



November 8th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Thursday, 10th November 2016** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

Members:	Councillor C Casey	Councillor G Craig
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor K Loughran	Councillor D McAteer
	Councillor M Murnin	Councillor M Ruane

Agenda

Committee Business

1. Apologies.

Committee Business

2. Declarations of Interest.

Minutes for Adoption

3. Minutes of the Planning Development Committee Meeting held on Wednesday 26 October 2016. (Attached).

Planning Minutes 26 October 2016.pdf

Pages: 12

For Discussion/Decision

4. Addendum list - planning applications with no representations received or no requests for speaking rights. (Attached).

Addendum list - 10-11-2016.pdf

Pages: 2

Development Management - Planning Applications for determination

5. LA07/2015/0361/F - Leitrim Fontenoys GAC - additional new training field with associated floodlighting, boundary fencing, and ball stops all serving existing sports facility on lands at 11 Backaderry Road, Leitrim. (Case Officer report attached).

Rec: APPROVAL

LA07-2015-0361-F Leitrim Fontenoys.pdf

Pages: 5

6. LA07/2015/0702/F - Mr M Cunningham - agricultural outbuilding for general farm storage and animal shelter - 65m nww of 113 Newcastle

Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr Barry Hillen Agent, in support of the application. **(Submission attached)**

[LA07-2015-0702-F Mr M Cunningham.pdf](#)

Pages: 6

[Submission re LA07-2015-0702-F \(Cunningham\).pdf](#)

Pages: 9

7. LA07/2015/0747/0 - Niall Branagan - proposed dwelling on a farm - lands approx. 88m east of 184 Lackan Road, Kilcoo. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from John Feehan, Agent, in support of the application. **(Submission attached).**

[LA07-2015-0747-O Niall Brannigan.pdf](#)

Pages: 8

[Item 7 - Submission re LA07-2015-0747-0 \(Brannigan\).pdf](#)

Pages: 2

8. LA07/2016/0856/F - Eamon Lynch - proposed replacement dwelling (with retention of building to be replaced) and garage - 14 Mountain Road, Camlough, Newry. (Case Officer report attached).

Rec: REFUSAL

- Planners have advised that amended plans have been received which are considered to be acceptable and it has been agreed to remove this application from the addendum list.

[LA07-2016-0856-F Eamon Lynch.pdf](#)

Pages: 5

9. P/2015/0230/F - Stephen Collins - retention of 2 storey rear extension and new bay window and canopy on front elevation (revised description) - 10 Cloughreagh Park, Cloghreagh, Bessbrook. (Case Officer report attached).

Rec: REFUSAL

- A request has been received from Mr Mark Tumilty, that this application be deferred to the December Planning meeting as the agent is on holiday.

[P-2015-0230-F Stephen Collins.pdf](#)

Pages: 4

10. LA07/2016/0201/F - Alterity Developments Ltd - New cafe on ground floor with 3 apartments over first and second floors addressing the Main

Street, the rear building has 2 apartments over ground and first floor (amended plans received) - 115-117 Main Street, Newcastle. (Case Officer report attached).

Rec: APPROVAL

- Written submission from Agent is attached.

[LA07-2016-0201-F Alterity Developments.pdf](#)

Pages: 6

[Submission re LA07-2016-0201-F \(Alterity Dev\).pdf](#)

Pages: 6

11. LA07/2016/0544/RM - Miss L Davidson - proposed dwelling - land 50m south of 53 Killyleagh Road, Crossgar. (Case Officer report attached).

Rec: APPROVAL

[LA07-2016-0544-RM - Miss L Davidson.pdf](#)

Pages: 8

12. R/2014/0159/F - Philip Patterson - replacement agricultural shed - 31 Brae Road, Ballynahinch, Co. Down. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr James Anderson, Agent, in support of the application. **(Submission attached)**

[R-2014-0159-F Philip Patterson.pdf](#)

Pages: 4

[Submission re R-2014-0159-F \(Patterson\).pdf](#)

Pages: 4

13. R/2014/0392/F - Mr Cathal Shields - proposed V39 250kw wind turbine on 40m high tower - approx 400m east south east of 47 Loughmoney Road, Raholp, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

[R-2014-0392-F Cathal Sheilds.pdf](#)

Pages: 16

14. R/2014/0442/0 - John Breen - proposed dwelling on a farm - rear of 25 Killybawn Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr James Morgan Agent and Mr John Breen Applicant, in support of the application. **(submission attached)**
- A request for speaking rights has been received from DEA Councillor Terry Andrews in support of the application. (NB: Cllr Andrews will be summarising on the submission which will be provided by Mr James Morgan Agent)

R-2014-0442-O John Breen.pdf

Pages: 8

Submission re R-2014-04420-O (Breen).pdf

Pages: 2

- 15. R/2014/0476/F - Colm Shields - proposed 250kw wind turbine with tower height of 40m and blade diameter of 29m - approx 340m SSW of 35 Myra Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

R-2014-0476-F Colm Shields.pdf

Pages: 17

- 16. R/2014/0566/F - Canon McCrory - single dwelling replacement of existing primary school - 167 Dunmore Road, Guinness, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Sean Kennedy Agent, in support of the application. **(Submission attached)**

R-2014-0566-F Canon McCrory.pdf

Pages: 7

Item 16 - Submission re R-2014-0566-F (McCrory).pdf

Pages: 11

- 17. LA07/2015/0717/F - Mr Jim McCreight - new dwelling and garage with associated site works - 300m south of 90 Crossan Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

LA07-2015-0717-F Jim McCreight.pdf

Pages: 7

- 18. LA07/2015/1078/F - David Mackin - retention of unauthorised domestic shed to rear of existing sheds at existing dwelling - No. 1 St. Brigid's Cottage, Drumsesk Road, Rostrevor. (Case Officer report attached).**

Rec: REFUSAL

LA07-2015-1078-F David Mackin.pdf

Pages: 8

- 19. LA07/2015/1190/F - Mr K Byrne - removal of business occupancy condition No. 10 from outline approval P/2002/1150/0 and business occupancy condition No. 2 from reserved matters approval P/2006/0146/RM - to the rear of No. 94 Warrenpoint Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-1190-F Mr K Byrne.pdf](#)

Pages: 5

- 20. LA07/2015/1306/F - Mr J McMahon - farmstead made up of two storey farmhouse with 3 No. agricultural sheds forming central courtyard - 114m east-south-east of 83 Clonallan Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Richard O'Toole, Agent, in support of the application. **(Submission attached).**

[LA07-2015-1306-F Mr J McMahon.pdf](#)

Pages: 12

[Item 20 - Submission LA07-2015-1306-F \(J McMahon\).pdf](#)

Pages: 57

- 21. LA07/2016/0193/F - Raymond McVeigh - retention and alteration of existing extension - No. 22 Grange Meadows, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Cathal Maguire Agent (in support of application). **(Submission attached)**

[LA07-2016-0193-F Raymond McVeigh.pdf](#)

Pages: 5

[Submission re LA07-2016-0193-F \(McVeigh\).pdf](#)

Pages: 2

- 22. LA07/2015/1365/F - Martin D Skillen - proposed farm building with underground tanks - 200m east of No. 134 Ballyveaghmore Road, Annalong. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-1365-F Martin Skillen.pdf](#)

Pages: 15

- 23. LA07/2016/0432/F - Mourne Breakers Ltd. - regularisation of an extant end of life vehicle (ELV) facility comprising workshops, hardstanding storage compound ancillary office, security fencing, access and proposed interceptor - lands 55m north west of 21 Ryan Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Gavin McGill, Clyde Shanks, in support of the application. **(Submission attached).**

24. LA07/2016/0438/F - Peter and Sinead Donaghy and Kinney Excel Gymnastics -proposed change of use from approved industrial unit to gymnastic facilities aged plus 5 years - site at No. 2G Derryboy Road, Carnbane Industrial Estate, Newry. (Case Officer report attached).

Rec: REFUSAL

- Planners have agreed to withdraw this application from the schedule at the request of the applicant, due to their agent being unwell, and re-present it at the Meeting on 23 November 2016.

