tinnelly, attended.

 *LA07-2022-1384-F (replacement) 50 Carrickbroad Road.pdf*

Page 25

 *LA07-2022-1384-F 50 Carrickbroad Road Newry (002).pptx*

Page 31

10.0 LA07/2023/2409/F - Partial Demolition of Two Storey Library to Create Single Storey Eco Library Building - KILLYLEAGH LIBRARY 52 HIGH STREET KILLYLEAGH. (Attached))

APPROVAL

 *DCO Killyleagh 2023_2409.pdf*

Page 39

11.0 LA07/2019/0549/F - Residential development to comprise 18 Nr. semi-detached dwellings 3 nr detached dwellings. - Lands at No. 15 Old Warrenpoint Road Newry BT34 2TD. (Attached)


APPROVAL

 *LA07-2019-0549.pdf*

Page 51

12.0 LA07/2021/0167/F -Demolition of existing dwelling and erection of 6 new dwellings - 32 Ballyholland Road, Ballyholland. (Attached)

APPROVAL

 *LA07-2021-0167-F.pdf*

Page 66

13.0 LA07/2022/1763/F - Public realm improvement scheme comprising resurfacing of the existing breakwater; refurbishment of railings; replacement lighting; installation of new street furniture including seats, wind breaks, bins, cycle stands and bollards; - Lands at the breakwater along Warrenpoint Front Shore located approximately 12 metres south west of 3 Osborne Promenade Warrenpoint, BT34 3NQ. (Attached)

APPROVAL

 *2022.1763 Report.pdf*

Page 88

14.0 LA07/2022/1776/F - Proposed infill development for 2no. two storey dwellings with detached garages - Site between 4 Tullymurry Road and 1 Tullymurry Cottages, Newry, BT34 1NQ.

REFUSAL

- Application to be deferred at the request of Planning Department.

15.0 LA07/2022/1285/F - Erection of dwelling and detached garage - Lands approximately 60m south west of No.89 Cullaville Road, Crossmaglen. (Attached)

REFUSAL

- A request for speaking rights has been received from Colin O Callaghan, in support of the application. (Attached)

 *2022 1285 - Cullaville Road.pdf* *Page 101*

 *LA07 2022 1285 F OCP Speaking Notes D2.pdf* *Page 108*

 *LA07 2022 1285 (002)_Cullaville Road.ppt* *Page 110*


16.0 LA07/2023/2527 - Environmental improvements comprising the installation of new planting schemes to existing open space, improvements to existing uncontrolled crossing points, refurbishment works to the fountain area, refurbishment of existing street lighting, refurbishment of existing finger posts, installation of heritage style planters and all associated works - Lands adjacent to 1-12 Main Street, 1-45 Church Road, 2 Dale Terrace, 21-6 Wakefield Terrace, 1-23 Charlemont Square West, 1-8 Charlemont Square.

APPROVAL

 *LA07-2023-2527-F.pdf* *Page 118*

17.0 LA07/2021/0480/F - Erection of 12 houses, housing development and associated site works - 9 & 11 Rathfriland Road, Hilltown. Lands zoned for housing immediately adjacent to and north of 11a Rathfriland Road, Hilltown. Public footpath opposite and immediately east of no. 13 Rathfriland Road, Hilltown. Public footpath on Rathfriland Road , Hilltown immediately NW of the Downshire Hotel. (Attached)

APPROVAL

 *LA07.2021.0480.F Housing Rathfriland Rd Hilltown 02.10.23 reviewed 04.10.23.pdf* *Page 130*

18.0 LA07/2023/2528/F - Environmental improvements comprising the installation of new heritage style street lighting, remedial works to existing footpaths, improvements to existing uncontrolled crossing points, and all associated works - Lands adjacent to 1-92 Main Street, 33-37 Saintfield Mill, 1-11 Fairview, 2 Comber Street, Saintfield, BT24. (Attached)


APPROVAL

 *Case Officer Rpt 5258.pdf*

Page 145

19.0 LA07/2023/2529/F - Environmental improvements comprising the refurbishment of street lighting to the Upper Square Carpark, installation of heritage style bus shelters to Upper and Lower Square, installation of heritages style street furniture including pedestrian guard rails - Lands adjacent to 15-101 Main Street, 1-29 Upper Square, 2-44 Lower Square, Castlewellan. (Attached)

APPROVAL

 *LA07-2023-2529-F.pdf*

Page 162

20.0 LA07/2023/2587/F - Carlingford Lough Greenway connecting Victoria Lock with NI/ROI Border. The proposed Greenway consists of the following: 4m wide timber boardwalk (1025m in length), 3m wide unbound gravel greenway (375m) and 3m wide bound ashphalt greenway (110m). Associated infrastructure and works include fencing, vehicle restraint system (crash barriers), edging kerbs for bound greenway, directional/trail head signage; piling installation for boardwalk and drainage works. Greenway ties in with related

APPROVAL


- A request for speaking rights has been received from Adrian O Hare Narrow Water Bridge Community Network , in objection to the application. (Attached)

 *LA07.2023.2587.F Green Way Phase 2 04.10.23.pdf*

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 *WRITTEN SUBMISSION re LA07.2023.2587.F.pdf*

Page 196

 *LA07-2023-2587-F Greenway.pptx*

Page 197

21.0 LA07/2021/1350/O - Replacement Dwelling - Between 38 & 40 Ballygoskin Road Crossgar. (Attached)

REFUSAL

 *LA07-2021-1350-F_CO_Report Ballygoskin Road Replacement .pdf*

Page 211

22.0 LA07/2022/0959/F - Replacement of existing turbine approved under R/2012/0153/F with a Vestas V52 Wind turbine comprising of a 50m Hub height and Blade Span of 26m (overall tip height of 76m) - Approx. 650m South East of No 4 New Line Crossgar. (Attached)

APPROVAL

 *Case Officer Report 0959.pdf*

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Invitees

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

Mr Peter Rooney
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Cllr Michael Ruane
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Cllr Michael Savage
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Cllr Gareth Sharvin
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Donna Starkey
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Mrs Marie Ward
.....

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 20 September 2023 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D Murphy

In attendance: **(Committee Members)**

Councillor P Byrne
 Councillor P Campbell
 Councillor C Enright
 Councillor A Finnegan
 Councillor G Hanna
 Councillor C King
 Councillor M Larkin
 Councillor D McAteer
 Councillor M Rice
 Councillor J Tinnelly

(Officials)

Mr J McGilly	Assistant Director of Regeneration
Mr Pat Rooney	Principal Planning Officer
Mr Peter Rooney	Legal Advisor
Ms A McAlarney	Senior Planning Officer
Ms M Fitzpatrick	Senior Planning Officer
Ms P Manley	Senior Planning Officer
Ms C Moane	Development Management HTPO
Ms F Murray	Planning Officer
Ms S Taggart	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms L Cummins	Democratic Services Officer

P/063/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apology was received:

- Councillor S Murphy

P/064/2023: DECLARATIONS OF INTEREST

No declarations of interest.

**P/065/2023: 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.

No declarations.

The Chairperson reminded those Councillors who were not in attendance at site visits, to be mindful of this when deciding to take part in any voting process in relation to these applications.

MINUTES FOR CONFIRMATION

**P/066/2023: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 23 AUGUST 2023**

Read: Minutes of Planning Committee Meeting held on Wednesday 23 August 2023.
(Copy circulated)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 23 August 2023 as a true and accurate record.

FOR DISCUSSION/DECISION

P/067/2023: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 20 September 2023.
(Copy circulated)

AGREED: On the proposal of Councillor Tinnelly, seconded by Councillor Larkin, it was agreed to approve the Officer recommendation in respect of the following application listed on the Addendum List for Wednesday 20 September 2023:

- **LA07/2023/2525/F** - Environmental improvements comprising the installation of new natural stone footpaths, improvements to existing uncontrolled crossing points, refurbishment of existing street lighting, like for like replacement of existing damaged pedestrian guard rails, installation of cycle stands and all associated works - Lands adjacent to 3-28 The Square, 1-38 Bridge Street, 1-34 Church Street, 2 Church Street, 4-8 Mary Street, Rostrevor
APPROVAL
- **LA07/2022/1335/F** - Erection of residential development and associated site works (revised scheme for 12 no. apartments (in 2 blocks) with demolition of existing dwelling on site known as 35 Rathfriland Road, Newry - 35 Rathfriland Road, Newry.
APPROVAL

- **LA07/2022/1025/F** - Attached duplex apartment in side garden of existing end terrace dwelling - 31 Hillfoot Crescent Ballynahinch.

REFUSAL

With regard to the presentation to Committee of Planning Applications LA07/2020/0276/F; LA07/2022/0296/F and LA07/2023/1936/F, Mr Rooney provided a background briefing in relation to these applications.

He said NI Water had been in discussion with Planning Department with regard to capacity issues identified within the sewerage network over the past 2 year period throughout the NMD Council area, and across all Council areas, with capacity issues identified in the NMD area in Cranfield, Kilkeel, Magheragh, Dundrum, Downpatrick, Ballynahinch, Saintfield and Annesborough where NI Water state the network is operating significantly above design capacity increasing the risk of out of sewer flooding and potential pollution to the local environment.

He said NI Water state that for all developments constrained by a waste water capacity, there is always a potential solution, either strategic or localised, and is therefore the responsibility of the applicant to engage with NI Water to reach a feasible solution – this may take the form of a preliminary drainage enquiry, or the submission of a Waste Water Impact Assessment ahead of the submission of a formal planning application. He explained applicants who complete a Waste Water Assessment and pay the requisite fee, receive a site specific solution engineering report within 3 months with the final solution design agreed between NI Water and the developer, and Planning Department therefore take this into consideration in dealing with such applications.

He then gave details on Planning Department determinations based on the following:

- NI Water consultation responses on applications where this is an issue, an approval will be recommended where applications are like for like, where there has been an extant previous approved development on the site where NI Water has given a positive response, or where the development will offer a reduced backlog on the sewer network, ie, a replacement application or a lesser proposal.
- An approval will also be recommended where there is an immediate or reasonable prospect of an agreed solution based on early engagement by the applicant through the submission of a preliminary drainage enquiry or waste water impact assessment.
- A refusal is recommended where the applicant has initiated an engagement through either method but where there is no immediate or reasonable prospect of an agreed solution, or where a solution is under consideration but not finalised and NI Water therefore take a precautionary approach.
- A recommendation to refuse an application where capacity have been identified with a specific proposal and where the applicant is not engaged directly with it in seeking to identify a solution, and responsibility lies with the applicant where they do not meaningfully engage.

Mr Rooney said with regard to the 3 above applications brought to the Committee today and for which Planning recommend approval contrary to the view of NI Water in its consultation response, NI Water have confirmed the applicants have positively engaged and while the solution is not immediately achievable there is the prospect of a solution and therefore in these circumstances

while NI Water recommend refusal, the Planning Department propose to recommend approval of these applications, subject to a negative planning condition in 2 parts, stating:

- The development that is hereby approved shall not commence on site until full details of foul and sewerage drainage arrangements to service the development including a programme of implementation of the works, have been submitted to and approved in writing by the Council in consultation with NI Water, and secondly;
- No part of the development is hereby permitted to be occupied until the drainage arrangements agreed by NI Water and as required by Planning condition, has been fully constructed and implemented by the developer.

He said Planning Department believe this to be a balanced approach ensuring the protection of the environment.

Finally he added that within the current Scheme of Delegation, all applications recommended for approval, contrary to views of a statutory agency, must be brought to the Committee for presentation, and Committee approval be sought that where such circumstances arise and Planning will recommend approval contrary to NI Water, but with negative conditions, that those applications go onto the Addendum List with no presentation given, but should a Committee Member have concerns they may seek a presentation to be given.

Members were in unanimous agreement that, going forward, all such applications should be included on the Addendum List without formal presentation to Committee.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to approve the Officer recommendation in respect of the following applications, and include on the addendum list for Wednesday 20 September 2023:

- **LA07/2023/0276/F** - Demolition of existing buildings and erection of 10 houses - Lands at 4 Donaghaguy Road Warrenpoint, BT34 3RZ.
APPROVAL
- **LA07/2022/0296/F** - Proposed residential development comprising 92 residential dwellings (comprising 70 houses; 20 apartments and 2 bungalows), access/right turn lane, open space, landscaping and other ancillary site works (Amended Proposal) - Lands approx 80m east of No.15 Martins Lane (Parochial House) and 30M west of Nos 1-20 Demense Carnagat Road Newry.
APPROVAL
- **LA07/2023/1936/F** - Proposed change of use of an existing vacant retail unit to form a fast food restaurant and takeaway at ground floor level with 3 bedroom house of multiple occupancy (HMO) residential accommodation at first floor level - 27 Monaghan Street, Newry.
APPROVAL

AGREED: It was unanimously agreed that, going forward, all such applications should be included on the Addendum List without formal presentation to Committee.

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

P/068/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/1179/F

Location:

Lands approximately 8m southeast of No.143 Tullyah Road, Whitecross.

Proposal:

Erection of dwelling and detached garage

Conclusion and Recommendation from Planning Official:

REFUSAL

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer explained this application had been presented to Committee during the 2022/2023 term of Council, and deferred for a site visit which had now taken place. He said it had been brought back to Committee for full presentation as we were now in the 2023-2024 term of Council. He gave a PowerPoint presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Note: Cllrs Enright; Finnegan; Larkin; King; D Murphy; Tinnelly attended site visit.

Note: Councillor McAteer indicated he would withdraw from discussion and decision on this application.

Speaking rights:

In support

Mr Colin O Callaghan Agent, presented in support of the application, detailing and expanding upon a written statement circulated to Committee Members.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1179/F, contrary to Officer recommendation, on the basis that having visited the site and seen the substantial size of the shed to the rear and side of the dwelling, it does present an infill opportunity; it is a confined site and will not lead to a ribbon development in the area and that officers be delegated to impose any necessary conditions. Councillor Finnegan seconded the proposal.

The proposal was put to a vote and voting was as follows:

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Finnegan it was agreed to issue an approval in respect of planning application LA07/2022/1179/F, contrary to officer recommendation, on the basis that having seen the site and the significant size of the shed, it presents an infill opportunity; it is a confined site and will not contribute to ribbon development in the area.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2022/0819/F

Location:

7 Courtney Hill Newry

Proposal:

Proposed rear extension

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr M Keane Senior Planning Officer explained this application had been presented to Committee in August 2023 and was deferred for a site visit which had since taken place. He provided Members with a short recap on the PowerPoint presentation previously presented to Committee.

Note: Cllrs Enright; Finnegan; Larkin; King; D Murphy; Tinnelly attended site visit.

Note: Councillor McAteer indicated he would withdraw from discussion and decision on this application.

Speaking rights:

In support

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

Mr J Cole Agent, was in attendance to provide clarification if required.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/0819/F, contrary to Officer recommendation, on the basis that having visited the site and seen the numerous other extensions in the area, including the extension next door to the site, and having listened to the counter arguments by the agent in relation to the path of the sun, he was content this extension is acceptable. Councillor Enright seconded the proposal.

The proposal was put to a vote and voting was as follows:

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Enright it was agreed to issue an approval in respect of Planning Application LA07/2022/0819/F, contrary to Officer recommendation, on the basis that having visited the site and seen the numerous other extensions in the area, including the extension next door to the site, and having listened to the counter arguments by the agent in relation to the path of the sun, this extension is acceptable.

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

(3) LA07/2022/1326/F

Location:

19 Cherry Hill, Rostrevor, BT34 3BD.

Proposal:

Proposed alterations to existing dwelling including attic conversion, single storey front and rear extensions with associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr M Keane Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support

Mr Ronan Downey Architect, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor McAteer proposed to issue a refusal in respect of Planning Application

LA07/2022/1326/F, as per the information contained within the Case Officer report and presented to Committee. Councillor Larkin seconded the proposal.

The proposal was put to a vote and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning

Application LA07/2022/1326/F, as per the information contained within the Case Officer report and presented to Committee.

(4) LA07/2022/1714/F

Location:

Lands 71m SW of No.52 Ribadoo Road, Ballyward, Castlewellan

Proposal:

New dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Ms A McAlarney Senior Planning Officer, gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support

Mr Mark Hanvey Agent, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor D Murphy proposed to defer Planning Application LA07/2022/1714/F for a site visit. Councillor Hanna seconded the proposal.

The Committee voted unanimously in support of the proposal and it was declared carried.

AGREED: On the proposal of Councillor D Murphy seconded by Councillor Hanna, it was agreed to defer Planning Application LA07/2022/1714/F for a site visit.

The meeting concluded at 11.40 pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 18 October 2023

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

- **LA07/2023/2409/F** - Partial Demolition of Two Storey Library to Create Single Storey Eco Library Building - KILLYLEAGH LIBRARY 52 HIGH STREET KILLYLEAGH
APPROVAL
- **LA07/2019/0549/F** - Residential development to comprise 18 Nr. semi-detached dwellings 3 nr detached dwellings. - Lands at No. 15 Old Warrenpoint Road Newry BT34 2TD.
APPROVAL
- **LA07/2021/0167/F** -Demolition of existing dwelling and erection of 6 new dwellings - 32 Ballyholland Road, Ballyholland.
APPROVAL
- **LA07/2022/1763/F** - Public realm improvement scheme comprising resurfacing of the existing breakwater; refurbishment of railings; replacement lighting; installation of new street furniture including seats, wind breaks, bins, cycle stands and bollards; - Lands at the breakwater along Warrenpoint Front Shore located approximately 12 metres south west of 3 Osborne Promenade Warrenpoint, BT34 3NQ.
APPROVAL
- **LA07/2023/2527** - Environmental improvements comprising the installation of new planting schemes to existing open space, improvements to existing uncontrolled crossing points, refurbishment works to the fountain area, refurbishment of existing street lighting, refurbishment of existing finger posts, installation of heritage style planters and all associated works - Lands adjacent to 1-12 Main Street, 1-45 Church Road, 2 Dale Terrace, 21-6 Wakefield Terrace, 1-23 Charlemont Square West, 1-8 Charlemont Square.
APPROVAL
- **LA07/2021/0480/F** - Erection of 12 houses, housing development and associated site works - 9 & 11 Rathfriland Road, Hilltown. Lands zoned for housing immediately adjacent to and north of 11a Rathfriland Road, Hilltown. Public footpath opposite and immediately east of no. 13 Rathfriland Road, Hilltown. Public footpath on Rathfriland Road , Hilltown immediately NW of the Downshire Hotel.
APPROVAL

- **LA07/2023/2528/F** - Environmental improvements comprising the installation of new heritage style street lighting, remedial works to existing footpaths, improvements to existing uncontrolled crossing points, and all associated works - Lands adjacent to 1-92 Main Street, 33-37 Saintfield Mill, 1-11 Fairview, 2 Comber Street, Saintfield, BT24.
APPROVAL
- **LA07/2023/2529/F** - Environmental improvements comprising the refurbishment of street lighting to the Upper Square Carpark, installation of heritage style bus shelters to Upper and Lower Square, installation of heritages style street furniture including pedestrian guard rails - Lands adjacent to 15-101 Main Street, 1-29 Upper Square, 2-44 Lower Square, Castlewellan.
APPROVAL
- **LA07/2021/1350/O** - Replacement Dwelling - Between 38 & 40 Ballygoskin Road Crossgar.
REFUSAL
- **LA07/2022/0959/F** - Replacement of existing turbine approved under R/2012/0153/F with a Vestas V52 Wind turbine comprising of a 50m Hub height and Blade Span of 26m (overall tip height of 76m) - Approx. 650m South East of No 4 New Line Crossgar.
APPROVAL

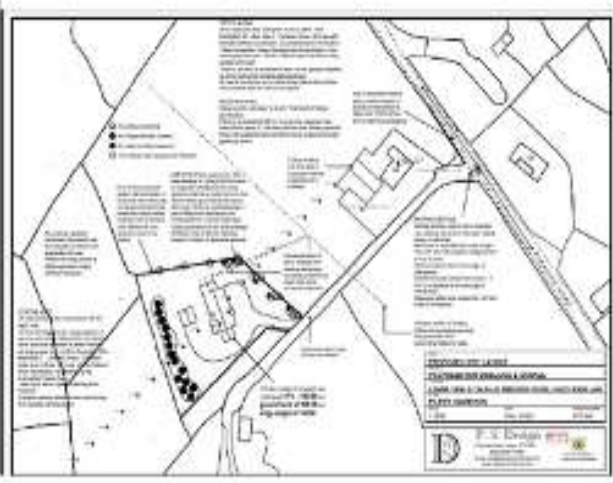
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Delegated Application

Development Management Officer Report	
Case Officer: Annette McAlarney	
Application ID: LA07/2022/1714/F	Target Date:
Proposal: New Dwelling and Garage	Location: Lands 71m south west of existing agricultural building which are immediately adjacent to No.52 Ribadoo Road, Ballyward, Castlewellan (amended address)
Applicant Name and Address: Eileen Davidson 52 Ribadoo Road Ballyward Castlewellan BT31 9SY	Agent Name and Address: P.S Design 9 Drumview Road Lisburn BT27 6YF
Date of last Neighbour Notification:	23 November 2022
Date of Press Advertisement:	19 July 2023
ES Requested: No	
Consultations: DFI Roads DAERA NIW HED DFI Rivers	
Representations: Colin McGrath MLA Support	
Letters of Support	1
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: May 2023

Characteristics of the Site and Area

The site is located along the Ribadoo Road, to the SW of No.52 Ribadoo Road. It is comprised of a portion of land cut out of a larger agricultural field currently used for grazing. The site slopes down from the public road in a south-westerly direction. The site is undefined by mature vegetation but does benefit from a backdrop. The remaining boundaries are currently undefined. The site is located along a lane which serves a number of buildings. Rural area, dispersed pattern of development. Mournes AoNB.

Description of Proposal

New Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Banbridge Newry and Mourne Plan 2015, PPS 3, PPS15, PPS 21 (CTY 10, 13, 14,16), Building on Tradition in addition, to the history and any other material considerations.

PLANNING HISTORY

Application Number: LA07/2021/2081/F Decision: Permission Granted Decision Date: 27 May 2022
Proposal: Retention of Existing Calving/ Handling Facilities plus Machinery and Straw Storage Shed (Existing Domestic Garage integrated into overall building)

SUPPORTING DOCUMENTS

DAS

CONSULTATIONS

DFI Roads content subject to conditions
DFI Rivers content
HED No archaeological requirements
NIW content
DAERA Farm business active and Est ad claims payments

REPRESENTATIONS

Colin McGrath MLA Support

EVALUATION

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) 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.

In assessment of these criterion, it is noted that the applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has not revealed any other planning applications in connection with the business ID, nor any other developments being sold off.

The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25th November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b)

The proposed site is located 71m from the existing group of buildings on the farm, which includes No.52 and the adjacent farm sheds. From critical viewpoints on approaching the site from the NE, the distance between the proposed site and the established buildings is readily apparent. Given the distance involved the degree of visual linkage is limited. In terms of clustering given the separation distance the site does not cluster with the established buildings.

It is therefore considered a dwelling would not cluster or visually link with the established group of buildings on the farm. The proposal fails to comply with criterion (c).

CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13

This policy 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
- (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 on primarily on the use of new landscaping for integration;
- (d) The ancillary works do not integrate with their surroundings
- (e) The design of the dwelling is inappropriate for the site and its locality
- (f) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (g) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.



The site requires the planting of 2 new boundaries on the N and NE boundaries of the site. The site would benefit from a backdrop. The proposed house type is modest at single storey design. However, the site fails to cluster or visually link with the est group of farm buildings and for this reason offends this element of CTY13.

CTY14

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.

The proposed dwelling is a single storey modest dwelling and would not be considered prominent in the landscape. It is acknowledged that the proposed siting for the dwelling and garage does have a propensity for ribboning along the lane when taking No.52, its sheds and the stone cottage to the south of the site. Site therefore fails (d).

CTY16

Septic tank indicated within site with soakaways on lands owned and controlled by applicant. Consent to discharge subject to separate consenting regime.

PPS 2 Natural heritage

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.

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. For the reasons outlined above the proposal fails to comply with CTY10, 13 and 14 of PPS21 and is not an accepted form of development in the Mourne AoNB offending criterion (a).

PPS3

The site will utilise an existing private lane to access onto a public road therefore, PPS 3 Policy AMP 2: Access to Public Road, is applicable which states that planning permission will only be granted for a development involving direct access, or the intensification of the use of an existing access where;

- Such access will not prejudice road safety or significantly inconvenience the flow of traffic.

Following a consultation with DfI Roads it is considered that the proposal is acceptable in terms of road safety.

PPS15 (Revised) Planning and Flood Risk

FLD1 - Development in Fluvial Flood Plains - The Flood Map (NI) indicates that the current site lies outside the 1 in 100 year fluvial floodplain. No DA required. No objection.

Neighbour Notification Checked	Yes
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Summary of Recommendation Refusal

Reasons for Refusal:

1. The proposed development is contrary to the SPPS, PPS 21 CTY1, CTY10 and PPS2 NH6 10 in that there is no overriding reason why this development is necessary in this countryside and AoNB and fails to visually link or cluster with an established group of buildings on the farm holding.
2. The proposed development is contrary to PPS 21 CTY13 (g), CTY14 (d) in that the proposed development
 - is not visually linked or sited to cluster with an established group of buildings on the farm.
 - it creates a ribbon of development along the laneway.

Appointed Officer: A.McAlarney	Date: 31 July 2023
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Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

LA07/2022/1714/F
New Dwelling and Garage

Lands 71m south west of No.52 Ribadoo Road,
Ballyward, Castlewellan

Ag freastal ar an Dún agus Ard Mhacha Theas
Serving Down and South Armagh




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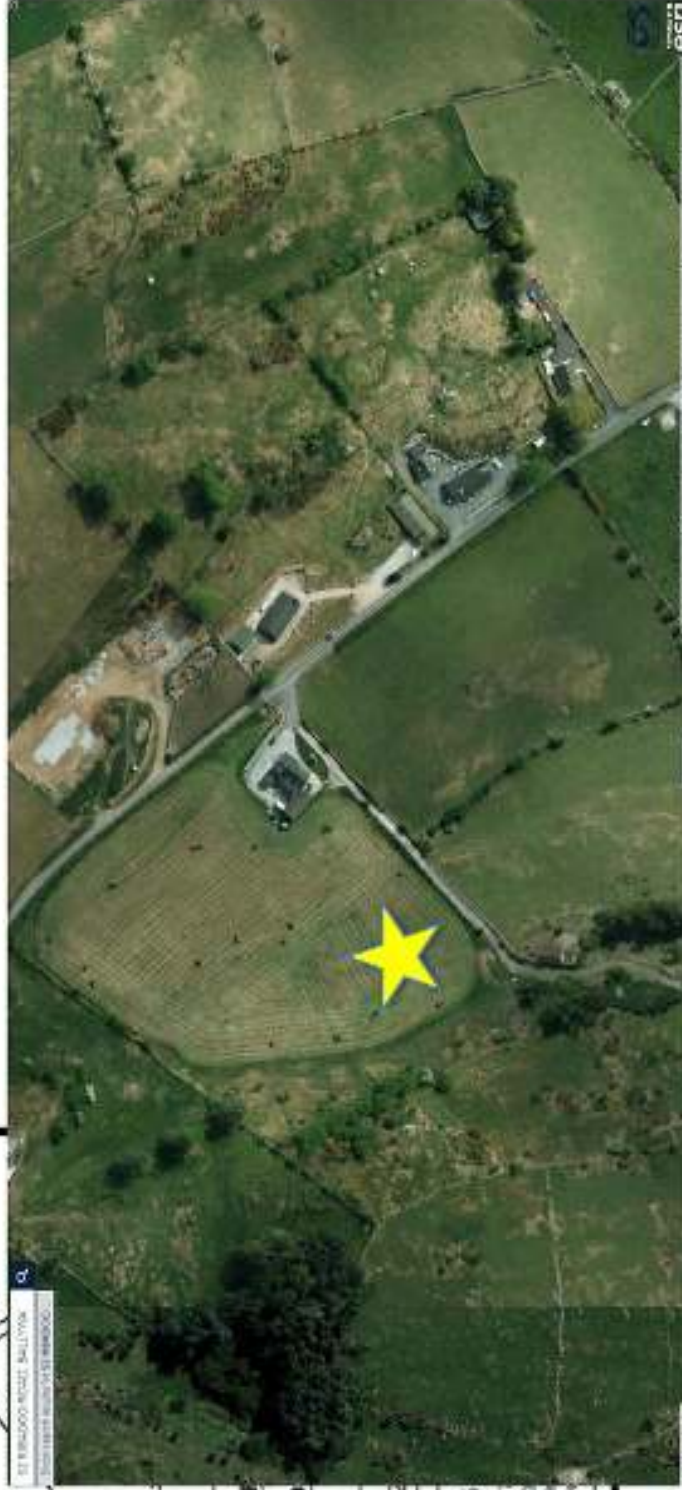



TITLE	LOCATION MAP
PROJECT	PROPOSED NEW DWELLING & GARAGE
LOCATION	LANDS 100m S / W No.52 RIBADOO
CLIENT	EILEEN DAVIDSON
SCALE	1:2500
DATE	Oct 2022

ST RIBADOO ARCHIT. SULLYVA
100m SOUTH WEST OF RIBADOO

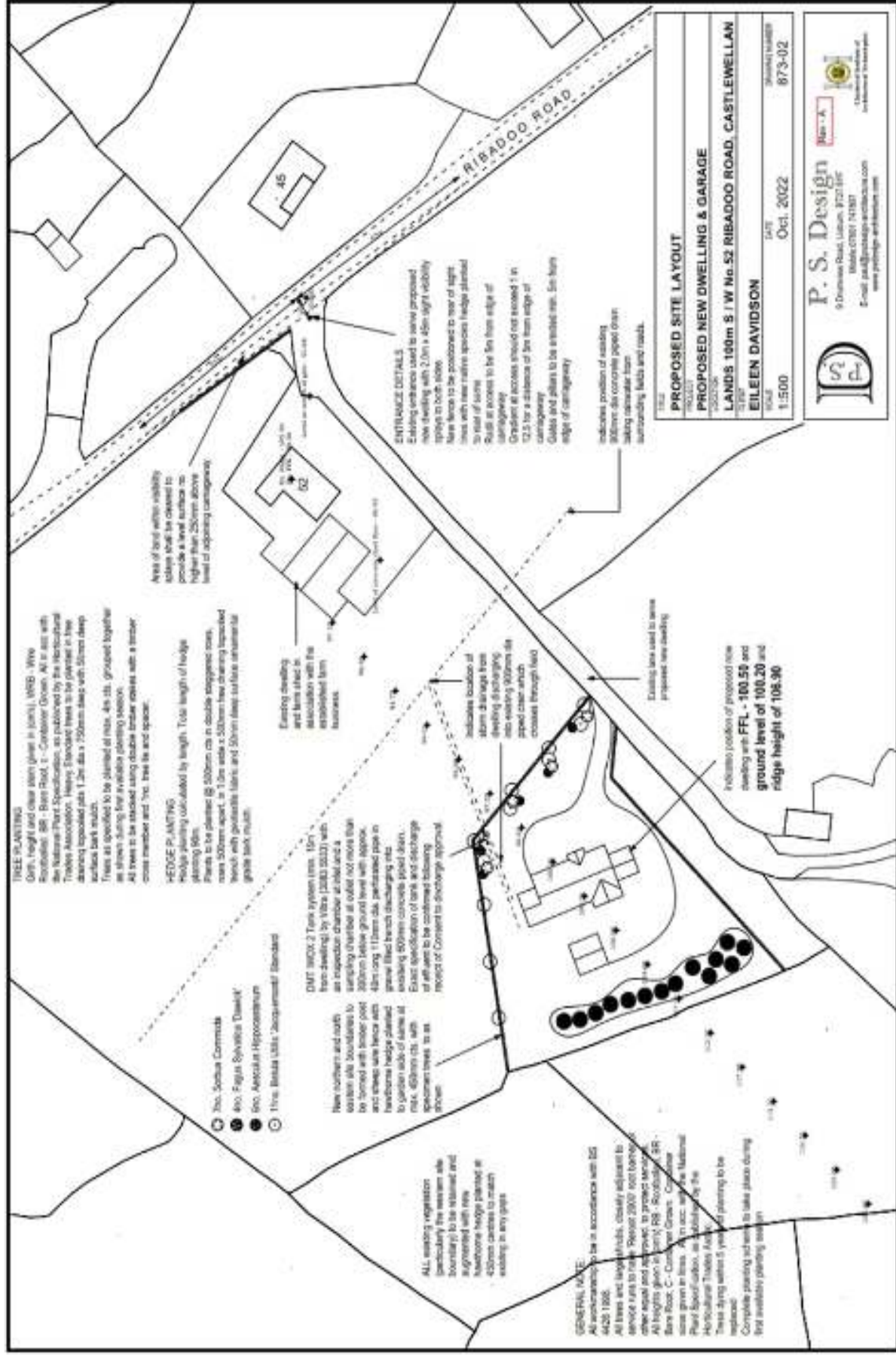
	P. S. Des 9 Drumview Road, Lisburn, BT10 7LW Tel / Fax 028 9081 7275 Mobile 078 312 1234 E-mail paul@psdesign-architects.com www.psdesign-architecture.com
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Site Location





Location of Development



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

www.newrymournedown.org



Farm Maps





Policy 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:

- (a) 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).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

Planning permission granted under this policy will only be forthcoming once every 10 years.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.



Refusal Reasons

1. The proposed development is contrary to the SPPS, PPS 21 CTY1, CTY10 and PPS2 NH6 10 in that there is no overriding reason why this development is necessary in this countryside and AoNB and fails to visually link or cluster with an established group of buildings on the farm holding.
2. The proposed development is contrary to PPS 21 CTY13 (g), CTY14 (d) in that the proposed development
 - is not visually linked or sited to cluster with an established group of buildings on the farm.
 - it creates a ribbon of development along the laneway.



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Application Reference: LA07/2022/1384/F

Date Received: 26/08/2022

Proposal: Proposed replacement dwelling & associated site works with retention of existing dwelling for ancillary use.

Location: 50 Carrickbroad Road, Drumintee.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within an Area of Outstanding Natural Beauty.

The site is located on the edge of the public road, at present the site contains a single storey dwelling positioned close to the public road, the dwelling is being lived in at present and is orientated with the gable facing the public road. The curtilage of the existing property is quite restricted, the site area includes an area of grass to the east of the property and also an area of agricultural land further east. The site slopes slightly from the public road to the north.

The site is located within a rural area, there are a number of properties in the vicinity of the site with a range of different house types.

Site History:

LA07/2022/0827/F - Lands on and adjacent to 48 Carrickbroad Road, Drumintee - Replacement dwelling for 48 Carrickbroad Road, which is currently not fit for purpose – Permission Granted 13/12/2022.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Building on Tradition
- Planning Policy Statement 2 Natural Heritage

Consultations:

DFI Roads – No objections raised if the existing dwelling is being lived in which it is.

NI Water – No objections raised.

Objections & Representations:

The application was advertised on 21/09/2022, four neighbouring properties were notified on 16/09/2022, no representations or objections have been received.

Consideration and Assessment:**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

Principle of Development

Policy CTY3 states that for planning permission to be granted the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantial intact. Policy also states that buildings of a temporary construction will not be eligible for replacement under policy CTY3.

Having inspected the site I am content that the building exhibits the essential characteristics and given that it is currently being lived in.

The principle of a replacement opportunity is considered acceptable although consideration must also be given to all the other criteria set out in policy CTY3.

Policy CTY3, Replacement Dwellings is designed as its title suggests allowing for the opportunity to replace older dwellings which may not be up to modern standards. The proposed development intends to retain the existing dwelling which would not generally be in the spirit of the policy.

CTY3 does have one instance where the retention of an existing building may be acceptable and this is if the building is a non-listed vernacular dwelling. In this case it should be ruled out that the dwelling can be refurbished and improved and that it does not make an important contribution to the locality.

Policy states that if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

The dwelling in question is not considered non-listed vernacular given its design and appearance as such the proposal would not benefit from this provision of the policy.

Aside from the dwelling not being considered non-vernacular the proposed retention is not considered to be sympathetically incorporated into the overall scheme. The retained building will continue to have the appearance of a dwelling and its layout although annotated for use as stores, gym, study and utility will remain the same as the existing dwelling. As such the development will appear as two dwellings located side by side in close proximity on the site.

CTY3 states that proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

The proposed dwelling is located outside the established curtilage of the existing dwelling, it is considered that the existing curtilage is restricted although it is also considered that the proposed new curtilage is excessive and that a more modest increase would still allow for development providing an acceptable living standard.

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

The proposed development of the new dwelling along with the dwelling to be retained and the large proposed curtilage would be considered to have a cumulative visual impact significantly greater than the existing dwelling.

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

The proposed single storey dwelling is considered acceptable in terms of its design and is similar to other properties in the area.

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

It is considered that service can be provided without significant adverse impacts.

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

DFI Roads raised no issues given that the existing dwelling is currently lived in.

The proposal is considered contrary to Policy CTY 3 as the dwelling to be retained is not considered non-vernacular and its retention is not sympathetically incorporated into the overall scheme, the proposed increase in curtilage is considered excessive and the overall development and retained building will have a cumulative visual impact significantly greater than the existing dwelling.

Policy CTY8

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The application site is not an infill opportunity within a substantial and built-up frontage and instead is considered contrary to this policy as the proposed dwelling will add to ribbon development along Carrickbroad Road when read with No. 48 and the existing dwelling to be retained.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is located on the edge of the public road and given the proposed new dwelling, existing dwelling to be retained along with large increase in curtilage it would be considered that cumulatively the proposed development would be a prominent feature in the landscape. The proposal will see any existing screening removed to accommodate the new curtilage and so 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. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, it does not respect the traditional pattern of settlement exhibited in that area and where it creates or adds to a ribbon of development.

As previously stated the site is open and cumulatively the proposal would be unduly prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings in the area. The proposal does not respect the traditional pattern of settlement exhibited in the area given that the proposed retention of the existing dwelling will give the appearance of two dwellings within this rural site, other development is for single properties. A dwelling on the site would add to a ribbon of development along Carrickbroad Road. It is considered that the proposal fails to comply with parts a, b, c and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB.

The proposal involves the removal of some hedgerow for the provision of the new curtilage. This is NI Priority habitat, and the planning authority recommends that existing hedgerow are retained wherever possible as per NIEA NED guidelines and standing advice. Where NI Priority hedgerow is removed, this must be compensated for by new planting of an equal or greater length of mixed native species hedgerow. Having considered the subject hedgerow, the planning authority would have no objections to the proposal given the compensatory planting proposed.

Aside from hedgerow issues the proposal is considered unsympathetic to the special character of the AONB for the reasons highlighted under policies CTY3, CTY 8, CTY13 and CTY14 and therefore fails this policy criterion.

Access and Parking

DFI Roads stated in their response that there are no objections to the proposal and as such the access and parking at the site are seen as acceptable. The proposal is in general compliance with PPS 3.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for Refusal

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

2.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the dwelling to be retained is not considered non-vernacular and its retention is not sympathetically incorporated into the overall scheme, the proposed increase in curtilage is considered excessive and the overall development and retained building will have a cumulative visual impact significantly greater than the existing dwelling.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Carrickbroad Road and does not represent an exception to policy.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is prominent and unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

5. 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 be unduly prominent and result in a suburban style build-up of development when viewed with existing and approved buildings, it does not respect the traditional pattern of settlement exhibited in that area and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

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

Case Officer: Wayne Donaldson **Date:** 02/05/2023

Authorised Officer: Ashley Donaldson **Date:** 04.05.23

LA07/2022/1384/F

50 Carrickbroad Road, Drumintee, Newry, BT35 8TQ

Proposed replacement dwelling & associated site works with retention of existing dwelling for ancillary use.



Comhairle Ceantair

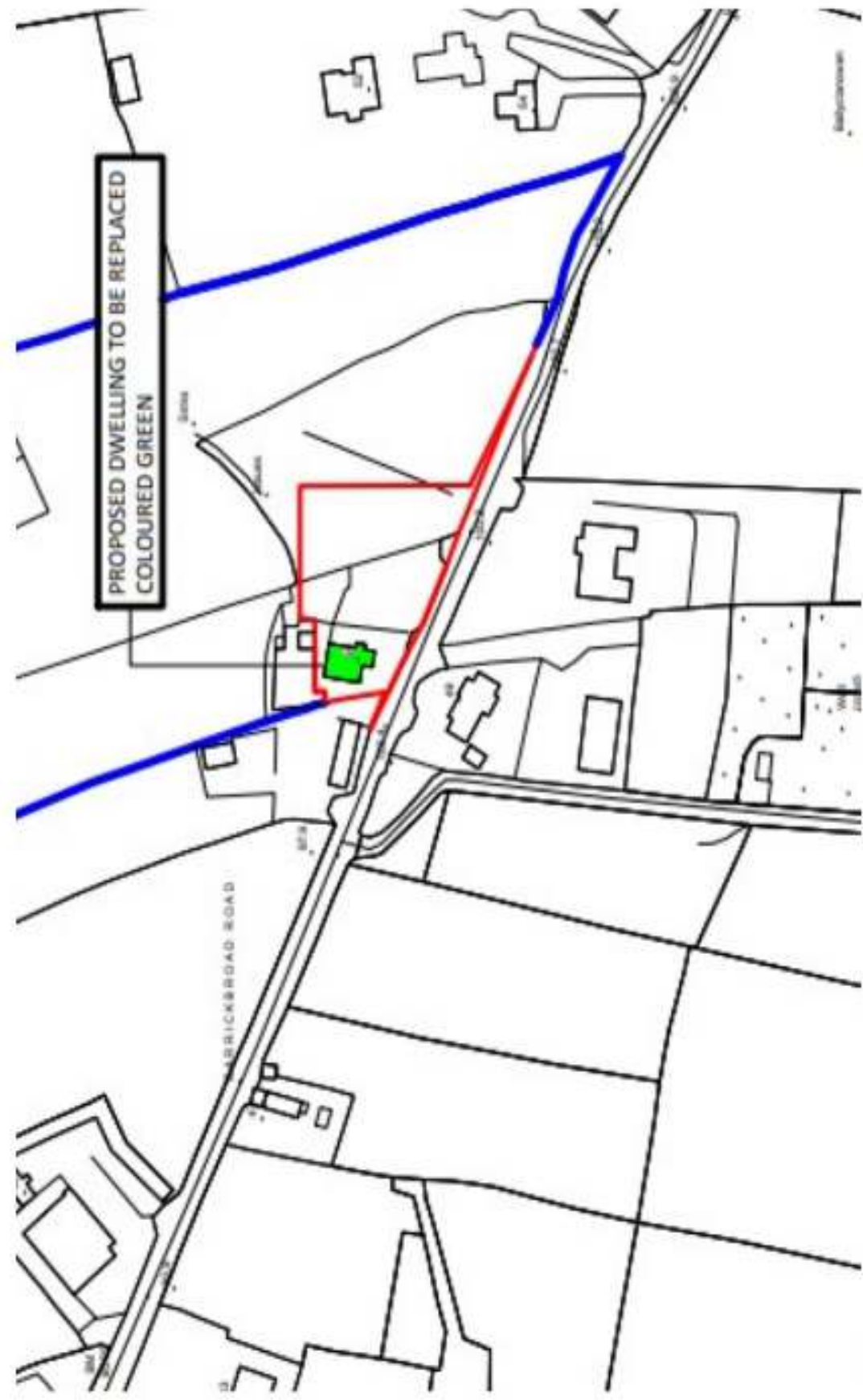
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Site Location Plan



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Aerial of Site



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View of existing dwelling from public road.