25. LA07/2016/0496/F - Mr Brian McConville - proposed extension to existing office block "A" comprising (a) 6m extension westwards over 4 floors grid lines (11-12) (A-C) with balconies and fin wall. (b) reduction in previously approved parapet height with proposed additional office floor recessed with balconies on three sides. Glazed handrail and louvered plant areas to roof - lands 10m west of MJM Group, Carnbane Industrial Estate, Newry. (Case Officer report attached).

Rec: APPROVAL

26. LA07/2016/0802 - Darren O'Hagan - site for dwelling and detached garage - 60m ne of 11a New Line Road, Hilltown, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, Agent, in support of the application. **(Submission attached)** (NB: Mr Quinn has requested that photographic slides be displayed on the screen in the Boardroom during his presentation)

27. LA07/2016/1033/F - Conor McNally - proposed replacement dwelling and garage - 40 Ballynalack Road, Camlough, Newry. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1033-F Conor McNally.pdf](#)

Pages: 5

- 28. LA07/2016/1041/0 - Joseph O'Hare - dwelling and domestic garage on gap/infill site (amended address) - lands north of and adjacent to 53 Mayo Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-1041-O Joseph O'Hare.pdf](#)

Pages: 7

- 29. P/2013/0737/0 - Eamon Harrison - proposed erection of one private dwelling with alternative access to existing shed at Cullion Road, Mayobridge -- 30m north east of 8 Cullion Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

[P-2013-0737-O Eamon Harrison.pdf](#)

Pages: 8

- 30. P/2014/0896/0 - Glasgiven Contracts Ltd - site for hotel and tourist accommodation (renewal of previously approved outline application under file ref: P/2011/0385/0) - lands situated in townland of Glasdrumman adjacent to surrounding and including farmhouse at 230 Glasdrumman Road, Annalong. (Case Officer report attached)).**

Rec: APPROVAL

[CO P-2014-0896-O Glasdrumman Annalong.pdf](#)

Pages: 13

- 31. P/2014/0897/F - Emma and Pat McCartney - erection of farm dwelling - lands 70m south-east of No. 21 Ballynalack Road, Camlough, Newry. (Case Officer report attached).**

Rec: REFUSAL

[P-2014-0897-F Emma and Pat McCartney.pdf](#)

Pages: 6

- 32. LA07/2016/0623/0 - Carncastle Properties Ltd. - new dwelling - land to the rear of 29a Billy's Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

33. P/2013/0632/F - Carncastle Properties - retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description) - lands adjacent to 20 and 25 Mullach Allann, Carnagat Road, Newry. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Ms Bridget Smyth, on behalf of the Private Residents Association of Mullach Alainn (in objection to the application). **(Submission attached) (At request of Ms Smyth photographs will be displayed on screen during presentation)**
- Mr Stephen Quinn G McGreevy Construction/Carncastle Properties advised they would be in attendance at the meeting to provide clarification on any issues raised by Council relating to this application, if required. They will not be requesting speaking rights.

CO P-2013-0632-F Mullach Alainn Newry.pdf

Pages: 15

Submission re P-2013-0632-F and P-2014-0286-F (Carncastle Properties).pdf

Pages: 3

34. P/2014/0286/F - Carncastle Properties - retrospective permission for the relocation of dwelling numbers 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. Retrospective permission for the relocation of dwelling numbers 22,24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. (Amended plans and description). (

Rec: APPROVAL

- A request for speaking rights has been received from Ms Bridget Smyth on behalf of the Private Residents Association Mullach Alainn (in objection to the application). **(See submission as per Item 33)**
- Mr Stephen Quinn G McGreevy Construction/Carncastle Properties advised they would be in attendance at the meeting to provide clarification on any issues raised by Council in relation to this application, if required. They would not be requesting speaking rights.

CO P-2014-0286-F Mullach Alann Newry.pdf

Pages: 16

For Noting

35. Six month update on Planning Review. (Report attached).

Six Month Update - on Planning Review.pdf

Pages: 9

**36. Report on analysis of average processing times (local applications).
(Attached).**

Analysis of Average Processing Times (Local Applications).pdf

Pages: 4

37. Letter from Sinead Bradley MLA re: Planning Process - FOR NOTING.

Invitees

Cllr Terry Andrews	terry.andrews@downdc.gov.uk
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@downdc.gov.uk
Lorraine Burns	lorraine.burns@newryandmourne.gov.uk
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@newryandmourne.gov.uk
Cllr charlie casey	charlie.casey@newryandmourne.gov.uk
Cllr William Clarke	william.clarke@downdc.gov.uk
Cllr Garth Craig	garth.craig@downdc.gov.uk
Cllr Dermot Curran	dermot.curran@downdc.gov.uk
Cllr Laura Devlin	laura.devlin@downdc.gov.uk
Ms Louise Dillon	louise.dillon@newryandmourne.gov.uk
Cllr Sean Doran	sean.doran@newryandmourne.gov.uk
Cllr Sinead Ennis	sinead.ennis@nmandd.org
Cllr Cadogan Enright	cadogan.enright@downdc.gov.uk
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@newryandmourne.gov.uk
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@newryandmourne.gov.uk
Cllr Harry Harvey	harry.harvey@newryandmourne.gov.uk
Cllr Terry Hearty	terry.hearty@newryandmourne.gov.uk
Cllr David Hyland	david.hyland@newryandmourne.gov.uk
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Cllr Kate Loughran	kate.loughran@newryandmourne.gov.uk
Cllr Jill Macauley	jill.macauley@nmandd.org
Cllr Kevin Mc Ateer	kevin.mcateer@nmandd.org
Mr Johnny Mc Bride	johnny.mcbride@newryandmourne.gov.uk
Colette McAteer	collette.mcateer@newryandmourne.gov.uk
Cllr Declan McAteer	declan.mcateer@newryandmourne.gov.uk
Mr Anthony McKay	anthony.mckay@nmandd.org
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Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@newryandmourne.gov.uk
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org
Mr Canice O'Rourke	canice.orourke@downdc.gov.uk
Cllr Brian Quinn	brian.quinn@newryandmourne.gov.uk

Cllr Henry Reilly	henry.reilly@newryandmourne.gov.uk
Cllr Michael Ruane	michael.ruane@newryandmourne.gov.uk
Cllr Gareth Sharvin	gareth.sharvin@downdc.gov.uk
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@downdc.gov.uk
Cllr David Taylor	david.taylor@newryandmourne.gov.uk
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Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 26 October 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor W Clarke

In Attendance:**(Committee Members)**

Cllr C Casey	Cllr G Craig
Cllr V Harte	Cllr M Larkin
Cllr K Loughran	Cllr D McAteer
Cllr J Macauley	Cllr M Murnin
Cllr M Ruane	

(Officials)

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer

P/110/2016: APOLOGIES/CHAIRMAN'S REMARKS

Apologies were received from:

Councillor Devlin
Councillor Hanna

P/111/2016: DECLARATIONS OF INTEREST

Noted: There were no declarations of interest.

**P/112/2016: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 28 SEPTEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 28 September 2016. (Copy circulated).

AGREED: On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 28 September 2016 as a true and accurate record.

**P/113/2016 MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 5 OCTOBER 2016 (continuation of Planning Committee Meeting held on 28 September 2016)**

Read: Minutes of Planning Committee Meeting held on Wednesday 5 October 2016. (Copy circulated).

AGREED: On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 5 October 2016 as a true and accurate record.

P/114/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights. (Copy circulated).

Agreed: On the proposal of Councillor Craig, seconded by Councillor Murnin, it was unanimously agreed to remove the following planning applications from the addendum list for full presentation at a future Planning Committee Meeting:-

- Item 11 – LA07/2016/0201/F – Alterity Developments Ltd. – new café on ground floor with 3 apartments over first and second floors addressing the Main Street, the rear building has 2 apartments over ground and first floor (amended plans received) – 115-117 Main Street, Newcastle. **APPROVAL (removed from the addendum list at the request of Councillor W Clarke)**
- Item 17 – R/2014/0159/A - Philip Patterson – replacement agricultural shed – 31 Brae Road, Ballynahinch, Co Down. **REFUSAL (removed from the addendum list to be represented at the Planning Committee Meeting on 10-11-2016)**
- Item 29 - LA07/2016/0889/F - Telefonica UK Limited - proposed 25m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes and associated works including 3 No. equipment cabinets and site compound - lands 157m south west of Fernhill House, 83

Clonallon Road, Warrenpoint. **APPROVAL** (removed from the addendum list at the request of Councillor McAteer).