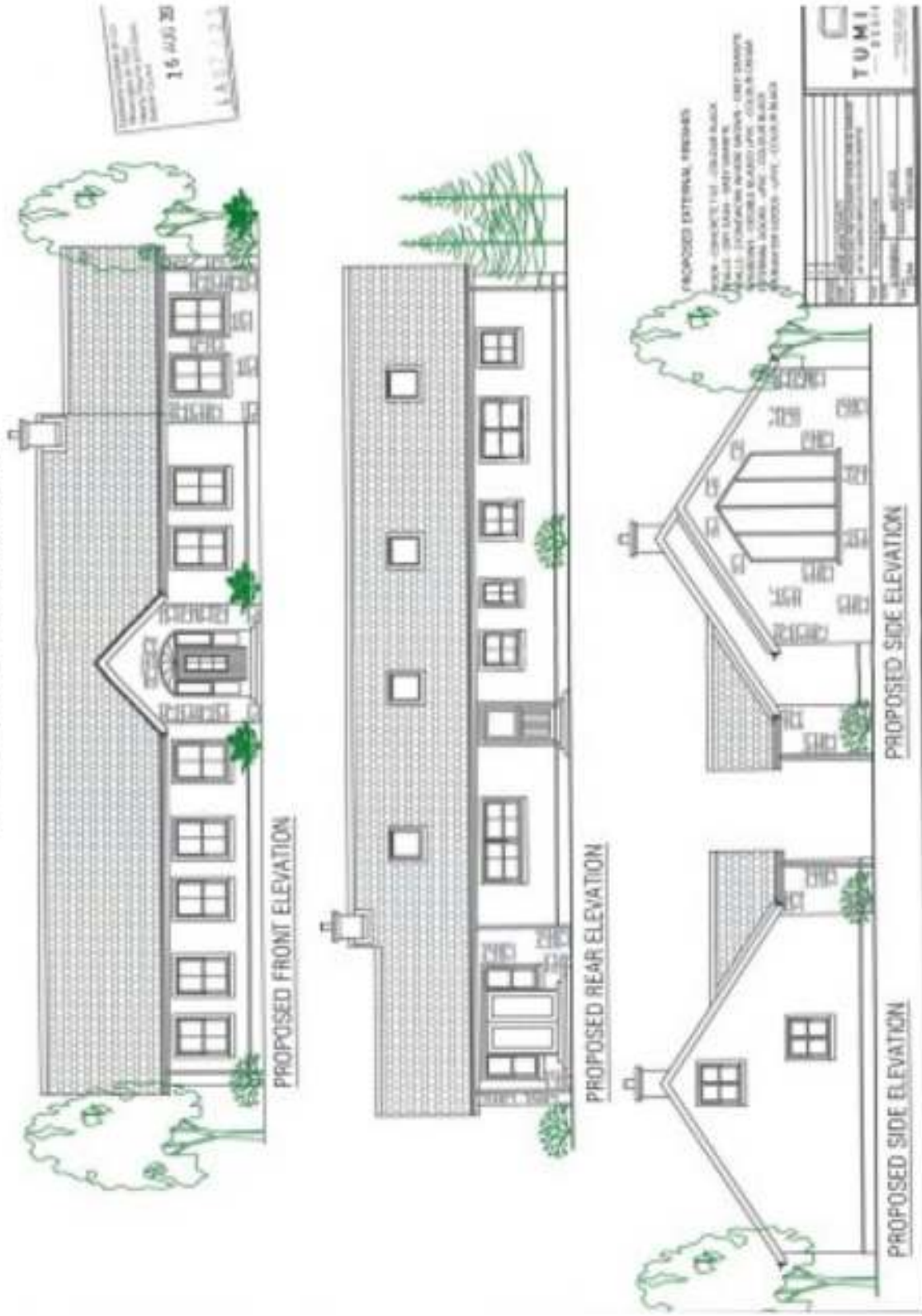


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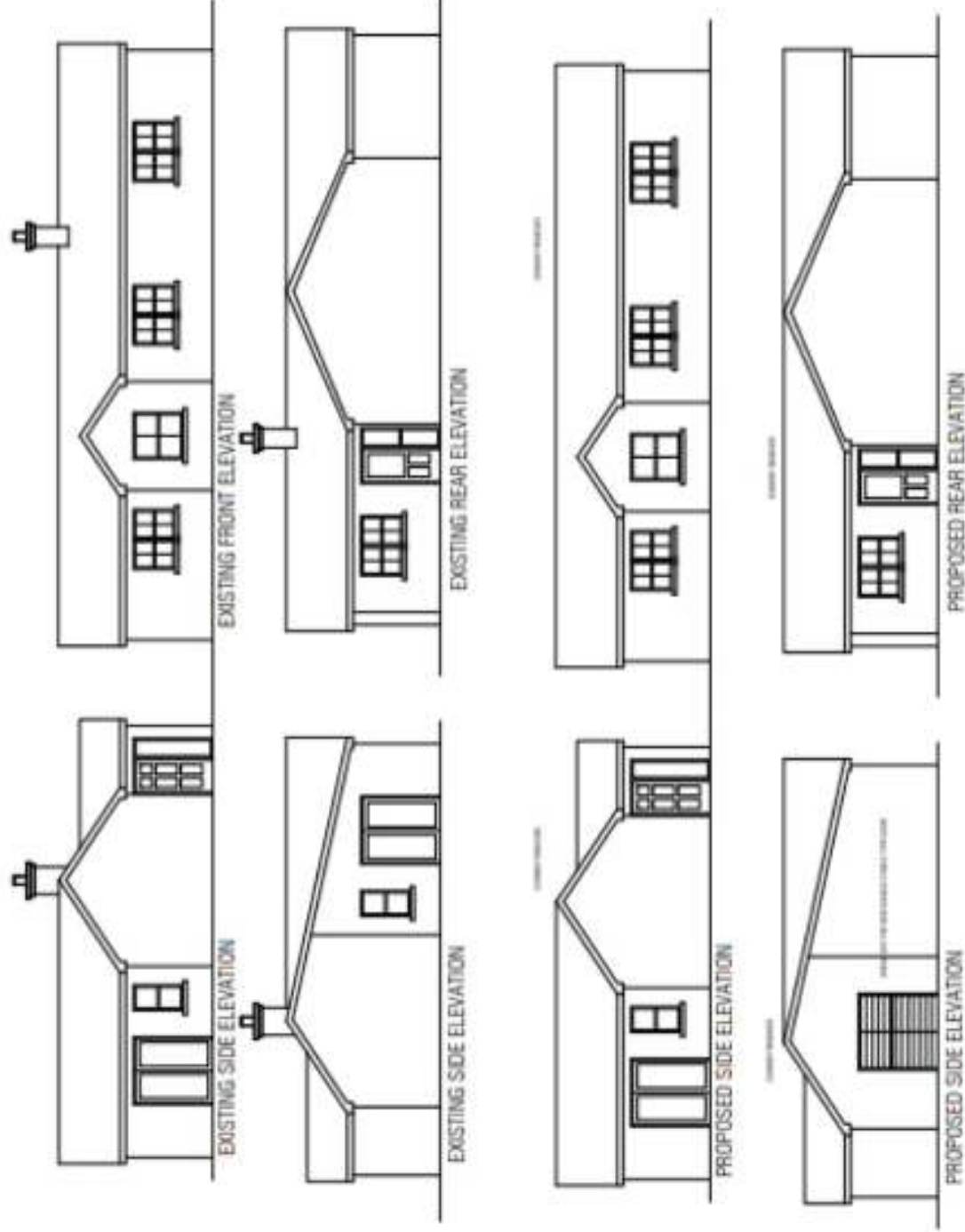


Proposed elevations.





Images showing plans of existing dwelling and how it is to be retained, plans show very little alterations.



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Proposed site layout.



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38

Picture showing view of site from public road including the existing dwelling which is to be retained.



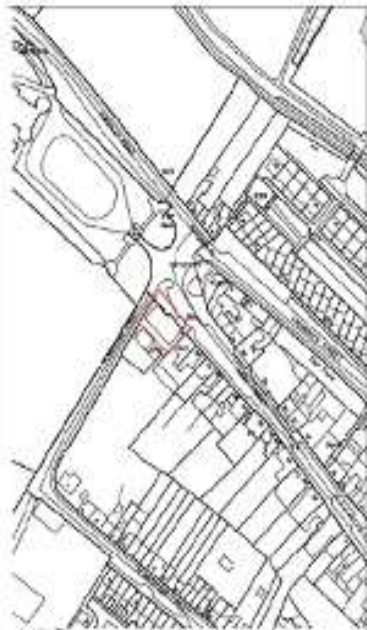
Committee Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2409/F	Target Date:
Proposal: Partial Demolition of Two Storey Library to Create Single Storey Eco Library Building	Location: KILLYLEAGH LIBRARY 52 HIGH STREET KILLYLEAGH BT30 9QF
Applicant Name and Address: Libraries NI c/o Agent Belfast BELFAST BT15 3HF	Agent Name and Address: Kieran Mc Cambridge 96 York Road Belfast BELFAST
Date of last Neighbour Notification:	19 June 2023
Date of Press Advertisement:	17 May 2023
ES Requested: No	
Consultations: HED Historic Buildings Consult 09/08/2023 HED historic Buildings Consult 15/08/2023	
Representations: 20 HANS SLOANE SQUARE 32 High St. Killyleagh 144 CLAY ROAD 25 SAINTFIELD ROAD Finnebrogue House Downpatrick 5 BAYVIEW ROAD 101 KILLYLEAGH ROAD 16 RINGHADDY ROAD 101 KILLYLEAGH ROAD 17 CUAN BEACH, 41 TULLYMACNOUS ROAD 18 SLOANEHILL 5 ARDIGON ROAD 35 HIGH STREET 10 SEASIDE ROAD 56 THE QUAY 6 PLANTATION STREET 101 KILLYLEAGH ROAD 27A BRAESIDE GARDENS	
Letters of Support	1

Letters of Objection	20
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: Issues raised overwhelmingly relate to the inappropriateness of the design and functionality of the proposed building as a library within Killyleagh Conservation Area. Full representations are available to read and have been considered in full in the design critique of the proposal in the following report under PPS 6.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

Within settlement of Killyleagh. Located at 52 High Street, mix of residential and commercial buildings. Adjacent to the Listed Castle and a number of other listed properties along High Street. Located within Killyleagh Conservation Area. Strangford and Lecale AoNB.



Existing Library and site location Dwg E03

Description of Proposal

Partial Demolition of Two Storey Library to Create Single Storey Eco Library Building



Proposed development Dwg SK 01 Rev 3

Planning Assessment of Policy and Other Material Considerations

The site is located in the settlement of Killyleagh and within the Killyleagh Conservation Area, adjacent to LLPA 4 Killyleagh Castle and Grounds and Course Lodge and associated lands and also Strangford and Lecale Area of Outstanding Natural Beauty as identified in the Ards and Down Area Plan 2015.

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 6: Planning, Archaeology and the Built Heritage

- **Guidance**
- Killyleagh Conservation Area Guide April 1993

PLANNING HISTORY

Planning

Application Number: R/1995/1005 Decision: Permission Granted Decision Date:

Proposal: Extension to clinic, refurbishment of existing building
and entrance gates

Application Number: R/1978/0881 Decision: Permission Granted Decision Date:

Proposal: EXTEND EXISTING LIBRARY INTO ADJACENT WOODWORK ROOM

Application Number: R/2001/0078/F Decision: Permission Granted Decision Date: 30 May 2001

Sustainability Statement

SUPPORTING DOCUMENTS

CONSULTATIONS

HED Consult 09/08/2023

HED Consult 15/08/2023

REPRESENTATIONS

20 objections and 1 letter of support has been received to date.

EVALUATION

The proposal is for the partial demolition of Killyleagh library, removal of the upper floor to create a single storey library building.

Agents supporting statement states that the current library is too big for purpose as upper floors are vacant. The objective is to take down the upper floor and create a new sustainable library which will be the first certified Enerphit public building in Northern Ireland.

The footprint is to remain the same. Car parking arrangements and provision remains unchanged.

The Application site is located within the Killyleagh Conservation Area and in proximity to a number of Listed Buildings.



Proposed development Dwg SK 01 Rev 3

ADAP

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

One of the objectives of the ADAP 2015 is:

- to facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities, and to maximise the use of existing infrastructure;
- to protect and enhance the character, quality and biodiversity of natural and man-made environments;

SPPS

The provisions of the Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (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 sets out a number of Core Principles, one of which is good design:

“Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel.”

The overall scheme is considered with regard to the conservation area in particular Para 6.18 of the SPPS and in relation to listed buildings – Para 6.12 of the SPPS.

PPS 3 – Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. There are no changes being proposed to the road network access or parking and hence DFI Roads were not engaged for comment.

SPPS – Paragraph 6.12

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 6 Planning, Archaeology and the Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building

Policy BH 12 New Development in a Conservation Area

Policy BH 11 Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

There are a number of Listed Buildings on High Street which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011.

HB18/03/002 GATEHOUSE SCREEN AT KILLYLEAGH CASTLE Grade A

HB18/03/007 DUFFERIN ARMS 35 HIGH ST Grade B1

HB18/03/008 ULSTER BANK 33 HIGH ST. Grade B1

HB18/03/019 38 HIGH ST. Grade B

The application site is in proximity to numerous listed buildings, ranging in grade as detailed above. HED (Historic Buildings) were consulted on the amendments to the proposed development and have welcomed the design amendments which include a traditional natural slate roof with the porch reduced in scale, coloured render in lieu of stonework to the porch as this reflects the coloured facades along High Street. HED comments are as follows based on the amended proposal

1. Entrance/ plantroom feature

The amended design, with traditional pitched roof, is considered more appropriate in this sensitive historic context. This includes a more restrained entrance feature, which, subject to a condition on the render colour and texture, is considered sympathetic and in keeping with the existing setting.

2. Layout of accommodation

The suggestion to reduce the footprint rather than the height has not been taken on board, however, as the existing library appears to have been in place since at least 1975, HED could not sustain an argument against retaining the existing footprint under PPS6 BH11 and SPPS para 6.12.

3. Materials

The amended specification for materials is in keeping with the existing context and therefore, subject to conditions, these are considered appropriate.

4. Views along Castle Lane

Requested views have not been provided, however, as the amended scheme is a lower version of the building which currently sits on the application site, albeit with narrower windows, the proposal is considered to exert no greater demonstrable harm on the setting of the listed buildings from this aspect.



Proposed in context with Street



Proposed in context with Castle

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;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (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;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

The Conservation Area covers the Castle area, High Street, Frederick Street, Catherine Street, Comber Road, the Dibney Valley, Cross Street, Plantation Street/Castle Lane, Church Hill, Irish Street, Shore Street and the Harbour area. These streets and spaces constitute the historic core of the town.

The Killyleagh Conservation Area Guide provides a guide against which to assess new developments in the Conservation Area. The Guide specifically identifies the Castle Area and High Street and their unique characteristics and contribution to the CA.



The Castle Area

Killyleagh Castle is an outstanding landmark of architectural and historical significance whose present appearance owes much to the Victorian era. It can be seen not only from the town where the views, though framed by the surrounding streets, are somewhat limited, but also from the countryside to the north, west and south where clearly commanding the hill it stands silhouetted against the sky. Within the town it towers over High Street and Frederick Street. The large open space dividing it from the Georgian dwellings of these streets is an important townscape element and the nearest there is in Killyleagh to a town square.

HIGH STREET, CATHERINE STREET CROSS STREET

This is the commercial core of the town even though many residential properties are located here.

Together, the streets within the area contain the bulk of the town's shops, offices and other businesses. Here also are to be found the majority of the listed and supplementary listed buildings which give this plan of Killyleagh its air of antiquity and charm.

High Street is essentially a street of changing levels and Georgian buildings with the bonus of vistas at either end. It descends from the Castle towards Catherine Street gently at first, then more steeply, revealing a stepped roof line and a variety of roof pitches in the process. From it, there is a pleasant view through Shore Street to the Lough and the Ards Peninsula beyond, whilst from the bottom of the street looking north west the Castle provides a superb visual stop. It is a street which has retained the intimacy of domestic scale and is a pleasing mixture of shops, offices, public houses and dwellings.

The old buildings of which it is almost entirely composed, offer a two and three storey irregularity of height, roof line and roof pitch often found in older settlements and all but a few have slated roofs, with the ridges running parallel to the street. Moreover, it contains several listed buildings the most notable of which are located on the northern side of the street, ie the Dufferin Arms public house/restaurant, and the adjoining Ulster Bank.

Cast iron railings enclosing buildings in upper High Street provide a graceful formality reminiscent of Georgian terraces in more urban settings. On the southern side, particularly noteworthy is No 18, a two storey dwelling and shop with recessed doorway and traditional shop front, the two uses visually integrated by a unified painting scheme.

For the most part, Upper High Street contains the larger buildings many of which were originally built as architectural units and which have since been sub-divided. The change of gear between larger and smaller buildings is not abrupt and the general pattern of streetscape, as reflected in basic architectural rhythms, remains unified and attractive.

Many buildings, whilst not listed, have retained original window openings, glazing bars, shop fronts and fan lighted doorways and these contribute handsomely to the character of the street. Particularly pleasing are Nos 26-30, (a group of two dwellings and a shop) and, providing a strong visual stop to the terrace, Nos 48-50.

New development, particularly insertions into existing terraces, should replicate the scale, proportion, materials and detailing of the existing buildings and should include such important elements as chimney stacks and pots. Height should generally be two storey and the 'rear' of new buildings should be designed along the same principles as the street frontage. Alterations and extensions to existing buildings should be subordinate to the character and form of the parent building and should respect the scale and character of adjoining developments.

The existing 1970s library structure is on an historically undeveloped site and while replicating the grain of High Street, encroaches onto the open square in front of the Castle Gatehouse screen that is formed by the junction of Dufferin Place, High Street and Castle Lane. It contributes little to the character of the CA.

The majority of objections to the proposed development relate to the inappropriateness of the design of the building. The development has been assessed by HED in terms of its impact on the setting of the listed buildings in the vicinity and also by the planning office in relation to the appropriateness of the design of the proposal in the Killyleagh Conservation Area. This is considered in the following sections.

The reuse of the ground floor of the building is welcomed and the reduction in height may afford more open views of the Gatehouse screen from High Street and Dufferin Place. The much reduced entrance feature to the building is considered sympathetic and in keeping with the existing setting in the CA.

The proposed development does not intrude, given it occupies the same footprint, upon the large open space dividing the Castle from the Georgian dwellings of High street which is mentioned in the CA Guide as an important townscape element representing something akin to a Town Square for Killyleagh.

The existing 1970s library contributes little to the character of the CA at this location. Its modification to a single storey building does not cause any greater demonstrable harm than the existing building on site. The CA Guide states that new development, particularly insertions into existing terraces, should replicate the scale, proportion, materials and detailing of the existing buildings and should include such important elements as chimney stacks and pots. Height should generally be two storey and the 'rear' of new buildings should be designed along the same principles as the street frontage. The existing building is a standalone building and not part of a terrace. Its modification from a 2 storey to a single storey does not significantly affect the rhythm of High Street in terms of heights and its design reflects traditional elements found in the CA.

Materials proposed are sympathetic to the CA and HED have recommended conditions to ensure samples of proposed materials are submitted to the Planning Authority in the first instance for approval.

Objectors also raised issue with the rationale for the remodelling works at the library in terms of its functionality as a useable space, this is however outside the remit of planning to adjudicate on.

On balance, given the existing building on site, the proposed development is considered sympathetic and respectful to the existing built form within the Conservation Area. In consideration of the above, it is considered that the works as detailed above will protect, preserve and enhance the character and appearance of this Conservation Area. The overall scale, form, materials and detailing would respect the immediate context and would be suitable in this Conservation area. Views within, into and out of the area are not affected and arguably enhanced given the reduced scale of the building. As such, it is considered that the proposal complies with the requirements of BH 12 of PPS 6.

Historic Monuments

The proposed development is in the setting of the entrance to Killyleagh Castle (DOW024:030) also on the Department's Register of Historic Parks, Gardens and Demesnes (D029 Killyleagh). Historically this was an open square providing an appropriate setting for the castle on approach from the town. There is already a building on the site, the proposal includes reducing the size and ridge height of the building which is to be welcomed.

Comments from HED Historic Monuments state that as works proposed are area largely within the existing footprint of the present building meaning ground disturbance will be minor, the proposal is therefore of no archaeological concern.

Conclusion

Taking into account all material considerations and responses from consultees to date, and all letters of representation, the proposal is considered to comply with relevant planning policies. This approval is recommended subject to conditions.

Neighbour Notification Checked	Yes
Summary of Recommendation	
Approval subject to Condition	

Conditions

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: **E03 & SK 01 Rev 3**

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

3. Prior to commencement of external finishes, samples shall be submitted and approved in writing by the Council in respect of all external materials proposed, to include;

- a) Natural slate for new roof;
- b) Rainwater goods;
- c) Fascia trim and flashings;
- d) Render (all colours);
- e) Window frames and cills;
- f) External paving materials and balustrading to ramp.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting to the listed buildings.

4. No new plumbing, pipes, soil-stacks, flues, vents, ductwork, lighting, security cameras or mechanical and electrical services of any description shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to safeguard the special architectural or historic interest of the listed building and its setting.

Appointed Officer Signature: A.McAlarney

Date: 03 October 2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0549/F

Date Received: April 2019

Proposal:

Full permission is sought for a house development comprising a total of 21 units (3 detached and 18 semi-detached).

NOTE:

The original description in April 2019 read: Residential Development.

The Description was revised in June 2019 to read: Residential development comprising 22 semi-detached and 1 detached dwelling.

However the proposal and assessment is based on the current proposal for 21 units.

Applicant: ED Contracts Ltd



Location:

The lands comprising the application site are located within the development limits of Newry towards the southern end of the City, on lands along the Old Warrenpoint Rd, as identified in the Banbridge, Newry and Mourne Area Plan 2015.

The site fronts onto the Old Warrenpoint Rd backs onto the dual carriageway and is on land regarded as white-land.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the roughly square shaped plot of the waste recycling and transfer centre lands located along the Old Warrenpoint Rd. These lands front, open and access onto the Old Warrenpoint Rd, and extend to adjoin the dual carriageway to the rear. The existing entrance is located towards the northern end of the site adjacent to the Flagstaff Court housing development.

The site comprises 2 buildings at present, whereby the lands are relatively low lying and flat.

This includes a small building adjacent to the entrance, which appears to be part in use as a mechanics, while the remainder appears vacant. The larger building comprises a warehouse largely comprised of cardboard for recycling. The yard area also includes a small portacabin office and weighbridge, with other recycling materials including electrical items, and a number of trailers etc located throughout the site.

The site is bounded by the housing development of Flagstaff Court to the North and commercial/industrial lands to the south.

The residential development of Flagstaff Court comprises blocks of 2 storey units. As stated previously the site backs onto the carriageway and fronts on to the Old Warrenpoint Rd. The boundary with the carriageway includes a bank, with crash

barrier, footpath, hard shoulder and the main carriageway which is elevated above the site.

The lands to the far side of the Old Warrenpoint Rd comprise a stone wall with area of maintained grassed lands beyond which rise up to the housing lands of Carlingford Park which is characterised by 2 storey semi-detached units. These units are set back from the Old Warrenpoint Rd and are elevated above road level.

Site history

A history search has been carried out for the site and surrounds whereby no relevant history for housing was observed relating to the application site.

The history of the wider area has been noted.

Representations

Having account of the extent of the red line and current practice a number of properties have been notified as part of this application.

This includes an initial round of notification in April 2019, and then further rounds of notification in June 2019, Jan 2020, Feb 2020, Nov 2020, March 2021, and most recently in Dec 2021, following receipt of amended plans and additional information.

The application was also advertised in the local press again initially in April 2019, Feb 2020, and most recently in April 2021.

No third-party representations in opposition to the proposal have been received to date (Sept 2023).

Several representations in support of housing on this site have been received.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6- Archaeology and Built Heritage
- PPS7- Quality Residential Environments and Addendum
- PPS 8- Open Space, Sport and Outdoor Recreation
- PPS12- Housing in Settlements
- PPS15- Planning and Flood Risk
- DCAN8- Housing in existing urban areas
- DCAN15 – Vehicular Access Standards
- Parking Standards
- Creating Places

Consultation

Having account the nature of this proposal, and location and constraints of the site and area, consultation has been undertaken with a number of bodies.

These include with TNI, NI Water, NIEA, Rivers Agency, SES and Environmental Health.

NI Water- initial response indicated no objections in principle. However following re-consultation NIW advised that while the receiving Wastewater Treatment facilities (Newry WWTW) are presently available to serve this proposal, there is Downstream Incapacity. A Network Capacity Check (NCC) is required. This is considered further below.

NIEA- no objections in principle.

Environmental Health- no objections in principle,

SES- no objections in principle,

TNI- no objections in principle.

Rivers Agency- has continued concerns with this proposal.

Including the initial consultation in April 2019, Rivers Agency has been consulted a total of 8 separate occasions, with the most recent comments dated March 2022.

In respect of Policy FLD1 Rivers Agency, in its most recent reply (March 2022), advised the following:

The applicant is proposing to infill a large portion of the 1 in 100-year fluvial floodplain on this site.

Therefore, DfI Rivers modelling section engaged with the applicants engineering consultants to clarify the extents of their river modelling exercise for this application.

Although the applicant has demonstrated that the proposals have an insignificant impact on the flood regime (elsewhere), the gardens of the proposed properties will flood during a 1 in 100-year fluvial flood event to depths that range between 0.3 and 1m deep.

Given the severity of the flooding on this application site, DfI Rivers have severe concerns regarding these proposals and would advise against the current proposals taking place.

The Planning Dept has previously determined this application and associated proposals fall within the list of exceptions within Policy FLD1 (the replacement of an existing building), therefore Rivers was asked to comment on the Flood Risk Assessment (FRA) submitted.

Note: Policy FLD1 states that planning permission will only be granted if the Flood Risk Assessment demonstrates that:

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

The site in question is considered Undefended from *fluvial flooding* both at present and with modelled climate change. Approx 95% of site is within the 1 in 100 flood plain. As such an exception to FLD1 of PPS15 is required.

The site is not within a *coastal flood plain* at present, 0% of site is within the present

1 in 200-year coastal flood plain, although approx 60% of site is within this flood plain using climate change, however this is for advice only. On this basis No Exception is required to FLD1.

Clarification has been provided that the concerns from Rivers relate to the fluvial undefended aspect.

Despite the submission of a FRA and subsequent Addendum and further supporting info, Rivers Agency has set out its position as outlined above in italics (March 2022).

The Addendum to the FRA and supporting info from Tetra Tech (March), advise the following.

The layout was revised so that only the houses, driveways and access road are raised above the floodplain. The remainder of the site remains at existing levels. There will be no increase in flood extents. The maximum increase in water level is 3mm, which is negligible. There is therefore no significant increase in flood risk arising from the proposed development.

In respect of mitigating measures, the houses are to be raised out of the floodplain so no mitigation measures are required. The main road in the development will also be raised so access and egress will be available to all dwellings during a flood event. The only areas of the proposed development that will be at risk of flooding are the gardens of the properties, and therefore mitigation measures are required for this. Residents of the houses will be made aware of the risk of flooding to their gardens before they occupy them. The area of floodplain will not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting, development or obstructions. If an extreme rainfall event is predicted that could cause flooding in the area, then the residents can be prepared by removing anything from their garden that may be damaged by a flood.

DfI Rivers have reviewed the letter from Tetra Tech dated 8th February 2022 and acknowledge the applicant's points that the floodplain extents won't be affected elsewhere.

However, Rivers while not formally objecting to the proposal, still has concerns over the flooding in gardens that would potentially occur up to 1m deep and therefore our previous comments remain valid (e.g. exposure of people to flood risk/risk to life). The applicant has referred to paragraph 6.21 of PPS 15 with regards to amenity space. However, the paragraph submitted as part of the applicant's letter actually refers to paragraph 6.22 of PPS 15.

DfI Rivers would consider gardens to private properties as open living spaces and in our experience these areas have the potential for occupants to erect garden sheds or other storage facilities which would house valuable equipment such as lawnmowers etc. and would be subject to substantial flood damages. Any development such as the erection of garden sheds within this flooded area has the potential to offset the extents of the floodplain and flood property elsewhere. However, deciding whether these proposed gardens are deemed amenity space or not is a matter for the Planning Authority.

Assessment of flood related matters.

It is considered that all sources of flood risk to and from the proposed development have been identified; and adequate measures, to manage and mitigate any increase

in flood risk arising from the development, have been covered, as required by Policy FLD1.

DfI Rivers accept that the applicant has demonstrated that the proposals have an insignificant impact on the flood regime (elsewhere), whereby the modelling has demonstrated no impairment of the function of the floodplain occurs.

The Planning Dept agree that garden areas are open areas of amenity space and areas of outdoor recreation, which are not generally occupied and are unlikely to incur major damage as a result of flood inundation, and there is no objection to the proposals being submitted.

A condition restricting Permitted Development Rights including the erection of any ancillary structures in these areas will also be applied.

The Planning Department subsequently clarified, with Rivers, its intention to impose this condition. DfI Rivers indicated it was content with this approach.

Having account of all of the above it is considered the proposals do not offend Policy FLD1 of PPS15, or Policies FLD2-FLD5.

Consideration and Assessment:

STRATEGIC POLICY

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. Therefore, the principle of developing this site within the urban footprint is in line with the regional housing policy of the RDS.

The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application is the aim of supporting good design and positive place making while preserving and improving the built and natural environment. The design of the scheme has been amended during the course of the application in response to the concerns of both planning and statutory authorities, particularly regarding landscaping and access arrangements. These matters will be assessed under operational policy below.

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal complies with these as follows:

- *increased housing density without town cramming* – the proposal will increase the housing density in this area without erosion of local character, environmental quality or amenity. The design draws on some of the characteristics of adjacent development. For further consideration of these issues, see ‘urban design’ below.
- *sustainable forms of development* – the use of sites like this within the urban footprint is more sustainable than one-off housing developments outside development limits and is therefore to be encouraged. There are local facilities and services available within reasonable proximity to the site.
- *good design* – The design of the scheme successfully respects the context of the area and follows local traditions of form, materials and detailing, while taking advantage of the characteristics of the site.
- *balanced communities* – as this proposal is for a small development, there is limited scope to provide different unit sizes. The area is dominated by larger

detached properties such as those proposed. The developer will not be required by condition to provide any social housing.

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.

As stated above the application site is located within the settlement development limits of Newry towards the southern end of the City, on lands along the Old Warrenpoint Rd, as identified in the Banbridge, Newry and Mourne Area Plan on lands regarded as white-land.

It is proposed to clear the site and erect a housing development comprising 21 units (18 semi-detached and 3 detached).

With regards to the principle of development, as stated the site is regarded as white-land. The existing use as a waste recycling and transfer centre is noted, however this stretch of road, including adjoining lands to the north and far side of road clearly includes residential.

As such there is no objection to the principle of residential use on this site.

URBAN DESIGN

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, as per the requirements of QD1 of PPS7.

As advised this application seeks full planning permission for 21 units. Since submitted in April 2019 there have been several amendments however this report is based on the current scheme comprising 18 semi-detached dwellings and 3 detached dwelling.

The dwellings include 4 house types (Type 1-4) all of which are 2 storeys with ridge heights of approx. 8m above FFL and are to be finished in smooth render with brickwork, concrete roof tile, upvc windows and RWG's.

Policy QD1 of PPS 7, requires all proposals for residential development to conform to Criteria (a) – (i).

- (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 landscape and hard surfaced areas

In assessment of this criterion it is considered the development does respect the surrounding context in terms of its layout, house type, size, finishes, plot size and density. The form of development including detached and semi-detached dwellings with in-curtilage parking and front and rear gardens is considered in keeping with the

character of the wider area. Also, the development provides a frontage to the Old Warrenpoint Road and respects the existing building line created by the Flagstaff Court development, with double fronted units either side of the entrance. Each unit will have its own in-curtilage parking and sufficient spacing.

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

There are no known features which impact the site.

- (c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development

Each unit will have its own internal area of private amenity space which is considered sufficient for each unit. Having account the number of units proposed, communal areas of amenity space are not required.

Given the scale of the development, it is considered that there is no requirement for this proposal to comply with (d) and (e).

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

Each unit will have its own in-curtilage parking with sufficient provision for 2 spaces. DFI Roads is now content with the proposals. There is also capacity for some on-street visitor parking.

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

The design and finishes of each unit are considered to be in keeping and acceptable for this setting.

- (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

In assessment of this criterion it is considered the layout does not create any conflict either between the proposed units or with any existing adjoining properties, whereby the separation distances and layouts, including window orientation indicated will prevent any unacceptable impact on the amenity of any unit in this urban context. This includes loss of light, overshadowing, overlooking or dominant impact. It is also noted the site is relatively flat whereby the levels proposed will respect existing and existing developments.

- (i) The development is designed to deter crime and promote personal safety

No issues of concern.

Policy LC 1 of the Addendum to PPS 7

Given the mixed character of the area surrounding the site and the existing use of this site, the proposal must accord with the requirements of this policy.

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 set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

The proposed housing density, including plot sizes and general form are in keeping with the character of this area.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The existing pattern of development in this area is varied consisting of a mixture of terrace, detached and semi-detached dwelling houses.

The pattern of development proposed is considered to respect the character of the area and will create a quality development with appropriate layout and spacing with in-curtilage parking.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A

The floor space of the proposed dwellings is compliant with the floor space requirements within this criterion.

PPS 2 - Natural Heritage

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

The Council, as the competent authority, carried out a screening and concluded, having considered the nature, scale, timing, duration and location of the project, that, provided the specified mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

The original form accompanying the application indicated that foul sewage is to be disposed of to the mains. Water Management Unit has considered the impacts of the proposal on the water environment and would provide the following advice. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999. This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

Water/ Sewerage

There is a public water supply as well as foul and surface water sewerage available within 20m of the site. In their latest comments Northern Ireland Water advised Wastewater Treatment Facilities are presently available to serve this proposal.

There is no public surface water sewer within 20m of the proposed development boundary however access is available via extension of the existing public surface

water network, or via direct discharge to a designated watercourse, at an agreed discharge rate. Any discharges into a NIW surface water sewer will be restricted to a rate which does not exceed Greenfield Runoff of 10.

There is a public water main within 20m of the proposed development boundary which can adequately service these proposals.

There is a public foul sewer within 20m of the proposed development boundary. However, there is downstream incapacity accordingly a Network Capacity Check (NCC) is required.

NIW advised a waste water impact assessment was require. And that NIW will assess the proposals to see if an alternative drainage or treatment solution could be agreed.

The agent has engaged with NIW whereby a waste water impact assessment has been submitted, and remains ongoing between parties.

While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Dept having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

PPS 3 Access, Movement and Parking

DfI Roads has been consulted and is content with the proposal, subject to conditions.

The proposals include 2 access points. 1 adjacent to the Flagstaff Court development which will serve 2 units, while the other access is located to the far side of the site which will serve the remaining 19 units. Each property will have its own in-curtilage parking. A footway will run along the site frontage with suitable splays associated with each access point (2.4m by 60 and 4.5m by 60m respectively). On balance, the proposals are considered to satisfy the policy requirements of PPS 3.

Summary

In summary it is considered the proposals as amended do not offend the requirements of policy.

As such the proposal is recommended for Approval subject to a series of conditions, on this basis.

Recommendation: Approval

Draft Conditions:- Drawing No.s to be included.

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. xxx, bearing the date stamp xxx.

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number xxx, bearing the date stamp xxx. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

4. The visibility splays at the junction of the proposed access road with the public road shall be provided in accordance with drawing xxx, bearing the date stamp xxx prior to the commencement of any other works or other development.

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

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

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

6. Each dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of that respective site for the parking of private cars at the rate of 2 spaces.

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

7. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

8. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section.

(These works will be carried out entirely at the developer's expense.)

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

9. A working maintenance strip (minimum width of 5m) shall be provided immediately adjacent to the watercourse, which shall be kept clear and protected from any impediments (including planting, fencing and sheds), and which shall be kept clear for access and egress at all times.

Reason: To ensure the orderly development of the site.

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extensions, buildings, sheds, walls, gate pillars, fences or other structures shall be erected without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area including extent of floodplain.

11. None of the dwellings hereby permitted shall be occupied until all of the mitigation measures in the Flood Risk Assessments have been fully implemented and verified to the satisfaction of the Council.

Reason: to mitigate flood risk at the site.

12. The development hereby approved shall not be commenced until an 'Evacuation Plan and Flood Risk Management Plan' has been submitted to and approved by the Council in writing.

Reason: To mitigate flood risk at the site.

13. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

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

14. After completing any remediation works required under the condition above and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

15. The proposed boundary fencing for each unit, as indicated on the site plan hereby approved, shall be erected prior to the occupation of the unit it serves which shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

16. All proposed hard and soft landscaping and planting as indicated on the site plan hereby approved shall be completed in its entirety prior to the occupation of the last unit hereby approved.

Reason: In the interests of visual amenity.

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

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

18. All services within the development shall be laid underground.

Reason: In the interests of visual amenity

19. 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.

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

20. 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.19 above, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

Informatives

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets

(Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Infrastructures Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Department for Infrastructure, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 198

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

The Road drainage works for this development to be agreed with DfI private streets section prior to commencement.

2. The purpose of Conditions 13 and 14 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and end use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.

RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.

RU Land & Groundwater Team would recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development.

SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively.

3. Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for.

WATERMAIN ASSESSMENT: There is a 180mm diameter public watermain located within Old Warrenpoint Road that can serve this proposal.

FOUL SEWER ASSESSMENT: There is a 300mm diameter public foul sewer located within Old Warrenpoint Road that traverses the proposed development site which can serve this proposal.

STORM SEWER ASSESSMENT: There is no public storm sewer available to serve this proposal.

WWTW ASSESSMENT / STATUS: Waste Water Treatment Facilities (Newry WwTW) are presently available to serve this proposal. The proposed site is located within a development consultation zone in proximity to a Wastewater Treatment Works.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

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

**Case Officer-
Authorised Officer**

**M Keane
Pat Rooney**

**26-09-23
26-09-2023**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/0167/F

Date Received: 27th January 2021

Proposal: Proposed demolition of existing dwelling and erection of 6no. dwellings

Location: 32 Ballyholland Road, Ballyholland, Newry (& surrounding land to the north and east)

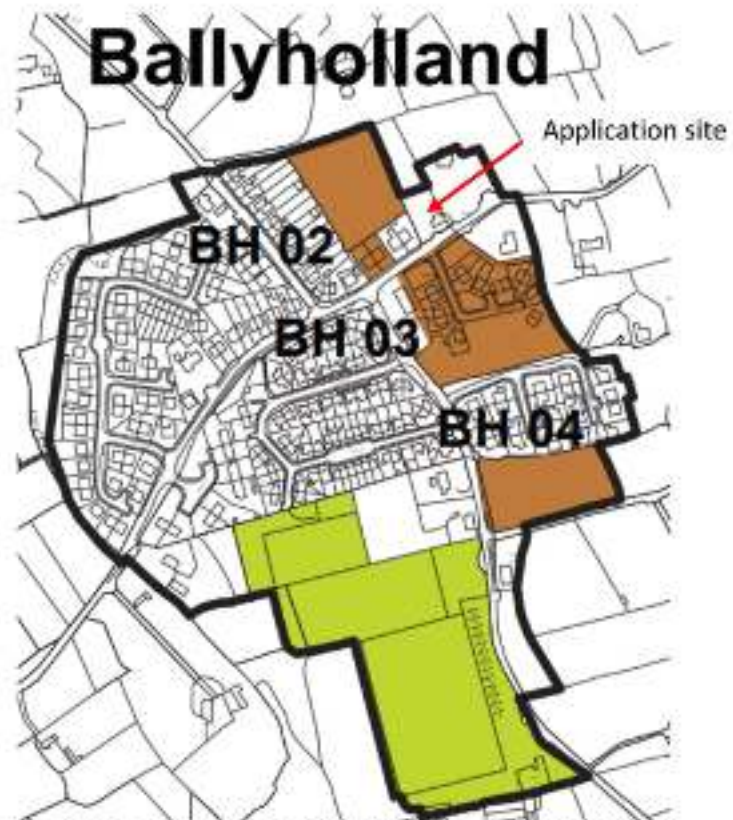
Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red form a roughly rectangular shaped site located on the periphery of Ballyholland development limits (a portion of the application site extends outside the development limits). The site is accessed off the Ballyholland Road and comprises an existing two-storey dwelling and open grassland. In terms of topography, the lands within the curtilage of No. 32 are level with the surrounding lands sloping upwards. A large detached 2 ½ storey dwelling abuts the application site to the north-east. Single storey detached dwellings abut the application site to the south-west. Vacant lands zoned for housing abuts the application site to the north-west. The roadside boundary is defined by a low concrete wall. A hedgerow defines the western boundary. The remaining boundaries of the application site are undefined.

Characteristics of area: The subject site is located within the settlement limits of Ballyholland (a portion of the application site extends outside the limits). The site is on the periphery of Ballyholland settlement.



Site location map



Development limits of Ballyholland – Map No. 3/02a

Site History:

- P/2005/2859/F – 32 Ballyholland Road, Ballyholland (including lands adjacent and north) - Erection of housing development including re-alignment of public road - amended proposal – Approved, 9th November 2012

History associated with No. 34 Ballyholland Road:

- P/2001/1847 – Adjacent to 32 Ballyholland Road – Erection of dwelling – Approved, 6th August 2002
- P/1996/0240 – Ballyholland Road – Site for dwelling – Approved, 20th November 1996

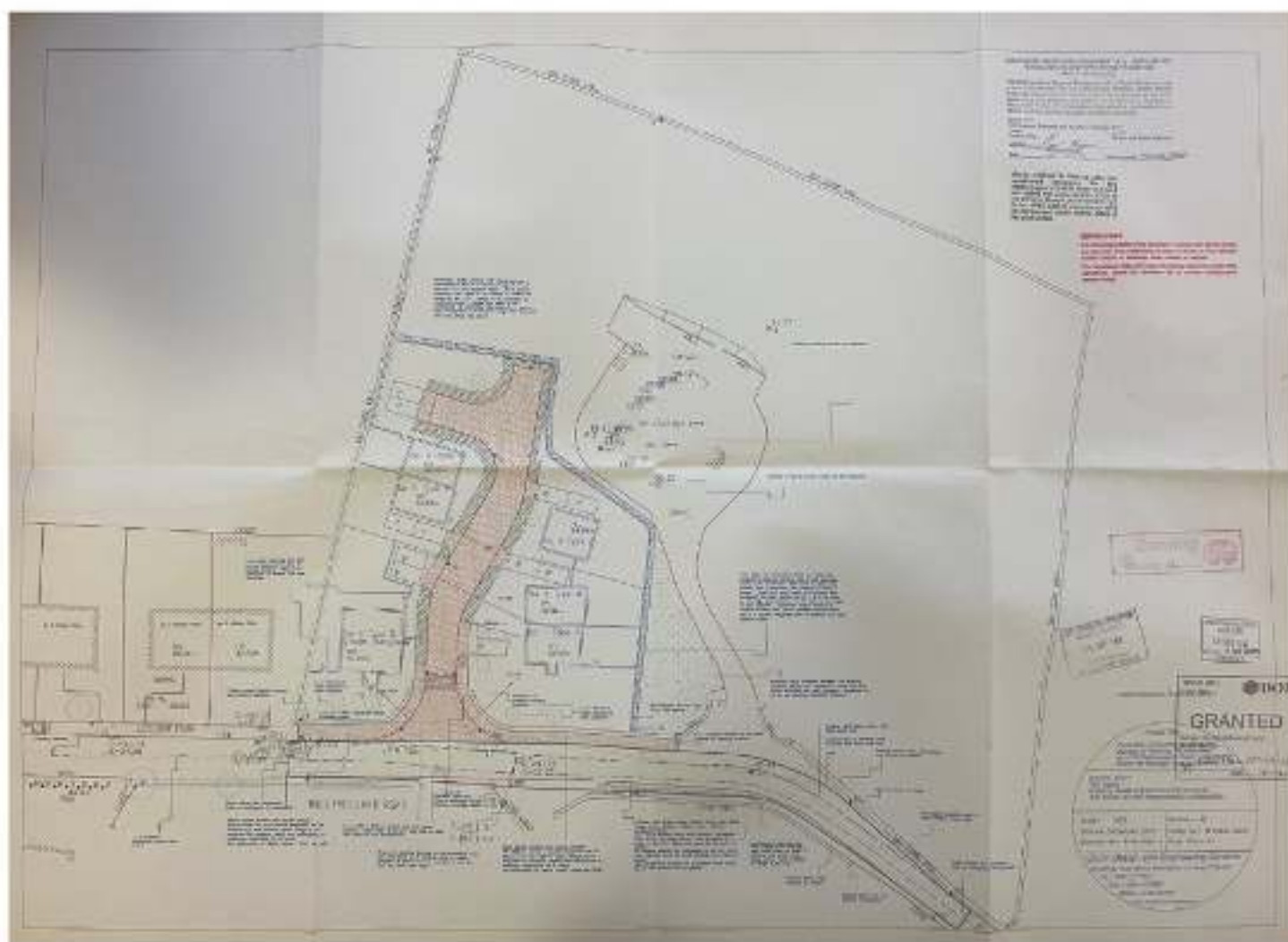
Adjacent lands zoned for housing:

- P/2004/3310 - Lands immediately to the rear of Nos 10-40 Mourne View & Nos 1-5 Hillside Cottages, at junction of Temple Hill Road & Ballyholland Road, Ballyholland, Newry - Erection of 18 No.Dwellings with provision of access via Nos 2-3 Hillside Cottages -to be demolished – Approved, 9th November 2005

Note: The red line boundary and site layout plan approved under P/2005/2859/F are shown below whereby the development extends outside the current development limits for Ballyholland. P/2005/2859/F was assessed under Newry Area Plan 1984-1999. This history is pertinent to this application and will be discussed further in the assessment section of this report.



Site location map approved - P/2005/2859/F



Approved site layout plan - P/2005/2859/F

Planning Policies & Material Considerations:

- Banbridge / Newry and Mourne Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 7 – Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS 12 – Housing in Settlements
- PPS 15 – Planning and Flood Risk
- Supplementary guidance including
 - Creating Places
 - Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards

- Parking Standards

Consultations:

- DfI Roads offered no objections subject to conditions in a response dated 25th September 2023.
- Environmental Health reviewed the information provided by the planning service and offered no objections in principle subject to several recommendations.
- DfI Rivers initially requested the submission of a Drainage Assessment. Following the submission of a letter from the Agent, DfI Rivers advised on 1st November 2021 that a DA was not required as the thresholds outlined under FLD 3 had not been exceeded. Policies FLD 1, 2, 4 and 5 are not applicable to this site.
- NI Water – Wastewater Treatment Facilities (Newry WwTW) are presently available to serve this proposal. However, there is Downstream Incapacity as the foul sewer network has reached capacity.
The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water has no plans within its current investment cycle to upgrade the sewerage system in this Drainage Area and is recommending connections to the system are curtailed.

The Applicant was advised to consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required.

The agent has engaged with NIW whereby a waste water impact assessment and follow up information has been submitted, and remains ongoing between parties.

While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

Objections & Representations:

Having account statutory requirements, advertising and neighbour notification was undertaken as part of the processing of this case.

6 neighbouring properties were notified on 4th March 2021. These 6 properties were re-notified due to an amended description on 5th September 2023. An additional 4

properties were notified (due to an extended red line for visibility splays) on 6th September 2023.

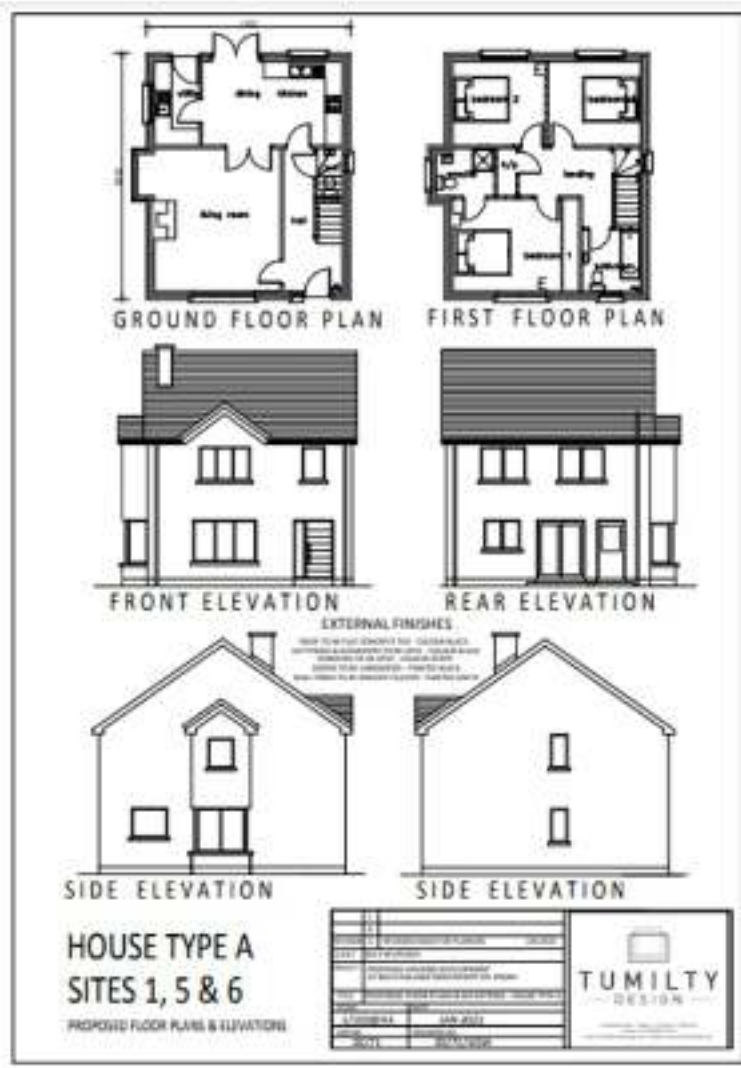
Six letters of support from six different addresses were received. The main point raised within the representations is the need for housing in Ballyholland.

The application was also advertised in the local press on 9th February 2021. The application was re-advertised in the local press on two occasions due to amendments on 20th September 2023 (expired 4th October 2023).

No representations in opposition to the proposals have been received (Oct 2023).

Consideration and Assessment:

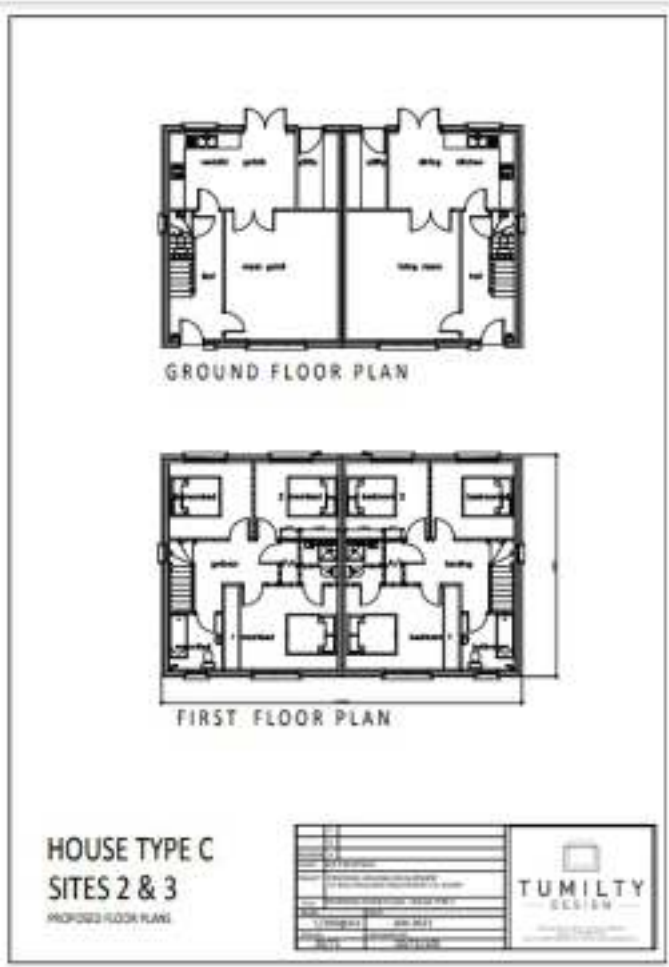
Full planning permission is sought for a residential development, comprising the erection of 6 no. dwellings – 4 detached and 1 set of semi-detached. The existing dwelling on the site will be demolished to accommodate the erection of the 6 properties. The site will be accessed off Ballyholland Road. There are 3 house types proposed – A, B and C as shown below. All house types will have a ridge height of approx. 8.1m from FFL. Proposed external finishes include black flat concrete roof tiles, black uPVC RWGs, white uPVC windows and smooth plastered walls painted white.



House type A – proposed plans



House type B – proposed plans



House type C – proposed plans



Proposed site plan

Principle of Development

The Planning Act (NI) 2011

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.

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the development limit of Ballyholland (the northern portion of the site is located outside the development limits). The site is unzoned white land. As mentioned above, the development approved under P/2005/2859/F extends outside the current development limits for Ballyholland. P/2005/2859/F was assessed under Newry Area Plan 1984-1999. The Banbridge, Newry & Mourne Area Plan 2015 was adopted in 2013, whereby P/2005/2859/F was approved on 9th November 2012. The proposed development outside the current development limits of Ballyholland was put to the Agent. The Agent advised that the proposed site boundaries are ascertained from P/2005/2859/F which was approved in 2012. The Agent advised that when the new plan (BNMAP) was drafted and adopted, P/2005/2859/F was extant (expiry date of 8th November 2017) and the development

limits of Ballyholland should've included the extant approval for the housing development.

Correspondence from NMD Plan Team confirms that the settlement limit of Ballyholland was reduced within BNMAP which should've taken account of the extant approval and included all of the approved site within the development limit.

The Plan Team confirmed that the proposed extension to the settlement limit, in this case, would not have a significant detrimental impact on the character of Ballyholland when approaching the settlement along Ballyholland Road. The Plan Team advised that whilst development proposals of this nature would have the potential to set a precedent for further piecemeal development beyond development limits, the proposal in this instance would not undermine the rationale for the designation and could therefore be considered as an acceptable extension to the settlement limit.

The Department notes that the current proposal development boundaries are the same as those approved in 2012.

Given the above, the principle of development within the red line boundary is considered acceptable. This will be discussed further below.

The NI Regional Development Strategy 2035

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high-quality accessible housing within existing urban areas without causing unacceptable damage to the local character. As this proposal is increasing housing provision within the Attical area in a sustainable manner, it would be in line with the regional housing policy of the RDS.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications.

However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy.

The Strategic Planning Policy Statement sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of

sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12:

- **Planning Control Principle 1-Increased Housing Density without Town Cramming**
- **Planning Control Principle 2- Good design**
- **Planning Control Principle 3- Sustainable forms of development**

The density of the development is considered to be respectful of the wider area, whereby the density of the existing housing developments including Caiseal Court have been noted. A mix of house types and sizes can be provided to promote choice and assist in meeting community needs. No specific need for social housing has been identified.

PPS 7 – Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof 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 environment.

(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;

It is considered that the development respects the surrounding context and is appropriate to the character and topography of the site given the proposed density which is similar to adjacent housing developments whereby the proposed plot sizes

are reflective of the plot sizes within the existing residential area which is made up of a mixture of detached, semi-detached and terraced dwellings. An access will be provided directly off Ballyholland Road. The house types proposed are shown above and are similar to those within adjacent housing development, Harmony Heights, in terms of scale, mass, design and external finishes. The dwellings on plots 1 and 5 with frontage to Ballyholland Road and the internal access road are double fronted which presents an attractive outlook facing onto all roads.

The building line of plots 1, 5 and 6 across the front of the site respects the existing building line of the adjacent dwellings to the SW. Small grassed front gardens are proposed which reduces the appearance of hard surfaced areas (with the exception of in-curtilage parking spaces) and creates a pleasant space for residents. Areas of planting are also shown on the site plan which contributes to the attractiveness of the development. Suitably sized private amenity space/rear garden areas are proposed. The FFLs of the dwellings range from 83.42 (plot 1) to 84.5 (plot 4). The FFL of the dwelling directly adjacent plot 1 is also 83.42. The FFL of No. 34 Ballyholland Road is 86.79 whereby a 2m high retaining wall with a timber fence is proposed along the common boundary. Appropriate boundaries are proposed whereby the boundary to the front of plots 1, 5 and 6 which fronts Ballyholland Road will be defined by a 0.5m high plastered wall with 0.7m high black railings on top. 1.8m high timber close boarded fences will define the rear boundaries of the dwellings and a 1.2m high metal fence will be erected along the common boundaries to the front of the plots. A planting strip is shown along the northern boundary of the site to define the edge of the development limit. This is an important site at the edge of the settlement limit whereby it is considered the layout, house types and density now proposed are respectful and appropriate for the reasons outlined above, and is acceptable. Having account the existing character and mix of house types in the immediate area, it is considered 2 storey dwellings can be accommodated on this site without detrimental impact on the character of the area.

(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;

No archaeological, built heritage and landscape features were identified.

(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;

This proposal involves the construction of 6 dwellings. Regarding public open space, Policy OS 2 of PPS 8 states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where

public open space is provided as an integral part of the development. The policy goes on to advise that in smaller residential schemes the need to provide public open space will be considered on its individual merits.

Given the fact that 6 dwellings are proposed, the provision of open space in this instance is not a requirement. There is a large Major Area of Existing Open Space is approx. 330m (7 min walk) from the application site. Each unit also has its own individual private amenity space with sizeable rear gardens which is considered acceptable and in accordance with the guidance contained within Creating Places.

(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 nature and sale of the proposed, the developer is not required to make provision for local neighbourhood facilities. Nonetheless, the application site is within walking distance of facilities within Ballyholland including a community centre, a shop, a post office and a nurse's office. There is a primary school approx. 1.5 miles from the site.

(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 proposed layout includes footpath lined streets and a convenient pedestrian footway link to the main road thus providing a good movement pattern that supports walking and cycling. The proposal offers proximity to good public transport links and neighbourhood facilities.

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

Four no. 3 bed detached dwellings and 2 no. 3 bed semi detached dwellings are proposed. The site layout plan provided shows in-curtilage parking space and provision for 2 vehicles for each unit. DfI Roads have been consulted and are content. The parking schedule shows 2 in-curtilage spaces provided for each unit and 4 unassigned parking spaces. This parking provision is considered to be compliant with the Parking Standards.

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

As mentioned above, the house types proposed are considered acceptable in terms of size, layout, appearance, scale, form, materials and details. The character of the existing area and built form is noted, whereby it is considered the development proposed is in keeping and respectful.

(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; Plot 1 abuts an adjacent single storey semi detached dwelling. The gable to gable separation distance between both properties is approx. 12.7m. The FFL of the house on plot 1 is 83.42 which is the same as the FFL of the semi-detached bungalow to the west. There is one upper floor landing window on the gable facing the dwelling to the west which will be conditioned to be fitted with obscure glazing to protect residential amenity. In consideration of the levels, separation distance and window placement, I am satisfied that the dwelling on plot 1 will not impact the existing adjacent dwelling to the west to an unacceptable level in terms of overlooking, loss of light or overshadowing, as a result of its siting, spacing and layout.

Plots 2, 3 and 4 abut a vacant plot of land. This plot of land is zoned for housing, therefore although this parcel of land is undeveloped consideration should be given to possible future development of the site with housing. The separation distance between plots 2, 3 and 4 and the western boundary is approx. 8.2m, 8.5m and 8.5m respectively. Creating Places provides a guidance of a minimum of around 10m between the rear of new houses and the common boundary. Although the separation distance proposed is lesser than the guidance, a refusal would not be sustained on site on this basis due to marginally failing this guidance. Plots 5 and 6 are closest to existing dwelling No. 34 Ballyholland Road. There will be a separation distance of approx. 28m between the rear elevations of the new dwellings on plots 5 and 6 and the gable of No. 34. The difference in levels of the proposed plots and the existing dwelling are noted whereby the FFL of No. 34 is 86.79 more than 3m higher than the FFLs of plots 5 and 6 (83.6). The gable wall of No. 34 is approx. 6.5m from the NE boundary of the application site, part of which forms part of plot 6's rear boundary. However, the in-curtilage parking spaces serving plot 6 are directly adjacent the common boundary whereby the remaining rear garden area south of the parking spaces can be used for private amenity. Despite the difference in levels between the existing dwelling, No. 34 and plots 5 and 6, the separation distances between the plots alleviate any concerns regarding unacceptable overlooking from No. 34. A 2m high retaining wall and 1.8m high fence is proposed along the common boundary of No. 34 and the application site which will form part of the boundary of plot 6. I am satisfied that there is sufficient useable rear amenity space for plot 6 without the occupier feeling 'hemmed in' when using the rear garden. I am also satisfied that the retaining wall and fence will not result in an unacceptable loss of light or overshadowing of the new dwelling on plot 6 given the lack of windows serving habitable rooms on the eastern elevation of the dwelling. The retaining wall and fence are sited sufficiently back from the rear elevation of the dwelling also.

The separation distances between the new dwellings are sufficient. The upper floor gable windows serve landings and en-suites only, therefore there are no concerns of unacceptable overlooking between the new dwellings.

In terms of noise or other disturbances, it is likely that the building work will impact the existing properties. However, this is not to an unacceptable level given the temporary nature of the building work and the fact that it is likely confined to daytime hours.

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

The boundaries proposed are adequate to deter crime and promote personal safety. The double fronted dwellings provide a degree of surveillance whereby the remaining properties front present an attractive outlook onto the proposed access road. This along with the window placement allows informal surveillance of the development.

In summary, the proposal is considered to comply with QD 1 of PPS 7.

Addendum to PPS7

Policy LC1 of the Addendum to PPS 7 states that 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 within Policy LC1 are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

Para 2.4 of Policy LC 1 states "When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

The application site comprises white land on the periphery of the development limits of Ballyholland. The inclusion of a portion of lands outside the development limits has been justified above. The density and general layout, plot sizes, house types, form, appearance and pattern, are in keeping with the existing character and developments of the adjacent housing developments including Caiseal Court which comprises a mixture of detached and semi-detached dwellings. The size of the proposed dwellings also complies with the size standards provided in Annex A.

PPS 2 - Natural Heritage

The site is not in close proximity to adjacent designated sites (it is more than 1km away) including any ASSIs, SACs, SPAs, RAMSAR sites and SLNCIs.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.)

Regulations (Northern Ireland) 1995 (as amended). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites.

There are no areas of woodland, peatlands and wetlands etc. within close proximity to the application site. There are no rivers/stream/hydrological link within the application site. The existing roadside boundary is defined by a low concrete wall. As such, no hedgerow removal is required to facilitate visibility splays. The existing western boundary is to be retained. There are no mature trees within the red line boundary to be removed to facilitate the development.

The proposal involves the demolition of an existing dwelling. Given the existing condition of the dwelling whereby it is currently occupied and is not in a rural location, the Department is satisfied that consultation with NIEA is not required in this instance.

Given the above, the Department is satisfied the proposal complies with PPS 2.

PPS 3 – Access, Movement and Parking

The proposed development is to be accessed off Ballyholland Road. The layout includes a footpath to either side of the road from the existing footway link along Ballyholland Road. Each property will have its own in-curtilage parking. DfI Roads has been consulted throughout several stages of this application with regards to the Access, Movement and Parking, who offer no objections to the proposal in principle.

PPS8 – Open Space, Sport and Outdoor Recreation

As mentioned above, Policy OS 2 'Public Open Space in New Residential Development' requires at least 10% of the total site area must be dedicated to the provision of open space if they meet a certain threshold. Given the fact that 6 dwellings are proposed, the provision of open space in this instance is not a requirement. There is a large Major Area of Existing Open Space is approx. 330m (7 min walk) from the application site. Each unit also has its own individual private amenity space with sizeable rear gardens which is considered acceptable and in accordance with the guidance contained within Creating Places.

PPS 15 – Planning and Flood Risk

DfI Rivers initially requested the submission of a Drainage Assessment. Following the submission of a letter from the Agent, DfI Rivers advised on 1st November 2021 that a DA was not required as the thresholds outlined under FLD 3 had not been exceeded. Policies FLD 1, 2, 4 and 5 are not applicable to this site.

Recommendation:

The proposed scheme is on whiteland within the development limits of Ballyholland, with the exception of the northern portion of the site which is just outside the limits. As mentioned above, correspondence with Plan Team confirmed that the settlement limit of Ballyholland was reduced within BNMAP which should've taken account of the extant approval and included all of the approved site within the development limit. The Plan Team confirmed that the proposed extension to the settlement limit, in this case, would not have a significant detrimental impact on the character of Ballyholland when approaching the settlement.

Given the existing residential nature of the locality, the use of this site for housing is appropriate. Having had regard to the development plan, planning policy and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance, and there are no grounds to sustain a refusal. Accordingly, approval is recommended subject to conditions.

Conditions:

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 20/71/101A, 20/71/102F, 20/71/103A, 20/71/104, 20/71/105, 20/71/106, 20/71/108B, 20/71/109A, 20/71/111 and 20/71/111A.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing no. 20/71/108B.

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in

accordance with the details outlined blue on drawing no. 20/71/108B. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

5. The visibility splays at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing no. 20/71/108B prior to the commencement of any other works or other development.

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

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

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

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

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

8. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section and agreed in writing with the Council.

Reason: Road safety and convenience of traffic and pedestrians.

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

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

10. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. During the first available planting season after development has commenced, planting shall be carried out in accordance with approved plans 20/71/111. 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.

11. 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.

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

12. 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 11, 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.

13. ALL upper floor side gable windows serving en-suite and landings shall be fitted with obscure/opaque glazing prior to the occupation of the unit they serves which shall be permanently retained thereafter.

Reason: To protect the amenity of adjoining residents.

Informatives:

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992
Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into

- a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
2. Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
 3. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact DFI, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980.
 4. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor. The Road drainage works for this development to be agreed with Dfi private streets section prior to commencement.
 5. 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.
 6. 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.
 7. Demolition Waste:
All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.
 8. Contaminated Land:
Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

Case Officer Signature: Eadaoin Farrell

Date: 04.10.23
Appointed Officer Signature: M Keane
Date: 04-10-23



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

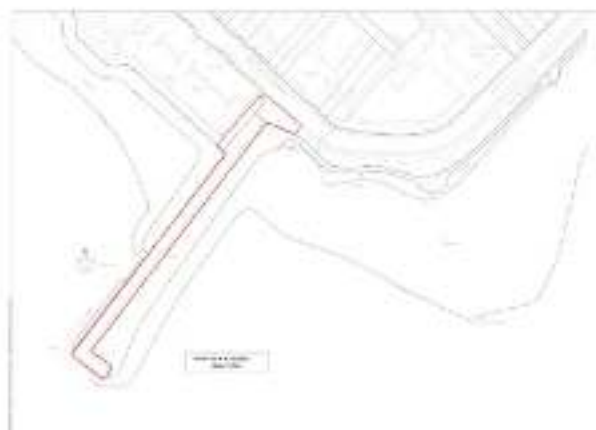
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1763/F

Date Received: Nov 2022

Proposal: Public realm improvement scheme comprising resurfacing of the existing breakwater; refurbishment of railings; replacement lighting; installation of new street furniture including seats, wind breaks, bins, cycle stands and bollards; installation of two new modular buildings (one to include accessible WC facilities); and all associated site works

Location: Lands at the breakwater along Warrenpoint Front Shore located approximately 12 metres south west of 3 Osborne Promenade, Warrenpoint



1. Site Characteristics & Area Characteristics:

The lands outlined in red extend to comprise Warrenpoint breakwater/pier, which accesses and extends from Osborne Promenade and the adjacent existing car park.

This pier (although centrally located in Warrenpoint) is located outside the boundary of Warrenpoint development limits as identified in the Banbridge/ Newry and Mourne Area Plan (2015), although the front section adjoining Osborne Promenade and the car park is inside the boundary. This pier is adjacent to the shore, and associated

designations, including Carlingford Lough SPA and ASSI and therefore hydrologically connected to Carlingford Shore SAC and Carlingford Lough SPA/Ramsar.

It is also noted there are several nearby listed buildings, while the boundary of the ATC extends to include a portion of this site. The boundary of the town centre is also noted. The site is located within the Mournes AONB.



2. Site History:

A history search has been carried out for the site and surrounds, whereby the most relevant history observed includes the following:

LA07/2021/1655/F: Public realm improvement scheme comprising resurfacing; new kerbing; new railings; installation of street furniture including picnic benches, seats, bins, cycle stands and bollards; replacement street and feature lighting; reconfiguration of existing car park; sea wall repairs; vegetation planting; new signage and entrance feature; upgrade of existing ramps to the faux beach adjacent to the baths to be made DDA compliant, complemented with the installation of new granite steps; and all associated works. Permission granted, March 2022.

LA07/2015/0369/F: Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function

Room, Seaweed baths/spa, Coffee shop and external venue space, Public toilets and all associated site works. Permission Granted. 18.01.2017

P/2012/0144/F: 200 (approximately) boat marina with floating pontoons, walkways, breakwater/training wall, revetments, 2 car/trailer parks, landscaped amenity area plus dredging and infilling of seabed. Permission Granted 07.09.2012.

P/2011/0012/LDP: General upgrading of the car park, paths and amenity area to include site furniture, landscaping, interpretative signage and entrance feature, upgrading of existing paths. Permitted Development 28.01.2011.

P/2005/2693/F: Provision of car park and minor works. Permission Granted 13.11.2006.

P/2007/0430/F: Erection of public safety CCTV cameras to be mounted on 8 metre poles where indicated on attached maps Permission Granted 08.06.2007

P/2007/1331/F: Public safety CCTV cameras to be erected at various locations around Warrenpoint town centre, cameras to be mounted on 8 metre poles. Permission Granted 09.11.2007.

P/1997/1079: Environmental improvement scheme comprising of; Low wall, hedges, street furniture, planting beds and street lighting. Permission Granted 12.05.1998

P/1988/0379: Provision of concrete slipway and extension to trailer set down area. Permission Granted 23.05.1988.

3. Planning Policies & Material Considerations:

This application will be assessed under the following policy documents and guidance:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Planning Policy Statement 6 (Addendum)- Areas of Townscape Character
- Planning Policy Statement 8: Open space, sport and recreation
- Planning Policy Statement 15- Planning and flood risk

4. Consultations:

Having account the nature of the proposals, location of the site and associated designations, a number of consultations were carried out including with HED, DFI Roads, DFI Rivers, Environmental Health, SES and NIEA.

(In support of this application detail plans, Preliminary Ecological Appraisal , outline Construction Environmental Management Plan (CEMP), Habitats Regulation Assessment (HRA) and Preliminary Risk Assessment, have been submitted).

Historic Environment Division (HED): No objections in principle.

Dfi Roads: No objections in principle

Dfi Rivers: No objections in principle

Environmental Health: No objections in principle

Shared Environmental Management Services (SES): No objections in principle

NIEA:

Marine and Fisheries Division: Have concerns regarding the potential impacts of climate change and coastal flooding on the two modular buildings because these are located adjacent to both the present day and climate change sea floodplain boundaries and consequently may be vulnerable to the impacts of coastal flooding and increased storm waves.

Following re-consultation Marine and Fishers advised that while their previous concerns remain, they do welcome the statement from the AECOM letter, which stated 'No significant public views of the coast will be detrimentally impacted given the scale and position of the proposed buildings.' Marine Conservation Branch advised they did not require any further re-consultation.

Regulation Unit: RU have no objection to the development provided Conditions & Informatives are placed on the planning decision notice, as recommended.

Natural Environment Division (NED): Natural Environment Division has completed a full assessment of the proposal and are content subject to recommended conditions.

The comments from respective consultees have been noted. Having account the nature of the proposals including that existing it is not considered necessary to consult

any additional bodies to determine this application, and subject to appropriate conditions, not objections are offer in principle.

Objections & Representations

In line with statutory requirements the application was advertised in the local press, and a round of neighbour notification was undertaken, all in Nov 2022.

1 representation has been received to date (27-09-23), from the owner/occupier of no.1 Osborne Promenade, whereby the main issues raised include:

- Querying the accuracy of the neighbour notification process,
- The proposals will not be of significant benefit to the whole community, to justify the loss of current open space,
- The occupancy rate within the town centre,
- Request for business case for the proposals for the kiosks,
- Lack of details on the kiosks,
- Parking issues,
- Design of kiosks are out of keeping with the character of the area,

The above is a summary of the main issues raised. A copy of the rep is also on file. A response also issued to the queries raised.

5. Consideration and Assessment:

Proposals.

The application seeks full permission for improvements to the existing pier/breakwater.

This application is effectively an extension to the recently granted public realm improvement scheme LA07/2021/1655, as outlined above.

This current application includes resurfacing (exposed aggregate concrete); refurbishment of railings and new railing; replacement of the 6m high lighting columns; installation of new street furniture including seats, wind breaks (8 in number), with 3 timber wave seats and planters, bins, cycle stands and bollards; installation of two new modular buildings (one to include accessible WC facilities); and all associated site works. The modular buildings measure approx. 5.5m by 3m and will be approx. 3.5m high with sloping roof

(All surface levels and drainage is to remain as existing. All furniture, fixtures and fittings to be marine grade stainless steel).

(The finishes of the modular buildings, include insulated external walls with zinc coated panelling, zinc primed and epoxy painted finish, aluminium roof, aluminium door and window frames, aluminium door panels and uPVC and aluminium rainwater

fixtures. Windows are fitted with double safety glass and doors and windows are also provided with a polyester powder coated metal roller security shutter).

The recent permission for the environmental improvements approved under ref LA07/2021/1655 extended along the front shore and Marine parade but excluded the pier, which is now the subject of this current application.

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 accord greater weight in the assessment of individual planning applications.

The overall scheme and the amendments made to the scheme will enhance the appearance of the conservation area and is of appropriate design and materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

While the pier is actually located outside the boundary of the settlement limit it is a key part of the town centre, and effectively an extension of it, and is long in use as a pier for pedestrians.

PPS 3: Access, Movement and Parking

The application site is adjacent to the existing car park. The proposals comprise an upgrade of the existing pier and will not impact on any car parking provision in the area. This upgrade of the pier will create a improved surface thus creating a safer and more accessible environment for everyone. Also, the street furniture proposed is sensitively positioned to ensure ease of movement and ensuring it does not obstruct access for any users, while new dropped kerbs are also to be provided to improve accessible. Access to the adjacent

car park is also retained. Cycle stands are also to be provided thus ensuring the needs of cyclists are taken into account.

DFI Roads have been consulted and have no objection to the proposal. On balance, the proposals are considered to satisfy the policy criteria set out in PPS 3, including AMP1 and AMP8.

PPS 6: Planning, Archaeology and the Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building states:
The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) the nature of the use proposed respects the character of the setting of the building.*

It is noted the pier is located in proximity to several listed buildings. It is also noted this pier is long established and has been in use as such for many years. However it is acknowledged the upgrade to the pier with associated proposals has the potential to impact on nearby listed buildings. HED (Historic Buildings) is content with the proposal, when assessed under 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 (subject to conditions).

HED Historic Building welcomes the upgrade of public space adjacent to Osborne Promenade, considering the size and number of light columns to pose no greater demonstrable harm to the setting of nearby listed buildings. The modular buildings are modest in size and somewhat contemporary in design, whereby the rationale provided is to reflect the historic fabric and mimic the existing kiosk at the baths further along the seafront.

As such it is considered the proposals do not offend the policy criteria set out in PPS6.

PPS 6 (Addendum): Areas of Townscape Character

Policy ATC 2 New Development in an Area of Townscape Character states:

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its

overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

The pier itself is outside the boundary of the ATC, however the front portion adjacent to Osbourne Promenade and the car park is inside this boundary. The proposal represents an upgrade and aesthetic improvement of the existing development that will enhance its overall character and is considered will respect the built form of the area and therefore is considered to satisfy PPS 6(a).

PPS8 Open Space, Sport and Outdoor Recreation

For the purposes of policy it is considered this pier would fall within the definition of open space, as it is an area of open space of public value.

For the avoidance of doubt, this pier area will be retained in its entirety, whereby the proposals seek an upgrade of that existing, with new surface and furniture. The proposals include 2 small kiosk structures, which consume floor-space, however it is considered these structures are so minor, the loss of space is negligible and as such will not have a detrimental impact on the amenity or

character of the area (due to their size), whereby the upgrade and associated visual amenity benefits, are justified.

As stated above, this pier and use is long established.

Accordingly, it is considered the proposals do not offend the policy criteria of PPS8.

PPS 2 Natural Heritage

While the entirety of PPS2 is relevant, Policies NH1, NH3 and NH6 are of particular relevance, having account the location of the site and adjacent designations.

The application site is adjacent to and hydrologically linked with to the following national, European, and international designated sites:

- Carlingford Lough SPA which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Carlingford Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002.

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority is required to ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives.

As outlined above a Preliminary Ecological Appraisal , outline Construction Environmental Management Plan (CEMP), Habitats Regulation Assessment (HRA) and Preliminary Risk Assessment, were submitted with the application, and NIEA and SES both consulted.

Shared Environmental Service (SES) have advised that while not being responsible for the Habitats Regulations Assessment (HRA) undertaken for this project on behalf of Newry Mourne and Down District Council, have no reason to disagree with its findings.

SES also advised that the Council in agreeing the HRA will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

NIEA, Natural Environment Division (NED) advised they have considered the impacts of the proposal on designated sites and other natural heritage interests

and, on the basis of the information provided, has no concerns subject to recommended conditions.

With regards to the above policies, it is noted this breakwater has been in existence and has been used as pier for pedestrians for many years.

This proposal seeks to upgrade this pier, with new surface and furniture,, with existing railings repaired and painted. The existing rock armouring, pontoon and gate are to be retained while the wall is to be power washed steam cleaned.

Having account the minor nature of the works proposed, and existing conditions and facilities, it is considered that proposed is a betterment and will improve the appearance of the area and setting.

With regards to the Seascape Character, the agents advised the specification of the proposed modular buildings has been chosen to complement the applications site's shorefront location, with a contemporary nod to the historic Warrenpoint baths nearby. In the early 1900's the baths had numerous kiosks, which are now all largely gone. The roof structure of the proposed modular buildings seeks to provide a contextual link to the remaining kiosk at the baths and the gateway archways either end of seaview promenade, constructed in a Moorish style. As such, the proposed modular buildings recognise the architectural and cultural heritage of Warrenpoint's seascape.

PPS15 Planning and Flood Risk

DFI Rivers Agency advised that the Flood Maps indicate that portions of the site lie within the 1 in 200 year coastal flood plain. The Planning Dept deemed the proposals were an exception to Policy FLD1.

A proportionate FRA was then submitted whereby DFI rivers subsequently advised that while not being responsible for the preparation of the Assessment

accepts its logic and has no reason to disagree with its conclusions, and as such offer no objections.

Also, that it is the applicants responsibility for justifying the Assessment and implementation of the proposed flood risk measures.

Summary

Taking into account the above, it is considered the proposals are acceptable and there are no grounds to sustain a refusal. Accordingly, Approval is recommended subject to conditions.

6. Recommendation: Approval

7. Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time Limit.
2. The development hereby permitted shall take place in strict accordance with the following approved plans: 6000 P01, 6001 P01, 6002 P01, 6010 P01, 6011 P01,
Reason: To define the planning permission and for the avoidance of doubt.
3. Prior to commencement of any works, samples of exposed aggregate concrete surfacing shall be submitted and approved in writing by the Council in conjunction with HED in respect of the material and finish proposed to include colour and texture.
Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the setting of the nearby listed buildings.
4. A suitable buffer of at least 10m must be maintained between the shoreline and the refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.
Reason: To protect designated sites and site selection features.
5. Prior to discharge into Carlingford Lough, any surface water generated during the construction phases of the development must first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.
Reason: To protect designated sites and site selection features.
6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately.

This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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 under the Condition above and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

Case Officer Signature: M Keane

Date: 27-09-23

**Authorised Officer Signature:
P Rooney**

Date: 27-09-2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1285/F

Date Received: 15/08/2022

Proposal: Erection of dwelling and detached garage

Location: Lands approximately 60m south west of no. 89 Cullaville Road, Crossmaglen

Site Characteristics & Area Characteristics:

The application site includes a portion of agricultural land located to the south-west of no. 89 Cullaville Road, as well as a portion of the existing curtilage of this dwelling (for the proposed access). The site is located on a bend on the Cullaville Road. The site slopes in an eastern-western fashion.

The application site is located outside any settlement limits, as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The surrounding area is rural in nature, with a number of single residential dwellings dispersed in the locality.

Date of Site Visit: 29/11/2022

Site History:

P/1994/0897/F

- No. 88 Culloville Road, Crossmaglen
- Site for replacement bungalow
- Permission Granted

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

Building on Tradition Design Guide

Consultations:

DfI Roads – *No objections in principle to this proposal*

NI Water – *Approved with standard planning conditions*

Objections and Representations:

Three neighbours were notified of the proposal 08/09/2022. The proposal was also advertised in local press on 07/09/2022.

No objections or representations have been submitted for consideration.

Consideration and Assessment:

The 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 plan lies outside any designations within the Plan.

Strategic Planning Policy Statement (SPPS)

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and as 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Policy CTY 8 – Ribbon Development

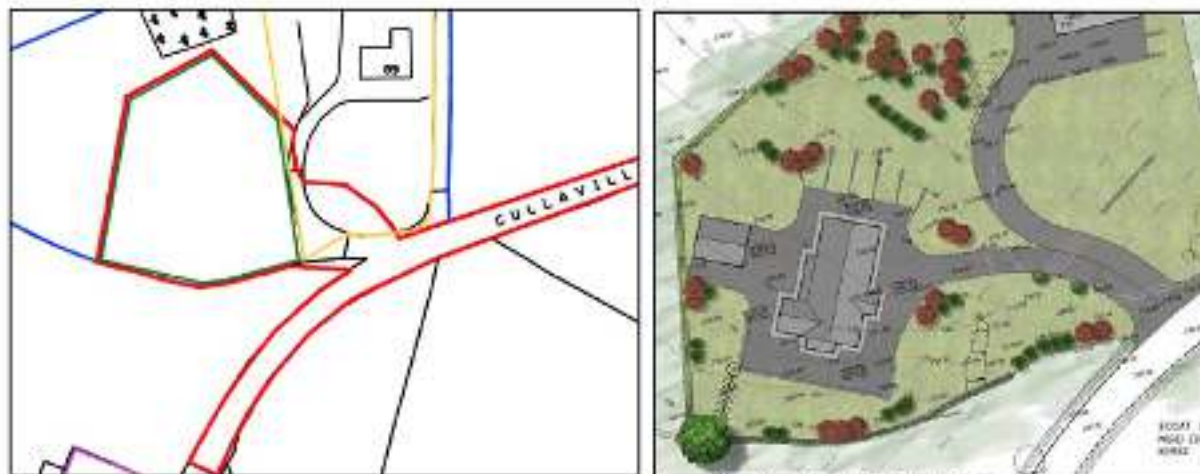
As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site is considered to lie within a substantial and continuously built-up frontage of 3 buildings – number 89 to the east, 93 to the west, and agricultural building to the south-west of no. 93.

The site is not considered an eligible gap, for infilling. The application site does not have a frontage onto the Cullaville Road. The point where the site abuts the roadside is currently operating as the established access arrangement for number 89 Cullaville Road (see below). The proposal for an infill must be assessed on the basis of the circumstances on the ground as existing.



Notwithstanding that there is not considered to be an existing gap site with frontage onto the road, the building-to-building gap (from number 89 to number 93 Cullaville Road) is 130m (approx.); this is not considered a small gap site, which is sufficient only to accommodate up to a maximum of two houses.

The assessment of the suitability of a gap site is not solely a mathematical or academic exercise but should also be based on a visual assessment of the existing pattern of development on the ground (2021/A0106). The gap between development (which includes the application site) serves to provide relief and a visual break in the developed appearance of the locality along Cullaville Road and helps maintain its rural character. Development on the application site would threaten this rural character.