Agreed: It was unanimously agreed to approve the Officer recommendation, as per the Development Management Officer report, in respect of the following planning applications on the addendum list:-

- Item 9 – LA07/2016/1015/F – Mr & Mrs Lipsett – change of house type “dwelling 02” approved under planning approval R/2014/0293/F – lands contained between 25 and 27 Rocks Road, Ballyhornan. **APPROVAL**
- Item 15 – LA07/2016/0606/F – Mr B Boyd – replacement of existing turbine approved under R/2012/0330/F with a Vestas V52 measuring 40m to hub with 26m blade length. Output not to exceed 250kw – lands 320m ne of 45 Church Road, Rademon, Crossgar. **APPROVAL**
- Item 18 – LA07/2015/0656/A – Colm McAvoy – shop sign – Bridge Bar – 53 North Street, Newry. **REFUSAL**
- Item 20 – LA07/2015/1391/0 – Seamus McLoughlin – proposed dwelling on a farm – 70m nw of 10 Mayo Road, Mayoobridge. **REFUSAL**
- Item 21 – LA07/2016/0381/0 – Matt Burns – proposed farm retirement dwelling – opposite No. 107 Kilbroney Road, Rostrevor. **REFUSAL**
- Item 22 - LA07/2016/1058/F - C&G Tinnelly & Mr K Morgan - removal of condition No. 17 (with regard to social housing) on approval No. P/2007/1732/F - 50m south of No. 25 Greenpark Road, Rostrevor. **REFUSAL**
- Item 23 - LA07/2016/0132/F - Mr & Mrs Murphy - Extension to existing camper van site - to the rear of 35 Ballagh Road, Newcastle. **REFUSAL**
- Item 24 - P/2014/0769/0 - Mr Kevin Cunningham - site for dwelling on a farm - 210 m south of No. 36 Belmont Road, Kilkeel. **REFUSAL**
- Item 34 - P/2015/0182/F - Norman Reilly - Proposed development of 4 dwellings - 26 Shore Road, Annalong. **APPROVAL**
- Item 35 - P/2013/0102/F - Patricia McAvoy & Ursula McGivern - proposed change of use from domestic store to coffee bar - 103 Greencastle Pier Road, Greencastle. **REFUSAL**

P/115/2016: APPLICATIONS FOR DETERMINATION

Agreed: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:-

- LA07/2015/1346/F – Brian McAlerney – proposed replacement dwelling – lands 235m south west of 117 Bann Road, Castlewellan.
Recommendation: Refusal
Planning Officers advised that in response to an amended proposal that seeks to address the reason for refusal; this application has been removed from the agenda. The application will be reconsidered.
- LA07/2016/0739/F - Mr H Edenmen – proposed dormer to the rear to allow for roof space conversion – 3 Lislane Court, Saintfield.
Recommendation: Refusal
The Planning Department agreed to remove this application from the agenda following a review of their assessment of the proposal. This application will be reconsidered.
- LA07/2016/0523/F – Naoimh Morgan – dwelling house – adjacent to 13 Crieve Road, Newry.
Recommendation: Refusal
The Planning Department agreed to remove this application from the agenda and re-present at the Planning Meeting to be held on 10 November 2016.
- LA07/2016/0802 – Darren O’Hagan – site for dwelling and detached garage –60m ne of 11a New Line Road, Hilltown, Newry.
Recommendation: Refusal
The Planning Department agreed to remove this application from the agenda and re-present at the Planning Meeting to be held on 10 November 2016.

The following applications were then determined by the Committee:-

(1) LA07/2015/1307/F - Mr & Mrs L McBride

Location:

40m south of 35 Ballynahinch Road, Castlewellan.

Proposal:

Proposed conversion and reuse of existing building and extension to that as single dwelling –

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Sam Hawthorne, Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Ruane seconded to issue a refusal in respect of planning application LA07/2015/1307/F, as per the Development Management Officer Report.

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

FOR: 5
 AGAINST: 5
 ABSTENTIONS: Nil

The Chairman used his casting vote in favour of the proposal which was declared carried.

Agreed: On the proposal of Councillor Larkin, seconded by Councillor Ruane, it was agreed to issue a refusal in respect of planning application LA07/2015/1307/F, as per the Development Management Officer Report.

(2) LA07/2016/0365/0 - Mr & Mrs McCluskey

Location

Lands between 1 Brae Road and 212 Belfast Road, Ballynahinch.

Proposal:

2 No. proposed dwelling houses -

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

Speaking rights:

Mr Paul Hamilton, Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Harte seconded to issue a refusal in respect of planning application LA07/2016/0365/0, as per the Development Management Officer Report.

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

FOR: 6
 AGAINST: 3
 ABSTENTIONS: 1

The proposal was declared carried.

Agreed: On the proposal of Councillor Larkin, seconded by Councillor Harte, it was agreed to issue a refusal in respect of planning application LA07/2016/0365/0, as per the Development Management Officer Report.

(3) LA07/2016/0474/0 - Mr C Hanna**Location:**

Lands between 55 Mountview Road and 1 Martinpoole Road, Ballynahinch.

Proposal:

2 dwellings and garages

Mr Hay, Principal Planning Officer, said there was a full revised reason for refusal as follows and that the Agent had been advised:-

- *The proposal is contrary to the SPPS and Policies CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, add to a ribbon of development along Mountview Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.*

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Sam Hawthorne, Agent, presented in support of the application.

Agreed: On the proposal of Councillor Ruane, seconded by Councillor Larkin it was agreed to issue a refusal in respect of planning application LA07/2016/0474/0, as per the Development Management Officer report.

Abstentions:0

(4) LA07/2016/0313/F – Mr Colin Bell**Location:**

2 Ballynahinch Road, Crossgar.

Proposal

Proposed car wash and valeting centre

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, Agent presented in support of the application.

Agreed: On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2016/0313/F, as per the Development Management Officer report.

Abstentions:0**(5) LA07/2016/0590/F and LA07/2016/0590/F – Niall Waters****Location:**

3 Green Road, Ardglass

Proposal:

Replacement dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Conor McKenna, Agent presented in support of the application.

Agreed: On the proposal of Councillor Craig, seconded by Councillor Casey, it was agreed to defer the application with a direction for additional information/clarification particularly in relation to a UKAS Registered Asbestos Survey and conservation issues.

Abstentions:0**(6) LA07/2015/1317/0 – Paul & Diane Kelly****Location:**

25m south of 162 Tandragee Road, Jerrettspass, Newry

Proposal:

1 No. infill 1.5 storey dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

- John Richardson, Agent presented in support of the application.
- A submission of support was received from Councillor G Stokes.
- A submission of support was received from Councillor R Mulgrew.

Councillor Craig proposed and Councillor Macauley seconded to issue a refusal in respect of planning application LA07/2015/1317/0, as per the Development Management Officer Report.

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

FOR: 7
AGAINST: 3

ABSTENTIONS: Nil

The proposal was declared carried.

Agreed: On the proposal of Councillor Craig, seconded by Councillor Macauley, it was agreed to issue a refusal in respect of planning application LA07/2015/1317/0, as per the Development Management Officer Report.

(7) LA07/2016/0716/F – Peter Collins

Location:

Main Road, Ballymartin – immediately to the east of its junction with Wrack Road.

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:

Mr Keith Sommerville presented in support of the application.

Agreed: On the proposal of Councillor Murnin, seconded by Councillor McAteer, it was agreed to issue an approval on planning application LA07/2016/0716/F, contrary to Officer recommendation, subject to a condition being added that the proposal must commence within one year of the approval being issued.