It is not considered that the site is consistent with the existing residential pattern within this frontage. The gap between buildings is not a small gap site and can accommodate more than two dwellings.

The proposal – for a detached dwelling and garage – is not considered to respect the existing development pattern along the frontage in terms of plot size. Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' design guide is

taken into account in assessing all development proposals in the countryside. Para 4.4.0 of this document advises that new development under CTY 8 "will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character." Appropriate gap sites follow the established grain of the neighbouring buildings. It is not considered that the proposal is consistent with the established grain of neighbouring buildings.

The appeal site is not a small gap within an otherwise substantial and continuously built-up frontage. If approved, the proposal would add to the ribbon of development along Cullaville Road, contrary to the provisions of Policy CTY 8.

Correspondence with agent:

The agent was advised in email sent 02 May 2023, that the Planning Department did not consider the application met the criteria as outlined in CTY 8 of PPS 21.

The agent, in response, contends that:

The frontage along this part of the Culloville Road is substantial and continuous, it is not separated by a large gap. The definition of a substantial and continuously built-up frontage does not preclude sites where a part of the gap does not have direct frontage onto the road, it only alludes to a line of 3 or more buildings along a road. It was noted in the recent email that the proposal for an infill must be assessed on the basis of the circumstances on the ground as existing, however the application should be assessed in the round, taking all aspects of the proposal into consideration. i.e., one must be cognisant at all times that this is a two-dwelling gap...

The application site and the dwelling at no.89 Culloville Road are proposed to have a paired access as part of this application (as accepted by DFI Roads). As a result, they will both be visually linked and will share a common frontage onto the Culloville Road...

The site represents a small gap in development along the frontage. The gap is not significant enough to represent a relief or visual break in the developed appearance of the locality. Measured from building to building (no.89 to no.93) the 'gap' size is taken to be approximately 133 metres. With an average plot width of 60 metres along the Culloville Road, the overall gap qualifies as being small insofar as it would not be able to accommodate more than two dwellings within the existing settlement pattern.

(Full response is available for viewing on public register).

The Planning Department have considered the response in full from the agent. However, for the reasons outlined above, the Planning Department remain of the opinion that the proposal does not represent an exception to policy.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The proposal is for a storey and half dwelling with detached garage located to the rear of the dwelling. The dwelling has a ridge height of 6.5m. The garage has a proposed height of 5m (approx).

Given the scale of the proposal in relation to the surrounding built environment, the proposed new building and garage is not considered to be a prominent feature in the landscape. The site does not rely primarily on the use of new landscaping for integration.

Ancillary works are not considered to integrate sufficiently with their surroundings. The works proposed include creating a paired driveway for the proposed dwelling and no. 89. CTY 13 outlines 'less formal solutions should be sought for accesses and other ancillary works in the countryside'. The cumulative impact of these dual accesses onto the Cullaville Road means the proposal does not integrate sufficiently with the surroundings.

The design of the building is of traditional rural form, with a pitched front porch and vertical emphasis on fenestration, is considered appropriate for the site and its locality. It is consistent with the advice offered for rural dwellings in Building on Tradition. The materials proposed – natural roofing slates, pvc guttering, fascia, windows and doors, and natural stone and smooth render, are consistent with development in the area.

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.

Given the nature of the topography of the site and surrounding area, it is not considered the new building proposed will be unduly prominent in the landscape.

The cumulative impact of the proposed dwelling, when read with the existing development adjacent to the site, is detrimental to the character of the area. The proposal results in a suburban style build-up of development when viewed with existing and approved buildings along this portion of Cullaville Road.

In order to maintain and protect the rural character of an area, new building proposed should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should: adopt the spacing of the traditional buildings found in the locality; or integrate sensitively along with a group of existing buildings, such as a farm complex. It is not considered that the proposed dwellings adopt the spacing of the residential buildings in the locality.

The siting of the proposal does not respect the traditional patterns of settlement exhibited in the area.

As the proposal is not compliant with CTY 8 (for the reasons outlined above), the proposal is contrary to CTY 14 in that it adds to a ribbon of development along this portion of Cullaville Road.

CTY 16 – Development relying on non-mains sewerage

The application form indicates foul sewage will be disposed of via septic tank.

The application complies with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 3 – Access, Movement and Parking

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 have been consulted and are content with the proposal subject to conditions.

Planning Policy Statement 2 – Natural Heritage

The proposal involves the retention of the existing site boundaries (supplemented where necessary). The proposal does not pose a threat to any protected habitats. Additional planting has also been proposed along site boundaries (ash and blackthorn trees and hawthorn hedging).

The proposed planting works will be conditioned to ensure implementation of same, should an approval be forthcoming, as per NIEA NED guidelines and standing advice.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site within an otherwise substantial and continuously built-up frontage and would, if permitted, add to ribbon development along Cullaville Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the ancillary works proposed do not integrate with their surroundings.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would add to a ribbon of development along Cullaville Road, and would result in a suburban style build-up of development when viewed with existing and approved buildings along Cullaville Road, which would result in a detrimental change to the rural character of the area.

Case Officer: E.Moore 31/08/2023

Authorised Officer: M Fitzpatrick 31/08/2023

- Permission is sought for one house in one half of a two-house gap. The agreed approach for assessing applications of this nature is:

Is there a substantial and built up frontage? / Is the gap small? / Is it sufficient only to accommodate up to a maximum of two houses? / Does this respect the existing development pattern along the frontage in terms of size, scale, siting and plot size? **(the four tests).**

- **Fatally, officers make no mention of the aforementioned four tests.**
- Officers accept there is a substantial and built up frontage. They do not accept the gap is small, or that it is sufficient only to accommodate up to a maximum of two houses - but this was because of their failure to ask would any more than two dwellings respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. **Had that possibility been explored, there would have been no question that the site cannot accommodate any more than what is proposed.**
- It is very important to note that it cannot be fatal if the gap could accommodate more than two houses if, for example, three (or four) houses would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- Regard has also not been paid to the other half of the gap - Officers feel this does not constitute a gap site because they feel the site itself does not present onto the road, omitting to mention that the other half of the gap has no such problems –this would not have been an issue if the entire gap was looked at as one, as it should have been.
- The orderly development of this **entire gap** could only be secured by one dwelling, set back on this site (not quite as far as the adjacent house) and one house on the adjacent site, set forward. Anything else would fail to respect the existing development pattern in terms of siting and plot size, in particular so it is fanciful to suggest three or more houses could have been achieved.
- Officers failed to offer any comment or analysis upon the fact that two of the relevant three plots are wide, or that one of the relevant dwellings is set back from the road. Had these characteristics been recognised, instead of sub consciously relying upon mathematical formulae, then it would have been accepted that there is sufficient diversity in this built frontage to warrant the approval of this application.
- The planning department purport to accept that this decision does not come down to a mathematical exercise. However, it has not shown any analysis of the pattern of development, or showed any understanding of the actual developments on the ground - Agricultural buildings on a 96m wide plot; a small rural, roadside, house on a 37m wide plot, and a modern (set back) house with substantial associated buildings on a 58m wide plot. When the pattern is comprised of two wide sites, it is to be expected that the size of the gap between buildings will be proportionate.
- The overall gap measures 130 metres. We concede it is straying towards the other limits of the term "small gap", but we have recently received permission from officers in this District, in a 160 metre gap. Indeed The courts have established that the concept of infilling small gaps should not be restrictively interpreted. *Duff's* judicial review involved a gap site sandwiched

between buildings that were **150 metres** apart (this compares favourably) and **the Courts accepted there was nothing wrong with this Council's approval granted.**

- To facilitate this proposal, the applicant has persuaded the adjacent residents to make improvements to their existing dangerous access on a blind corner on Culloville Road. Improving the standard of that access will improve visibility for anyone emerging from that property, reducing the risk of impact with oncoming traffic. Significantly, this will also reduce the risk of approaching traffic coming round a blind corner, from impacting with vehicles queuing to enter the adjacent house. This will have a positive impact in terms of road safety. **Planning gain / access betterment is a material consideration that has, wrongly, not been taken into account in the determination of this planning application.** It was not recorded, or given weight, contrary to Article 45 of the Planning Act (NI) 2011.
- It is stated that the proposal offends CTY 13 through the introduction of a paired access, which is purportedly not an appropriate ancillary work. Not only is this type of access commonplace on built up frontages, but it has been introduced specifically to improve road safety for the significant number of persons who pass this site on a daily basis, a factor that has not been recognised.
- **Officers do not comment upon what exactly makes this paired access "wrong", nor do they actually articulate how the proposal falls foul of CTY 13,** and we feel it is because there is in fact nothing wrong in this regard.
- While officers opine that the gap is a visual break in the built up frontage, they make no mention of the correct legal tests i.e. it is only *important* visual breaks that are protected (see the case of *Duff*, for example).
- In light of the fact officers have not attempted to argue the site is an important visual break in the developed appearance of this local area, the refusal of planning permission is unjustified. Likewise, the fact that officers argued the gap is not small, without having any regard to the size of the adjacent plots, points to an unjustified conclusion.
- In closing, the planning department has recommended refusal without attempting to study this proposal in its proper context i.e. it is one half of a two dwelling gap, and officers have, incorrectly, failed to appreciate that had the application been for two dwellings it would have been compelled to respect existing field boundaries, essentially calling for one dwelling to each side of the field boundary notwithstanding the field boundary is irregular in shape. We hope that Members will agree that had the gap been looked at in its entirety, this is exactly how the site would have been laid out.
- Since the Policy is not a straight jacket here, members are permitted to apply their own particular judgement, consistent with the flexible manner in which the Committee has been determining these matters as they are presented with cases like this, unlike the stance taken by officers, which is considered more restrictive.
- Members are welcome to ask any questions, and in the event they have not been persuaded by this submission, we would invite you to visit the site in person.

LA07/2022/1285/F

Erection of dwelling and detached garage

*Lands approximately 60m
south-west of no. 89 Cullaville*

*Road
Crossmaglen*

*Ag freastal ar an Dún agus Ard Mhacha Theas
Serving Down and South Armagh*



Comhairle Ceantair

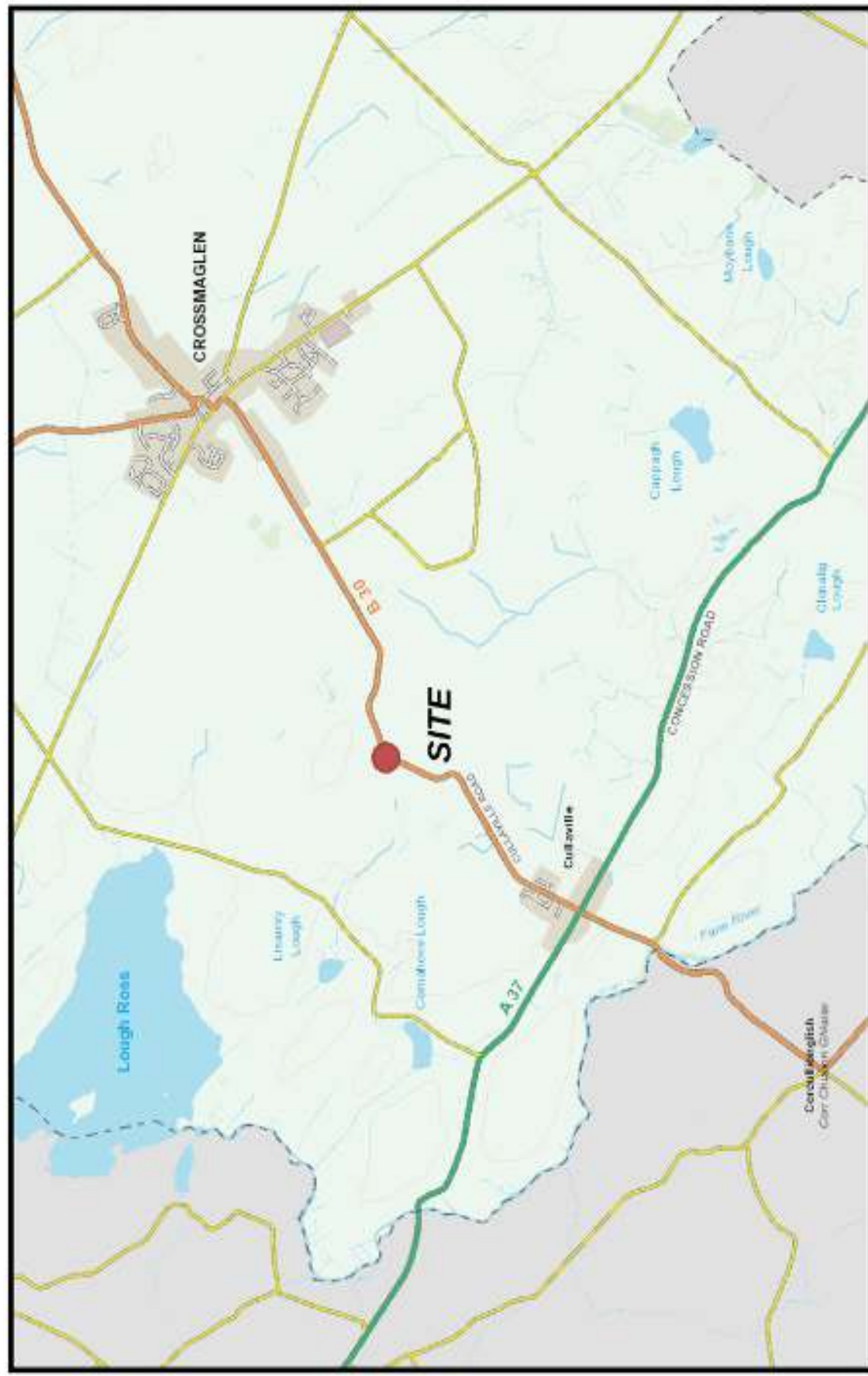
**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**

District Council

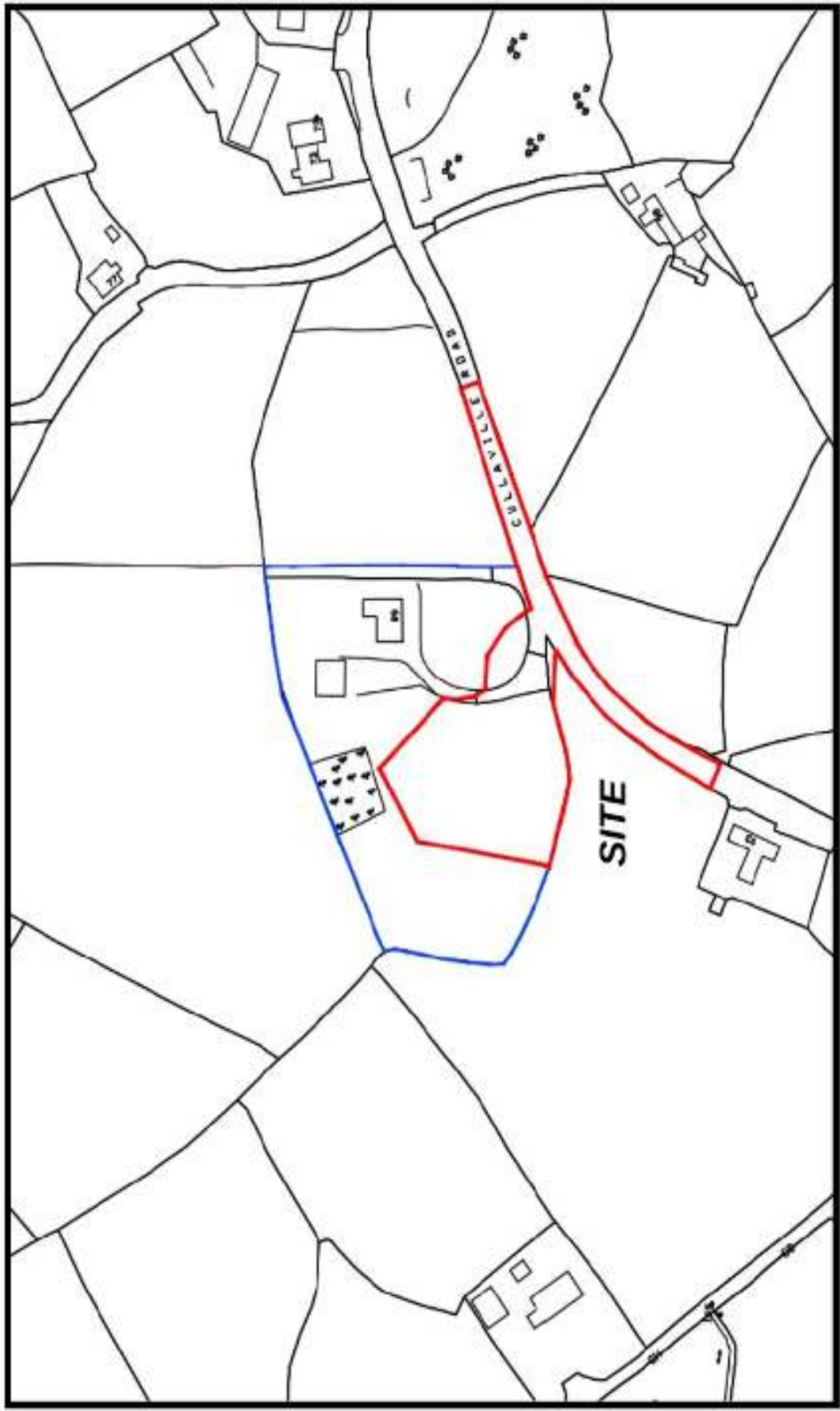


Location in District



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

www.newrymournedown.org



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

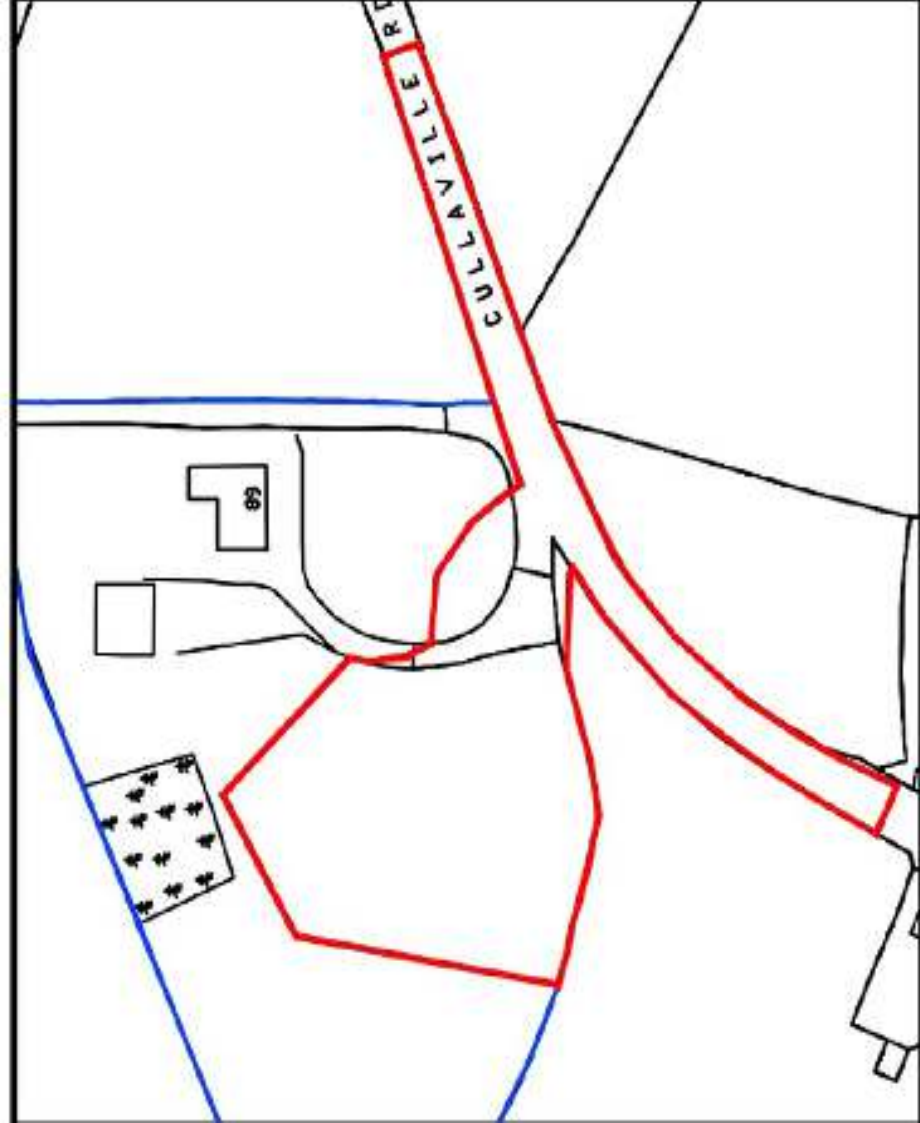
www.newrymournedown.org



ORTHOGRAPHIC IMAGE OF SITE AND SURROUNDING CONTEXT

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

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Existing access arrangements to site



Proposed access arrangements to site

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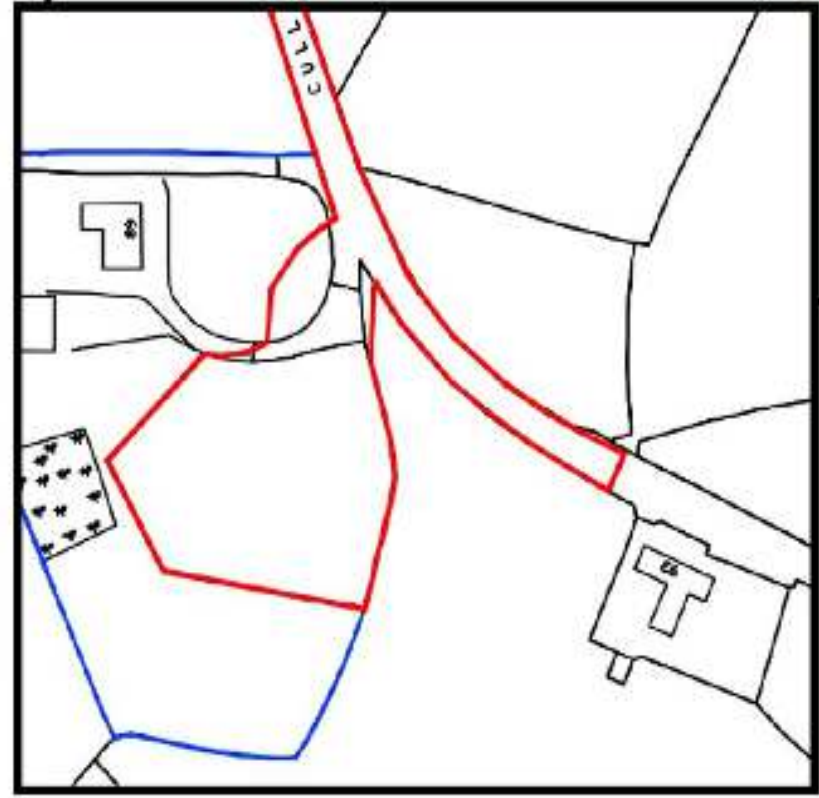
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Approx. residential frontages and gap



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2527/F

Date Received: 26.04.2023

Proposal: Environmental improvements comprising the installation of new planting schemes to existing open space, improvements to existing uncontrolled crossing points, refurbishment works to the fountain area, refurbishment of existing street lighting, refurbishment of existing finger posts, installation of heritage style planters and all associated works.

Location: Lands adjacent to 1-12 Main Street, 1-45 Church Road, 2 Dale Terrace, 21-6 Wakefield Terrace, 1-23 Charlemont Square West, 1-8 Charlemont Square North, 1-29 Charlemont Square East, 2-70 Fountain Street, 1-18 College Square West, 1-12 College Square North, 1-23 College Square East, Bessbrook.

Site Characteristics & Area Characteristics:

The site as defined in red takes in a number of locations to reflect the proposed work within the village of Bessbrook. From the site plan, sheets 03, 04, 05 and 06 include

work within the Conservation Area for Bessbrook and the majority of the work are close to the many Listed Buildings within the Village.

Site History:

Application Number: P/1998/0403 Decision: Permission Granted Decision Date:
Proposal: Erection of building to provide restaurant, three workshop units retail outlet and upgrade to the Tirzah

application number: p/1995/0152 decision: permission granted decision date:
proposal: change of use from dwelling to shop

application number: p/1993/0423 decision: permission granted decision date:
proposal: extension to existing hairdressing premises to provide new barbers shop and kitchen and alterations to existing barbers to provide new shop (incl new shop front)

application number: p/1992/0370 decision: permission granted decision date:
proposal: extension to shop, new shop front and provision of flat accommodation on 1st floor

application number: p/1989/0077 decision: permission refused decision date:
proposal: proposed erection of dwelling

application number: p/1991/1109 decision: permission granted decision date:
proposal: extension to dwelling

application number: p/1990/4054 decision: permitted development decision date:
proposal: improvements to dwelling

application number: p/1989/0977 decision: permission granted decision date:
proposal: extension and improvements to shop

application number: p/1991/0795 decision: permission granted decision date:
proposal: erection of dwelling

application number: p/1989/1018 decision: permission granted decision date:
proposal: extension and alterations to dwelling

application number: p/1994/0784 decision: permission granted decision date:
proposal: alterations and extension to dwelling

application number: p/1994/1205 decision: permission granted decision date:
proposal: alterations and extension to dwelling

application number: p/1988/0745 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1988/0238 decision: permission granted decision date:
proposal: extension and improvements to dwelling (l.b)

application number: p/1986/0765 proposal: proposed bungalow	decision: permission granted	decision date:
application number: p/1987/0683 proposal: alterations and extension to dwelling	decision: permission granted	decision date:
application number: p/1988/0014 proposal: extension and alterations to credit union premises	decision: permission granted	decision date:
application number: p/1987/0199 proposal: alterations and extension to dwelling(lb)	decision: permission granted	decision date:
application number: p/1987/0142 proposal: new shop front (l.b)	decision: permission granted	decision date:
application number: p/1998/0179 proposal: change of use from two vacant dwellings to shop	decision: withdrawal	decision date:
application number: p/1998/0948 proposal: alteration of existing public open space 'tirzah'	decision: permission granted	decision date:
application number: p/1996/0030 proposal: renovation of shop premises and provision of dwelling unit	decision: permission granted	decision date:
application number: p/1995/0517 proposal: extension to bessbrook institute to provide changing rooms and handball alleys	decision: permission granted	decision date:
application number: p/1984/1059 proposal: housing development phase ii (15 dwellings)	decision: permission granted	decision date:
application number: p/1975/0475 proposal: proposed addition and extension to existing dwelling	decision: permission granted	decision date:
application number: p/1980/1166 proposal: extension and improvements to dwelling	decision: permission granted	decision date:
application number: p/1979/0679 proposal: proposed reinstatement of memorial fountain	decision: permission granted	decision date:
application number: p/1980/0725 proposal: extension and improvements to dwelling	decision: permission granted	decision date:
application number: p/1980/0044 proposal: proposed conversion of existing store to furniture showroom	decision: permission granted	decision date:
application number: p/1977/0425 proposal: proposed extension to primary school	decision: permission granted	decision date:
application number: p/1976/0835 proposal: proposed extension to primary school	decision: permission granted	decision date:

proposal: proposed erection of school meals kitchen

application number: p/1976/0848 decision: permission granted decision date:
proposal: proposed site of dwelling

application number: p/1984/0910 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1976/0893 decision: permission granted decision date:
proposal: proposed re-instatement of bomb damaged furniture showroom

application number: p/1984/0127 decision: permission granted decision date:
proposal: proposed extension and improvements to dwelling

application number: p/1982/0176 decision: permission granted decision date:
proposal: proposed extension and improvements to dwelling

application number: p/1982/0095 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1981/0106 decision: permission granted decision date:
proposal: improvements to existing dwelling

application number: p/1984/0881 decision: permission granted decision date:
proposal: extension and improvements to dwelling (l.b.)

application number: p/1986/0195 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1986/0136 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1982/0013 decision: permission granted decision date:
proposal: proposed extension and improvements to dwellings

application number: p/1986/0397 decision: permission granted decision date:
proposal: improvements to dwelling (lb)

application number: p/1984/1043 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1982/0792 decision: permission granted decision date:
proposal: proposed housing development

application number: p/1986/0234 decision: permission granted decision date:
proposal: repairs and improvements to post office/dwelling (lb)

application number: p/1983/0271 decision: permission granted decision date:
proposal: improvements to dwelling (l.b.)

application number: p/1986/0648 decision: permission granted decision date:

proposal: extension and improvements to dwelling

application number: p/1983/0106 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1983/0110 decision: permission granted decision date:
proposal: extension and improvements to dwelling

application number: p/1984/1094 decision: permission granted decision date:
proposal: site for retirement farm bungalow

application number: p/1982/0754 decision: permission granted decision date:
proposal: proposed replacement farm bungalow

application number: p/1982/0756 decision: permission granted decision date:
proposal: proposed extension to shop

application number: p/1983/0478 decision: withdrawal decision date:
proposal: site for dwelling

Application Number: P/2002/0914/CA Decision: Invalid - Applic Returned
Decision Date:
Proposal: Demolition of vacant shop within Conservation Area

Application Number: P/2003/1281/O Decision: Invalid - Applic Returned
Decision Date:
Proposal: Site for dwelling

Application Number: P/2009/0186/DCA Decision: Invalid - Applic Returned
Decision Date:
Proposal: Demolition of existing gable end wall to give way to proposed erection of extension to the building.

Application Number: LA07/2023/1872/PAD Decision: Decision Date:
Proposal: Environmental Improvement Scheme

Application Number: LA07/2023/2864/DCA Decision: Decision Date:
Proposal: Remodelling of existing open space within the Conservation Area to incorporate the external display of an original restored tram from the Bessbrook and Newry Tram Co. complete with 'platform', associated access steps/ramps and roof canopy over. Construction of the 'platform' will require the demolition of the existing north covered shelter and a portion of the north wall of the 'Tirzah'. It is also proposed to demolish the existing east and west shelters.

Application Number: LA07/2023/2958/F Decision: Decision Date:
Proposal: Remodelling of existing open space within the Conservation Area to incorporate the external display of an original restored tram from the Bessbrook and Newry Tram Co. complete with "platform", associated access steps/ramps and roof canopy over. Construction of the "platform" will require the demolition of the existing

covered shelter and a portion of the north wall of the 'Tirzah'. It is also proposed to demolish the existing east and west shelters.

Application Number: P/1999/1210/F Decision: Permission Granted Decision
Date: 02 February 2000

Proposal: Environmental improvements including repaving footways, new footways, erection of railings, tree and shrub planting and street furniture

Application Number: P/1999/1455/F Decision: Permission Granted Decision
Date: 06 June 2000

Proposal: Extension and improvements to dwelling

Application Number: P/2001/1793/LB Decision: Consent Granted Decision
Date: 15 April 2002

Proposal: Two storey rear extension and refurbishment to existing shop

Application Number: P/2002/2353/A41 Decision: Decision Date: 13 December
2002

Proposal: Article 41 determination - change to licenced restaurant

Application Number: P/2002/0913/F Decision: Permission Granted Decision
Date: 08 January 2003

Proposal: Change of use from vacant shop to house of multiple occupancy.

Application Number: P/2003/2674/F Decision: Permission Granted Decision
Date: 10 March 2004

Proposal: Toilet extension and front ramp access at primary school and extension to nursery school

Application Number: P/2005/2080/F Decision: Permission Granted Decision
Date: 12 December 2005

Proposal: Extension to dwelling

Application Number: P/2006/0042/F Decision: Permission Granted Decision
Date: 14 December 2006

Proposal: Erection of bus shelter

Application Number: P/2006/1894/F Decision: Permission Granted Decision
Date: 17 April 2007

Proposal: Erection of extension

Application Number: P/2008/1576/A Decision: Consent Granted Decision
Date: 16 June 2009

Proposal: Replace existing daylight sign with new daylight sign

Application Number: P/2008/1583/F Decision: Permission Granted Decision
Date: 23 June 2009

Proposal: Removal of existing shop front and replace with new shop front.

Application Number: P/2009/0749/F Decision: Permission Granted Decision
Date: 31 July 2009

Proposal: Erection of new offices, lobby and disabled access.

Application Number: P/2009/0482/F Decision: Permission Granted Decision
 Date: 04 August 2009
 Proposal: Extension to provide double bedroom and shower room

Application Number: P/2009/0131/F Decision: Permission Granted Decision
 Date: 20 November 2009
 Proposal: Extension to Bowling Pavillion.

Application Number: P/2010/0535/F Decision: Permission Granted Decision
 Date: 02 July 2010
 Proposal: Erection of new street cabinet to facilitate provision of new fibre optic infrastructure across the BT network. Cabinet dimensions approx 1600mm high *1200mm wide *450mm deep

Application Number: P/2010/1057/F Decision: Permission Granted Decision
 Date: 04 January 2011
 Proposal: Extension and alterations to no.17 Church Road, Bessbrook (dental surgery).

Application Number: P/2012/0227/F Decision: Permission Granted Decision
 Date: 23 May 2012
 Proposal: Extension and alterations to apartment

Application Number: P/2012/0612/F Decision: Permission Granted Decision
 Date: 09 April 2013
 Proposal: Extension and refurbishment of existing Drapers Shop

Application Number: P/2012/0946/LBC Decision: Consent Granted Decision
 Date: 14 August 2013
 Proposal: Change of use of existing Post Office to Take Away and sub division of existing apartment into 2 no apartments

Application Number: P/2012/0947/F Decision: Permission Granted Decision
 Date: 14 August 2013
 Proposal: Change of use of existing post office to take away and sub-division of existing apartment into two number apartments

Application Number: LA07/2019/1500/A Decision: Consent Granted Decision
 Date: 11 December 2019
 Proposal: Shop sign and projecting (hanging) sign

Application Number: LA07/2019/1647/LBC Decision: Consent Granted
 Decision Date: 11 December 2019
 Proposal: Installation of 2 no. signs

Application Number: LA07/2019/0384/F Decision: Permission Granted Decision
 Date: 25 August 2020
 Proposal: New community resource building with meeting, exhibition and ancillary areas, associated external forecourt displaying an original restored brake car of the

Bessbrook and Newry tramway Co. with canopy over and replica platform plus minor alteration to existing carpark to improve turning and unloading space to provide 2 No. disabled parking bays. (amended description and plans)

Application Number: LA07/2020/0571/DCA Decision: Consent Granted
Decision Date: 25 August 2020

Proposal: Demolition of Pergola and part rear wall of "The Tirzah" (revised description)

Application Number: LA07/2018/1720/F Decision: Permission Granted Decision
Date: 04 March 2022

Proposal: Change of use from existing Post Office to take away and sub-division of existing apartment into two number apartments

Application Number: LA07/2018/1721/LBC Decision: Consent Granted
Decision Date: 04 March 2022

Proposal: Change of use from existing Post Office to take away and sub-division of existing apartment into two number apartments. (Additional information)

Application Number: LA07/2022/0276/LBC Decision: Consent Granted
Decision Date: 21 December 2022

Proposal: Restoration and reordering of the existing Chapel to address required repairs and improvements. Conservation repairs to address existing dry rot, serious water ingress and associated defects, including proposed re-roofing, removal and replacement of existing external render. Proposal includes new glazed screens located below the existing gallery to create a new Education/Community/Exhibition/Flexible meeting space, to help open the church to a wider set of user groups and a new sacristy to allow for the entrance procession at mass to begin from the main entrance

Planning Policies & Material Considerations:

The Planning Act 2011

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PSRNI – DES 2.

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 3 – Parking, Access and Movement.

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 15 – Planning and Flood Risk

Bessbrook Conservation Area

Consultations

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

Historic Environment Division – Following receipt of further information, are content the proposal satisfies the policy provisions of PPS 6 and the SPPS.

NIEA – content with the proposal

DFI Rivers – no objection

Environmental Health – no objection

Objections & Representations

229 neighbours notified on 22.05.2023 and the application was advertised in press on 31.05.2023. One objection received regarding seating being installed opposite 43

Church Road on the basis that extra seating will cause further antisocial behaviour at this location.

Consideration and Assessment:

Banbridge Newry and Mourne Area Plan 2015/ SPPS

The site is located within the development limit for Bessbrook which is designated as a Village in the Banbridge Newry and Mourne Area Plan 2015. The development seeks Environmental Improvements in and around the main street of the village. Some of the improvements works (sheets 03, 04, 05 and 06) include improvement work within the Conservation Area. Whilst there are no specific objections with regards to the Area Plan decision making is deferred to the retained policies below.

DES 2 PSRNI

Policy DES 2 requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

In terms of land use, this remains unchanged throughout the scheme and neighbouring amenity is not considered to be compromised by the development. Design of the mix of elements of the development have been considered with regard to the existing materials. The existing materials are complimented by the proposals and the landscaping will visually improve the area. Other improvements include road markings, cleaning, refurbishment and new LED lighting.

I consider the proposal will make a positive contribution to the townscape without compromising the unique value and contribution it makes to the surrounding environment.

PPS 6 – Planning, Archaeology and the Built Heritage

The proposals take in a large portion of the village and therefore will be close to a number of Listed Buildings that are designated within the village. This amounts to approximately 16 Listed Building designations and therefore policy BH 11 of PPS 6 is engaged to consider developed affecting the setting of a Listed Building. Consultation has taken place with Historic Environment Division and with further information

received, HED are content the proposal is in compliance with policy BH 11 of PPS 6 and the SPPS.

With a large portion of the work within the Bessbrook Conservation Area, policy BH 12 is applicable to the application. The policy notes that development proposals must be in compliance with the following criteria a-g.

- (a) I consider the proposals enhance the character and appearance of the area due to the refurbishment and upgrade of the existing development and the provision of additional planting.
- (b) The development generally replicates the existing (where new development is proposed) and therefore is sympathetic with the characteristic built form of the area.
- (c) Scale, form, materials and detailing are in general conformity with the surrounding area and development.
- (d) There are no preserved issues regarding noise, nuisance or disturbance which would be detrimental to the particular character of the area. Environmental Health has no objection to the proposal.
- (e) Views of the conservation areas will not impacted by the proposed works.
- (f) Only 1 tree behind the war memorial will be removed permanently. This is due to a number of attempts to grow a tree at this location which consistently fails. Other trees that have died or are in the process of dying with Ash Dieback disease etc are proposed to be replaced. Existing trees to remain will be retained and protected.
- (g) The development is in general compliance the Bessbrook Conservation Area.

As the proposal is largely for the refurbishment and replacement of existing street furniture the scheme is effectively seen as an upgrade and improvement to the area. Where there is the introduction of new street furniture the proposed design, scale, height and materials respect and are appropriate to the area and will not adversely impact on the setting on any listed building nor the Conservation Area

I consider the proposal is in compliance with PPS 6 and SPPS.

Ecological and biodiversity information has been considered by NIEA who have confirmed they have no concerns with the proposal. The proposal is therefore in general compliance with PPS 2.

With regards to PPS 15, policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application and the application is under the threshold for a Drainage Assessment under policy FLD 3. With the above in mind I do not consider the proposal to offend any of the policies contained with PPS 15.

DFI Roads has considered the proposal with regard to PPS 3 and DCAN 15 and following consultation, confirmed it has no objection subject to compliance with the attached conditions. It is considered that the proposals represents an improvement to the existing street scene and for pedestrian safety alike. The works will not obstruct

the circulation space available or free flow and movement of pedestrians. As such it is considered the proposals comply with the policies contained in PPS3 including AMP1.

Response to Objection.

There is no additional seating proposed opposite 43 Church Road.

Recommendation:

Approval

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: NMDDC-SM-ZN03-DR-L-4000 P01, NMDDC-SM-ZN03-DR-L-4001 P01, NMDDC-SM-ZN03-DR-L-4002 P01, NMDDC-SM-ZN03-DR-L-4003 P01, NMDDC-SM-ZN03-DR-L-4004 P01, NMDDC-SM-ZN03-DR-L-4005 P01, NMDDC-SM-ZN03-DR-L-4006 P01, NMDDC-SM-ZN03-DR-L-7001 P02, NMDDC-SM-ZN03-DR-L-6001 P01, NMDDC-SM-ZN03-DR-L-6002 P01, NMDDC-SM-ZN03-DR-L-6003 P01, NMDDC-SM-ZN03-DR-L-6004 P01, NMDDC-SM-ZN03-DR-L-6005 P01 and NMDDC-SM-ZN03-DR-L-6006 P01.

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

3. The existing vehicular access(es) as shown on plans: NMDDC-SM-ZN03-DR-L-6001 P01, NMDDC-SM-ZN03-DR-L-6002 P01, NMDDC-SM-ZN03-DR-L-6003 P01, NMDDC-SM-ZN03-DR-L-6004 P01, NMDDC-SM-ZN03-DR-L-6005 P01 and NMDDC-SM-ZN03-DR-L-6006 P01, including visibility splays and any forward sight distance, shall be retained and kept clear.

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

4. No other development hereby permitted shall be commenced until the road works indicated on Drawing Nos. NMDDC-SM-ZN03-DR-L-6001 P01, NMDDC-SM-ZN03-DR-L-6002 P01, NMDDC-SM-ZN03-DR-L-6003 P01, NMDDC-SM-ZN03-DR-L-6004 P01, NMDDC-SM-ZN03-DR-L-6005 P01 and NMDDC-SM-ZN03-DR-L-6006 P01 published date 22 May 2023, have been fully completed in accordance with the approved plans.

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

5. The development hereby approved shall not be commenced until the developer/applicant has submitted to and received approval from the Department for

a scheme for the highway improvements indicated generally on Drawing Nos. NMDDC-SM-ZN03-DR-L-6001 P01, NMDDC-SM-ZN03-DR-L-6002 P01, NMDDC-SM-ZN03-DR-L-6003 P01, NMDDC-SM-ZN03-DR-L-6004 P01, NMDDC-SM-ZN03-DR-L-6005 P01 and NMDDC-SM-ZN03-DR-L-6006 P01 published date 22 May 2023.

Reason: Roads Safety

6. Details of signs and road markings to control the flow of traffic on the public road to be in accordance with the Traffic Signs Regulations (NI) 1997 shall be provided at the applicant's expense and to be in accordance with the Department's requirements prior to the site becoming operational.

Reason: Roads Safety

Case Officer: Ashley Donaldson 28.09.23

Authorised Officer: Maria Fitzpatrick 29.09.2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2021/0480/F

2.0 Date Received: 12.03.21

3.0 Proposal: Erection of 12 houses, housing development and associated site works

4.0 Location: 9 & 11 Rathfriland Road, Hilltown. Lands zoned for housing immediately adjacent to and north of 11a Rathfriland Road, Hilltown. Public footpath opposite and immediately east of no. 13 Rathfriland Road, Hilltown. Public footpath on Rathfriland Road, Hilltown immediately NW of the Downshire Hotel

5.0 Site Characteristics & Area Characteristics:

The site comprises of agricultural land set to the NE and to the rear of No 11a with the proposed access through the existing garden of this property.

Land at the site comprised 0.7 hectares of land located within the urban limits of Hilltown.

Land at the site rises up from the Rathfriland Rd before sloping downward with levels across were the development proposed with a slight gradient from west to east.

The surrounding area is generally defined by a commercial property of Hilltown Arms and Spar to the south of the site at the junction of Rathfriland Rd/ Newry Rd with residential housing immediately within the vicinity of the site including the development of Carquillan to the west, comprising of detached housing, Glenveigh situated to the E (semi-detached) and detached properties to either side of the site entrance and along the Rathfriland Rd.

External finishes are predominantly render although brick and mix of brick with render is found within the area, roof tiling is black/ dark concrete roof tiling on pitched-roof.



Site Location Map and Aerial View

6.0 Relevant Site History:

LA07/2020/0797/F - Lands to the immediate rear of the Downshire Arms Hotel and adjacent to 9 Rathfriland Road, Hilltown. Erection of 4 dwellings with relocation of car park. Approved

P/2006/0171 – 9, 11 and 11a, Rathfriland Road, and land adjacent to and north of 9, 11 and 11a Rathfriland Road, Hilltown. Demolition of 2 dwellings and office and erection of 6 no. detached dwellings and garages and associated roads layout. Approval 28.07.08. (Application Site).

P/2003/2256 - 9 Rathfriland Road, Hilltown, Newry. Adaptions to dwelling. Approved

P/2003/0837/F - Site Nos: 16, 18, 20, 22, 24, 26, 33, 35, 37, 39, 41, 43, 45, 47, 53, 55, 57, 59, 61, 63, 65 & 67 "Glenveagh" Hilltown. Change of house type from 16 No. one-and-a-half storey chalets (Ref P/2001/0364/F) to two storey dwellings and erection of 6 additional dwellings. Approved . E of Site.

P/2002/1703/F - Sites 36, 38, 40 and 42 Glenveagh, Hilltown. Change of house type from 2 blocks of two storey semi-detached dwellings to 2 blocks of 3, two storey terraced dwellings. Approved. E of Site

P/1985/0406 – Adj No. 9 Rathfriland Rd, Hilltown. Approved

P/1985/0831 - Adj No. 9 Rathfriland Rd, Hilltown. Bungalow. Approved

7.0 Planning Policies & Material Considerations:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Newry, Mourne and Down Area Plan 2015 (BNMAP 2015)

- Planning Strategy for Rural Northern Ireland (DES2)
- 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

8.0 Consultations:

DFI Roads (01.06.23) – Approval Subject to conditions/ informatives.

EH (07.03.22) – No objection

HED (17.06.21) – On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Rivers (14.06.21) – FLD3 applicable:

FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site.

FLD3 - Development and Surface Water - Dfi Rivers PAMU has reviewed the Drainage Assessment by Lisbane Consultants, dated Feb 2021 and comments as follows:-

- The submitted PDE response from NI Water is out of date. The applicant is requested to submit a valid PDE response.
- Dfi Rivers PAMU requires the applicant to submit additional pages of the Micro Drainage calculations including 'Design Criteria for Storm' and other relevant design input parameters to facilitate accurate assessment of the drainage proposals.

- As per the submitted PDE response from NI Water, the allowable discharge rate of 15.5 l/s (greenfield run off) relates to 25 residential units. However, this particular planning application is for 12 residential units. The applicant must clarify how many units the drainage system has been designed for and revise the drainage proposals if applicable.
- The submitted drainage design in Appendix 3 only contains part of the proposed drainage network (i.e. S4 – S7). The applicant is required to submit a completed site drainage DWG for our consideration.
- DfI Rivers PAMU requires the applicant to provide the attenuation volume of the proposed drainage infrastructure.

NIW Water confirmed PDE for 25 dwellings in April 2020 this was extant at the time that planning permission was sought for the current application for 12 dwellings. At the time of the PDE only 6 of the units had planning permission although the PDE gave consideration to an additional 19 units. The remainder of the issues raised by Rivers Agency can be negatively conditioned or informative attached in the event of planning permission being approved.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

NIEA Water Management Unit (06.05.21) - Considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment (see remarks regarding sewage disposal).

Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Hilltown Waste Water Treatment Works (WWTW). Water Management Unit would therefore recommend that the NIPP Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. If NIW indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal.

This can be dealt with by negative condition that the development shall not commenced until full details of foul and surface water drainage arrangements to service the development are provided and that the development shall not be occupied until drainage arrangements have been agreed by NIW. Negatively conditioning will control sewerage related issues.

Natural Environment Division (06.05.21) - No accompanying ecological information. Please refer to DAERA's Environmental Advice for Planning web pages to assist in the identification and/or assessment of the potential adverse effects to designated sites/other natural heritage interests.

NIW (30.04.21) – Public water supply, foul and surface water sewer within 20m of the site; a consultation with NI Water is required at an early design stage by means of a Predevelopment Enquiry (PDE), to obtain details of the availability of existing water and sewerage infrastructure, and how this proposal may be serviced. Detailed comments:

- **FOUL SEWER ASSESSMENT:** There is a 150mm diameter public foul sewer within Glenveagh; however, there is downstream incapacity which is unable to facilitate the proposed development site. A Network Capacity Check (NCC) would be required. However, NI Water currently do not have a Hilltown DA Model. Therefore, in order to undertake a Network Capacity Check, a new hydraulic model build would need to be progressed. NI Water cannot advise on a delivery timeframe due to budgetary and resource constraints.
- There is an existing 150mm foul sewer and a 300mm combined sewer which traverses the proposed development site. The exact location of these sewers must be ascertained and no buildings should be constructed within 3m or 1.5 times the depth of the sewer (whichever is the greater) either side.
- **STORM SEWER ASSESSMENT:** There is a 150mm diameter public storm sewer located at the proposed development site (see number 4). It is considered that this sewer could facilitate the proposed development, if the proposed surface water flows were limited to greenfield rates of 15.5 l/s. The maximum permissible flows for this 1.55 hectare site have been worked out using greenfield rates of 10 litres per second per hectare. Under no circumstances will storm water be permitted to enter a public foul sewer.

Building over a public water main is not permitted, and only in exceptional circumstances may building over a public sewer be permitted.

- **WWTW ASSESSMENT / STATUS:** Waste Water Treatment Facilities at Hilltown WwTW are currently available to serve this proposal.

A document from NIW dated 18.05.20 comprised of a PDE for 25 dwellings. At that time only 6 houses were approved with a further 6 sought under this application comprising 12 of the 25 originally sought under this PDE. NIW have not considered this in the assessment. The agent had also indicated by email on the 28th February 2022 that his consultants had been liaising with NIW and DAERA through Lisbane Consultants. The Planning Department is satisfied that a level of engagement took place with NIW and issues raised by NIW can be dealt with by way of negative conditions.

9.0 Objections & Representations:

- 32 Neighbours notified.
- The application was advertised March 21, June 21 and March 23 due to amendments.
- 4 representations received between June 21 and April 22 (4 letters sent from 2 households)

Issues:**- Access to the site require third party land**

This was drawn to the attention of the applicant. The applicant provided a revised P2 certificate and has served notice on the objector in March 22. No further objections were received. Matters pertaining to land ownership is a civil matter between relevant parties to which the Planning Department cannot intervene.

- Revised site layout plan - updated on 04.03.22 - little amendment has taken place in relation to our previous objection regarding our existing vehicular garden entrance that has been in place for 35 years plus. Site plan completely ignores our vehicular entrance way and proceeds to show a pedestrian footpath and green area behind which completely eliminates our existing vehicular garden access.

Drawing RR2 Revision H PSD notes that the 'existing gate to the side garden of No 13 Rathfriland Road to remain unaltered'. Lands immediately adjacent and south of this has been shown within the full ownership and control of the applicant matters pertaining to entry/ access across these lands are civil matter between relevant parties and not for the Planning Department to intervene.

10.0 Consideration and Assessment:**10.1 Proposal:**

Proposals involve the erection of 12 units which comprise of 2 detached dwellings, and 10 semi-detached properties. Incurtilage parking to the side of every dwelling some of which include a detached garage. Formalised gardens to front and rear.

Houses immediately west and to the rear of Glenveigh will have a finished floor level between 120 to 118 at its lowest point, these properties will be set approx. 19.5m from and 1m below the existing ground levels of the adjacent properties with retention of existing fences and vegetation to remain along the eastern boundary. Dwellings to the west are situated to the south-east of No. 13 are set on higher ground, however these dwellings are situated approx. 26m at its nearest point however giving the orientation of dwelling 1, there will be no direct overlooking and is sufficiently set back from this property it will also have a 1.5m high screen wall to assist with privacy along this portion the remaining boundary will comprise of retained vegetation supplemented with hedging which will continue along the north-eastern boundary. The access arrangement to the development will utilise the existing access to No. 11a with new opening onto adopted road at this property.

The development will be constructed with a render finish, roof finishes are that of black concrete roof tiling with pitched roofs, timber hardwood door and uPVC windows/ fascia coloured brown or white, with black or white uPVC gutters/ downpipes timber windows and timber hard wood doors. Overall the development offers variation and

visual interests throughout the scheme. The dwelling type proposed draws in external materials of type and finishes found within the locality and therefore will not appear misplaced at this specific location.

10.2 EIA Screening:

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

10.3 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.

10.4 Development Plan:



Area Plan

The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) is the operational local plan for this site, which identifies the site as being within the settlement limits of Hilltown.

Under Policy SMT2 (Volume 1 of the Plan,) development on zoned land, planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

The site is located within the housing development land zoning NY12 – Housing west of Glenveagh (1.23ha of land zoned for housing) which includes key site requirements:

- **Housing development shall be a minimum gross density of 25 dwellings and a maximum gross density of 30 dwellings per hectare;**

- **Access to this site shall be through Glenveagh.**

Whilst the key site requirement requires access through Glenveagh, the developer has chosen to develop the furthest half of the land zoning. The agent has also set out in correspondence in Feb 22 that the applicant retains the remaining lands to Glenveagh which allows for compliance with the requirements of the area plan when remaining lands are developed. Otherwise the principal of the access arrangement and residential development at this site has been previously agreed under P/2006/0171/F and set the precedent for development at this location with the arrangement similar to the previous approved scheme. Density levels are also in accordance with the area plan.

In summary, the proposal in principle, is acceptable to the BNMAP 2015, although key site requirements with regard to access has not been complied with, justification has been set out and the use of an alternative does not preclude the use of access from Glenveagh. Otherwise, proposals are in compliance with the land zoning attached to this site, as set out within the development plan and is in keeping with surrounding land uses and is not at conflict with the area plan. However, the detailed scheme must also meet the prevailing policy requirement as considered below:

11.0 Planning Policy Consideration:

The main issue to be considered is the principle of residential development on the site, the proposed design, layout and detailing as well as its impact upon the setting and adjacent residential dwellings.

11.1 Strategic Planning Policy Statement (SPPS.)

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3)

It is considered that the proposal is in accordance with the principles set out in the SPPS and other policy considerations for the reasons set out below.

11.2 SPPS and PPS2 – Natural Heritage

No accompanying ecological information was provided by the applicant. It is noted that on inspection of the site there was no designated site or natural heritage interests of note relating to the site. On this basis no further information was sought and an informative will be attached to the decision notice to ensure the developer is aware of their responsibilities in relation to this matter.

The application site is also located within an Area of Outstanding Natural Beauty (Mournes.) The proposal is of an appropriate design, size and scale for the locality (assessed further below) and all the criteria of NH6 are met.

11.3 PPS3, DCAN 15 and Parking Standards:

Transport NI in their consultation response dated 01.06.23 have no objection with proposals. Each site has adequate in curtilage turning and parking within the scheme and with additional visitor parking throughout the scheme.

Proposals meet the requirements of PPS3.

11.4 SPSS and PPS6:

HED in comments dated 17.06.21 advise that they are content that proposals satisfy PPS6 requirements, subject to planning conditions. Proposals meet the requirements of PPS6.

11.5 SPSS and PPS15:

Rivers Agency in comments dated 14.06.21 require additional information, which will be made conditional should planning approval be granted.

Notwithstanding this a full assessment under the relevant policies of PPS15 and potential impact by flooding will be assessed accordingly.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the application site. The site may be affected by undesignated watercourses of which DfI Rivers Agency have no record. There is no predicted flooding on the site by way of surface flooding or river flooding, as set out in DfI Rivers Agency (climate change) flood maps.

FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site.

FLD3 - Development and Surface Water - DfI Rivers PAMU has reviewed the Drainage Assessment by Lisbane Consultants, dated Feb 2021 and comments as follows:-

- The submitted PDE response from NI Water is out of date. The applicant is requested to submit a valid PDE response.
- DfI Rivers PAMU requires the applicant to submit additional pages of the Micro Drainage calculations including 'Design Criteria for Storm' and other relevant design input parameters to facilitate accurate assessment of the drainage proposals.

- As per the submitted PDE response from NI Water, the allowable discharge rate of 15.5 l/s (greenfield run off) relates to 25 residential units. However, this particular planning application is for 12 residential units. The applicant must clarify how many units the drainage system has been designed for and revise the drainage proposals if applicable.
- The submitted drainage design in Appendix 3 only contains part of the proposed drainage network (i.e. S4 – S7). The applicant is required to submit a completed site drainage DWG for our consideration.
- DfI Rivers PAMU requires the applicant to provide the attenuation volume of the proposed drainage infrastructure.

Whilst a Drainage Assessment has been provided with this application as prepared by Lisbane Consultants and dated February 2021, it does not fully meet the requirements of FLD3, as outlined above. The remaining drainage requirements will be dealt with by negative condition, in conjunction with the sewerage requirements, as set out and considered further below so as to safeguard against flood risk to the development and elsewhere.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

11.6 SPPS, DES2, PPS6, PPS7 (QD1), PPS12 (PCP1, 2, 3 and HS4), PPS7 (Addendum) (LC1), PPS8, PSRNI, Creating Places and DCAN8

The site is located within the urban of the settlement of Hilltown surrounded by a mix of residential development to surrounding the entire site. The site is in close proximity to the main urban centre which is located to the S of the site.

Housing developments immediately within the vicinity include that of Glenveagh (Adjacent and E) and Carquillan to the W comprising of detached and semi-detached dwellings at Rathfriland Rd.

Properties have a mix of house types with single and two story, detached and semi-detached form with formal gardens to front and rear, with in curtilage parking and external finishes of painted render and brick which are the predominant external finishes found within the locality.

The proposed development comprises of 12 residential units comprising of 2 detached properties and 10 semi-detached dwellings. The design of which has taken account of surrounding dwelling types and has incorporated elements throughout the scheme. Ground at the site rises from NW towards the E and SE gradually towards Glenveagh. The applicant has taken the changes in ground levels into account and has worked with the natural contours to regrade and plant between plots were possible avoiding the use of retaining walls. The applicant proposes to retain existing boundaries within the scheme along plot boundaries and supplement were necessary and intends to use privacy wall/ boundaries where necessary.

All plots have adequate and appropriate provision for parking within each plot, including bin storage.

The proposed dwellings incorporate materials which are evident within this locality, with the scale, mass and form reflective of existing built form found at this location and will not appear misplaced in its surroundings. The development offers two different house types within the scheme which is reflective of surrounding development.

The site is identified as being with an area of archaeological potential as defined within the Banbridge/ Newry and Mourne Area Plan 2015. HED in comments dated 22.11.18 have considered the impacts of the proposal and have no objections in principle.

Overall the design and layout does not create conflict with adjacent land uses.

Dwellings have been adequately sited to ensure adequate separation distances between existing and proposed dwellings and to avoid any overlooking or impact to amenity of adjacent properties.

The development has been designed to deter crime and promote personal safety with all areas of public access benefitting from sufficient surveillance within the scheme.

There is no provision for local neighbourhood facilities provided given the scale and nature of development, however given the location of the development within the settlement limits of Newry the development is well placed for access to the urban centre and access to a wide range of local facilities and service and given its linkage to the existing footpath network will encourage sustainable movement patterns.

11.7 Water and Sewerage

The applicant proposes to connect to the mains water supply, mains foul sewers and storm sewers.

Having reviewed NIW comments dated 30.04.21, whilst they advise there is a public water supply, existing foul sewers and surface water sewers within 20m of the site, and available capacity at Hilltown Wastewater Treatment works, there is downstream incapacity in the existing foul sewers which are unable to facilitate the proposed development site.

A Network Capacity Check is therefore required. However, NIW currently do not have a Hilltown DA Model. Therefore, in order to undertake a Network Capacity Check, a new hydraulic model build would need to be progressed. NI Water cannot advise on a delivery timeframe due to budgetary and resource constraints.

A copy of Pre-Development Enquiry correspondence from NIW (dated 18.05.2020) has been submitted as part of this application within the Drainage Assessment. This PDE was valid at the time of receipt of this application for 25 units, however through the passage of time is currently out of date. It is also noted that this site may have an extant permission for 6 dwellings under P/2006/0171, therefore the drainage and sewerage requirements only relate to 6 further dwellings and is evident on the basis

of information provided that the agent is actively engaged with NIW to attempt to address these requirements.

DAERA Water Management Unit also note concerns in relation to foul sewage treatment and advise that if NIW indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal.

It will be necessary for the above requirements to be fully addressed prior to commencement of any development approved. This matter will be dealt with by way of negative conditions outlined below.

11.8 Impact to European Sites.

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

The site is located approximately 420m west of the Newry Canal and Newry River, which are hydrologically linked to Carlingford Shore SAC approximately 10km downstream. WYG present a revised Conceptual Site Model (CSM) that identifies pollutant linkages to human health with respect to contaminants in soils and groundwater. No pollutant linkages to the water environment are identified. NIEA Regulation Unit and Groundwater Team in their response (dated 12/12/2019) support WYG conclusions and recommendations.

NIEA Natural Environment Division in their response (dated 28/09/2015) indicate that the proposal has no links with any designated sites and is not likely to have a significant effect on any designated sites.

Considering that there is no viable pathway it is concluded that there can be no conceivable effects to any designated sites as a result of the proposal.

12.0 Consideration and Assessment Summary:

Having had regard to the development plan, consideration of the objection letters and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS6, PPS7, PPS7 (Addendum), PPS12, PPS15, DCAN15, DOE Parking Standards). The proposed scheme merits as a suitable residential development proposal which complies with the zoning of the area plan, key site requirements and planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

13.0 Recommendation: Approval subject to conditions outlined below.

14.0 Draft Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

- RR1 Rev B – Location Ma (date stamp received 19 April 2021)
- RR2 Rev F – Proposed Siteplan (dated 17th November 2022)
- RR2 Rev H PSD – Proposed Siteplan (dated 28 April 2023)
- RR7 – Road Section (date stamp received 12 March 2021)
- RR3 – House Type A (date stamp received 12 March 2021)
- RR4 – House Type B (date stamp received 12 March 2021)
- RR5 – House Type B1 (date stamp received 12 March 2021)
- RR6 – Section through visibility splay (date stamp received 12 March 2021)
- RR6 – Garage Serving No's 3 & 4 (date stamp received 7 March 2021)

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. RR2 Revision H PSD Published 28th April 2023

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. RR2 Revision H PSD Published 28th April 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

6. No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking (and turning) of private cars as shown on the approved plan.

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

7. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and approved by the Department for Infrastructure Street Lighting Section. The details of which shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction of DFI. The Lighting Plan shall be implemented as agreed.

Reason: Road safety and convenience of traffic and pedestrians.

8. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure's Street Lighting Section.

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

9. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place accordance with the approved details. Alternatively, prior to the commencement of the development hereby approved, written confirmation from NIW shall be obtained confirming agreement to adopt a drainage network that will attenuate the 1 in 100 year storm event.

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

10. 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.

11. 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 10, 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.

12. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with Drawing No. RR2 Rev H PSD (dated 28 April 2023) and maintained in perpetuity.

Reason: In the interest of visual and residential amenity.

13. The open space and amenity areas as indicated on the drawing No. RR2 Rev H PSD (dated 28 April 2023) shall be managed and maintained in accordance with a detailed Landscape Management and Maintenance Plan which shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of any dwelling hereby approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

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

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

Case Officer Signature: Orla Rooney

Date: 04.10.23

Appointed Officer Signature: Patricia Manley

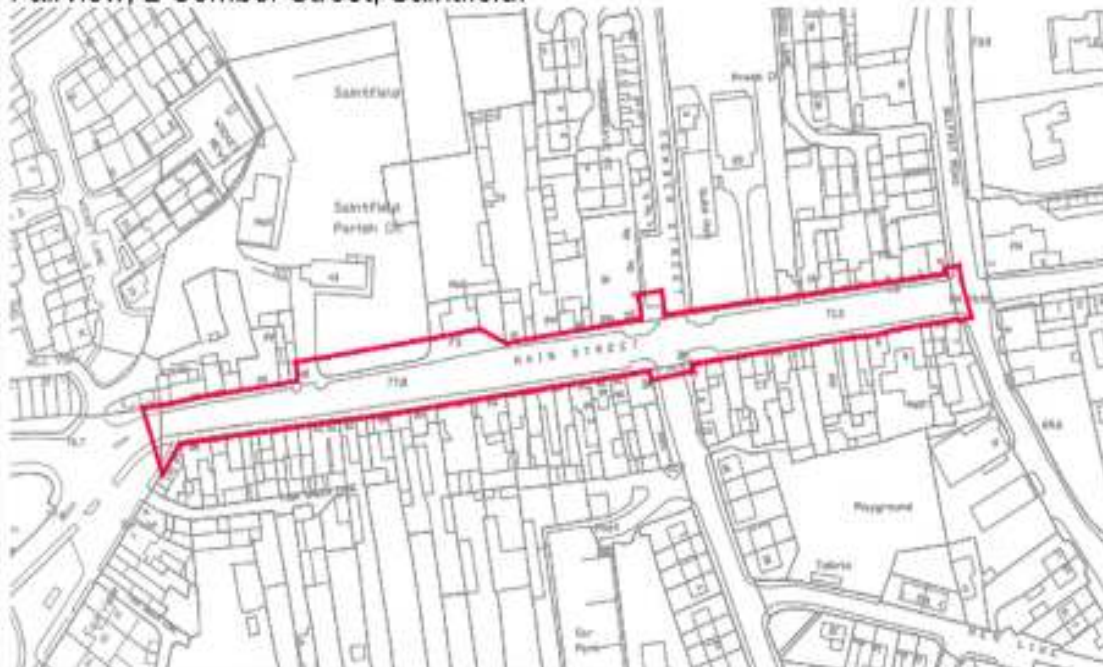
Date: 04.10.23

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2528/F	Target Date:
Proposal: Environmental improvements comprising the installation of new heritage style street lighting, remedial works to existing footpaths, improvements to existing uncontrolled crossing points, and all associated works	Location: Lands adjacent to 1-92 Main Street, 33-37 Saintfield Mill, 1-11 Fairview, 2 Comber Street, Saintfield, BT24.
Applicant Name and Address: Seamus Crossey Newry, Mourne and Down District Council Unit 19 Rampart Road Greenbank Industrial Estate Newry BT34 2QU	Agent Name and Address: Seamus Crossey Newry, Mourne and Down District Council Unit 19 Rampart Road Greenbank Industrial Estate Newry BT34 2QU
Date of last Neighbour Notification:	05 June 2023
Date of Press Advertisement:	14 June 2023
ES Requested: No	
Consultations: see report	
Representations: None	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: Lands adjacent to 1-92 Main Street, 33-37 Saintfield Mill, 1-11 Fairview, 2 Comber Street, Saintfield.



Date of Site Visit: 24th July 2023

Characteristics of the Site and Area

The site is located within the village of Saintfield comprising a road with on-street car parking and paved areas along both sides of the road. The area is predominantly retail with a few residential properties bound the site to the north and south, with other roads adjoining into the site. There are a number of listed buildings along the main street including the Old Courthouse along with two churches including The Saintfield Church

of Ireland and the First Presbyterian Church Saintfield, each with an associated graveyard, bound the site to the north.

Description of Proposal

Environmental improvements comprising the installation of new heritage style street lighting, remedial works to existing footpaths, improvements to existing uncontrolled crossing points, and all associated works

Planning Assessment of Policy and Other Material Considerations

The site is located in the settlement of Saintfield within an Area of Archaeological Potential for Saintfield as identified in the Ards and Down Area Plan 2015. The site also encompasses (Local Landscape Policy Area 5 (LLPA 5)- Saintfield Parish Church and backlands and Local Landscape Policy Area 6 (LLPA 6)- First Saintfield Presbyterian Church and surroundings and Saintfield Conservation Area.

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15: Planning and Flood Risk

- **Guidance**
- DCAN 15 Vehicular Access Standards
- Saintfield Conservation Area Guide (1997)

Consultations:

Historic Environment Division (HED HB): No objections

Historic Environment Division (HED HM): No response to date

DfI Roads: No objections subject to conditions

Environmental Health: No objections

NIEA Water Management Unit: No objections

NIEA – Natural Environmental Division: No objections

DfI Rivers: No objections

PLANNING HISTORY

Application Number: R/2011/0291/F

Decision: Permission Granted
Decision Date: 16 December 2011

Proposal: Environmental improvement scheme to Saintfield Square Comber Road to include dedicated car parking spaces, new road surface treatment, new kerb treatment and improved lighting structures

Application Number: LA07/2023/1875/PAD
Decision: PAD Concluded
Decision Date: 26 July 2023
Proposal: Environmental Improvement scheme

Consideration and Assessment:

Proposal

The Proposal is an Environmental improvement scheme along Main Street Saintfield. The proposed development seeks full permission of the site involves an improvements scheme along Main Street, Saintfield. The scheme consists of environmental improvements including but not limited to

- resurfacing of footpaths,
- installing cycle stands,
- painting and refurbishing,
- upgrading bins,
- upgrading lighting columns and underground services.

The lands defined by the red line and form the extends from Main Street (Junction with Lisburn Road) to the junction with Belfast Road.

The following information was submitted with the proposal:

- Planning Application Form
- P2A Forms
- Tier 1: Preliminary Risk Assessment (PRA)
- Preliminary Sources Study Report (PSSR)
- Historic Desktop Assessment
- Tree Survey and Constraints Plan
- Site Location Plan NMDDC-SM-ZN02-DR-L-4000 P01
- Existing Conditions Sheet 01 NMDDC-SM-ZN02-DR-L-4001 P01
- Existing Conditions Sheet 02 NMDDC-SM-ZN02-DR-L-4002 P01
- Proposed Layout Sheet 01 NMDDC-SM-ZN02-DR-L-6001 P01
- Proposed Layout Sheet 02 NMDDC-SM-ZN02-DR-L-6002 P01
- Details NMDDC-SM-ZN02-DR-L-7001 P01

• Lighting Column Locations NMDDC-SM-ZN02-DR-L-7002 P01

NMDDC has been working alongside Department for Communities (DfC), Department for Infrastructure (DfI) and Department of Agriculture Environment & Rural Affairs (DAERA), under the Small Settlements Regeneration Programme, to deliver EI schemes in Bessbrook, Castlewellan, Rostrevor and Saintfield.

ADAP

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

One of the objectives of the ADAP 2015 is:

- to facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities, and to maximise the use of existing infrastructure;
- to protect and enhance the character, quality and biodiversity of natural and man-made environments;

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The provisions of the Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (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 sets out a number of Core Principles, one of which is good design:

"Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel."

The overall scheme is considered with regard to the conservation area in particular Para 6.18 of the SPPS and in relation to listed buildings – Para 6.12 of the SPPS.

PPS 2 Natural Heritage

Given the impact on priority species Policy NH 5 of PPS 2 is engaged.

The vast majority of the site consists of hardstanding surfaces, mainly roadway, parking spaces, footpaths and kerbing, however, a small area of improved maintained grassland is within the site boundaries and is adjacent to church grounds and graveyard. The tree survey and site layout drawings indicates seven mature trees within this small area. These trees are to be retained and protected as referenced on drawing the tree constraints plan. Natural Heritage Division (NED) were consulted with regard to the impact on priority species and while these trees are potentially suitable for nesting birds, roosting, foraging and commuting bats, the area is already highly developed. NED therefore do not foresee any adverse effects to NI Priority Habitats or Protected/Priority Species due to the proposal, provided adequate protection of the trees is adhered to as shown on plans. Taking this into account, the proposals do not offend this policy.

PPS 3 – Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads have offered no objections (subject to conditions) to this proposal and it is considered that there will be no prejudice to road safety or significantly inconvenience the flow of traffic. The proposed development complies with Policy AMP 1 which aims to create an accessible environment for everyone, including the specific needs of people with disabilities and others whose mobility is impaired. The proposed development will aid accessibility, including new dropped kerbs and tactile paving at uncontrolled crossing points throughout the village. The existing road network will not be impacted upon by the proposal. The proposal complies with all relevant policies.

PPS 6 – Planning Archaeology and the Built Environment and SPPS

SPPS

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are

assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 6 - Policy BH 11 Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

There are a number of Listed Buildings on Main Street which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011.

<u>HED Reference</u>	<u>Description</u>	<u>Grade</u>
• HB18 01 012	Saintfield Parish Church, 43 Main Street	B
• HB18 01 013	Old Court House, Main Street	B
• HB18 01 014	39 to 41 Main Street	B
• HB18 01 015	35 to 37 Main Street	B1
• HB18 01 020	First Presbyterian Church, Main Street	B
• HB18 01 003	2 Crossgar Road	B
• HB18 01 001	28 to 30 Main Street	B
• HB18 01 004	A&B 50 to 52 Main Street	B
• HB18 01 005	A-G 54 to 64 Main Street	B1
• HB18 01 006	A&B 66 & 68 Main Street	B1
• HB18 01 039	A-J 70 to 90 Main Street	B1No84 B2
• HB18 01 008	A-E 1 to 5 Fairview	B1

As part of the processing of the application Historic Environment (Monuments and Buildings) were consulted due to the site being within and area of archaeological potential and its proximity to listed buildings.

As outlined above the scheme includes refurbished bins, benches, railings, new lighting columns and extent of footpath resurfacing which also include to installation of drainage channels, lighting columns and road crossing points. No extant tree/planting is/ are being disturbed. In terms of the lighting, existing lamp standards are being refurbished,

or replaced like for like. The scheme does include the installation of four new lamp standards at various positions throughout the site. The proposal also includes existing railings which will be repaired and refurbished, as is existing street furniture.

The works are generally involve like for like repairs, refurbishment, placement and cleaning, with the aim of upgrading, improvement and betterment for the area and end user. On this basis HED (HB) were consulted on the proposed development and have considered the impacts of the proposal on the buildings, and on the basis of the information provided, consider the proposal satisfies Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (HM) response

Policy BH 12 New Development in a Conservation

Policy BH 12 New Development in a Conservation Area states that 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 of the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (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;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

In consideration of the above, it is considered that the works as detailed above will protect, preserve and enhance the character and appearance of this Conservation Area. The overall scale, form, materials and detailing would respect the immediate context and would be suitable in this Conservation area. Views within, into and out of the area are

protected. Existing landscape features will be retained. As such, it is considered that the proposal complies with the requirements of BH 12 of PPS 6.

PPS 15 – Planning and Flood Risk

DFI Rivers were consulted with regard to the proposal.

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site. The site may be affected by undesignated watercourses of which we have no record. In the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

FLD3 - Development and Surface Water - In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Flood Maps (NI) indicates that the eastern boundary of the site is affected by portions of predicted pluvial flooding.

DFi Rivers advise that although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

No additional impermeable areas are proposed, it is intended that surfaces will continue to be drained via the existing drainage network/connections.

DFI Rivers have therefore no objection to the proposal.

Visual and Residential Amenity

The key aim of the EI Schemes is to enhance the aesthetic appearance and key infrastructure within each settlements.

This planning application includes a number of initiatives which seek to enhance the aesthetic appearance of Saintfield. All existing street lighting along the Main Street will be replaced with new LED lighting to match the existing ornate lighting in the Square on Comber Street.

All existing granite kerbs will be retained and supplemented with new granite kerbing. Drop kerbs and tactile paving are proposed for uncontrolled crossings throughout the site. New cycle stands are also proposed. From a visual amenity perspective the improvements are acceptable.

The Council's Environmental Health Department have been consulted and have no objections to the proposal subject to informatives.

Conclusion

Taking into account all material considerations and responses from all consultees to date, the proposal is considered to comply with relevant planning policies. This approval is recommended subject to positive responses from HED (Historic Monuments) which is currently outstanding.

This application shall be presented to Planning Committee and it is requested that delegated authority is afforded to officers upon satisfactory responses being forthcoming from the outstanding consultee HED.

Recommendation: Approval

Plans to which this approval relate:-

- Site Location Plan -NMDDC-SM-ZN02-DR-L-4000 P01
- Existing Conditions Sheet 01 -NMDDC-SM-ZN02-DR-L-4001 P01
- Existing Conditions Sheet 02 -NMDDC-SM-ZN02-DR-L-4002 P01
- Proposed Layout Sheet 01 -NMDDC-SM-ZN02-DR-L-6001 P01
- Proposed Layout Sheet 02 -NMDDC-SM-ZN02-DR-L-6002 P01
- Details -NMDDC-SM-ZN02-DR-L-7001 P01
- Lighting Column Locations -NMDDC-SM-ZN02-DR-L-7002 P01

Conditions

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:
 - Site Location Plan -NMDDC-SM-ZN02-DR-L-4000 P01
 - Proposed Layout Sheet 01 -NMDDC-SM-ZN02-DR-L-6001 P01
 - Proposed Layout Sheet 02 -NMDDC-SM-ZN02-DR-L-6002 P01

- Details -NMDDC-SM-ZN02-DR-L-7001 P01
- Lighting Column Locations -NMDDC-SM-ZN02-DR-L-7002 P01

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

3. The environmental scheme hereby approved shall not be commenced until the applicant has submitted to and received approval from DFI Roads for the proposals to be constructed as generally indicated on the drawings NMDDC-SM-ZN02-DR-L-6001 Proposed Layout Sheet 01 & NMDDC-SM-ZN02-DR-L-6002 Proposed Layout Sheet 02.

Reason: In the interests of road safety and the convenience of road users.

4. A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by the Department in writing, prior to the commencement of any element of the works.

Reason: To facilitate the free movement of all road users and the orderly progress of work in the interests of road safety.

5. The development shall not become operational until a Service Management Plan is submitted and approved by the Department.

Reason: In the interests of safety and convenience to the road user.

6. The environmental improvements hereby permitted shall not become fully operational until any other works identified by DFI Roads have been completed to the satisfaction of the Department.

Reason: In the interests of safety and convenience to the road user.

7. All surfacing materials including Pedestrian crossing points to be surfaced in a material agreed with the DFI Roads Section Engineer, Newcastle Road, Seaforde

Reason: In the interests of safety to the road user.

8. Street lighting scheme for the proposal to be submitted and approved by DFI Roads's street lighting section for subsequent adoption.

Reason: In the interests of safety to the road user.

9. Construction works shall be limited to the following times:
Monday – Fridays 07:00-18:00
Saturday – 08:00- 13:00
Sundays and Bank Holidays – no noisy work

Reason: To protect the amenity of local residents.

HED – HM Conditions

Informatives

1. A detailed programme of works and any required/associated traffic management proposals shall be submitted to and agreed by DFI Roads at least 2 months prior to the commencement of any element of the road works.
2. In order to ensure that the laying of ducts and the erection of columns for street lighting is co-ordinated with the construction of streets, the applicant should contact the Department for Infrastructure, DFI Roads, Traffic Management Section at Rathkeltair House, Market Street, Downpatrick. BT30 6AJ.
3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent roads by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development must be removed immediately by the operator/contractor.
4. The applicant must apply to DFI Roads for a licence indemnifying the Department against any claims arising from the implementation of this proposal.
5. Notwithstanding the terms and conditions of the Department's approval set out above, the developer is required to enter into a licence agreement with the Department for Infrastructure, DFI Roads for carrying out of road works on the public road network. The licence agreement shall be issued through the Private Streets Officer, Network Planning Section, DFI Roads – Southern Division, Marlborough House, Central Way Craigavon BT64 1AD and the developer should allow up to three months for the completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of a licence. He should also initiate early discussions for the satisfactory

programming of the road works with the Private Streets Engineer, Mr Kieran Conlon, Tel: 028 3832 0012, DFI Roads Marlborough House, Central Way, Craigavon BT64 1AD.

6. Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure, DFI Roads Section Engineer whose address is Newcastle Road, Seaforde.
7. A 10% surplice supply of materials used in this construction to be retained permanently by DFI Roads Newcastle Road, Seaforde for maintenance.
8. **Legislation & policy**
 1. The Planning Act (NI) 2011
 2. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.
 3. Strategic Planning Policy Statement for Northern Ireland (SPPS NI)**Guidance**
 4. Historic Environment Division advice and guidance in the planning process <https://www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidanceplanning-process>
 5. Guidance on making changes to Listed Buildings: Making a better application for listed building consent - <https://www.communities-ni.gov.uk/publications/guidance-makingchanges-listed-buildings-making-better-application-listed-building-consent>
 6. Consultation Guide - <https://www.communitiesni.gov.uk/sites/default/files/publications/communities/consulting-hed-developmentmanagement-applications-consultation-guide.pdf>
 7. Development Practice Note 5 – Historic Environment , September 2017 - <https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historic-environment.pdf>
 8. Please also see HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planningservices-and-standards-framework.pdf>
9. **Bats**

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to –
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

10. **Birds**

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

11. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
12. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011
Should any foreseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.
13. Demolition: All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.
14. All lighting columns must be positioned as to not cause statutory nuisance to nearby receptors.
15. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.
16. 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.

<p>17. 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.</p>		
<p>Neighbour Notification Checked</p>		<p>Yes</p>
<p>Case Officer Signature:</p>	<p>C Moane</p>	<p>Date: 03 October 2023</p>
<p>Appointed Officer:</p>	<p>A.Mcalarney</p>	<p>Date: 03 October 2023</p>

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

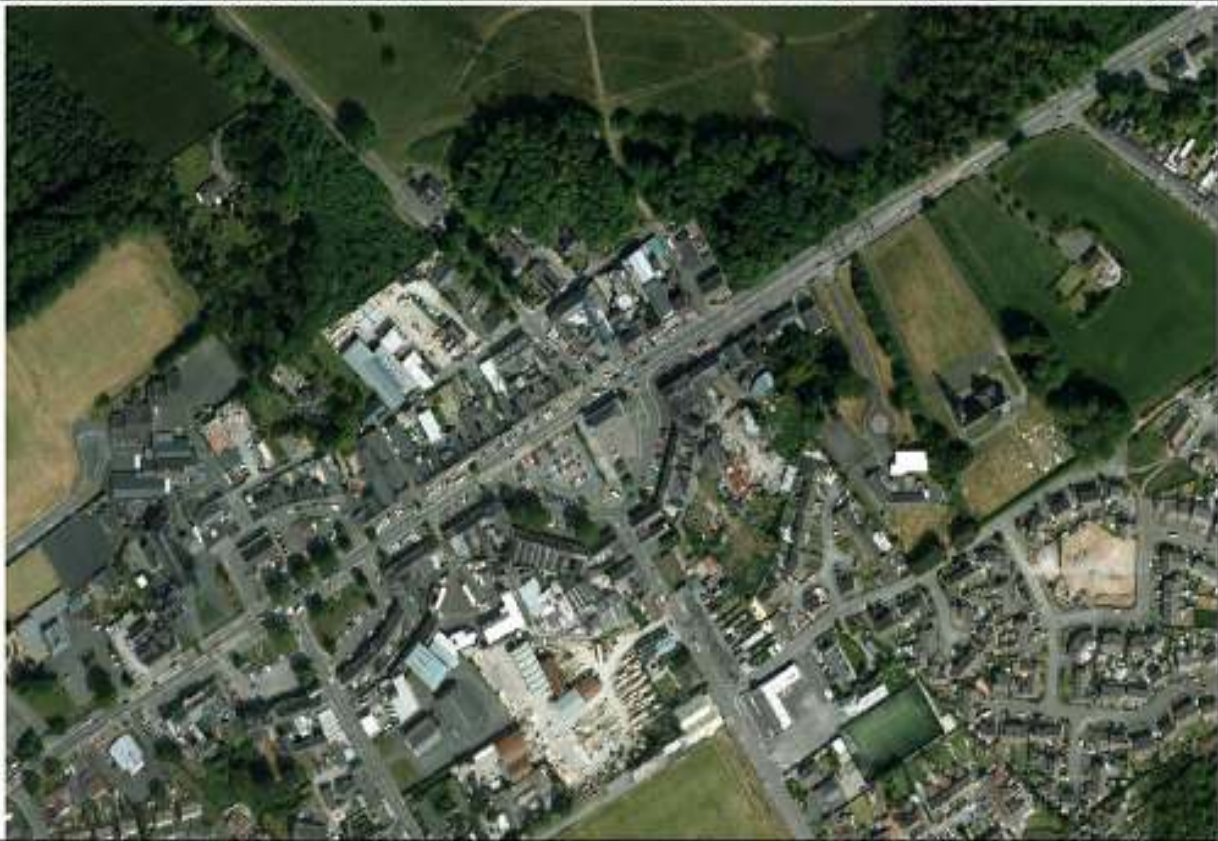
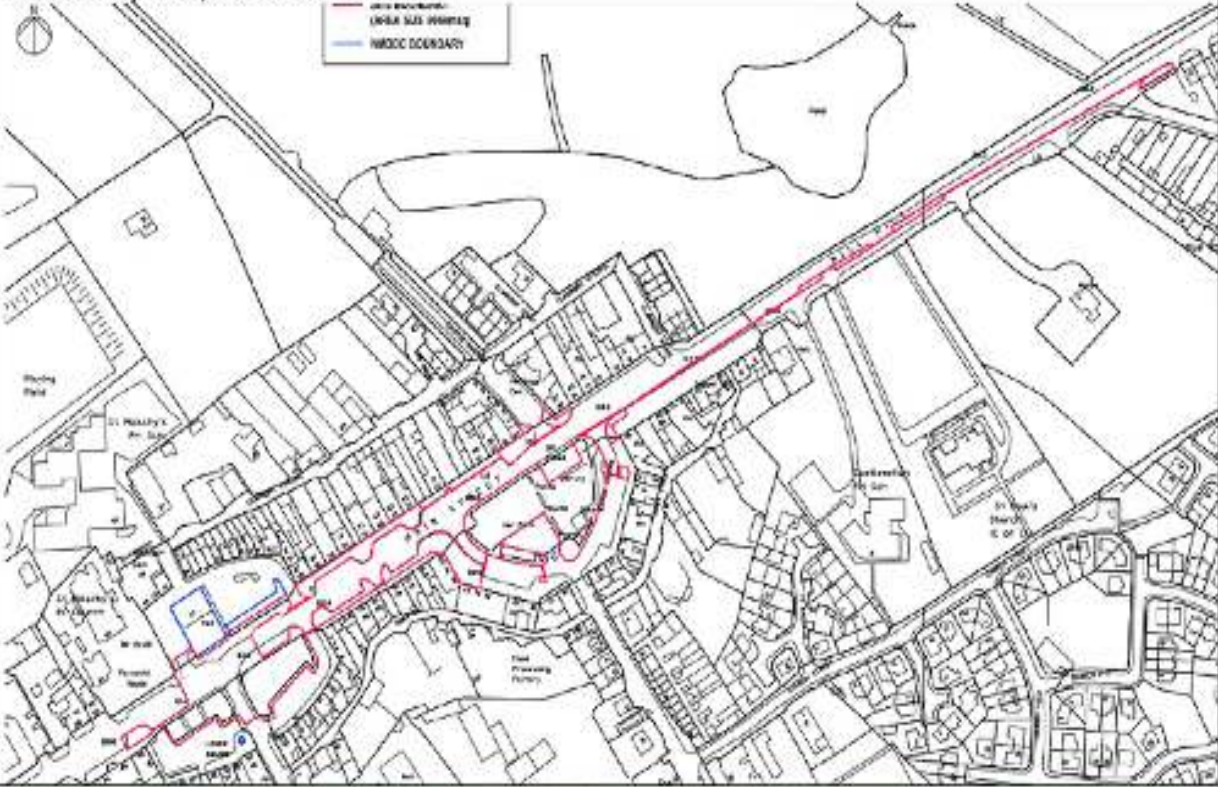
Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2529/F	Target Date:
Proposal: Environmental improvements comprising the refurbishment of street lighting to the Upper Square Carpark, installation of heritage style bus shelters to Upper and Lower Square, installation of heritage style street furniture including pedestrian guard rails and bollards, replacement tree planting, installation of planting beds, installation of planters, installation of 3 phase electrical supply cabinet adjacent to the toilet block, installation of cycle storage to Upper and Lower Squares, carriageway improvements to the roundabout at Lower Square including upgrades to existing uncontrol crossing points and all associated works.	Location: Lands adjacent to 15-101 Main Street, 1-29 Upper Square, 2-44 Lower Square, Castlewellan
Applicant Name and Address: Seamus Crossey Newry, Mourne and Down District Council Unit 19 Rampart Road Greenbank Industrial Estate Newry BT34 2QU	Agent Name and Address: Tony Sloan 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP
Date of last Neighbour Notification:	21 June 2023
Date of Press Advertisement:	31 May 2023
ES Requested: No	
Consultations: NIEA – Water Management Unit – No objections NIEA - Regulation Unit - a PRA which concludes that there is a low to moderate risk to the water environment, but that no further investigation is required. Regulation Unit support these conclusions and have no objection subject to Conditions and Informatives. DFI Rivers – No objection Dfi Roads – No objections HED (Historic Buildings) – No objection HED (Historic Monuments) – No response to date	

Representations: None	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: Lands adjacent to 15-101 Main Street, 1-29 Upper Square, 2-44 Lower Square, Castlewellan.