Abstentions:0

(8) P/2015/0136/F – Mr L Magennis

Location:

43 Forkhill Road, Ellisholding, Newry.

Proposal:

Use of existing first floor offices for Class A (2) use of (Financial and Professional Services)

Recommendation and Conclusion from Planning Official:
Refusal

Speaking rights:

It was noted a request for speaking rights had been received from Colin O'Callaghan, Planning Consultant, in support of the application but he was unable to attend the meeting.

Noted:

Mr Davidson, Senior Planning Officer, advised there was a factual error in the Case Officer report – page 2 (Site History) – P/2013/0064/F had been withdrawn and LA07/2015/0579/F had not been refused but was deferred at a previous meeting and would come back to Committee.

Mr Davidson advised the written submission from Mr O'Callaghan had been circulated to the Committee Members and all the issues raised in it had been fully considered by Planning Officers but had not changed their opinion to issue a refusal.

Agreed: On the proposal of Councillor Harte, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application P/2015/0136/F, as per the Development Management Officer Report.

Abstentions:0

**(9) LA07/2016/0927/A – Newry, Mourne and Down District Council
P/2014/0681/F – Newry, Mourne and Down District Council**

Location:

Approximately 7m west of 10a/10b Marcus Square, Newry.

Proposal:

Free standing electronic display screen

Recommendation and Conclusion from Planning Official:

Consent

Approval (temporary approval with the screen to be removed by 10 March 2017)

Speaking rights:

A written submission was received from O'Callaghan Planning on behalf of objectors although speaking rights was not requested.

Noted:

Ms J McParland, Senior Planning Officer, advised that all issues raised in the written submission had been considered and a response would issue to O'Callaghan Planning in response to the queries he had raised. Issues raised in relation to enforcement were separate from the planning application and would be dealt with. Ms McParland said that a written response would be issued to Mr O'Callaghan prior to the decision being issued.

Agreed: On the proposal of Councillor Murnin, seconded by Councillor McAteer, it was agreed to issue a Consent in respect of planning application LA07/2016/0927/A with conditions as recommended and to issue an Approval in respect of planning application P/2014/0681/F with conditions as recommended in the Development Management Officer Report.

Abstentions:0**(10) P/2011/0845/F – Cloghoge Enterprises Ltd****Location:**

Site within Cloughoge Business Park, Ellisholding, Newry.

Proposal:

Erection of new building to be used for Class B4 storage and distribution use with car parking facility, ancillary offices, trade counter and staff facilities.

Recommendation and Conclusion from Planning Official:

Refusal

Speaking rights:

Michael Worthington, Planning Consultant, presented in support of the application.

Noted:

Mr Davidson, Senior Planning Officer, advised there was a factual error in the Case Officer report – page 6 Refusal Reason – No. 2 should read “The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up-to-date development plan.

Councillor Larkin proposed and Councillor Craig seconded to issue a refusal in respect of planning application P/2011/0845/F, as per the Development Management Officer Report.

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

FOR:	6
AGAINST:	4
ABSTENTIONS:	Nil

The proposal was declared carried.

Agreed: **On the proposal of Councillor Larkin, seconded by Councillor Craig, it was agreed to issue a refusal in respect of planning application P/2011/0845/F, as per the Development Management Officer Report.**

(11) P/2014/0653/0 – Anthony Havern**Location:**

Corrinshego GFC, 40A Chancellors Road, Newry.

Proposal:

Proposed 6 No. sites for dwellings

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

A request for speaking rights had been received from Pete Kenny/Sharon Mullan objecting to the application.

A request for speaking rights had been received from Anthony Havern in support of the application.

It was noted that the objectors were not present at the meeting and Mr Anthony Havern, applicant, then withdrew his request for speaking rights.

Agreed: On the proposal of Councillor Casey, seconded by Councillor Murnin, it was agreed to approve planning application P/2014/0653/0 as per the Officer's recommendation subject to appropriate conditions.

Abstentions:0

FOR NOTING

P/116/2016:- INVEST NORTHERN IRELAND RE: APPROVAL OF PLANNING APPLICATION R/2015/0093/f (proposed fitness facility and associated parking) at Invest NI's Down Business Park.

Read: Letter dated 21 September 2016 from Invest NI regarding Planning Application R/2015/0093/F and expressing disappointment with the Council's decision to approve this planning application at Invest NI's Down Business Park in Downpatrick.

Agreed: **It was agreed Mr L Hannaway, Chief Executive arrange to meet with Mr William McCulla, Director Invest NI to discuss this and any other issues of concern.**

P/117/2016:- PLANNING DEPARTMENT PERFORMANCE INDICATORS

Read: Planning Committee Performance Report for September 2016. (Copy circulated).

Agreed: It was agreed to note the above report.

P/118/2016:- REPORT – CONTACT FROM PUBLIC REPRESENTATIVES – SEPTEMBER 2016 AND REGISTER OF CONTACT Q2 JULY-SEPTEMBER 2016

Read: Report on Record of meetings between Planning Officers and Public Representatives (Copy circulated).

Agreed: It was agreed to note the above report.

P/119/2016:- CURRENT PLANNING APPEALS

Read: Report regarding Current Planning Appeals. (Copy circulated).

Agreed: It was agreed to note the above report.

There being no further business the meeting concluded at 4.35 pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 10 November 2016.

Signed: ----- **Chairperson**

Signed: ----- **Chief Executive**

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Thursday 10 November 2016

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:-

- Item 5 - LA07/2015/0361/F - Leitrim Fontenoys GAC - additional new training field with associated floodlighting, boundary fencing, and ball stops all serving existing sports facility on lands at 11 Backaderry Road, Leitrim. **APPROVAL**
- Item 8 - LA07/2016/0856/F - Eamon Lynch - proposed replacement dwelling (with retention of building to be replaced) and garage - 14 Mountain Road, Camlough, Newry. **REFUSAL**
- Item 11 - LA07/2016/0544/RM - Miss L Davidson - proposed dwelling - land 50m south of 53 Killyleagh Road, Crossgar. **APPROVAL**
- Item 13 - R/2014/0392/F - Mr Cathal Shields - proposed V39 250kw wind turbine on 40m high tower - approx 400m east south east of 47 Loughmoney Road, Raholp, Downpatrick. **REFUSAL**
- Item 15 - R/2014/0476/F - Colm Shields - proposed 250kw wind turbine with tower height of 40m and blade diameter of 29m - approx 340m SSW of 35 Myra Road, Downpatrick. **REFUSAL**
- Item 17 - LA07/2015/0717/F - Mr Jim McCreight - new dwelling and garage with associated site works - 300m south of 90 Crossan Road, Mayobridge. **REFUSAL**
- Item 18 - LA07/2015/1078/F - David Mackin - retention of unauthorised domestic shed to rear of existing sheds at existing dwelling - No. 1 St. Brigid's Cottage, Drumsesk Road, Rostrevor. **REFUSAL**
- Item 19 - LA07/2015/1190/F - Mr K Byrne - removal of business occupancy condition No. 10 from outline approval P/2002/1150/0 and business occupancy condition No. 2 from reserved matters approval P/2006/0146/RM - to the rear of No. 94 Warrenpoint Road, Newry. **REFUSAL**
- Item 22 - LA07/2015/1365/F - Martin D Skillen - proposed farm building with underground tanks - 200m east of No. 134 Ballyveaghmore Road, Annalong. **REFUSAL**
- Item 24 - LA07/2016/0438/F - Peter and Sinead Donaghy and Kinney Excel Gymnastics -proposed change of use from approved industrial unit to gymnastic facilities aged plus 5 years - site at No. 2G Derryboy Road, Carnbane Industrial Estate, Newry. **REFUSAL**

- Item 25 - LA07/2016/0496/F - Mr Brian McConville - proposed extension to existing office block "A" comprising (a) 6m extension westwards over 4 floors grid lines (11-12) (A-C) with balconies and fin wall. (b) reduction in previously approved parapet height with proposed additional office floor recessed with balconies on three sides. Glazed handrail and louvered plant areas to roof - lands 10m west of MJM Group, Carnbane Industrial Estate, Newry.
APPROVAL
- Item 27 - LA07/2016/1033/F - Conor McNally - proposed replacement dwelling and garage - 40 Ballynalack Road, Camlough, Newry. **REFUSAL**
- Item 28 - LA07/2016/1041/0 - Joseph O'Hare - dwelling and domestic garage on gap/infill site (amended address) - lands north of and adjacent to 53 Mayo Road, Mayobridge. **REFUSAL**
- Item 29 - P/2013/0737/0 - Eamon Harrison - proposed erection of one private dwelling with alternative access to existing shed at Cullion Road, Mayobridge -- 30m north east of 8 Cullion Road, Mayobridge. **REFUSAL**
- Item 30 - P/2014/0896/0 - Glasgiven Contracts Ltd - site for hotel and tourist accommodation (renewal of previously approved outline application under file ref: P/2011/0385/0) - lands situated in townland of Glasdrumman adjacent to surrounding and including farmhouse at 230 Glasdrumman Road, Annalong.
APPROVAL
- Item 31 - P/2014/0897/F - Emma and Pat McCartney - erection of farm dwelling - lands 70m south-east of No. 21 Ballynalack Road, Camlough, Newry. **REFUSAL**
- Item 32 - LA07/2016/0623/0 - Carncastle Properties Ltd. - new dwelling - land to the rear of 29a Billy's Road, Newry. **REFUSAL**

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Council Newry, Mourne and Down

Date 11/10/16

ITEM NO	1				
APPLIC NO	LA07/2015/0361/F		Full	DATE VALID	5/15/15
COUNCIL OPINION	APPROVAL				
APPLICANT	Leitrim Fontenoys GAC 11 Backaderry Road Leitrim Castlewellan BT31 9SL			AGENT	John McElroy 72 Osborne Drive Belfast BT9 6LJ 07738515098
LOCATION	11 Backaderry Road Leitrim Castlewellan BT31 9SL.				
PROPOSAL	Provision of additional new training field with associated floodlighting, boundary fencing, and ball stops all serving existing sports facility. (Additional info and amended proposals received)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	0	1	0	0	0
			Addresses	Signatures	Addresses
			0	0	0
					Signatures
					0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0361/F

Date Received: May 2015.

Proposal: Full permission is sought for the provision of additional new training field with associated floodlighting, boundary fencing, and ball stops all serving existing sports facility, on lands at 11 Backaderry Road, Leitrim.

Applicant: Leitrim Fontenoys GAC.

Location:

The lands comprising the application site are located on the outer edge of the settlement development limit of the small settlement of Leitrim, in an AONB as identified in the Banbridge/Newry and Mourne Area Plan 2015, whereby the settlement limit runs along the road edge to the north and west of the site.

It is also noted a watercourse runs along the edge of the site which is identified as a LLPA (LM03), while it is noted the site is outside the ATC of Leitrim. It is also noted there are several listed building sin the immediate vicinity of the site.

Site Characteristics & Area Characteristics:

The site outlined in red comprises some 3 fields which are located off the Backaderry Road, and located between the grounds of the existing GAC and Leitrim Road.

These lands also extend to adjoin the crossroads and are relatively low lying although do undulate and include a raised mound area, while a watercourse also runs along a portion of the boundary of the site. The site and existing GAC grounds are accessed via the Backaderry Road. The grounds of the GAC are outlined in blue.

Site history

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous applications within and adjacent to the site including works to the grounds of the GAC.

Representations

2 representations have been received to date (19-10-16), one in support of the application and the other expressing concerns (but not objecting) about potential flooding in the area. The letter of support is from Cllr P Clarke.

Having account the nature of this application and extent of the red line, neighbour notification was undertaken with a number of properties along Leitrim road, Backaderry Road, and Dromara Road, in June 2015 and May 2016, while the application was also advertised in the local press in June 2015.

Re neighbour notification was undertaken in May 2016 following receipt of further information regarding the floodlighting.

Consultees

Taking into account the location and constraints of the site and nature of this proposal consultation was carried out with Transport NI, Environmental Health, Rivers Agency, Shared Environmental Services, Historic Environment Division (HED), NIEA, and NI Water as part of this application. A HRA screening exercise was also undertaken as part of the consideration of this case.

It is not considered necessary to seek the comments from any other body to determine this application.

Policy- RDS, Banbridge/Newry and Mourne Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS8, PPS15, PPS21, and associated guidance.

As stated above the site is located in the countryside thus PPS21 applies, however having account the nature of this proposal it is considered PPS8 is key.

It is clear from the above this site is located in a sensitive area being located in an AONB, and also adjacent to a LLPA and several Listed Buildings.

The site comprises several low lying fields at present, which are located adjacent to the crossroads of Leitrim Road and Backaderry Road.

This site adjoins and is associated with the existing long established grounds of Leitrim Fontenoys GAC, whereby it is proposed to construct a new grassed practice pitch with associated floodlighting, boundary fencing, ball stops, and planting. This pitch will be accessed via the existing vehicular access serving these grounds, on to Backaderry Road, whereby the existing parking layout within these grounds will be re-arranged.

(It is noted these grounds currently have 1 playing pitch and 1 small practice area at present with associated clubrooms).

The proposed pitch will run in a North South direction similar to the existing playing field adjacent, with 12m high ball stops behind either goal, and will be enclosed by a 1.1m high fence which will run around the perimeter of this pitch. 6 new floodlighting columns are also proposed with 3 on each side of the pitch. These columns will be 18m high, and will be located outside the boundary fencing and are retractable. The

2 centre columns will include 4 lamps with the remaining 4 columns having 3 lamps. New planting is also proposed along both the Leitrim and Backaderry Roads. It is also noted Leitrim River runs along the south of the site.

(It is noted this proposal has been amended on several occasions due to the sensitive nature of the site, zonings and constraints of the area and having account comments from consultees.

The original proposal included 20m high ball stops and 15m floodlighting columns although which were permanent non-retractable structures. However this has since been amended in consultation with various bodies).

It is also noted the local GAC produced a 5 yr plan in 2016, mapping out its future, inviting all members, officers, players and the entire community to attend and have a say, and included reference to this proposed pitch.

As outlined above extensive consultation has been undertaken as part of this application due to the nature of the proposal, constraints of the site and surrounds, and representations received, and following the submission of further information and amendments, it is considered all consultees now offer no objections in principle, subject to conditions.

(Conditions to include hours of use, floodlighting columns being retracted when not in use, rivers, planting)

These amendments included providing planting, reducing the size of the ball stops, making the floodlighting columns re-tractable, providing information regarding the floodlighting, while also submitting a Flood Risk Assessment.

These amendments together are considered to ensure the development will not result in any unacceptable impact on the amenity of any adjacent/nearby property or the character of the area, while also alleviating concerns from consultees and interested parties regarding any potential impact on Listed Buildings or flooding related issues. There was a concern from a local resident regarding potential flooding issues in this area however Rivers Agency have offered no objections regarding compliance with PPS15. Illumination levels were also provided regarding potential nuisance from the floodlighting in this area which has been categorised as a Village with low district brightness (Zone E2) as outlined in 'Guidance notes for the reduction of obtrusive light' document. This information has provided comfort that the floodlighting will not result in any unacceptable impact on residents in line with this guidance, while it is also noted this floodlighting is temporary in nature.

Having account the nature of this proposal, which adjoins and is directly associated with the existing GAC, no objections are offered to the principle of this use, which is considered does not offend the policy provisions of PPS8, including policy OS3 and OS7.

In addition the impact on the AONB (policy PPS2) and Listed Buildings in this area (policy PPS6) have been considered as part of this assessment.

As stated above Leitrim GAC is a long established club, who have resided at this location for some time, and includes a large number of teams. It is acknowledged the existing facilities which include 1 playing pitch and 1 small practice area do not meet demands, whereby it is also noted other clubs in the district have developed both

new pitches and facilities in recent years to accommodate growing demands and usage.

As such it is accepted there is a need for additional facilities for this club and having account the applicable policy test and comments from consultees it is considered the zonings and constraints of the site and surrounds have been fully considered where there are no grounds to withhold consent.

It is noted there has been recent correspondence with Transport NI (TNI), following direct communication between TNI and a local councillor, however having account the information submitted in support of the application, and existing use of this site, it is considered the works proposed will not result in any intensification in the use of the site. As such there is no requirement to seek any further information or amendments in respect of this application or proposal.