Date of Site Visit: 24th July 2023

Characteristics of the Site and Area

The site is located within the village of Castlewellan comprising a main road with on-street car parking and paved areas along both sides of the road. The area is predominantly retail with a few residential properties bounding the site to the north and south, with other roads adjoining into the site. There are a number of listed buildings along the main street including the Ulster Bank, former Northern Bank, Old Courthouse along with two churches including St Pauls C of I Church Mill Hill and St Malachys RC Church Lower Square among a few.

Description of Proposal

Environmental improvements comprising the refurbishment of street lighting to the Upper Square Carpark, installation of heritage style bus shelters to Upper and Lower Square, installation of heritages style street furniture including pedestrian guard rails and bollards, replacement tree planting, installation of planting beds, installation of planters, installation of 3 phase electrical supply cabinet adjacent to the toilet block, installation of cycle storage to Upper and Lower Squares, carriageway improvements to the roundabout at Lower Square including upgrades to existing uncontrol crossing points and all associated works.

Planning Assessment of Policy and Other Material Considerations

The site is located in the settlement of Castlewellan area within an Area of Archaeological Potential, Castlewellan Conservation Area, Mourne Area of Outstanding Natural Beauty as identified in the Ards and Down Area Plan 2015.

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 – Policy NH 6
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15: Planning and Flood Risk

- **Guidance**
- DCAN 15 Vehicular Access Standards
- Castlewellan Conservation Area Design Guide & Map (December 1992)

PLANNING HISTORY

Planning

Application Number: LA07/2023/1874/PAD

Decision: PAD Concluded
 Proposal: Environmental Improvement scheme

Consideration and Assessment:

Proposal

The Proposal is an Environmental improvement scheme along Main Street Saintfield. The proposed development of the site involves the installation of traditional bus shelters and new cycle hubs at Upper Square and Lower Square, upgrades to the existing green space adjacent to the Ulster Bank and the updating of the roundabout alignment at Lower Square per DFI Roads Layout. New trees and planters will be installed throughout the scheme. Existing pedestrian guard rails will also be replaced. Some existing seating will be relocated to allow for clustering of different types of seating. The proposal also includes a new 3 Phase electrical supply beside the existing toilet block.

There will be no loss of public car parking as a result of the proposals. The following information was submitted with the proposal:

Planning Application Form

- P2A Form
- Tier 1: Preliminary Risk Assessment (PRA)
- Preliminary Sources Study Report (PSSR)
- Historic Desktop Assessment
- Tree Survey and Constraints Plan
- Site Location Plan NMDDC-SM-ZN01-DR-L-4000 P01
- Existing Conditions Sheet 01 NMDDC-SM-ZN01-DR-L-4001 P01
- Existing Conditions Sheet 02 NMDDC-SM-ZN01-DR-L-4002 P01
- Existing Conditions Sheet 03 NMDDC-SM-ZN01-DR-L-4003 P01
- Existing Conditions Sheet 04 NMDDC-SM-ZN01-DR-L-4004 P01
- Existing Conditions Sheet 05 NMDDC-SM-ZN01-DR-L-4005 P01
- Proposed Layout Sheet 01 NMDDC-SM-ZN01-DR-L-6001 P01
- Proposed Layout Sheet 02 NMDDC-SM-ZN01-DR-L-6002 P01
- Proposed Layout Sheet 03 NMDDC-SM-ZN01-DR-L-6003 P01
- Proposed Layout Sheet 04 NMDDC-SM-ZN01-DR-L-6004 P01
- Proposed Layout Sheet 05 NMDDC-SM-ZN01-DR-L-6005 P01
- Details NMDDC-SM-ZN01-DR-L-7001 P01
- Proposed Mini Roundabout Layout TM-RK-22-54 PROPOSED P01

NMDDC has been working alongside Department for Communities (DfC), Department for Infrastructure (DfI) and Department of Agriculture Environment & Rural Affairs (DAERA), under the Small Settlements Regeneration Programme, to deliver EI schemes in Bessbrook, Castlewellan, Rostrevor and Saintfield.

ADAP

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

One of the objectives of the ADAP 2015 is:

- to facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities, and to maximise the use of existing infrastructure;
- to protect and enhance the character, quality and biodiversity of natural and man-made environments;

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The provisions of the Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (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 sets out a number of Core Principles, one of which is good design:

"Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel."

The overall scheme is considered with regard to the conservation area in particular Para 6.18 of the SPPS and in relation to listed buildings – Para 6.12 of the SPPS.

PPS 2 Natural Heritage

Given the AONB Policy NH 6 of PPS 2 is engaged.

Castlewellan is situated within the designated Mourne Area of Outstanding Natural Beauty (AONB). Policy NH 6 - Areas of Outstanding Natural Beauty states that planning permission will only be granted where the development is of an appropriate design, size and scale for the locality. The proposed development will provide an update to the existing streetscape within Castlewellan. The proposed environmental improvements are considered to make a positive contribution to the character and appearance of the town. The proposal complies with NH 6.

PPS 3 – Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads have offered no objections (subject to conditions) to this proposal and it is considered that there will be no prejudice to road safety or significantly inconvenience the flow of traffic. The proposed development complies with Policy AMP 1 which aims to create an accessible environment for everyone, including the specific needs of people with disabilities and others whose mobility is impaired. The proposed development will aid accessibility, including new dropped kerbs and tactile paving at uncontrolled crossing point at the Upper Square. The existing road network will not be impacted upon by the proposal. The proposal complies with all relevant policies of PPS 3.

SPPS – Paragraph 6.12

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 6 Planning, Archaeology and the Built Heritage

Policy BH 11 Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) the nature of the use proposed respects the character of the setting of the building.

There are a number of Listed Buildings on Main Street which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011.

HED Reference	Description	Grade
HB18 12 009	Court House (Market House)	B
HB18 12 029	Ulster Bank, 28-29 Upper Square	B1
HB18 12 003	Mooney Bros (The Pheasant Inn), 36 Main Street	B2
HB18 12 011 A-J	11 to 29 (odd) Lower Square	B1
HB18 12 012	St. Malachy's R C Church, Lower Square	B
HB18 12 032	Telephone Kiosk, Adj. 26 Lower Square	B2
HB18 12 028	Former Northern Bank, 40-42 Lower Square	B1
HB18 12 020	St. Paul's C Of I Church, Mill Hill	B

As part of the processing of the application Historic Environment (Monuments and Buildings) were consulted due to the site being within and area of archaeological potential and its proximity to listed buildings.

The application site is in proximity to numerous listed building, ranging in grade as detailed above. HED (Historic Buildings) were consulted on the proposed development and have considered the impacts of the proposal on the buildings, and on the basis of the additional information and clarification provided in relation to the (Mini-Roundabout Signage / Lighting Columns / Bus Shelter / Bins) HED (HB) considers the proposal satisfies Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (HM) – No response to date

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;
- (b) the development is in sympathy with the characteristic built form of the area;

- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (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;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

Castlewellan Conservation Area Guide expresses the importance of positive action in the area: "The purpose of designation is to protect those elements which reflect and contribute to Castlewellan's unique character and history: its squares, streets, buildings and landscape setting. It also draws attention to opportunities for positive change to enhance the overall character of the town". The proposed development is considered sympathetic and respectful to the existing built form within the Conservation Area. The proposed landscaping and street furniture will help enhance the character and appearance of the Castlewellan Conservation Area.

Policy BH12 (f) also seeks to protect trees and other landscaping within Conservation Areas. A Tree Survey of the application site has been undertaken as part of the submission which includes the removal of two dead street trees. A number of replacement street trees have been proposed in appropriate locations to mitigate this loss.

In consideration of the above, it is considered that the works as detailed above will protect, preserve and enhance the character and appearance of this Conservation Area. The overall scale, form, materials and detailing would respect the immediate context and would be suitable in this Conservation area. Views within, into and out of the area are protected. Existing landscape features will be retained. As such, it is considered that the proposal complies with the requirements of BH 12 of PPS 6.

PPS 15 – Planning and Flood Risk

DFI Rivers were consulted with regard to the proposal.

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site.

FLD3 - Development and Surface Water - In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Flood Maps (NI) indicates that the eastern boundary of the site is affected by portions of predicted pluvial flooding.

DFI Rivers advise that although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

No additional impermeable areas are proposed, it is intended that surfaces will continue to be drained via the existing drainage network/connections. DFI Rivers have therefore no objection to the proposal.

Visual Amenity and Residential Amenity

The agent indicates that the key aim of the Environmental Improvements Schemes is to enhance the aesthetic appearance and key infrastructure within each settlements.

This planning application includes a number of initiatives which seek to enhance the aesthetic appearance of Castlewellan. The application site is in proximity to numerous listed building, ranging in grade. Policy BH 11 requires that proposals should not adversely affect the setting of a Listed Building. The proposed development is considered to comply with these requirements upgrades to the existing green space adjacent to the Ulster Bank and the updating of the roundabout alignment at Lower Square per DFI Roads Layout. New trees and planters will be installed throughout the scheme. Existing pedestrian guardrails will also be replaced. Some existing seating will be relocated to allow for clustering of different types of seating. From a visual amenity perspective the improvements are acceptable.

The Council's Environmental Health Department have been consulted and have no objections to the proposal subject to informatives.

Conclusion

Taking into account all material considerations and responses from all consultees to date, the proposal is considered to comply with relevant planning policies. This approval is recommended subject to positive responses from HED (Historic Monuments) which is currently outstanding.

This application shall be presented to Planning Committee and it is requested that delegated authority is afforded to officers upon satisfactory responses being forthcoming from the outstanding consultee.

Neighbour Notification Checked

Yes

Summary of Recommendation - Approval

Conditions

Plans to which this approval relate:-

- Site Location Plan NMDDC-SM-ZN01-DR-L-4000 P01
- Existing Conditions Sheet 01 NMDDC-SM-ZN01-DR-L-4001 P01
- Existing Conditions Sheet 02 NMDDC-SM-ZN01-DR-L-4002 P01
- Existing Conditions Sheet 03 NMDDC-SM-ZN01-DR-L-4003 P01
- Existing Conditions Sheet 04 NMDDC-SM-ZN01-DR-L-4004 P01
- Existing Conditions Sheet 05 NMDDC-SM-ZN01-DR-L-4005 P01
- Proposed Layout Sheet 01 NMDDC-SM-ZN01-DR-L-6001 P01
- Proposed Layout Sheet 02 NMDDC-SM-ZN01-DR-L-6002 P01
- Proposed Layout Sheet 03 NMDDC-SM-ZN01-DR-L-6003 P01
- Proposed Layout Sheet 04 NMDDC-SM-ZN01-DR-L-6004 P01
- Proposed Layout Sheet 05 NMDDC-SM-ZN01-DR-L-6005 P01
- Details NMDDC-SM-ZN01-DR-L-7001 P01
- Proposed Mini Roundabout Layout TM-RK-22-54 PROPOSED P01

Conditions

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

- Site Location Plan NMDDC-SM-ZN01-DR-L-4000 P01
- Proposed Layout Sheet 01 NMDDC-SM-ZN01-DR-L-6001 P01
- Proposed Layout Sheet 02 NMDDC-SM-ZN01-DR-L-6002 P01
- Proposed Layout Sheet 03 NMDDC-SM-ZN01-DR-L-6003 P01
- Proposed Layout Sheet 04 NMDDC-SM-ZN01-DR-L-6004 P01

- Proposed Layout Sheet 05 NMDDC-SM-ZN01-DR-L-6005 P01
- Details NMDDC-SM-ZN01-DR-L-7001 P01
- Proposed Mini Roundabout Layout TM-RK-22-54 PROPOSED P01

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. Sheet Nos 01/02/03/04 & 05 bearing the date stamp 31st March 2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. The development hereby approved shall not be commenced until the developer/applicant has submitted to and received approval from the Department for Infrastructure for a scheme for the highway improvements indicated generally on drawing No Sheet Nos 01/02/03/04 & 05 dated 31st March 2023.

Reason: In the interests of Road Safety.

6. No business shall be carried out from the development hereby permitted until the works comprised in the highway scheme referred to in condition 5 have been fully completed and so certified by the Department in writing.

Reason: In the interests of Road Safety.

7. Details of signs and road markings to control the flow of traffic on the public road to be in accordance with the Traffic Signs Regulations (NI) 1997 shall be

provided at the applicant's expense and to be in accordance with the Department's requirements prior to the site becoming operational.

Reason: In the interests of Road Safety.

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

9. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

10. Construction works shall be limited to the following times:

Monday – Fridays 07:00-18:00

Saturday – 08:00- 13:00

Sundays and Bank Holidays – no noisy work

Reason: To protect the amenity of local residents.

11. A noise and dust operational plan should be submitted prior to the commencement of the development which will adequately deal with those matters. This should be submitted to the Planning Office for consultation with Environmental Health.

Reason: To protect the amenity of local residents.

Any HED – HM Conditions

Informatives

1. The purpose of the Conditions 8 & 9 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
2. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>
<https://www.daera-ni.gov.uk/articles/waste-management-licensing> exemptions
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
3. RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
4. RU recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can

be obtained from: <https://www.netregs.org.uk/environmental-topics/waste/storage-handling-and-transportof-waste/site-waste-management-plans-swmp> <https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-shouldcontain>

5. Notwithstanding the terms and conditions of the DFI Roads approval set out above, the developer is required to enter into a licence agreement with the DFI Roads for the carrying out of the road works in Castlewellan prior to the commencement of any works on the public road network.
6. Final details of the highway improvements directly related to the development referred to in condition 1, should be agreed with the DFI Roads prior to the issue of the licence, which can take 3-4 months to process.
7. Notwithstanding the terms and conditions of the Department's approval set out above, the applicant is required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in the public roadway.
8. Traffic management arrangements to facilitate the construction of the development and associated road works hereby approved shall comply with the requirements of the Safety at Street Works and Road Works Code of Practice issued by the Department for Regional Development (Northern Ireland) under Article 25 of the Street Works (Northern Ireland) Order 1995. Detailed proposals shall be agreed with Traffic Management Section, Rathkeltair House, Market Street Downpatrick in advance of the commencement of any works that may affect the public road network and, where appropriate, shall be subject to the approval of the PSNI Road Policing Unit.
9. **Legislation & policy**
 1. The Planning Act (NI) 2011
 2. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.
 3. Strategic Planning Policy Statement for Northern Ireland (SPPS NI)**Guidance**
 4. Historic Environment Division advice and guidance in the planning process

<https://www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidanceplanning-process>

5. Guidance on making changes to Listed Buildings: Making a better application for listed building consent - <https://www.communities-ni.gov.uk/publications/guidance-makingchanges-listed-buildings-making-better-application-listed-building-consent>

6. Consultation Guide - <https://www.communitiesni.gov.uk/sites/default/files/publications/communities/consulting-hed-developmentmanagement-applications-consultation-guide.pdf>

7. Development Practice Note 5 – Historic Environment , September 2017 - <https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historic-environment.pdf>

8. Please also see HED guidance

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planningservices-and-standards-framework.pdf>

10. **Bats**

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to –
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

11. **Birds**

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

12. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
13. **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011**
Should any foreseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

14. Demolition: All waste generated by this development, e.g. demolition waste (as applicable) being handled/disposed of so as to ensure compliance with the Waste & Contaminated Land (NI) Order 1997 and subordinate Regulations. (Special requirements would apply in respect of, for example, asbestos or other hazardous waste). Further information regarding handling and disposal of such waste can be obtained from the Land & Resource Management Unit of the Northern Ireland Environment Agency, Department of Agriculture, Environment and Rural Affairs NI, – telephone 0300 200 7856.
15. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments. The applicant must refer and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.
16. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
17. All lighting columns must be positioned as to not cause statutory nuisance to nearby receptors.
18. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.

- 19. 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.
- 20. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer Signature:	C Moane	Date: 03 October 2023
Appointed Officer:	A.McAlarney	Date: 03 October 2023

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

- 1.0 Application Reference:** LA07/2023/2587/F
- 2.0 Date Received:** 10.05.23
- 3.0 Proposal:** Carlingford Lough Greenway connecting Victoria Lock with NI/ROI Border. The proposed Greenway consists of the following: 4m wide timber boardwalk (1025m in length), 3m wide unbound gravel greenway (375m) and 3m wide bound asphalt greenway (110m). Associated infrastructure and works include: fencing, vehicle restraint system (crash barriers), edging kerbs for bound greenway, directional/trail head signage; piling installation for boardwalk and drainage works. Greenway ties in with related planning application LA07/2020/1082/F.
- 4.0 Location:** Land at the Fathom Line (B79), Newry City
- 5.0 Site Characteristics & Area Characteristics**

The application site is situated within the open countryside located along the eastern side of the Fathom Line Road (R173) which runs along the shore of Carlingford Lough. The site is approx. 55m E from the border with the Republic of Ireland (ROI) extending approximately 1500m E situated between the two parcels of pathway approved under application LA07/2020/1082/F located within the area of grass verge, stone revetment and vegetation scrub.



Existing Site Location Map



Overview map

6.0 Relevant Site History:

LA07/2020/1082/F - Construction of two isolated portions (75m & a 130m) of a shared walking and cycling greenway from/to the national border between Northern Ireland and the Republic of Ireland to/from the existing car-park and amenity site at Victoria Lock along the Carlingford Lough Coast - incorporating a c. 5.0m wide greenway corridor to include: a 2-3m shared pedestrian and cyclist path; a 0.5- 1.0m wide grass verge / buffer area to provide suitable boundary fencing (where required), areas of 1 in 3 sloped earthworks and drainage (where required), a vehicle safety barrier along the R183 Fathom Line, directional signage for greenway users, all associated vegetation clearance, and within the Victoria Lock Amenity Site the construction of bicycle parking spaces, trail head signage, and an uncontrolled pedestrian crossing of the car-park access road. Approved 05.06.23

LA07/2019/1454/PAN - Construction of a shared walking and cycling greenway from the national border between Northern Ireland and the Republic of Ireland to the existing car-park and amenity site at Victoria Lock. Accepted

7.0 Planning Policies & Material Considerations:

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS 15 (Revised) - Planning and Flood Risk
- PPS 21 - Sustainable Development in the Countryside
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN 15 - Vehicular Access Standard

8.0 Consultations:

SES (07.09.23) - While not being responsible for the shadow Habitats Regulations Assessment undertaken for this project on behalf of Newry Mourne and Down District Council (as uploaded to the Northern Ireland Planning Portal Consultee Hub

on 20/06/2023), Shared Environmental Service has no reason to disagree with its findings.

Shared Environmental Service considers that, in agreeing the HRA, the Council will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

DEARA (17.08.23)

Marine and Fisheries – MAT would direct the applicant toward DAERA standing advice and the Guidance for Pollution Prevention (GPPs)

Water Management Unit - Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal strictly subject to compliance with PPS15: Planning and Flood Risk Policy FLD 4. And subject to conditions, the applicant referring and adhering to DAERA Standing advice, and any relevant statutory permissions being obtained.

Natural Environment Division - NED has considered the impacts of the proposal and on the basis of the information provided is content with the proposal.

Rivers Agency (03.10.23) -

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

Flood Risk and Surface Water Management Issue 2 indicate that the path is mainly along/within/or placed over the Coastal Floodplain. It is accepted that the levels must join into the Southern greenway path levels and that the recommended freeboard above the Climate Change T200 sea level at the ecologically sensitive Rough Island area is not fully achieved. Planning Authority has deemed the proposals to be an exception as stated on the previous consultation.

The Flood Risk and Surface Water Management Issue 2 by Doran's Consultants dated September 2023 identifies these locations and has introduced mitigation measures such as a raised path where it is appropriate.

The applicant is developing an emergency flood and evacuation plan, including signage to warn of potential flooding. Note DfI Rivers has been advised by the Departmental Solicitors Office that approving emergency evacuation plans and procedures including safe access and egress for emergency rescue services is outside the Department's statutory functions, as exercised by DfI Rivers.

Consequently, DfI Rivers cannot comment on the suitability or otherwise of the emergency plans.

DfI Rivers PAMU, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Flood Risk and Surface.

Water Management Issue 2" by Doran's Consultants dated September 2023 and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

FLD 2 – Protection of Flood Defence and Drainage Infrastructure.

Proposals are deemed to satisfy this sub-policy FLD 2.

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains.

In this particular case, it is not appropriate that the proposal exceed any of the thresholds requiring a Drainage Assessment.

The Flood Risk and Surface Water Management Issue 2 by Doran's Consultants dated September 2023 has assessed the flood risk and drainage impact, and mitigated the risk to the development and any impacts beyond the site.

This sub-policy FLD 3 is deemed to be satisfied. DfI Rivers PAMU, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Flood Risk and Surface Water Management Issue 2 by Doran's Consultants dated September 2023 and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

FLD 4 – Artificial Modification of Watercourses.

All existing and new culvert sizes should be agreed with DfI Rivers Local Area Office within Fathom Forest and DfI Roads Service where appropriate in the vicinity of the roadway.

FLD5 - Development in Proximity to Reservoirs.

Not applicable for this consultation.

DFI Roads (18.07.23) - DfI Roads have noted the objection letter received by email on the 14/07/23 from planning and published on the portal July 2023. DfI would note the Department has no plans to close the B79 Fathom line to traffic and would highlight that any proposals to do so would require extensive consultation and transport analysis.

The Department for Infrastructure would have no objections to this proposal and would require the following conditions and informatives to be added provided Planning are content with the parking provision for this proposal.

Lough Agency (10.07.23) – Subject to condition

9.0 Objections & Representations:

- The application was advertised June 2023.

- 7 Neighbours were notified.
- 8 Objections received June / July 2023.

9.1 Consideration of Objections:

- **Council have not publicly consulted on the application.**

The site measures 0.89 ha and is below the thresholds of being classed as a major application as defined by the Planning (Development Management) Regulations (NI) 2015 and therefore does not require a community consultation event. Also, the application was advertised in both the Newry Reporter and Newry Democrat in June 23 and neighbouring properties were notified in June 23 therefore the council have fully complied with statutory requirements in relation to public consultation.

- **Health and safety issues that will be created as a result of plans to build a wooden structure boardwalk alongside the Omeath Road. This will be an exposed wooden structure of over a kilometre in length and built over a tidal water course.**

- **They are a risk to health and safety.**

- **a 1025m timber boardwalk, is in my view, highly dangerous for cyclists. Boardwalks are not good for cycling, they are dangerous. Rain on wood creates such a very slippery service and I would not take the risk, it is just too dangerous.**

- **I also consider that building a boardwalk over the water along the ramparts could become a dangerous attraction for young people as we saw with the pontoon at the Warrenpoint break water when teenagers used it for drinking parties.**

The proposed development will consist of timber boards (anti slip) with marine grade joist with steel sub structure, whilst the board walk is over the existing watercourse measures to enclose and have this area raised above the area of risk. This however does not negate the developer from their responsibilities under relevant health and safety legislation in relation to the operation of the development.

In terms of potential anti-social behaviour the site will be informally surveilled by users of the site. Law enforcement matters are a matter for the PSNI to which the Planning Department has no remit.

- **The level of maintenance and required regular inspection together with constant monitoring of availability of safety equipment will impose an unfaltering responsibility on the Council, not to mention the significant cost to, the ratepayer.**
- **Disappointed by its width (lack off) and the constant flooding and maintenance interruptions.**

The level of maintenance, inspection and cost are a matter for the developer in which the Planning Department has no remit.

The width of the walkway ranges between 3-4m which is larger than a standard width of a parking space (2.5m) and should leave sufficient room for users to pass each other on the walkway.

Issues relating to flood risk have been assessed under part 19.0 below.

- **Impact to the environment and habitat**

DAERA Natural Environment Division have been consulted on the proposals and have no objection in principle as per their consultation response dated 17.08.23.

- **Has an EIA been carried out?**

The Planning Department has carried out Environment Impact Screening and concluded that an Environmental Statement is not required. There is no significant risk of the development upon the local and wider environment that couldn't be mitigated through adherence to planning conditions.

- **NWBCN proposes an active travel solution along the Omeath Road, which in my opinion, is very sensible, low cost and a possible long term solution for this area.**

Whilst this is noted, any proposed active travel solutions are for NWBCN to directly engage with the Department of Infrastructure which will require extensive consultation and transport analysis. This is not a matter for the Planning Department to intervene as these proposals are not part of the current planning application before the Department to assess.

- **I am dismayed to learn that NMDDC now propose building a boardwalk on the "seaward side" of the Omeath Road. Surely now that there is such optimism that the Narrow Water Bridge will be delivered, this represents very poor planning, as it does not take the Bridge and the proposal to reduce traffic on the Omeath Road to facilitate cycling and walking into account.**

The application for Narrow Water bridge is contained within a confined area from the existing A2 roundabout outside of Warrenpoint with cable styled opening bridge extending across the Newry River to the Republic of Ireland and does not extend into Northern Ireland. The current application is confined within the jurisdiction of Northern Ireland approximately 1.5 miles NW of the border with the Republic of Ireland and about 2miles away from the bridge proposal. There is no current planning application or proposals in place for connection between the existing proposals and that of the bridge within NI. The Planning Department can only assess what has been submitted before them under this current application and cannot comment on any future proposals which may be subject to a separate planning, consultative process or relate to another jurisdiction. Matters pertaining to active travel plans/ road infrastructure within NI are a matter for the Department of Infrastructure.



Location of Narrow Water Bridge Proposal

- **The Council failed to consider in good faith an alternative proposal from the NWBCN.**

There are no known planning applications for an alternative proposal before the Planning Department therefore this cannot be considered in the assessment of this current application.

- **In failing to consider the NWBCN proposal, the Council will incur unnecessary expense to public funds.**

This is not a planning matter in which to assess under this application.

- **The NWBCN intends to seek Speaking Rights at the upcoming NMDDC Planning Committee**

The application will be submitted to the Planning Committee for consideration and speaking rights can be requested by NWBCN.

10.0 Consideration and Assessment:

10.1 Development Management Regulations:

The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 as a recreational facility falling within Part 7 (Retailing, Community, Recreation and Culture) of the regulations. As the site measures 0.89 ha the development does not fall within the thresholds as being determined a major application and therefore does not require A Pre-Application Notice or Community Consultation event.

11.0 Proposal:

The proposal is located between two previously approved paths as agreed under planning reference LA07/2020/1082/F. Proposals comprise of a 1510m greenway which is split into 3 by a 4m wide timber boardwalk (1025m) with timber deck and joists with steel piles with ground works below to slope to allow tie in with board walk, an unbound gravel greenway (375m) and a 3 metre wide bound asphalt greenway which will tie into the approved paths to either side of the development. The paths works also include a steel vehicle restraint system along the roadside mounted on a steel posts located within the roadside verge and set approximately 1.2m back from the greenway to allow for maintenance will also include a tie in with the VRS and existing stone wall. Proposals are enclosed by a 1.5m high fence with guard rail, existing vegetation retained where possible and retention of a single steel field gate to be retained along with exiting access from R973 to greenway.

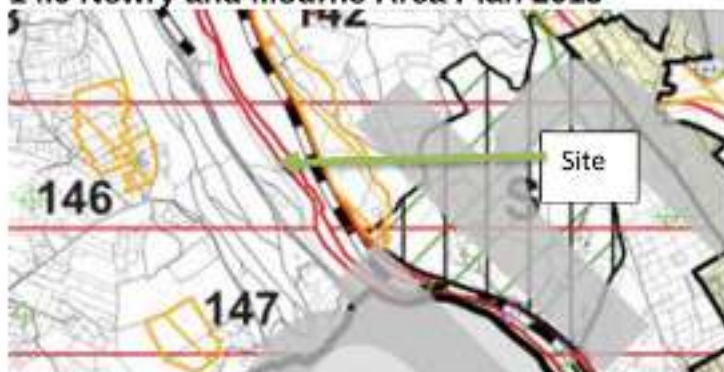
12.0 EIA Screening:

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

13.0 Planning Act:

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.

14.0 Newry and Mourne Area Plan 2015



Site is within the open countryside of the AONB.

The Banbridge/ Newry and Mourne Area Plan 2015 is the operational Local Plan for this site, which identified the site as being within the open countryside of the AONB. It has not been designated for a particular land use by the local area plan.

In planning policy terms proposals will be considered under prevailing planning policy specific to development within the open countryside with the following policies deemed applicable for development of this nature which includes consideration of the SPPS, PPS2, PPS3, PPS6, PPS8, PPS15 and PPS21.

15.0 SPPS and PPS21

As there is no significant change to the policy requirements for development in the countryside following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

15.1 CTY 1 – Development in the Countryside

PPS21 sets out the planning policies for development in the countryside with CTY1 identifying different types of development which are in principle acceptable in the countryside. Although a 'greenway path' is not within the prescribed list of uses under non-residential development is considered as an outdoor sport and recreational use must also be in accordance with PPS8, consideration of this will be assessed below.

15.2 SPPS and PPS2 – Natural Heritage

DAERA NED in their consultation response dated 17.08.23 has considered the impacts upon designated sites and other natural heritage interests and have raised no issue of concern. Development proposals are appropriately designed sensitively to the distinctive special character of the area which will adequately integrate, respecting the character and setting without adverse visual impact meeting the requirements of planning policy.

A Habitats Regulation Assessment (HRA) screening has been carried out in line with the Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015 and NH1 of PPS2 and it is considered that the proposal will not have a likely significant effect on any other European or National designated sites.

Proposals meet the requirements of the SPPS and PPS2.

16.0 PPS3 – Access, Movement and Parking, Parking Standards and DCAN 15 – Vehicular Access Standards

Transport NI in their consultation response dated 18th July 2023 have indicated that they have no objection in principle subject to conditions and are also content with parking provision associated with this proposal. Once the path is tied in with the existing approval under LA07/2018/1082/F, the existing pathway from Victoria Lock to Albert Basin and connection through to the Omeath/ Carlingford Greenway there is sufficient parking along its route served by existing public car parks within William St/ Buttercrane Quay, Newry and Victoria Lock.

17.0 SPPS and PPS6

Proposals fall within the vicinity of a scheduled area associated with Newry Canal which is a monument of regional importance. Works proposed in the provision of the existing path is unlikely to adversely affect the site or integrity of the setting with its overall use having a benefit to the local as well as the wider community.

Notwithstanding this, it is important to afford protection of archaeological remains and its settings, it is noted that schedule Monument Consent has already been previously obtained in relation to the application in which this development ties into (LA07/2018/1082/F) at the application site.

Whilst this portion of the path is away from the schedule monument and does not directly impact upon it, it is unlikely Schedule Monument Consent is required. In the event of planning permission being granted a condition/ informative can be attached to inform the developer to ensure that appropriate measure are undertaken for the identification, mitigation or recording of any artefacts on site.

18.0 SPSS and PPS8 (OS3 – Outdoor recreation in the countryside)

Proposals have been submitted for a link path/ greenway between two formerly approved greenway paths located adjacent and S of Victoria Lock and N of the Border. PPS8 is the relevant planning policy applicable to the proposed area of development with several criteria of OS3 having to be adhered to, these are considered below:

- (i) *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*

NED in comments dated 17.08.23 have raised no issues of concern in relation to natural heritage interests and HED had previously granted schedule monument consent to works within the vicinity of the scheduled monument. Proposals are an extension/ rounding of, of the approved pathways granted planning under LA07/2018/1082/F, any amendment to or consent for a schedule monument consent requires consent from HED directly which is outside the remit of the local planning authority.

- (ii) *there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*

Not applicable

- (iii) *there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*

Proposals can be readily absorbed into the local landscape with no adverse visual impact.

- (iv) *there is no unacceptable impact on the amenities of people living nearby;*

Proposals are far removed from residential properties and therefore will not have a direct adverse impact upon residential properties.

- (v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*

Whilst the Local Planning Authority have set out an exemption for development within the flood plain to Rivers Agency. An emergency flood and evacuation plan has been provided the implementation of such is up to the developer to ensure that evacuation plans and procedures including safe access and egress are implemented in line with statutory responsibilities.

- (vi) *any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*

No buildings are proposed with this scheme however materials used in the construction of paths and boundary fencing are acceptable within this rural context.

- (vii) *the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and*

The proposed greenway path comprises of three parts of gravel and an asphalt path with timber finish (anti slip) board walk which combined takes account the changes in ground levels and produces a level surface pathway. Once completed will provide continuous access through from Newry to Carlingford which will assist in providing sustainable means of movement.

- (viii) *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*

The proposed pathway will be connected to existing and proposed network the length from Newry to Carlingford which is intersected by public carparking will allow for satisfactory access and parking arrangements.

Proposals meet the requirements of the OS3 and PPS8 for the reasons set out above.

19.0 SPPS and PPS15

An assessment of Rivers Agency response dated 03.10.23 has been considered. The Planning Department has deemed this an exception against FLD1 in that the development relates to an outdoor recreation facility. Proposals are part of an overall strategic provision of greenway network which

will link into an existing cross border facility. Proposals will bring benefit to the regional and sub regional economy as a recreation/ tourist project, the proposal requires location within the flood plain as previous alternative location have been deemed unsuitable.

The developer has taken into account the previous comments from Rivers Agency (17.08.23) in relation to isolated locations not adhering to present and future tidal levels and has reviewed plans in accordance to mitigate this were possible and a Flood Risk Management Plan has also been provided (19.09.23) as well as a Emergency Flood and Evacuation Plan. Signage and warning of potential flooding is the responsibility of the developer to ensure all reasonable health and safety measures are implemented. Rivers Agency in comments dated 03.10.23 have reviewed the mitigation measures for the identified locations and the methods taken to raise the path where it is appropriate along with the other measures as already noted and conclude that while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions.

Apart from FLD 1 - flood and evacuation plans are the statutory responsibility of the developer to be implemented.

FLD2 has been reviewed by Rivers Agency who accepts the logic of the report therefore FLD2 has been satisfied.

FLD3 the size of the site negates the need for a drainage assessment but Rivers Agency are constant there will be no additional surface water above and beyond what exists at the site and are content that FLD 3 has been satisfied.

FLD 4 – FLD5 are not applicable to these applications.

Proposals meet the requirements of the SPPS and PPS15.

20.0 SPPS – Safeguarding residential and Work environs 4.11 and 4.12

Whilst proposals are likely to generate additional activity. The proposed pathway including future linkage to the 'greenway' network are far removed from residential properties to cause any adverse impact to amenity.

21.0 Consideration and Assessment Summary:

Having had regard to the development plan and all other material considerations (including SPPS, PPS2, PPS3, PPS6, PPS8, PPS15 and PPS21) the proposed scheme merits as a suitable development proposal which complies with planning policy for the reasons set out above.

The application is recommended for approval subject to the necessary planning conditions outlined below.

22.0 Recommendation: Approval

23.0 Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

-

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

3. Once a contractor has been appointed and at least 8 weeks prior to the commencement of all development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall contain all the appropriate environmental mitigation as advised by DAERA in their response dated 17th August 2023. Development shall take place in accordance with the approved CEMP.

Reason: To prevent adverse impacts on the features of the designated sites.

4. All construction work, including the use of quick setting concrete, shall take place at low tide.

Reason: To prevent adverse impacts on the features of the designated sites.

5. Works shall be confined to a corridor of no more than 10 metres from the existing sea wall.

Reason: To prevent adverse impacts on the features of the designated sites.

6. A suitable buffer of at least 10m shall be maintained between the shoreline and the refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.

Reason: To prevent adverse impacts on the features of the designated sites.

7. Prior to discharge into Carlingford Lough, any surface water generated during the construction phases of the development shall first pass-through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

8. Construction works (including piling works) shall be completed outside of the breeding bird season, 1st March to 31st August, to avoid disturbance to breeding birds.

Reason: To prevent adverse impacts on the features of the designated sites.

- 9. No removal of vegetation shall be carried out during the breeding bird season.

Reason: To prevent adverse impacts on the features of the designated sites.

- 10. All works shall remain within the delineated redline boundary as shown as shown on drawing No.....

Reason: To prevent adverse impacts on the features of the designated sites.

- 11. Proposal shall not become operational until the connecting links have been completed as approved in planning application LA07/2020/1082/F.

Reason: In the interest of pedestrian safety.

- 12. A temporary barrier shall be installed at CH0075 to ensure no access can be gained from the public road until the connecting link has been completed.

Reason: In the interest of pedestrian safety.

- 13. Notwithstanding the terms and conditions of the Local Planning Authority approval set out, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure consent before any work is commenced which involve making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site.

Reason: In the interest of pedestrian safety.

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

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

- 15. The applicant is responsible for the future maintenance of all the assets that have been constructed as part of this active travel infrastructure including all features within the road boundary.

Reason: The applicant is responsible for the whole asset including future maintenance.

Case Officer Signature:

Date: 04.10.23

Appointed Officer Signature:

Date:04.10.23

WRITTEN SUBMISSION
RE: LA07/2023/2587/F

In my five minute address to the NMDDC Planning Committee on behalf of the NWBCN, I will summarise our objections (formally lodged with the Planning Department on 28 June 2023) to the Council's plans to construct a boardwalk to complete the Carlingford Greenway.

I will appeal to the elected members, in this era of increasingly dangerous climate change, not to squander a vital opportunity to fully integrate the proposed Narrow Water Bridge with safe and urgently needed Green Infrastructure.

I will also take the opportunity to remind the elected body that the proposals developed by the NWBCN met with the wholehearted approval of the former Minister of Infrastructure Ms Nichola Mallon and her officials and were also fully and publicly endorsed by the following political parties in the run-up to the May Election of 2022 : Alliance, Ulster Unionist and Sinn Féin.

18/10/2023

Application Ref: LA07/2023/2587/F

Site Location: Land at the Fathom Line (B79)
Newry

Proposal: Carlingford Lough Greenway

connecting Victoria Lock with
Border.