Taking into account the above Approval is recommended, subject to conditions.

Recommendation: Approval

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO 2
APPLIC NO LA07/2015/0702/F Full **DATE VALID** 7/29/15
COUNCIL OPINION REFUSAL
APPLICANT Mr M Cunningham **AGENT** Hillen Architects
 Limited 87 Central Promenade
 Newcastle
 BT33 0HH
 NA

LOCATION 65m NWW 113 Newcastle Road
PROPOSAL Castlewellan
 Agricultural outbuilding for general farm storage and animal shelter

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	Addresses	Signatures	Addresses	Signatures
	0	0		0	0	0	0	0

- 1 The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not necessary for the efficient use of the active and established agricultural holding.

- 2 The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside the proposal is not sited beside existing farm or forestry buildings.

- 3 The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding nor has it been deomstrated that that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

- 4 The proposal is contrary to Planning Policy Statement 3 Access, Movement and Parking AMP 3 in that it would, if permitted, result in the intensification of use of an existing access onto a main traffic route (protected route), thereby prejudicing the free flow of traffic and conditions of general safety.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0702/F

Date Received: 29th July 2015

Proposal: Proposed agricultural outbuilding for general farm storage and animal shelter.

Location: 65m NWW of 113 Newcastle Road, Castlewellan.



Site Characteristics & Area Characteristics:

The site in question is located on lands off the Newcastle to Castlewellan Road and is located in a section of agricultural land that has stone wall boundaries and some tree planting along the road. The field has an existing ramped access from the Newcastle Road which is a protected route. The land slopes away from the road.

The area is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The area is generally agricultural with some farm buildings in the locality. The site is in a Countryside Policy Area and is also within the Mourne AONB and is the main connecting route between Newcastle and Castlewellan.

Site History:

There is no relevant site history on the lands in question.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

DAERA was consulted and initially responded stating that a P1c was required, once submitted DAERA responded stating that the farm business is active and has been for a period of more than 6 years and that farm payments are made.

Transport NI advised that unless this application falls within exceptions it should be refused as the road is a protected route.

NI Water responded with no objections.

Rivers Agency commented on FLD 5 however having spoken to Rivers Agency and in the absence of mapping detail being available it is not considered necessary to pursue this request for additional information.

Objections & Representations

Two neighbour notifications have been sent on 14th September 2015 which expired 28th September 2015 and advertisement took place 12th August 2015 which expired 26th August 2015. A noncommittal anonymous letter was submitted commenting that the application should read "motor vehicle, showroom/garage/workshop" however this appears to be a mistake and there is nothing to suggest that this shed is requested for anything but agricultural.

Consideration and Assessment:

The main policy consideration is against PPS 21 Sustainable Development in the Countryside CTY 12 Agricultural and Forestry Development. The proposed shed is 15.2m long and 4.4m high and 9.1m deep.

The agent made a submission in relation to the necessity of the shed, while this submission focused mainly on the necessity to locate the shed along the Newcastle Road it did demonstrate that a further shed is needed for accommodation on the growing farm but did not demonstrate that it is necessary at this location for the farm.

In terms of character and scale the shed proposed is considered to be capable of being integrated into the surroundings, there are a number of farm complexes along this road, some of which sit on higher grounds than this proposal. There are no other buildings on this section of land associated with this farm however there would be the possibility of accommodation on these lands set down from the road.

The shed would visually integrate into the local landscape without additional planting being necessary.

The shed would not have an adverse impact on the built or natural environment. The site is located within a Countryside Policy Area designed to protect the natural landscape in the area however it is considered that this shed will not cause any negative impacts in terms of the natural environment as this shed, if necessary would be considered acceptable although it is noted that the part of land in question is of high scenic value.

Due to the site location and not adjacent to properties, it is not considered that there will be any detrimental impacts on neighbouring properties in terms of noise, smell or pollution.

There are no buildings on this site at present and there are few buildings at the main holding on the Bryansford Road, therefore it would appear that this section of policy is met in that there are no existing buildings on the farm suitable for use so a building in principle is acceptable.

The design and materials are considered acceptable to the locality with construction being masonry walls half way up with green cladding above and on the roof. The building is to be set down from the road on existing lands.

The proposal is not located beside existing farm or forestry buildings and therefore fails this section of policy.

Exception will be given to a building located away from the existing farm buildings provided there are no other sites available at another group of buildings on the holding provided it is essential for the efficient functioning of the farm business or there are health and safety reasons applicable.

The supporting document gave a number of reasons why the shed could not be located adjacent to the existing buildings located at 19 Hiltown Road, Bryansford which included the following points:

- The main point raised is the existing access at the home place address. During a site visit the applicant indicated the issues with the lane and the narrow access of which lands are not owned either side so works cannot be carried out to fix it, this may be true toward the lower end of the lane shown in the picture however it is noted that the sharp turn could possibly be improved to an extent as the lands on one side are owned. The part of the lane to the main farm dwelling of the applicant is not needed for farm access and therefore consideration of this section of narrow access is not applicable. While there is sympathy to be had with the applicant in relation to the inconvenience the lane may cause it is not considered so narrow as to be demonstrable in the efficient functioning of the farm business nor are there health and safety issues highlighted other than bales are loaded on and off at the road however this in itself would be infrequent and given that a shed could be erected at this location under permitted development is not in the control of the Authority.
- The second point raised is in relation to animal safety and not being able to graze the fields in winter, again the arguments made do not show an exceptional case and would be the basis of how the majority of farms in Northern Ireland operate, there has been no circumstance raised considered exceptional enough to allow a shed to locate some 2 miles from the main farm holding.
- It is also noted as being necessary to take larger orders of meal etc for winter feeding however again as above there is no exception in the case.
- It is also stated that safer handling facilities are required as there is a busy footpath along this road and the jeep blocks it when loading sheep however a better handling facilities could be provided without the provision of a shed.

- A similar application is given as a precedent and this will be considered during discussions however each application is based on its own merits and having considered the application example given it is not considered that it would set a precedent that would allow this application to be considered acceptable.

While it would appear an advantage to locate away from the main farm holding and the applicant is keen to do so due to the access issues it has not been demonstrated that it is essential with the emphasis on essential. The SPPS under agriculture and forestry development states that new buildings must be located adjacent to existing buildings unless there is an exceptional circumstance which has not been demonstrated.



The application would also be considered under CTY 13 and 14 of PPS 21 and is considered acceptable, meeting with all relevant sections of this policy.

As the application does not fall into the exceptions as detailed in policy AMP 3 Access to Protected Routes (annex 1) this application would also be recommended refusal in terms of access onto a protected route as advised by Transport NI. Section D of the consequential revision indicates that approval may be justified in particular cases for other development which would meet the criteria for development in the countryside. There is an existing vehicular access however as stated this development is not considered acceptable and therefore does not fall into any exception in terms of AMP 3.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not necessary for the efficient use of the active and established agricultural holding.

- The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside the proposal is not sited beside existing farm or forestry buildings.
- The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding nor has it been demonstrated that that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- The proposal is contrary to Planning Policy Statement 3 Access, Movement and Parking AMP 3 in that it would, if permitted, result in the intensification of use of an existing access onto a main traffic route (protected route), thereby prejudicing the free flow of traffic and conditions of general safety.