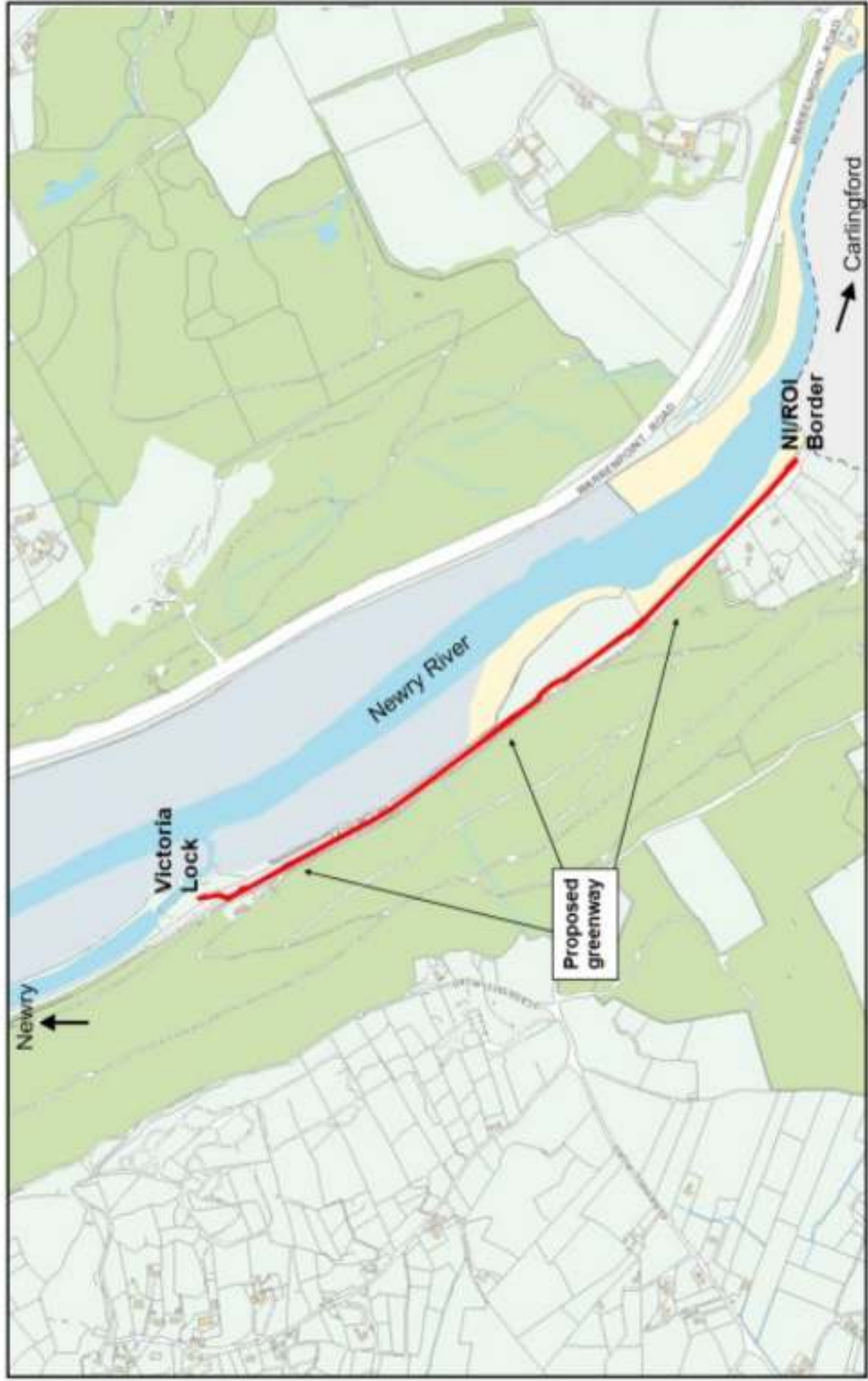
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Ag freastal ar an Dúin agus Ard Mhacha Theas
Serving Down and South Armagh



Site Location & Context



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

www.newrymournedown.org

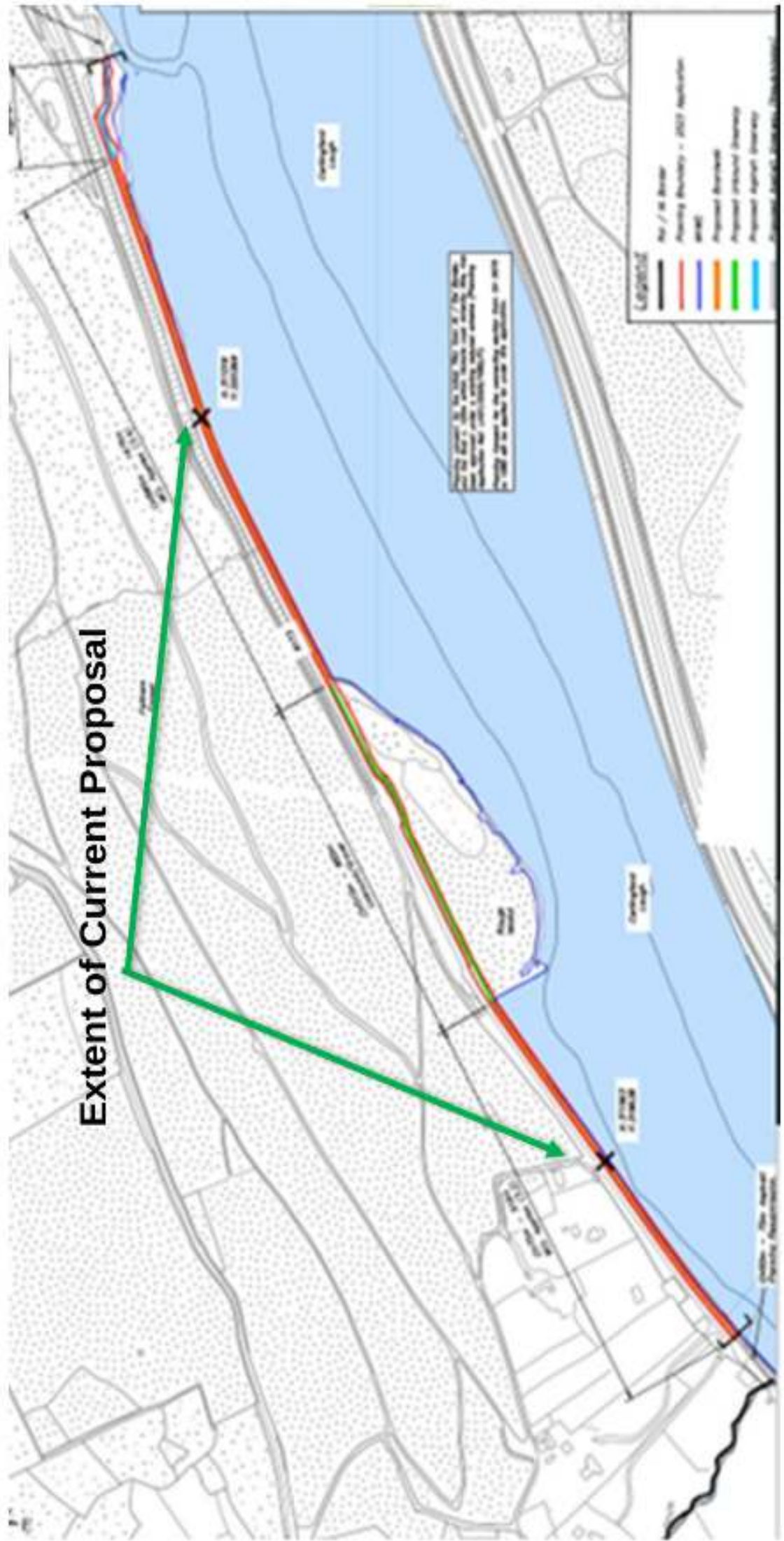


Aerial overview - existing





Site Location Map

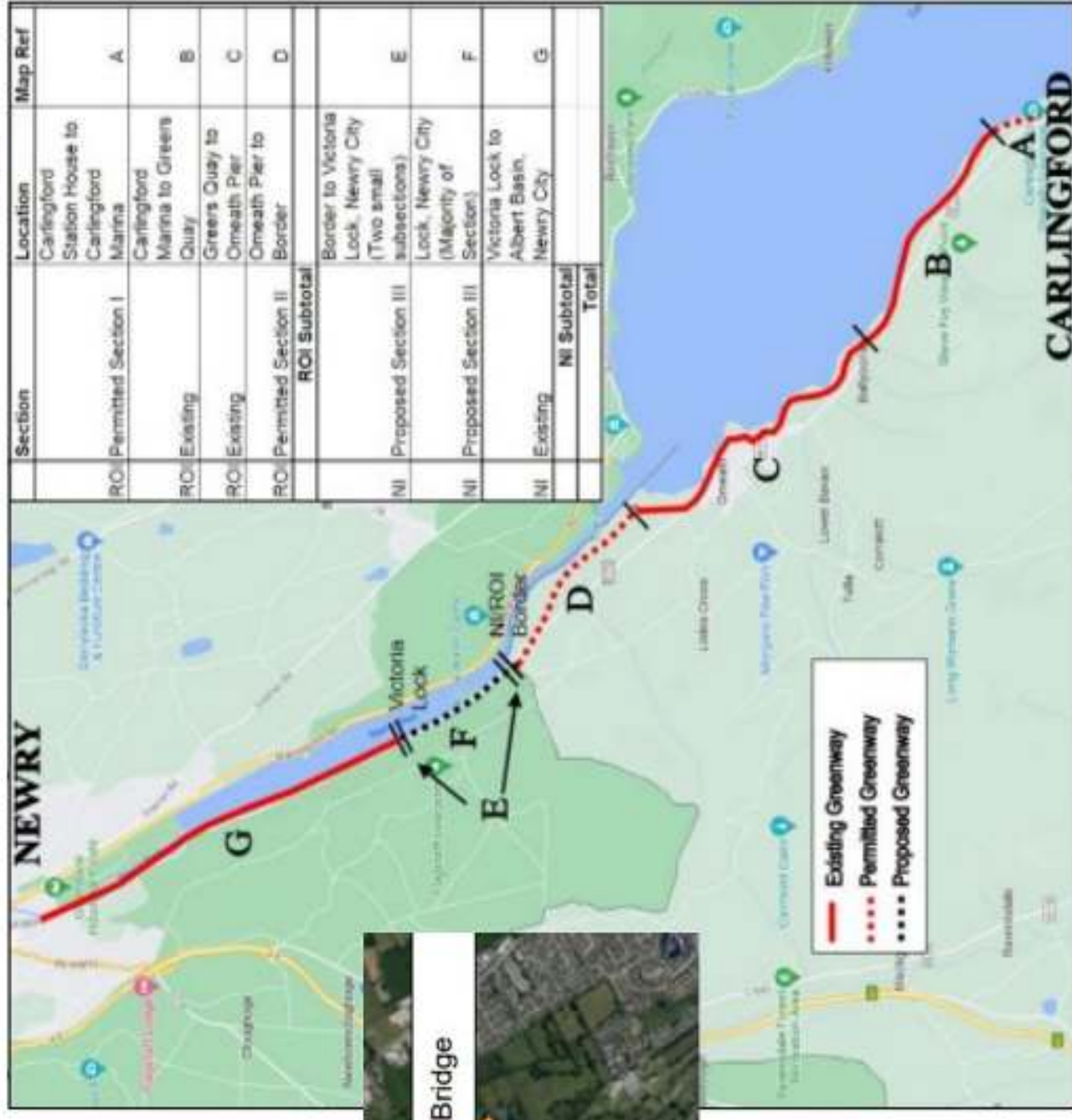
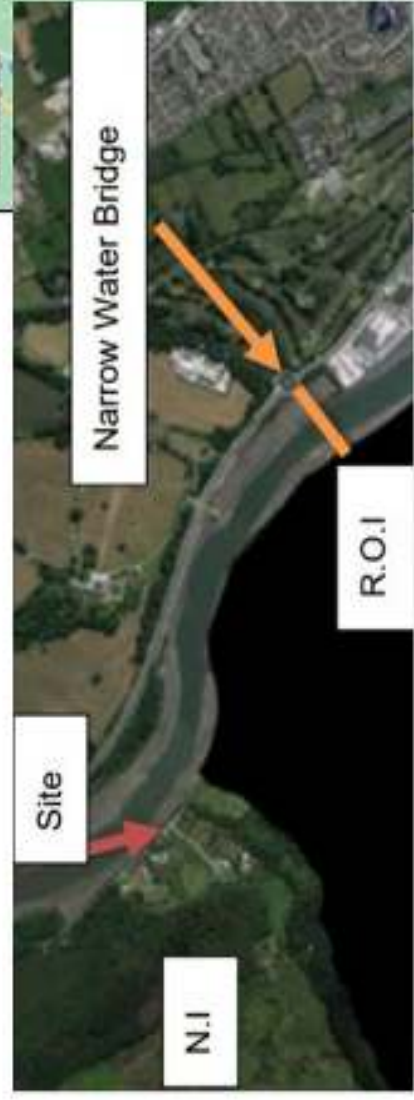


Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council

www.newrymournedown.org

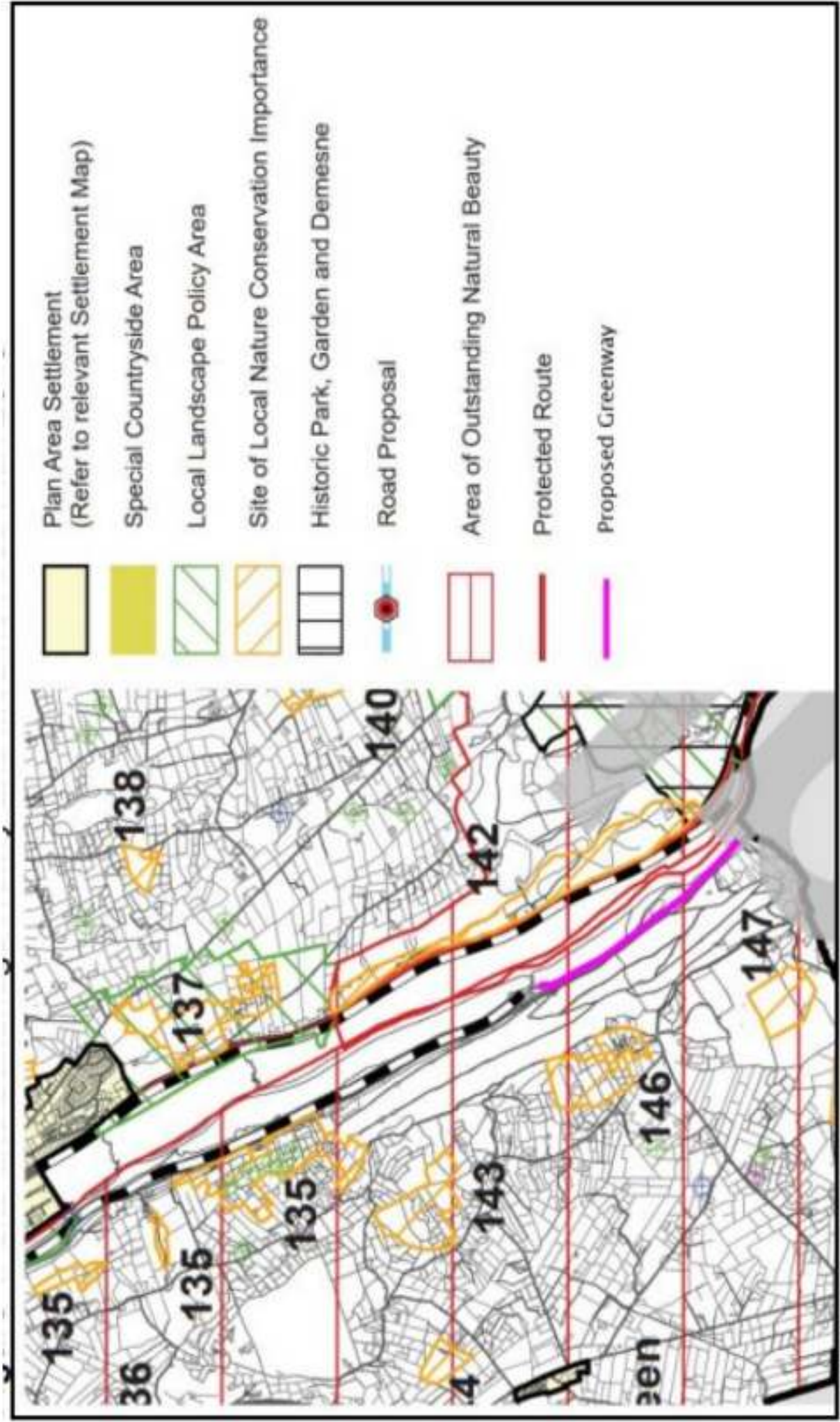


Proposal context within overall Greenway and surrounding infrastructure





Area Plan Context - BNMAP 2015





Site images - existing



Figure 4.1 - Existing Land between Carlingford Lough and R173



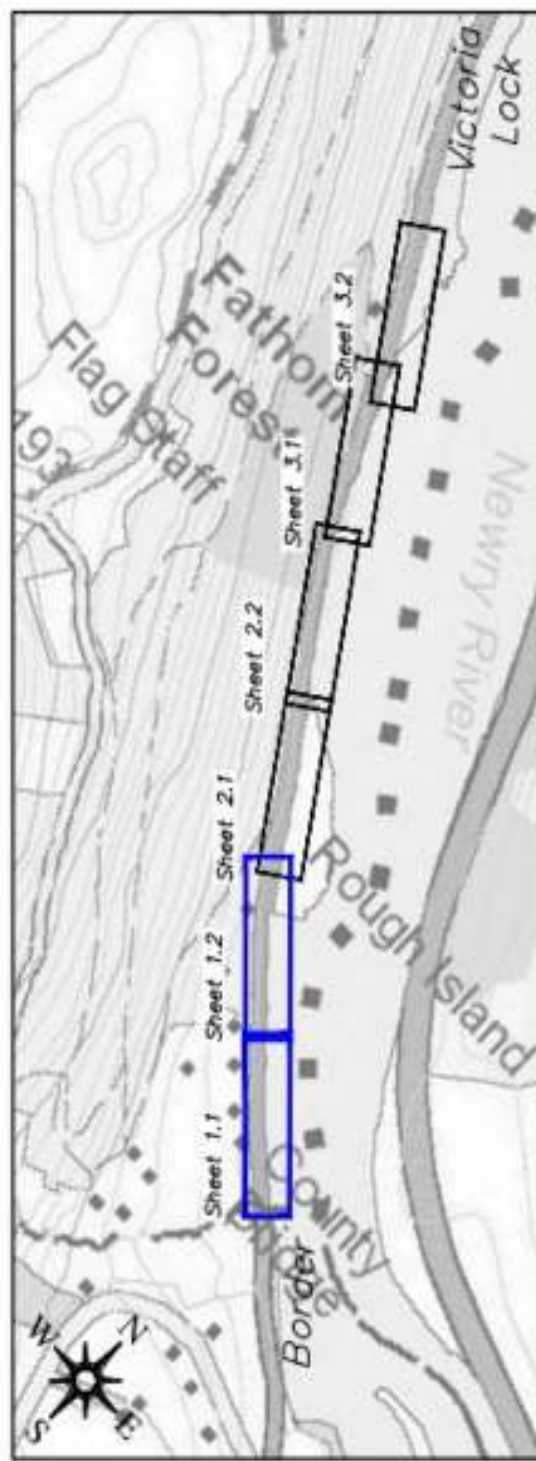
Figure 4.3 - Area of Rough Island



Figure 4.2 - Existing Land Between Carlingford Lough and R173 with Stone Revetment

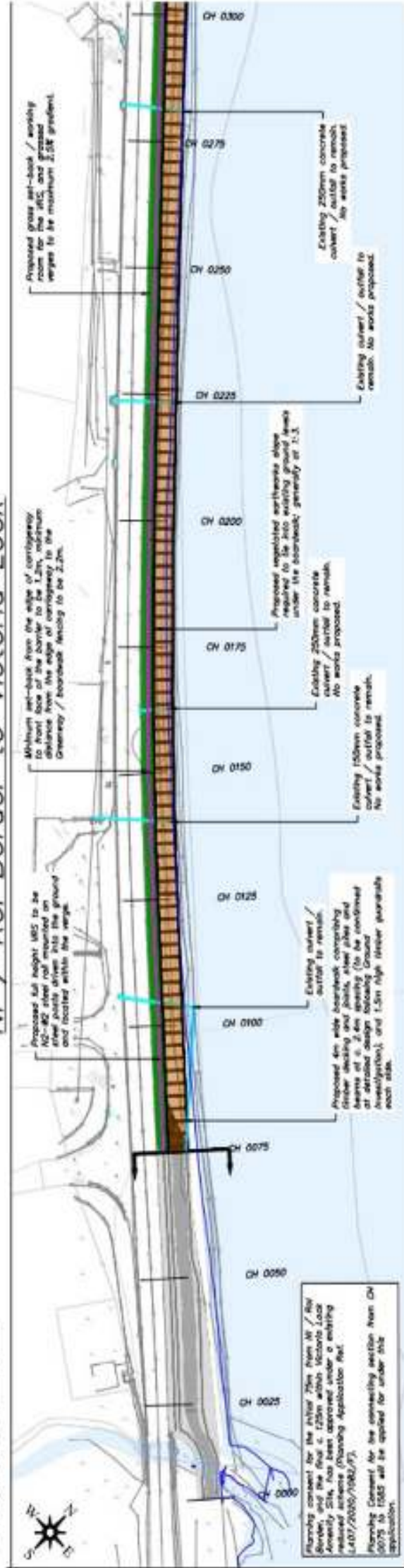


Proposed Details



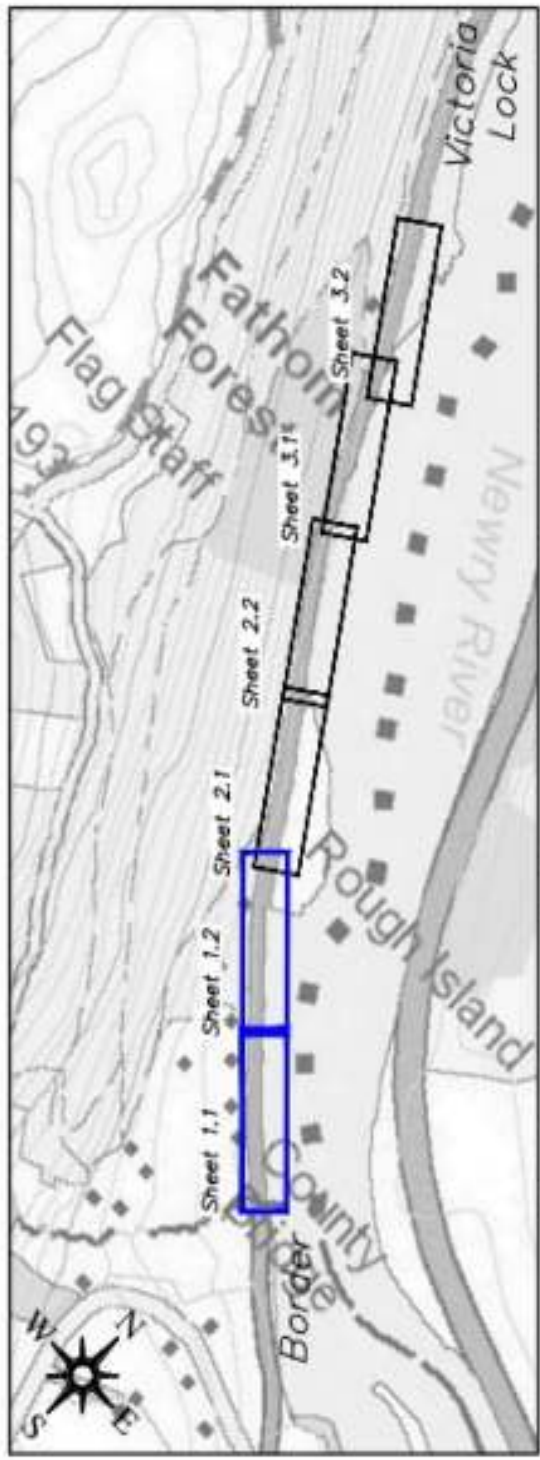
Carlingford Lough Greenway Section 3 Overview:
NI / Rol Border to Victoria Lock

Sheet 1.1



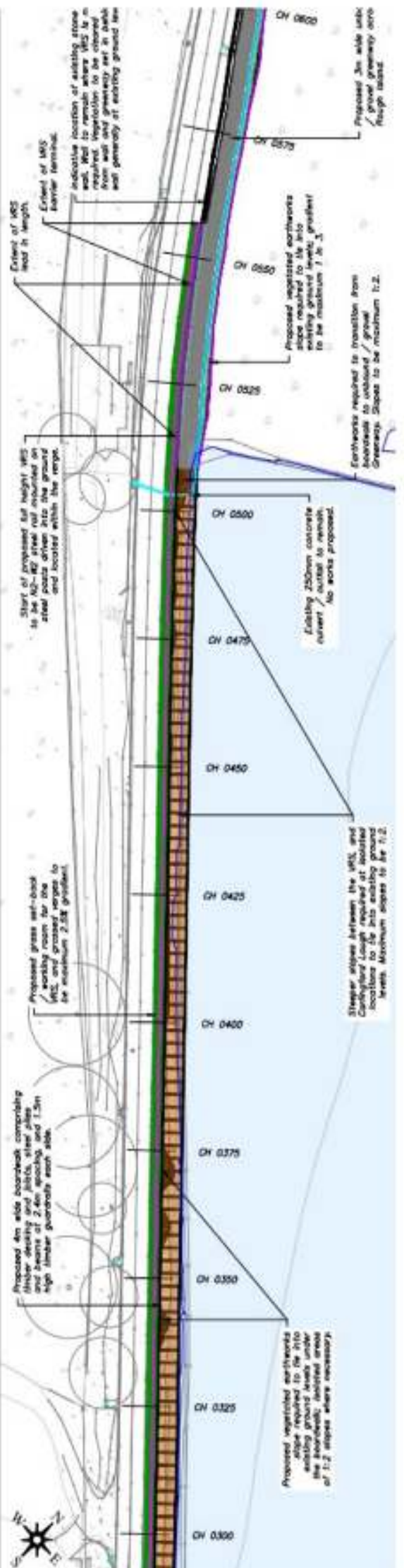


Proposed Details



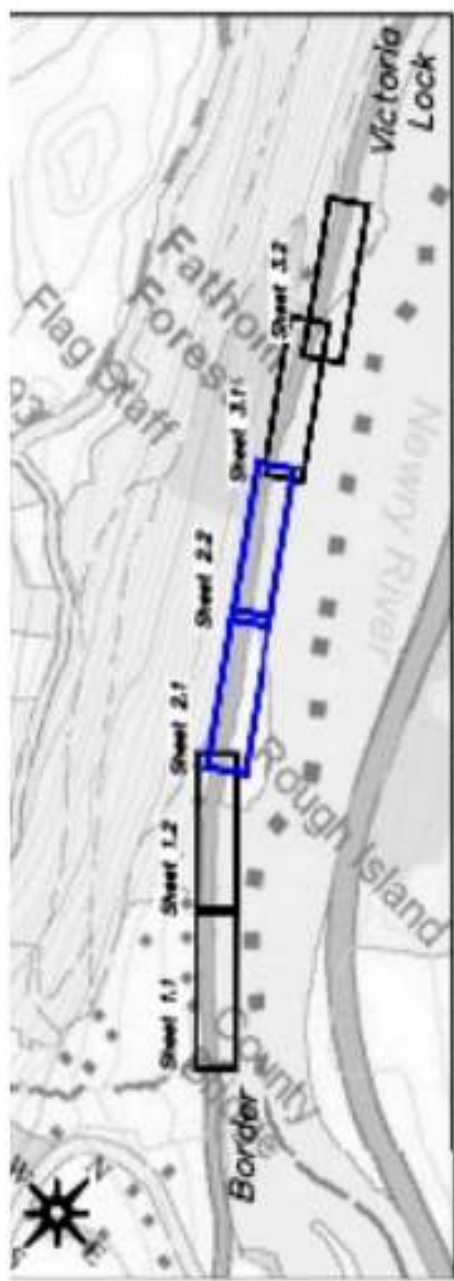
Sheet 1.2

Carlingford Lough Greenway Section 3 Overview:



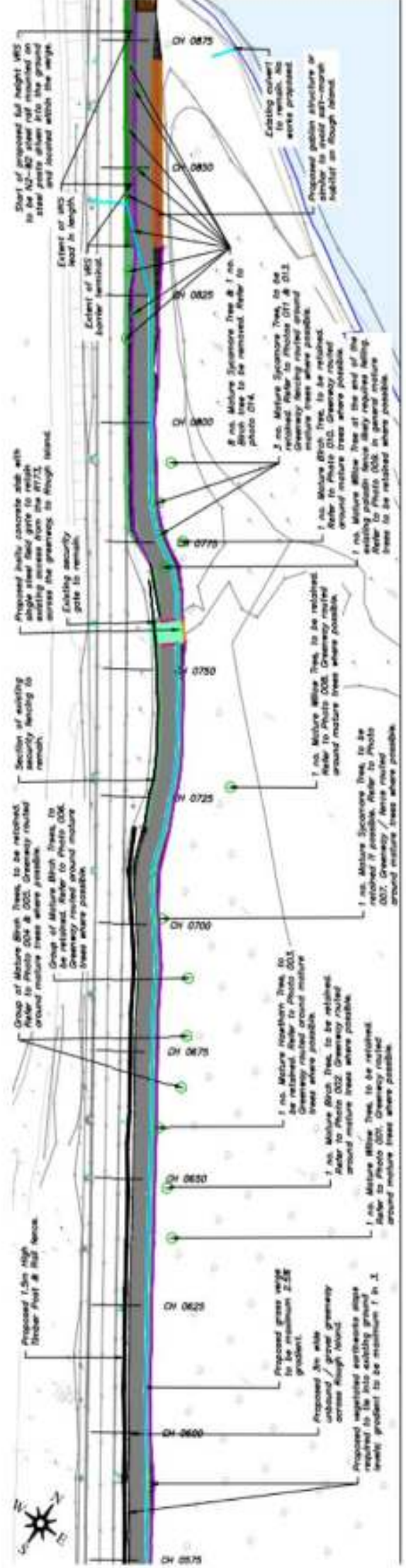


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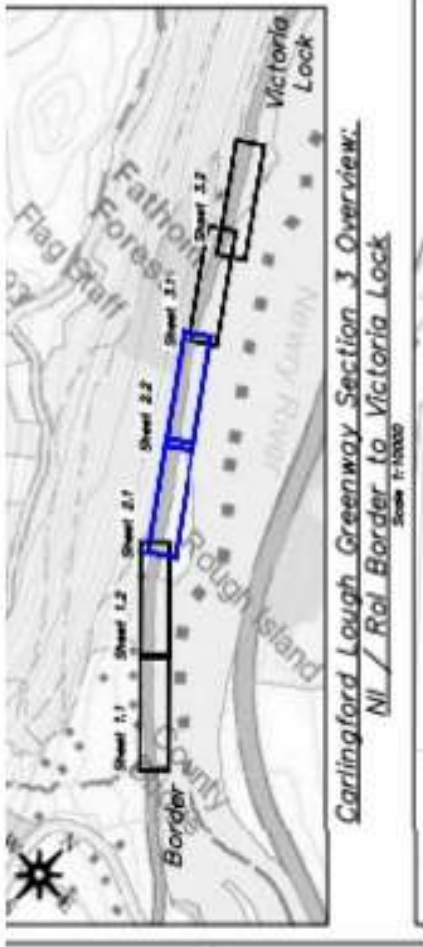
Carlingford Lough Greenway Section 3 Overview:
NI / Rol Border to Victoria Lock

Sheet 2.1





Proposed Details



Sheet 2.2

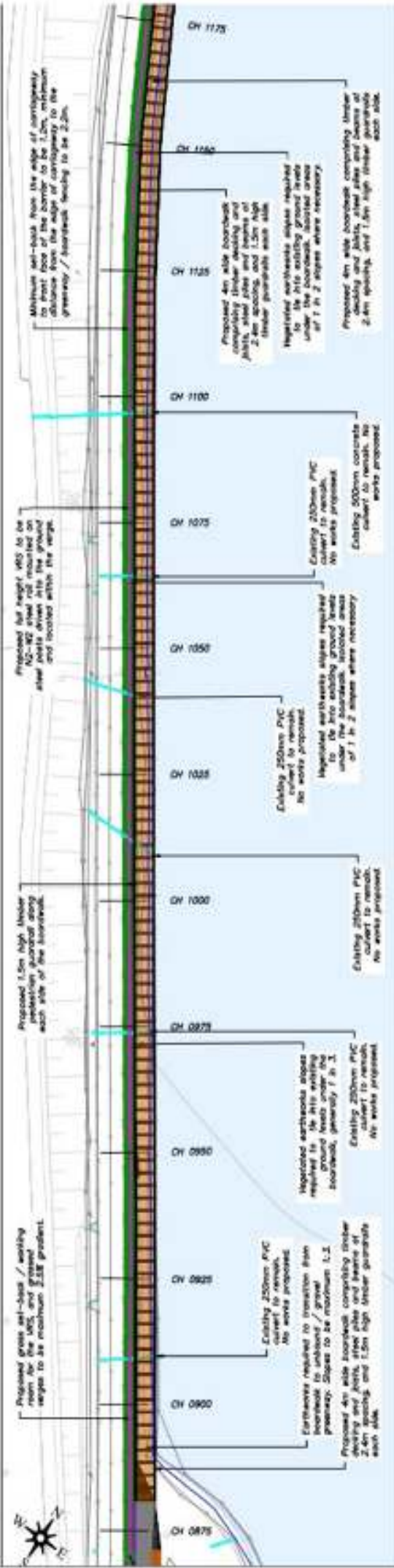


Photo 006



Photo 007



Photo 008



Photo 009



Photo 010



Photo 011



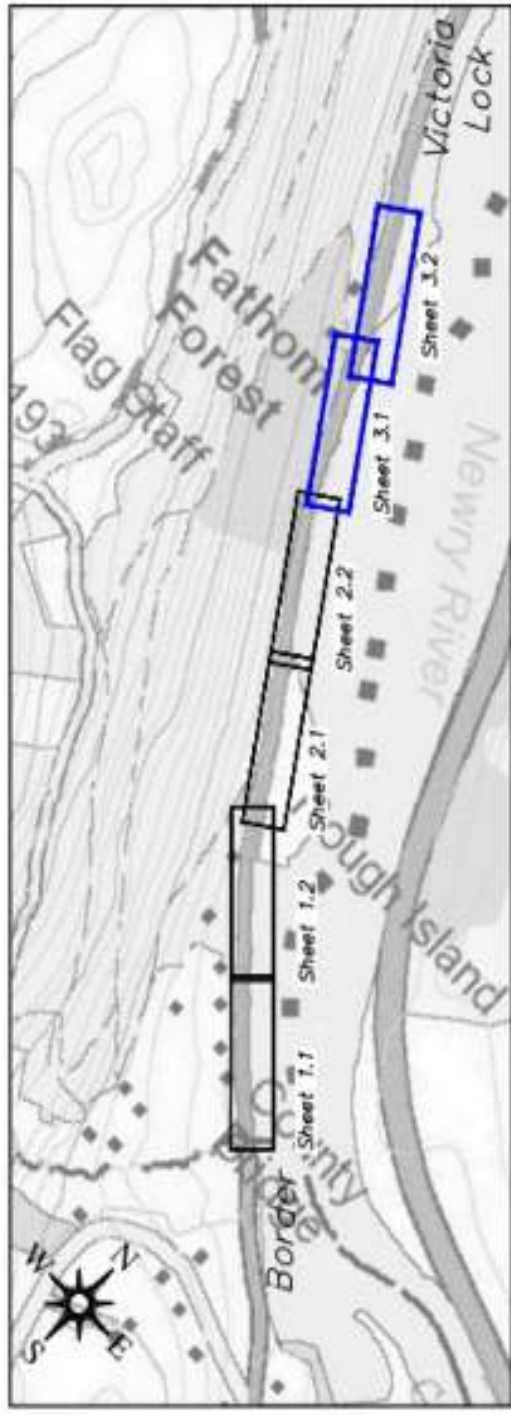
Photo 013



Photo 014

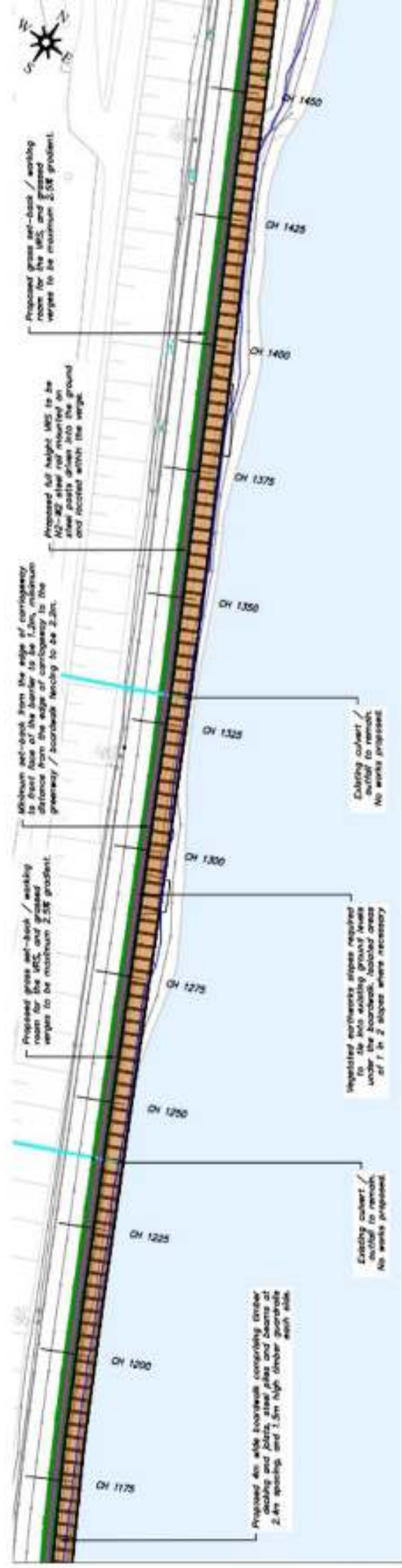


Proposed Details



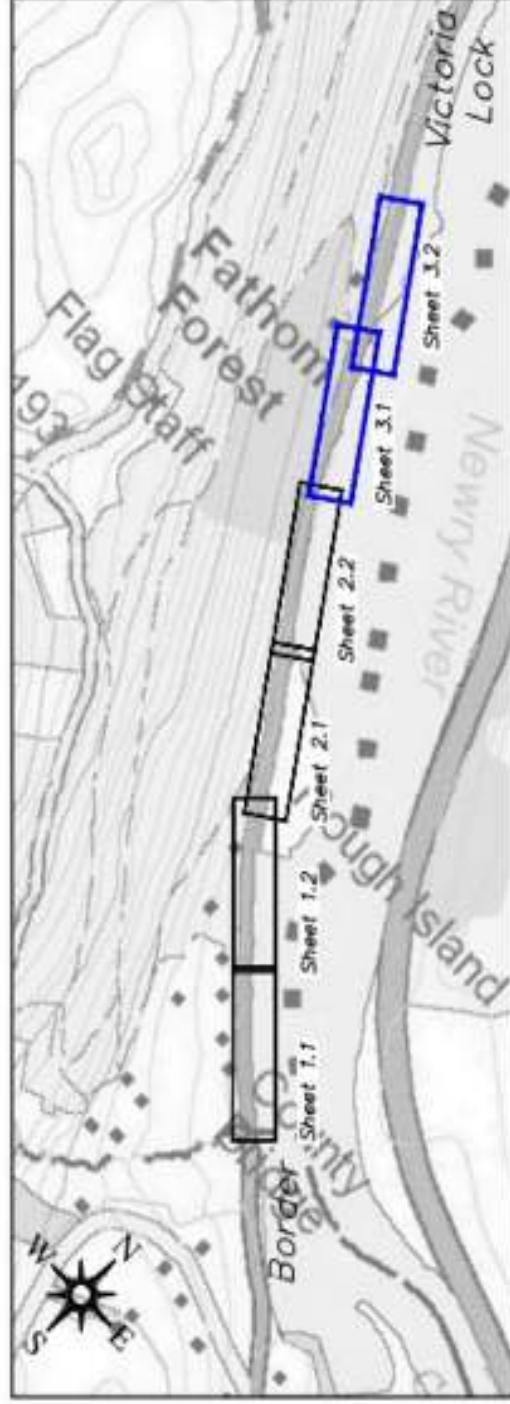
Carlingford Lough Greenway Section 3 Overview:
NI / ROl Border to Victoria Lock

Sheet 3.1



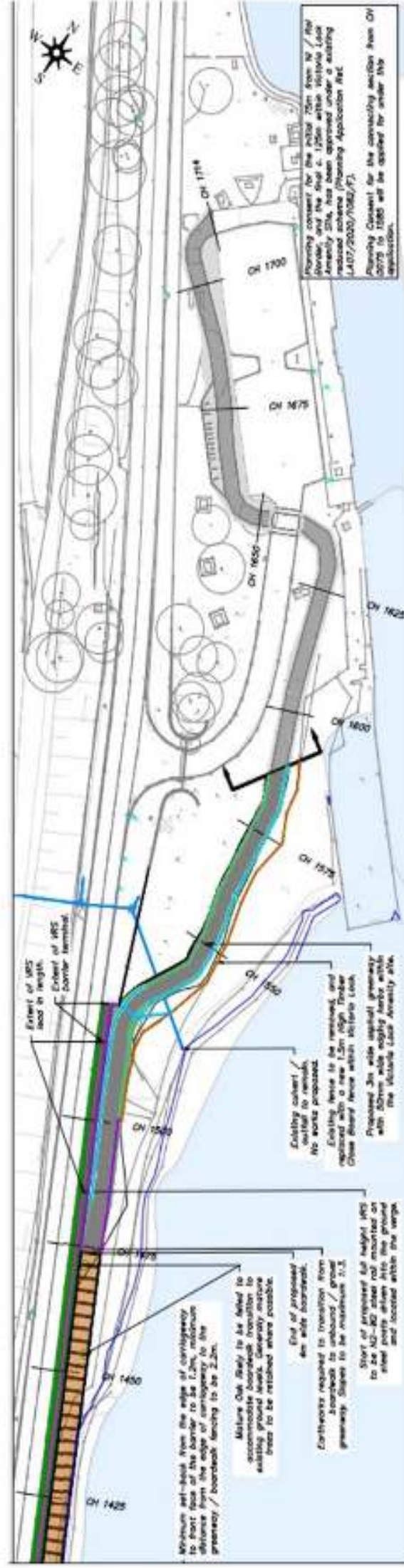


Proposed Details



Carlingford Lough Greenway Section 3 Overview:
NI / ROI Border to Victoria Lock

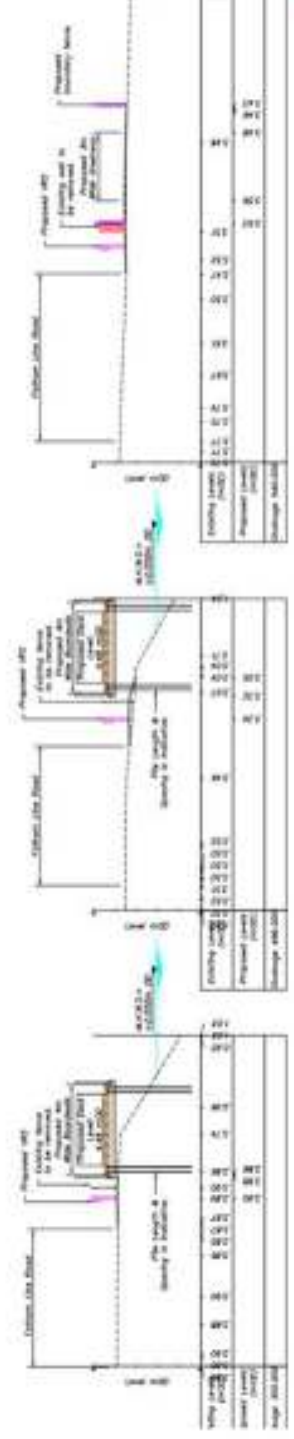
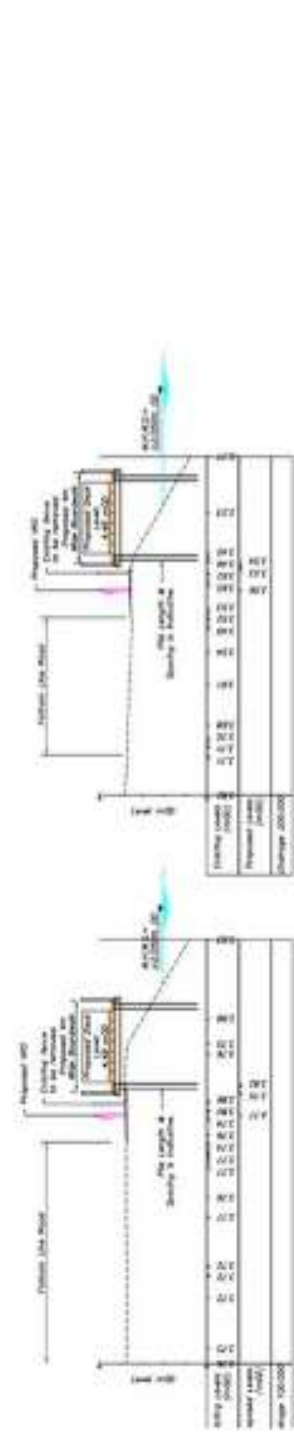
Sheet 3.2





Cross Section of Board Walk

- NOTES**
1. All dimensions are in millimetres.
 2. Dimensions shown with a circled 'R' indicate a radius.
 3. Dimensions shown with a circled 'D' indicate a diameter.
 4. Dimensions shown with a circled 'L' indicate a length.
 5. Dimensions shown with a circled 'W' indicate a width.
 6. Dimensions shown with a circled 'H' indicate a height.
 7. Dimensions shown with a circled 'T' indicate a thickness.
 8. Dimensions shown with a circled 'S' indicate a slope.
 9. Dimensions shown with a circled 'A' indicate an angle.
 10. Dimensions shown with a circled 'V' indicate a vertical offset.
 11. Dimensions shown with a circled 'O' indicate an offset.
 12. Dimensions shown with a circled 'C' indicate a clearance.
 13. Dimensions shown with a circled 'G' indicate a gap.
 14. Dimensions shown with a circled 'F' indicate a finish.
 15. Dimensions shown with a circled 'P' indicate a position.
 16. Dimensions shown with a circled 'M' indicate a material.
 17. Dimensions shown with a circled 'I' indicate an interval.
 18. Dimensions shown with a circled 'E' indicate an elevation.
 19. Dimensions shown with a circled 'L' indicate a level.
 20. Dimensions shown with a circled 'D' indicate a depth.
- Site Levels (m)**
- | | |
|--------------------|---------|
| Top of Road | 100.000 |
| Top of Footpath | 99.500 |
| Top of Gully | 99.000 |
| Top of Drain | 98.500 |
| Top of Sewer | 98.000 |
| Top of Water Table | 97.500 |
| Top of Ground | 97.000 |
| Top of Foundation | 96.500 |
| Top of Structure | 96.000 |
| Top of Finish | 95.500 |
| Top of Base | 95.000 |
| Top of Subgrade | 94.500 |
| Top of Bedrock | 94.000 |



PLANNING DRAWING

Project Name	Greenway
Client	Newry, Mourne and Down District Council
Scale	1:100
Date	10/10/2023
Author	J. Smith
Check	M. Jones
Approved	

Doran CONSULTING
100 The Quadrant, Newry, Co. Down, BT41 9AA
Tel: 028 3032 2222
www.doranconsulting.com

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL
Newry, Mourne and Down



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2021/1350/O

Date Received: 27/07/2021

Proposal: Replacement Dwelling

Location: Between 38 & 40 Ballygoskin Road, Crossgar



Site Characteristics & Area Characteristics:

The lands outlined in red form an irregular shaped site, located directly east of no. 38 Ballygoskin Road. The building shaded in green on the submitted plan consists of a single storey building. The building on situ has a rectangular footprint, stone wall construction with a corrugated roof. The buildings' exterior walls feature a number of window and door openings. Internally there is a number of rooms and the remains of what appears to be an internal fire and chimney breasts. Access to the site is via an existing entrance with stone wall pillars. The lands to the rear of the site are generally quite flat and consist of unmaintained grassland. The site is well screened

by dense vegetation along the Ballygoskin Road. Boundary treatments are primarily defined by semi-mature trees and hedges.

The application site is located outside any settlement development limits as designated with Ards and Down Area Plan 2015. The area is of typical rural character and predominately agricultural use. A number of equestrian buildings are located immediately east of the site. A number of detached dwellings are located within the immediate vicinity. It is noted that neighbouring no. 38 had previously has Listed Building status but was de-listed in 1987.



Site History:

R/1991/0404 - Replacement dwelling. Adj To 38 Ballygoskin Road Ballygoskin Crossgar. Appeal Dismissed.

R/1990/1006 - Replacement Dwelling. 38 Ballygoskin Road Ballygoskin Crossgar.

R/1990/0936 – Dwelling. Ballymacarn Road Dunmore Ballynahinch. Permission granted.

R/1986/0535 - Replacement dwelling. Adj To 38 Ballygoskin Road Ballygoskin Crossgar. Permission granted.

R/1986/0019/LB - Demolition Of Listed Building. 38 BALLYGOSKIN ROAD, BALLYGOSKIN, CROSSGAR. Permission granted.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking
AMP 2 - Access to Public Roads

PPS 6 - Planning, Archaeology and the Built Heritage

PPS 21 - Sustainable Development in the Countryside
CTY 1 - Development in the Countryside
CTY 3 - Replacement Dwellings
CTY 13 - Integration and Design of Buildings in the Countryside; and
CTY 14 - Rural Character

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

Consultations:

NI Water – Generic response.

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. The Department for Infrastructure Roads has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility, radii and junction separation. Sight splays of 2.0m x 45m are required at this location and should be included within the site outlined in red. Following several requests for the splays to be provided DFI Roads have still not been satisfied that it has been demonstrated that an access that meets standards can be provided therefore they have objection and recommend refusal.

NIEA – No objections subject to recommended planning conditions and informatives.

DfI Rivers – No objections subject to planning informatives as a precautionary measure

Environmental Health -Recommending planning informatives.

Objections & Representations:

A total of 4 Neighbours within close proximity of the site were notified on 05/08/2021 and 01/09/2021. This application was advertised in the local press on 11/08/2021.

At the time of writing (12/09/2022) 2 letters of objection have been received one of which from a neighbouring address. The planning concerns raised are summarised as follows:

- Not a genuine replacement opportunity
- Building in use for agricultural purposes
- Reference to a previously dismissed appeal

Objections will be considered through the assessment of the application and the applicable planning policies.

Consideration and Assessment:

The proposed development is seeking outline planning permission a replacement dwelling.

Ards and Down Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Ards and Down Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan and is un zoned. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside but makes an exception for a replacement dwelling in accordance with Policy CTY 3. For planning permission to be granted the replacement dwelling all the following criteria must be met.

- Proposed dwelling must be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonable accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The overall size of the new dwelling must integrate into the surrounding landscape and have no greater visual impact than the existing building.
- The design of the replacement dwelling should be of a high quality appropriate to its rural setting.
- All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality.
- Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.
- It further states that this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling.

Having inspected the site case officer is satisfied that the existing building is a dwelling that exhibits all the essential characteristics of a dwelling house. The building is of a simple architectural design, linear footprint, there appears to be window openings to the front and rear elevation. Furthermore, internally the building exhibits the remains of an internal fire and the subdivision of rooms. Case officers note that representations were made suggesting that the building was in use of agricultural activities and is not a valid replacement opportunity. Having reviewed the relevant history including previous approvals and refusals on site, on balance the planning department in this instance are content that the subject building is a valid replacement opportunity. It is noted that building to be replaced is of considerable age, however, case officers are content that the retention of the building is not necessary.

As this is an outline application, limited details have been submitted regarding the house type design and siting. A layout concept plan has been submitted show the dwelling be replaced sited on the footprint of the existing.

The area inside the red line takes in an agricultural field. An indicative site plan has been submitted, showing a dwelling located in a on the footprint the existing, then extended to the rear of the site. Case officers are generally content with the siting of the dwelling have concerns regarding the floorspace proposed. As this is an outline application the siting and design would be determined at the reserved matters stage. Notwithstanding, it anticipated that a dwelling of a similar scale and design would be appropriate for this site.

Dfl Roads pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility, radii and junction separation. Sight splays of 2.0m x 45m are required at this location and should be included within the site outlined in red. As discussed in further detail below, the applicant was unable to provide any improvements to the existing access. The access to the public road is not considered acceptable as it may prejudice road safety or significantly inconvenience the flow of traffic contrary to CTY 3.

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. The detailed design, architectural style, boundary treatments and external finishes can be assessed further at reserved matters stage. A ridge height restriction can ensure that the proposal will not have a have a visual impact significantly greater than the existing building. The agent indicated a preference to site the dwelling on the footprint of the existing and extend further to the rear. As discussed above a siting condition will be imposed ensuring the dwelling will be respect the position of the existing. Given the site is carved out of a larger agricultural field a planning condition can be imposed, whereby, any new

boundaries will consist of post and wire fencing with native species planting to the inside.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. The proposed curtilage (full extend of red line) is comparable with other dwellings located along both this stretch of road and the Lisinaw Road. The dwelling and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area. The siting of no. 38 is noted, however, the proposal is not expected to offer any negative impact to surrounding neighbours nor will it cause any overlooking or overshadowing. Notwithstanding, this can be assessed in further detail at reserved matters stage.

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed. Details of its location would be required at reserved matters stage. This proposal is not contrary to CTY 16.

PPS 2 - Natural Heritage

The proposal involves the modifications of the dwelling and the removal of two mature trees which could have an impact of Bats and other protect species, as such the provisions of NH 2- Species Protected by Law apply. Upon the request of the planning department, the agent submitted a Biodiversity Checklist and associated Ecological statement, which was forwarded to NIEA NED for their consideration.

NED is content with the methodology and findings of the *Bat Survey* and is in agreement with the ecologists recommendations. No roosts were identified during surveys, however, the building retains its potential to support roosting bats. As individual bats may roost opportunistically within the structure, care should be taken during works to ensure that no bats are harmed. If any bats are discovered during works, all works must cease immediately, and further advice should be sought from NIEA.

The boundaries include NI Priority habitat hedgerow and mature trees. The mature trees have the potential to support roosting bats and the hedgerows and trees have the potential to support nesting birds. NED recommends that the row of mature ash trees along the southern boundary constitute a feature worthy of protection and should be retained. It has not been made clear if sections of the boundary hedgerow are proposed to be removed. NED would highlight that any habitat removal requires equivalent compensatory planting of native species.

As such NED recommend that conditions are appended to any planning approval to this effect. A number of planning conditions will be attached to the decision notice, ensuring compliance with PPS 2, safeguarding protected species.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. In an initial response DfI Roads stated –

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.

DfI Roads further pointed out

The Department for Infrastructure Roads has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility, radii and junction separation. Sight splays of 2.0m x 45m are required at this location and should be included within the site outlined in red.

The planning department having discussed this response formed the view that the subject building could **not** be reasonably occupied at present or following minor modification. As such sight splays of 2.0m x 45m are required to bring the access up to current standards.

In written correspondence the agent made the case that due to limited frontage ownership (essentially slightly wider than the access gates) by the applicant we are unable to outline the full standard visibility splays requested by DfI Roads. The planning department has also acknowledged the comments made by the agent date uploaded 08/11/2021.

The requirement of Third-Party lands to achieve the visibility splays, this is a private matter between the applicant and the owner of the land and as established by the PAC does not set aside the need for improved access arrangements. Consequently, the submission in its current form is not considered acceptable as it may prejudice road safety or significantly inconvenience the flow of traffic. The proposal is considered contrary to AMP2 of PPS3.

Considerations of Representations

All of the issues raised (valid planning reasons) in these representations have been fully considered in the assessment of this planning application.

The subject building is considered compliant with Policy CTY 3 in that it exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The reference to abandonment is not applicable to PPS21 and SPPS.

Recommendation:

Refusal

Refusal Reason:

- 1. The proposal is contrary to Planning Policy Statement 21 Policy CTY3 and PPS 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.**

Case Officer Signature: F Murray

Date: 15/09/2023

Appointed Officer: A.McAlarney

Date: 15 September 2023

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/0959/F	Target Date:
Proposal: Replacement of existing turbine approved under R/2012/0153/F with a Vestas V52 Wind turbine comprising of a 50m Hub height and Blade Span of 26m (overall tip height of 76m)	Location: Approx. 650m South East of No 4 New Line Crossgar
Applicant Name and Address: Cluntagh Renewables Ltd 4 New Line Crossgar BT30 9EP	Agent Name and Address: Unit C 12 the Business Centre 80-82 Rainey Street Magherafelt BT45 5AJ
Date of last Neighbour Notification:	21 October 2022
Date of Press Advertisement:	27 June 2022
ES Requested: No	
Consultations: see report	
Representations: Yes, see report	
Letters of Support	0.00
Letters of Objection	7
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan: Approx. 650m South East of No 4 New Line, Crossgar.



Date of Site Visit: 05 August 2022

Characteristics of the Site and Area

The site is located off the minor New Line Road, down an existing laneway where an existing turbine is already constructed and in operation. Agricultural land surrounds the site with fields divided by hedgerows and planting. The land is slightly undulating. There are dwellings located along the New Line Road.

Description of Proposal

Replacement of existing turbine approved under R/2012/0153/F with a Vestas V52 Wind turbine comprising of a 50m Hub height and Blade Span of 26m (overall tip height of 76m)

Planning Assessment of Policy and Other Material Considerations

The site is located within the rural area outside the settlement limits of Crossgar, as identified in the Ards and Down Area Plan 2015. The site is located outside a LLPA which runs between Crossgar and New Line.

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 18: Renewable Energy
- Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance (SPG)

Best Practice Guidance (BPG) "Renewable Energy.

Wind Energy Development in Northern Ireland's Landscapes.

There are no policies in the Plan material to this proposal.

PLANNING HISTORY

Planning

Application Number: R/2012/0153/F

Proposal: Wind turbine on a 50m tower

Decision: Permission Granted

Decision Date: 07 August 2014

Enforcement

Application Number: LA07/2016/0118/CA

Alleged wind turbine not built in accordance approval R/2012/0153/F

Decision: Enforcement Case closed

Decision Date: 27/01/2017

Surrounding area

Application Number: R/2007/0640/F

Location: 26 Downpatrick Road Crossgar

Proposal: Wind turbine to generate electricity

Decision: Permission Granted

Decision Date: 10/08/2007

Consultations:

Statutory Consultees and Non-Statutory Consultees

NIEA Natural Environment Division	- No Objections subject to conditions
DFI Roads	- No Objections
Environmental Health	- No Objections subject to conditions
NI Water Windfarms	- No Objections
Belfast International Airport	- No Objections subject to conditions
Belfast City Airport	- No Objections
NATS Safeguarding	- No Objections

UK Crown Bodies DIO Safeguarding	- No Objections
Defence Infrastructure Organisation	- No Objections
PSNI	- No Objections
CAA	- No Response
RSPB	- Concerns
Historic Environment Division	- No Objections
MP & E Trading Company & EMR Integrated Solutions	- No Comment

Objections & Representations

In line with standard neighbour notification, neighbouring occupiers of land adjoining the site are only notified, in this case three were notified on 17/10/2022. Council does not operate an extended notification process for turbines. The application was advertised in the Down Recorder on 05.10.2022. A total of 7 objections have been received in relation to the proposal, two include letters of objection from two MLA's and 5 residents of New Line Road.

The issues raised in correspondence are set out below, this is just a summary and all letters have been read in full and are available to view on the planning portal.

- Neighbour notification process
- Impact on shadow flicker – currently from the existing turbine
- Constant noise from the existing turbine – including night time
- Increase in shadow flicker – resulting in flare ups of Meniere's Disease (4 homes have suffered)
- Increase in noise
- Residential amenity - Impact on health – stress and associated sleep deprivation, continuous flashing light – negative contribution to state of well being
- Proximity to residential properties – too close
- Distance from residential home – 100m
- Environmental issues – impact on bats
- First application – fast tracked
- Original turbine was in the wrong place
- Visual amenity
- Contrary to planning policy
- Geology of the site
- Access – insufficient space for construction traffic
- Impact on the landscape

Proposal:

The proposed turbine will replace the existing turbine on site, while keeping the existing one on site until the proposed turbine is in operation, thus this turbine is positioned approx. to the west of the existing turbine, no new cabinets/substations are proposed and the existing access with minor modification will serve the new turbine.

The principal differences between the two turbines are summarised below:

Approved Turbine (R/2012/0153/F)

Hub Height = 50m

Rotar Diameter = 27m
Blade span = 13.5m
Height to Blade tip = 63.5m

Proposed turbine (LA07/2022/0959/F)

Hub Height = 50m
Rotar Diameter = 52m
Blade Span = 27m
Height to Blade tip = 76m

The proposal seeks to amend the turbine model to a Vestas V52, by retaining the existing tower height of 50m with a 52m rotor diameter (overall tip height of 76m) resulting in an overall increase of 12.5m when compared to the existing structure. It is located within the open countryside, whilst there is provision for wind turbine development this is determined by proposals being in full compliance with relevant planning policy and guidance. Further consideration of this is outlined below.

To support the proposed development, the application submission is accompanied by the following documents:

- P1 Form & P1 W form
- Site location plan, site layout plan and elevations
- Noise Impact Assessment Report
- Shadow Flicker Report
- Bat Survey Report
- Supporting Statement

Environmental Impact Assessment (EIA)

The proposed development falls within Schedule 2 of Category 3(j) of Schedule 2, of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and the application was not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations. Part 4 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 provides the legislative framework for this determination.

In accordance with Regulation 10 of the 2017 EIA Regulations and, having regard to the consultation responses and to the selection criteria, the Council determined that the application was not required to be accompanied by an Environmental Statement.

Consideration and Assessment:

The principle determining issues are considered to be:-

- Principle of Development
- Environmental Effects
- Residential amenity
- Consideration of third party representations

The application site is located within the open countryside as designated in the Ards and Down Area Plan 2015.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011 deals with local development plans and 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.

Principle of Development

Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) sets out the types of development that are considered acceptable in the countryside. One of these is renewable energy projects in accordance with PPS 18. It follows that if the development proposal meets the requirements of PPS 18 and the corresponding paragraphs in the SPPS (para's 6.214 to 6.234) it will comply with policy CTY 1 of PPS 21.

PPS 18

The aim of PPS 18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy (Paragraph 3.1). PPS 18 is generally supportive; however, its permissive thrust is moderated by the objectives set out at Paragraph 3.2, which include ensuring that the environmental, landscape, visual and amenity impacts of renewable energy development are adequately addressed.

The SPPS, states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 2.3 of the SPPS states that the basic question is not whether owners and occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of the land that ought to be protected in the public interest. In addition, the SPPS states that it will not necessarily be the case that the extent of visual impact or visibility will give rise to negative effects. It is recognised that while wind turbines are by their nature highly visible this in itself should not preclude them from being acceptable features in the landscape (Paragraph 6.230).

Policy RE 1 of PPS 18 indicates that renewable energy development will be permitted provided it will not result in an unacceptable adverse impact on five criteria.

(a) public safety, human health, or residential amenity;

Policy RE1 goes on to state, in relation to wind energy development, that applications for wind energy development will also be required to demonstrate the following:

- (vi). that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light;**

Impacts on Public Safety

Paragraphs 1.3.50 -1.3.52 of the Best Practice Guidance to PPS 18 'Renewable Energy' (BPG) is relevant to the proposal.

In terms of immediate safety and fall over distance of the turbine, the distance is calculated as the height to tip + 10% which is used as a safe distance this is 76m +10% = 83.6m which is well within the distance to the closest occupied dwelling (approx. 200m at No 11 New Line). All other consultees regarding aviation and security safety have also responded with no objections.

Impacts on Human Health & Residential Amenity

In assessing the impact on human health and residential amenity, the potential impacts arising from noise, shadow flicker, ice flow and reflected light have been considered in detail below.

Noise

In respect of noise from turbines, paragraph 1.3.44 of the BPG states:

There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air.

PPS18 explains that renewable energy developments will be supported unless they have unacceptable adverse impacts on residential amenity. The proposed turbine has a blade depth of 52m. Paragraph 1.3.43 of BPG to PPS 18 relating to Wind Farm development, lists those dwellings more than ten times the rotor diameter away from the proposed turbine will not be affected by noise. As the nearest non-financially involved property and others are located less than 520m away, a Noise Impact Assessment (NIA) was completed by Irwin Carr Consulting in accordance with the ETSU-97 guidelines.

The Noise Impact Assessment (NIA) which accompanies this planning application which identified a number of noise sensitive receptors. The Council's Environmental Health Department were consulted and have offered no objections based on the assumption that there is no other development (wind turbine/residential property) in the area other than those identified by the consultant in the noise assessment submitted in support of this application. A history search of the immediate area would confirm that the only turbine was approved under R/2007/0640/F which was a small scale turbine (20m approved in the rear of No 26 Downpatrick Road). Environmental Health who have also taken into account third party comments have advised that the noise impact assessment predicts that the turbine noise shall be within the limits set using ETSU-R-97.

Low frequency noise

In respect of noise from turbines, para 1.3.47-1.3.49 states

There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. A comprehensive study of vibration measurements in the vicinity of a modern wind farm was undertaken in the UK in 1997 by ETSU for the DTI (ETSU W/13/00392/REP). Measurements were made on site and up to 1km away – in a wide range of wind speeds and direction.

The study found that:

- Vibration levels 100m from the nearest turbine were a factor of 10 less than those recommended for human exposure in critical buildings (i.e. laboratories for precision measurement); and
- Tones above 3.0 Hz were found to attenuate rapidly with distance – the higher frequencies attenuating at a progressively increasing rate.

In a subsequent study by DTI entitled "The measurement of low frequency noise at three UK Wind Farms, W/45/00656/00/00" the principal findings were that infrasound associated with modern wind turbines is not a source which will result in noise levels which may be injurious to the health of a wind farm neighbour. In addition from the data collected, internal noise levels were deemed insufficient to wake up residents at the three sites investigated.

Taking into account the third party concerns, officers are satisfied that the proposed development will not have an unacceptable impact on the amenity of nearby residential properties by way of noise, subject to conditions that are recommended to be imposed during the lifespan of the permission.

Shadow Flicker

Shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK.

Paragraph 1.3.76 goes on to state that

'Problems caused by shadow flicker are rare. At distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site. Where shadow flicker could be a problem, developers should provide calculations to quantify the effect and where appropriate take measures to prevent or ameliorate the potential effect, such as by turning off a particular turbine at certain times.'

The likelihood of this occurring and the duration of such an effect depends upon:

- the direction of the residence relative to the turbine(s);
- the distance from the turbine(s);
- the turbine hub-height and rotor diameter;
- the time of year;
- the proportion of day-light hours in which the turbines operate;
- the frequency of bright sunshine and cloudless skies (particularly at low elevations above the horizon); and,

- the prevailing wind direction.

Paragraph 1.3.77 states:

Careful site selection, design and planning, and good use of relevant software, can help avoid the possibility of shadow flicker in the first instance. It is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.'

In this case the blade has a 52m diameter with the shadow flicker measurement taken to be 520m (10 rotor diameters from the turbine – see 1.3.76 of Best Practice). Officers note there are eleven Sensitive Receptors (SR's) located less than 520m from the proposed turbine and in accordance with the BPG to PPS 18 a Shadow Flicker Report (SFR) was completed. The assessment has been carried out with reference to the guidance and thresholds identified in paragraph 1.3.77 of the BPG to PPS 18. The SFR, completed by Wind Consultancy concludes that under worst case scenario five of the eleven receptors will receive shadow flicker effects over the recommended daily threshold (up to 30 minutes – including receptors at No's 9, 10, 11, 12 and 13 New Line)) with three of the eleven above the recommended yearly threshold of up to 30 hours per year (receptors 11, 12 and 13 New Line). The report states that predictions are based on worst case scenarios, so if the wind is not sufficient for operation or there is cloud cover, no shadow effect will be experienced. The objectors all raise the issue of shadow flicker with the existing turbine.

The Shadow Flicker Assessment does acknowledge that mitigation is required. Technology is now in place (using appropriate sensors) allowing turbines to be programmed to shut down when shadow flicker effects occur (see appendix A showing the curtailment periods required to eliminate shadow flicker for the affected properties with the results shown in table 3 of the Shadow Flicker report). Thus, by controlling the operation of the turbine during times of potential shadow flicker events as detailed above in order to bring all properties to a maximum 30 minutes per day and 30 minutes per year (mitigated by using the installation of shadow flicker shut off software). Officers are satisfied this can be secured by way of planning condition. This approach is supported by the guidance set out in the BPG to PPS 18.

Ice Throw

According to the BPG at paragraphs 1.3.78

The build-up of ice on turbine blades is unlikely to present problems on the majority of sites in Northern Ireland. Even where icing does occur the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.'

Officers consider that the risks of ice throw at this location are minimal due to local weather conditions and the distance to occupied properties. Having regard to the above, it is not considered to have an unacceptable impact on residential amenity.

Reflected Light

In respect of reflected light, paragraph 1.3.76 of the BPG states:

Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey semi-matt finishes are often used for this. Other colours and patterns can also be used to reduce the effect further.'

The colour of both the tower and the blades on the proposed turbine is white/off white and the plans indicate both the blades and the tower will be of semi-matt non reflective finish. While the issue of ice throw and reflected light are raised in the objection letter from Patrick Brown MLA along with noise and shadow flicker generally. Given the colour and semi-matt non reflective finish, officers do not consider reflected light will have an unacceptable impact on residential amenity.

In conclusion, it is considered that there is no evidence that the proposal would have an unacceptable adverse effect on human health or public safety. Taking into account all of the above including the objections, the Council is satisfied the wind energy development does not result in an unacceptable adverse impact on public safety, human health or residential amenity.

(b) visual amenity and landscape character;

The current turbine, has been a feature in the landscape for more than 6 years and is therefore considered as the baseline which the impact on visual amenity and landscape character of the proposed turbine should be assessed against. On this basis it is the proposed increase in overall tip height, i.e.,12.5m, which needs to be considered. There are a number of properties along New Line Road located less than 400m from the turbine. Notwithstanding the intervening landform, the view from these properties has changed with the erection of the existing turbine. However, given the separation distance between the turbine and these properties, the visual impact of the proposed (albeit larger) turbine is not considered to be so significant to justify withholding planning permission, on the grounds of loss of visual amenity.

With regard to the landscape character, the site is located within LCA 91 – Quoile Valley Lowlands as detailed in the NIEA publication Wind Energy Developments in Northern Ireland Landscapes. According to the NIEA document this LCA has an overall sensitivity rating of High, whereby the extent, intact character and cohesiveness of this drumlin landscape make it sensitive to wind energy development. The small scale of the drumlins, their often distinctive profiles and the high concentration of natural and cultural landscape features found here further heighten the area's overall sensitivity. Those areas which are designated as AONB might be especially sensitive. (Proposal is not within the AONB).

Although this is often a mainly inward-looking landscape, with a relatively high tree cover that theoretically could screen wind energy development to some degree, the scale of the landscape features and subtle, small scale of the topography mean that this landscape is highly sensitive to wind energy development. The site is approx. 15km to the north of the mor sensitive features of the LCA at Dundrum Bay. The land is low lying and relatively flat enclosed by belts of mature and dense woodland which are located to the south, south west and north west.

The proposal remains within the same host field at a similar ground level. Re-siting is to the west of the current turbine with the same access utilised with slight extension of that laneway.

There will be views of the turbine from the localised New Line road, and also intermittent views along the Killyleagh Road to the north, the Cluntagh Road to the east, Turmennan Road to the SE, and the Downpatrick Road (A7) to the west and south west.

However, as outlined in the Best Practice Guidance to PPS18 at paragraphs 1.3.25 it recognises that it is normally unrealistic to seek to conceal a wind turbine. The proposal is set back from the locally used partially unadopted New Line Road located to the west by approximately 230m's to the nearest point. To the north approximately 700m from the Killyleagh Road to the east towards the Cluntagh Road (700m) while travelling in both directions, medium range views of the proposed turbine would be possible. Mature hedgerows and trees are located along the intervening fields along with roadside boundaries which helps to assist in screening this development and to ensure filtered views of the proposed turbine from the public road network. Due to the nature of the undulating landscape the proposed turbine will come in and out of view, due to a combination of the landscape and roadside hedging and road alignment.

There will be some longer distance views from the Downpatrick Road, and the adjoining road network, however, due to the presence of mature vegetation along the roadside, intervening field hedge boundaries and topography and set back from the public road, these views would be considered fleeting views. Given that the presence of a turbine already at the location, it is deemed that this additional height and blade depth, would not be deemed to create a detrimental change to the landscape due to the separation distance and the intervening vegetation.

Officers accept that the proposed turbine will be visible from a number of viewpoints in the area, however, given there is an existing approved turbine on the application site, officers attach significant weight to the fact that there is an established visual impact in this LCA and landscape, the test therefore is whether the proposed increase in height and scale is so significant it would result in an unacceptable adverse impact on the visual amenity and landscape character of the area. As set out above, on balance and in this particular site specific instance, given the screening and backdrop provided by existing mature vegetation and the separation distances from critical viewpoints on the public road network, the siting of the turbine in a similar position to where it currently exists, with access and hardware already in place and given the set back from the public road all help to mitigate against this and prevent it from having an unacceptable adverse visual impact on the landscape character of the area. Thus given the weight attached to the history of the site, the new turbine could be absorbed into the landscape.

(c) biodiversity, nature conservation or built heritage interests;

The proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

A Bat Survey report, dated 16th June 2022 was submitted as part of this application and NIEA in their consultation response have raised no concerns.

A letter was received from the RSPB in relation to this turbine application, which states that "We are aware that there was a red kite territory within 3km of the proposed site in 2021. We would be concerned that a survey has not been carried out to determine the usage of the site by red

kites."

On the basis of this letter NED has re-examined the application and finds that there are no significant ornithological issues associated with this proposal. NED would, however, recommend that, should approval be granted, measures are taken to minimise threats to breeding birds and maintain the availability of nest sites. NED have also provided a condition in relation to Bats. It is therefore considered that there is no unacceptable adverse impact on biodiversity or nature conservation. NED has also considered the impacts of the proposal on designated sites and has no concerns subject to conditions. For that reason the proposal is considered to comply with NH 1, NH2 and NH5 of PPS 2 – Natural Heritage.

Built Heritage Interests

In relation to the built heritage the site lies adjacent to LLPA 1 Tobar Mhuire which is designated as an Historic Park, Garden and Demesne in the ADAP 2015.

LLPA 1 Tobar Mhuire

- listed house built in 1864, now used as a Passionist monastery and formerly Crossgar House, listed gate lodge, gates, walls and railings and listed conservatory glass house and walled garden within beautiful wooded surroundings combined with formal lawns and gardens;
- localised hilltop plantation and parkland visible in the wider landscape;
- archaeological site – a holy well, St Mary's well which gives its name to the estate; and
- the small estate including a playing field built within an original clearing and attractive stone wall field boundaries provides a unique landscape setting to village and an attractive tree lined approach into the village centre.

These lands are also designated as a Historic Park, Garden and Demesne under Proposal COU 7 in Volume 1 of the ADAP Plan.

Historic Environment Division (HED) both Historic Monuments (HM) and Historic Buildings (HB) were consulted. Following additional information by way of photo montages, HED are now content. HED (HM) state that turbine would be largely obscured from view because of the existing boundary tree planting of Crossgar House D-064. HED (HB) state that the additional information demonstrates that the impact of the proposal on the setting of the listed buildings at Tobar Mhuire is not sufficiently adverse to diminish their significance.

In summary, given that Tobar Mhuire is well enclosed with mature vegetation and given the separation distance and intervening vegetation, land form and built development, it is considered that the proposed development will not result in any unacceptable adverse impact on built heritage interests. For that reason the proposal is considered to comply with policies BH 6 of PPS 6 and paragraph 6.12 of the SPPS and BH 11 (Development affecting the Setting of a Listed Building) of PPS 6.

(d) local natural resources, such as air quality or water quality; and

It is not likely that the proposal will have any impact on natural resources.

(e) public access to the countryside.

It is not likely that the proposal will have any impact on public access to the countryside. The application site is located on land within private ownership and there is no footpath or access to this part of the countryside open to the general public.

Applications for wind energy development will also be required to demonstrate all of the following:

(i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

This has already been discussed within part (b) the proposal will not result in an unacceptable impact on visual amenity or landscape character.

(ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;

Planning Permission was granted for the existing wind turbine under R/2012/0153/F, this turbine will be removed so that there is only one turbine at the site, therefore there no unacceptable cumulative impact is considered to arise.

(iii) that the development will not create a significant risk of landslide or bog burst;

The existing turbine has been in existence for 6 years and there has been no issue with regard to landslide nor has it caused bog burst.

(iv) the proposal does not appear to be close to communications installations; radar or air traffic control systems, emergency services communications, or other telecommunication systems and will not have detrimental impact on them.

All media and communication and aviation operators consultation responses have been received with no objections.

(v) the proposal is not close to any public roads, railways or airports and will not have a detrimental impact on them.

The site is in a similar location to the current turbine which is currently operational therefore no increased impact will be caused to the road networks. DFI Roads have been consulted regarding the proposal and offer no objections to the proposal.

No objections were highlighted by aviation operators. There is no railway network near the site.

(vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

An assessment of the noise impact of the proposed development upon the amenity of sensitive receptors is provided at criteria (a). It concludes that there will be no unacceptable adverse effect from these impacts.

It concludes there is no unacceptable adverse effect on those receptors, with an assessment of shadow flicker, ice throw and reflected light set out above. It concludes that there is no unacceptable adverse effect from those possible impacts subject to a condition requiring the submission of a report providing for the avoidance of shadow flicker at any affected residential receptors, prior to the commencement of development.

(vii) If approved, a condition can be attached requiring the removal of the turbine and to restore the land to its original state within 12 months of the cessation of electricity production from the turbine.

The site will be reinstated subsequent to the lifetime of the proposed turbine. A condition to this effect can be added to any decision notice.

PPS 2 – Natural Heritage – Policies NH 1, NH 2 & NH 5

PPS 2 deals with a commitment to sustainable development and to conserving and where possible enhancing and restoring our natural heritage. The site contains bats, a European protected species under the Habitats Regulations. After consultation with NIEA- NED, they have confirmed that they are now content, provided that a condition requiring the details of any proposed curtailment plan in a Bat Monitoring and Mitigation Plan (BMMP) before the turbine is operational. It is considered that development proposal is not likely to result in the unacceptable adverse impact on bats.

PPS 3 – Access, Movement and Parking – Policy AMP 2

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads have offered no objections to this proposal, and it is considered that the access will not prejudice road safety or significantly inconvenience the flow of traffic thus complying with Policy AMP 2.

Consideration of potential Local and Wider Environmental, Economic and Social Benefits of the proposed Turbine

The SPPS which was published after PPS 18 states that appropriate weight, not significant weight, should be given to local, economic and environmental benefits. Paragraph 4.1 of the amplification to policy RE1 of PPS 18 indicates that the Planning Authority will be supportive of renewable energy proposals 'unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development. This includes benefits arising from a clean secure energy supply; reductions in greenhouse gases and the polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources'.

It is important to appreciate that NI's 40% target for use of renewable energy sources has been met and exceeded, there are renewable energy benefits to be gained from the proposed turbine. The proposed turbine will also proportionally generate carbon savings. The applicant has not provided any information regarding the number of jobs that have been created either directly or indirectly by the turbine development. However, it is accepted that the development could

provide a clean, secure energy supply. In accordance with the SPPS, appropriate weight must be given to these potential benefits, but appropriate weight does not mean determining weight.

Conclusion

It is acknowledged that that wind turbine operations may cause stress and anxiety which can, in turn, affect quality of life, however, officers have considered all of the matters raised by the objectors through the body of this report, based on the current planning policy and on this basis the proposal is considered to comply with relevant planning policies. Based on the assessment above regarding visual and residential amenity and landscape character and given its wider environmental, economic and social benefits, it is concluded that the proposal is a renewable energy project in accordance with PPS18. Officers recommend that the application be granted planning permission subject to the conditions as set out below.

Recommendation:

Approval

As the application has attracted six or more material planning objections from different addresses and the Officer's recommendation is for approval, then the application is being presented to Planning Committee.

Conditions:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: PD 01 (Site Location Plan), PD 02 (Site Layout Plan) PD03 (Elevations) Bat Survey Report.

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

3. The wind turbine, hereby approved, shall not become operational until the existing wind turbine that is located within the red line of the site boundary has been decommissioned and removed from the site.

Reason: To ensure only one turbine is operational at the site.

4. The level of noise immissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables attached shall be those of the physically closest location listed in the table, unless otherwise agreed by the Planning Office. Reason: To control the noise levels from the development at noise sensitive locations.

Table 1. Noise Limits

Property	Wind Speed at 10m Height (m/s)								
	4	5	6	7	8	9	10	11	12
Noise Limits, dB L_{A90,10min}									
58 Downpatrick Road	26.9	26.9	26.9	27.8	28.7	29.4	29.9	29.9	29.9
13 Newline Road	35.5	35.5	35.5	36.4	37.3	38	38.5	38.5	38.5
11 Newline Road	35.8	35.8	35.8	36.7	37.6	38.3	38.8	38.8	38.8
9 Newline Road	34.1	34.1	34.1	35	35.9	36.6	37.1	37.1	37.1
10 Newline Road	33.6	33.6	33.6	34.5	35.4	36.1	36.6	36.6	36.6
12 Newline Road	35.8	35.8	35.8	36.7	37.6	38.3	38.8	38.8	38.8

5. Within 28 days of being notified by the Planning Office of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a suitably-qualified and competent person to assess the level of noise immissions from the wind farm at the complainant's property following the procedures described in Pages 102-109 of ETSU-R-97. The Planning Office shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The wind farm operator shall provide to the Planning Office the consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Office unless otherwise extended in writing by the Department.

Reason: To control the noise levels from the development at noise sensitive locations.

6. Within 4 weeks from receipt of a written request from Newry Mourne and Down District Council, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall submit a scheme for the assessment and regulation of AM to Newry Mourne and Down District Council for its written approval. The scheme shall be in general accordance with:
- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time or in the absence of endorsed guidance,
 - Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology, the methodology published by Renewable UK on the 16th December 2013;
 - and implemented within 3 months of the written request of Newry Mourne and Down District Council unless otherwise extended in writing by Newry Mourne and Down District Council.

Reason: To control the noise levels from the development at noise sensitive locations.

7. If the results of the surveys required by either condition 5 or 6 exceed the noise levels predicted for this development in table 1, the turbine shall cease to operate until a programme of works to achieve these levels has been submitted to and approved in writing by the Department. A further noise survey shall be undertaken by an independent

person immediately thereafter and a report of such submitted to and agreed with the Department to demonstrate compliance.

Reason: To control the noise levels from the development at noise sensitive locations.

8. Prior to commencement of the development hereby approved a scheme providing for the avoidance of shadow flicker at any affected residential receptors lawfully existing at the date of this permission shall be submitted to and approved in writing by the council. The scheme shall be carried out as approved and shall be retained in perpetuity.

Reason: To ensure the amenity of residents is protected.

9. The Bat Monitoring and Mitigation Plan (BMMP), as detailed within the Bat Survey Report, date stamped 16th June 2022, shall be implemented in accordance with the approved details within, unless otherwise approved in writing by the Planning Authority. Yearly monitoring reports detailing the implementation and the results of the BMMP shall be submitted to the Planning Authority within three months of the end of each monitoring year.

Reason: To monitor and mitigate the impact of the proposal on bats.

10. All wind turbine blades shall be feathered when wind speeds are below the cut-in speed of the operational turbine. This shall involve pitching the blades to 90 degrees and/or rotating the blades parallel to the wind direction to reduce the blade rotation speed below two revolutions per minute while idling.

Reason: To mitigate the impact of the proposal on bats.

11. Prior to erection of the turbine approved, one of the turbine blades shall be painted black.

Reason: To reduce the risk of bird mortality is from collision strikes.

12. Construction works shall only take place between the hours of 07:00 – 19:00 hours on Monday to Friday, 07:00 – 13:00 hours on Saturday with no works being undertaken on Sundays or Public/Bank Holidays.

Reason: To ensure the amenity of residents is protected.

13. The wind turbine, hereby approved, shall be fitted with a medium intensity, omnidirectional, night vision compatible, steady red obstacle light at the highest point of the hub. The light shall be lit 24 hours a day, seven days a week and retained in perpetuity.

Reason: For aviation safety.

14. The permission shall be for a limited period expiring 35 years from the date on which electricity from the turbine is first connected to the grid. Within 12 months of the cessation

of electricity generation at the site all structures shall be removed, and the land restored in accordance with a scheme to be submitted to and agreed in writing with the Planning Authority at least one year prior to the commencement of any decommissioning works.

Reason: To restore the habitat and maintain the landscape quality of the area.

Informatives

1. The applicant should also be made aware that if the noise from the turbine is found to be tonal in character then the above limits may not be achievable, and the applicant may be in breach of any permission granted.
2. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
 - a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA, Tel. 028 9056 9558 or 028 9056 9557.

3. It is advisable that painting one of the turbine blades black reduces the risk of bird mortality from collision strikes. Recent research from Norway found that annual bird fatality rate was significantly reduced at turbine to the paint blade by over 70%, relative to the neighbouring control (unpainted) turbines (May et al. 2020). Treating 1 of the rotor blades in black paint, in conjunction with post-construction carcass searches at the turbine at regular intervals, for the lifetime of the turbine, can inform future similar proposals. The results from these searches should be sent to NIEA.
4. As a precautionary principle, it is advisable to restrict the timing of construction work ensuring that no work is carried out during the breeding season (1st March-31st August).
5. 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.
6. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Neighbour Notification Checked	Yes
Summary of Recommendation	
<p>Officers consider that the proposal accords with the policies of the SPPS and all other relevant planning policies as summaries above. Officers have taken into consideration all other material matters including objections and matters raised in response to consultations and are satisfied that any material that the development would otherwise give rise to can be off set by the conditions imposed and subject to the conditions as detailed above it is recommended that planning permission be granted.</p>	
Case Officer Signature: C Moane	Date: 27 September 2023
Appointed Officer: A.McAlarney	Date: 29 September 2023