Case officer:

Authorised By:

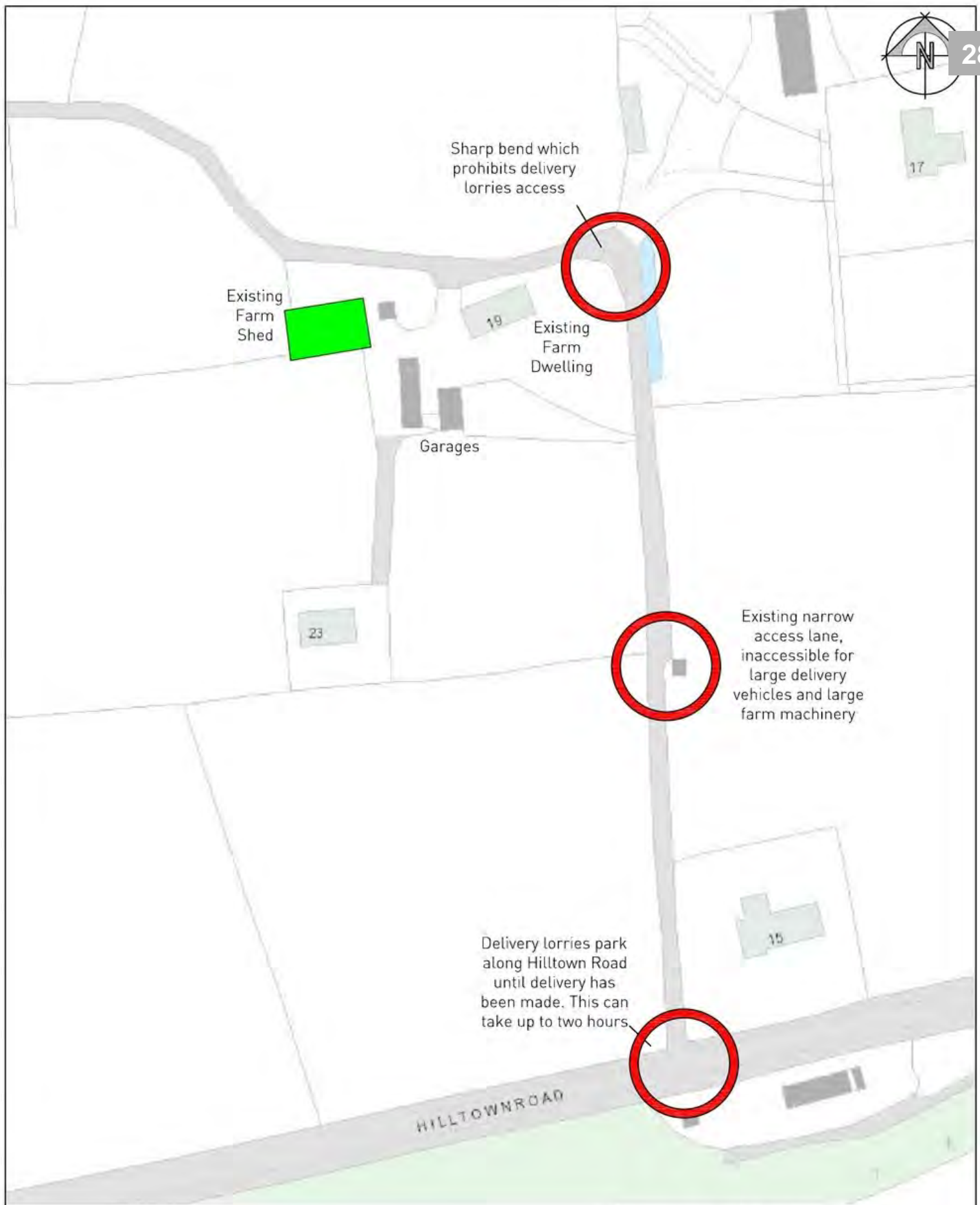
Date:

Planning Application LA07/2015/0702/F

Synopsis

- Application lodged 29th July 2015
- DARD have confirmed that the farm is active, and that single farm payments have been received for at least the past 6 years.
- With regard to the justification/need for the proposed shed, I would make the following points which should be given due consideration:
 - The existing farm lane, leading from Hilltown Road to the main farm holding, is very narrow with a sharp bend leading to the farm. (This is demonstrated in the enclosed photographs.) Delivery lorries and large farm machinery cannot negotiate the narrow centre of the laneway or the sharp turn to deliver to the existing farm. Lorries must unload on the main road and deliveries such as feed have to be reloaded onto a tractor and trailer and brought up the lane. **The lane cannot be widened as the applicant does not own the adjacent land on either side.** When fertilizer is being delivered, the delivery lorry is parked on the road for up to 2 hours, with a farm hand directing traffic, when the pallets of fertilizer are brought up the lane one at a time. This is a matter of road safety on the Hilltown Road and could result in an accident. Essentially, storage is required away from the main farm building because, as the farm has grown, the existing laneway cannot be upgraded to cope with the traffic required to service the farm.
 - The second reason this farm shed is required along the Newcastle Road is due to the fact that it is not ideal to have livestock outside in the winter months and there is no shelter at the Newcastle Road fields. Without shelter at this location, the fields cannot be used for grazing from November to April each year. Several sheep have been lost in this location over winters with heavy snows and the farmer has been unable to get to the fields. Indoor shelter over the winter months here will lead to a thriving flock, producing more lambs, stronger lambs and with less fatalities. In March 2013 alone, 11 lambs were lost to the heavy snow simply because there was no shed to put them in and the applicant was snowed in and could not get to his flock.
- Without a shed, moving livestock at the beginning of winter, shortly after they become pregnant, is not ideal as it increases the chance of miscarriage.
- A shed is also needed to take delivery of feed to serve the livestock on this land (hay, meal and straw) and on other farmland, and to minimise the deliveries to the farm on Hilltown Road. There are at any time between 90 and 120 livestock on this land at Newcastle Road, so storage is required for a lot of winter feed.

- In addition, a safer facility is required for loading and handling livestock as currently a very busy footpath on the main Newcastle Road is blocked with a jeep, tractor and trailer when loading sheep.
- In terms of a precedent, I would refer to application R/2011/0507/F (north of 46 Bann Road, Castlewellan) which was approved by The Department on 15th February 2013.
- I trust the we have demonstrated that this farm has grown substantially over the past number of years, and can no longer be served using the existing substandard lane along Hilltown Road. Additional storage and shelter is required and this can only be safely provided at this alternative site along Newcastle Road, Castlewellan.
- ***As per Mr Cunningham's farm maps, an additional copy of which is enclosed, he is currently farming over 120Ha of land and relies entirely on a single farm shed at the end of an existing farm lane that is not readily accessible and cannot be improved as the land to either side is not owned.***



CLIENT:
MR M CUNNINGHAM

PROJECT:
NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN

DRAWING NAME:
EXISTING FARM HOLDING AT 19 HILLTOWN ROAD, BRYANSFORD

SCALE: 1:1250

PROJECT NO.: 2012 - 763

DATE: 03/11/2016

DRAWN BY: BH

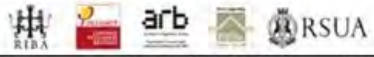
DRAWING NO.: A4 - 10

STATUS: PLANNING

CHECKED BY:

REVISION:

ARCHITECTURE : DESIGN : PLANNING



HILLEN
ARCHITECTS

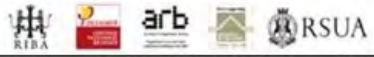


NARROW ACCESS LANE TO EXISTING FARM,
MEASURING 2.75M AT ITS MOST NARROW

CLIENT:
MR M CUNNINGHAM
PROJECT:
NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN
DRAWING NAME:
PHOTOGRAPH 1

SCALE: NTS
PROJECT NO.: 2012 - 763
DATE: 03/11/2016
DRAWN BY: BH
DRAWING NO.: A4 - 11
STATUS: PLANNING
CHECKED BY:
REVISION:

ARCHITECTURE : DESIGN : PLANNING



HILLEN
ARCHITECTS

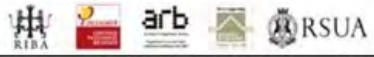


THIS PHOTOGRAPH DEMONSTRATES HOW TIGHT IT IS FOR A CAR TO USE THE LANE, LET ALONE MUCH LARGER FARM MACHINERY AND DELIVERY LORRIES. THE DITCHES AND LAND TO EITHER SIDE OF THE LANE ARE NOT OWNED BY THE APPLICANT, SO HE IS UNABLE TO WIDEN THE LANE AT ALL.

CLIENT:
MR M CUNNINGHAM
PROJECT:
NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN
DRAWING NAME:
PHOTOGRAPH 2

SCALE: NTS
PROJECT NO.: 2012 - 763
DATE: 03/11/2016
DRAWN BY: BH
DRAWING NO.: A4 - 12
STATUS: PLANNING
CHECKED BY:
REVISION:

ARCHITECTURE : DESIGN : PLANNING



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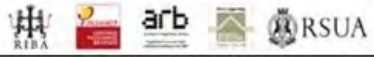


THIS PHOTOGRAPH DEMONSTRATES HOW CLOSE EXISTING TREES ARE TO THE LANE. THESE ARE NOT OWNED BY THE APPLICANT AND CANNOT BE REMOVED.

CLIENT:
MR M CUNNINGHAM
PROJECT:
NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN
DRAWING NAME:
PHOTOGRAPH 3

SCALE: NTS
PROJECT NO.: 2012 - 763
DATE: 03/11/2016
DRAWN BY: BH
DRAWING NO.: A4 - 13
STATUS: PLANNING
CHECKED BY:
REVISION:

ARCHITECTURE : DESIGN : PLANNING



HILLEN
ARCHITECTS



THIS PHOTOGRAPH DEMONSTRATES HOW CLOSE EXISTING TREES ARE TO THE LANE ON BOTH SIDES. THESE ARE NOT OWNED BY THE APPLICANT AND CANNOT BE REMOVED.

CLIENT: MR M CUNNINGHAM	SCALE: NTS	DRAWN BY: BH	CHECKED BY:
PROJECT: NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN	PROJECT NO. 2012 - 763	DRAWING NO. A4 - 14	REVISION:
DRAWING NAME: PHOTOGRAPH 4	DATE: 03/11/2016	STATUS: PLANNING	

ARCHITECTURE : DESIGN : PLANNING

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A: 87 CENTRAL PROMENADE, NEWCASTLE, CO DOWN, BT33 0NH T: +44 (0)28 4372 5535 E: INFO@HILLENARCHITECTS.COM W: WWW.HILLENARCHITECTS.COM



ACCESS ONTO THE HILLTOWN ROAD LOOKING TOWARDS BRYANSFORD. THIS IS WHERE DELIVERY LORRIES HAVE TO PARK FOR UP TO 2 HOURS TO OFFLOAD. THERE ARE OBVIOUS HEALTH AND SAFETY ISSUES WITH THIS.

CLIENT: MR M CUNNINGHAM	SCALE: NTS	DRAWN BY: BH	CHECKED BY:
PROJECT: NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN	PROJECT NO. 2012 - 763	DRAWING NO. A4 - 15	REVISION:
DRAWING NAME: PHOTOGRAPH 5	DATE: 03/11/2016	STATUS: PLANNING	

ARCHITECTURE : DESIGN : PLANNING

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ACCESS ONTO THE HILLTOWN ROAD LOOKING TOWARDS HILLTOWN. THIS IS WHERE DELIVERY LORRIES HAVE TO PARK FOR UP TO 2 HOURS TO OFFLOAD. THERE ARE OBVIOUS HEALTH AND SAFETY ISSUES WITH THIS.

CLIENT:
MR M CUNNINGHAM
PROJECT:
NEW FARM SHED 65M NWW OF 113 NEWCASTLE ROAD, CASTLEWELLAN
DRAWING NAME:
PHOTOGRAPH 6

SCALE: NTS
PROJECT NO.: 2012 - 763
DATE: 03/11/2016
DRAWN BY: BH
DRAWING NO.: A4 - 16
STATUS: PLANNING
CHECKED BY:
REVISION:

ARCHITECTURE : DESIGN : PLANNING



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**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	4				
APPLIC NO	LA07/2015/0747/O	Outline	DATE VALID	8/7/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Niall Branagan C/O Agent	AGENT	Design 3 c/o 3 Cedar Grove Newry BT34 1SQ NA		
LOCATION	Lands approx. 88 metres east of No. 184 Lackin Road Kilcoo Newry County Down				
PROPOSAL	Proposed dwelling on a farm				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			Addresses Signatures		
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm; and is not accessed from an existing laneway.

- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; and therefore would not visually integrate into the surrounding landscape.

- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape; and the impact of ancillary works would damage rural character: and would therefore result in a detrimental change to the rural character of the countryside.

- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposed siting is sympathetic to the special character of the Area of Outstanding Natural Beauty.



Comhairle Ceantair
**an Iúir, Mhúrn
 agus an Dúin**

**Newry, Mourne
 and Down**
 District Council

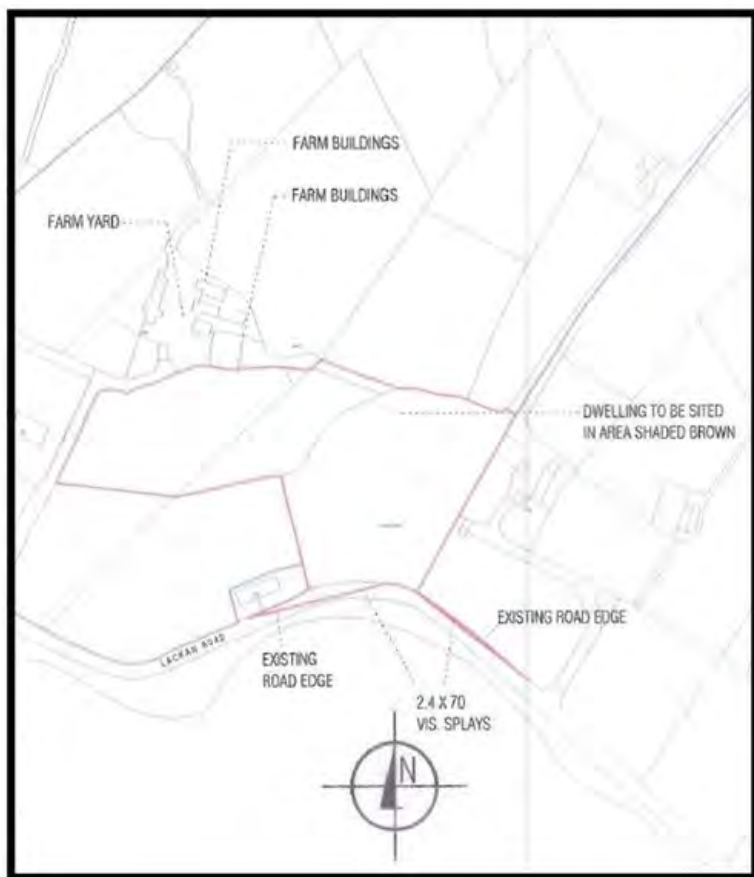
Application Reference: LA07/2015/0747/O

Date Received: 7th August 2015

Proposal: Proposed dwelling on a farm

Location:

The site is located approximately 88m east of 184 Lackan Road, Kilcoo. The site is approximately 5km to the southwest of Castlewellan and 22km to the southwest of Downpatrick.



Site Characteristics & Area Characteristics:Site Characteristics

The site is a section of an agricultural field located to the east of 184 Lackan Road. The site is located on a hillside elevated above Lackan Road located approximately 60m to the south. The site is bound to the north by a dry stone wall which ranges in height from approximately 60cm to 150cm. The western boundary has a low stone wall approximately 50cm in height and a post & wire fence. There are several small Thorn trees along this boundary. The site is currently used for grazing sheep. The site slopes downwards from north to south.

Area Characteristics

The area is characterised by open countryside with sparsely located farms and rural dwellings. The site is located on a hillside. Land to the north of the site rises whilst to the south of the site the land falls toward Lackan Road. Kilcoo Reservoir is located beyond Lackan Road to the south. Further south beyond the reservoir is the A25 Dublin Road. To the west of the site are the farm buildings and dwelling at 184 Lackan Road and 182 Lackan Road which is single storey bungalow accessed from the same laneway. The main farm dwelling at no184 is a 2 storey farmhouse with single storey side extension. To the east of the site is 192 Lackan Road which is a single storey traditional rural cottage and outbuildings. The land surrounding the site is agricultural and is elevated above the reservoir and the Lackan & Dublin Road.

Site History:

R/1989/0421 - NEAR 184 LECKAN ROAD SLIVENALARGY KILCOO - Retirement farm dwelling – granted
R/1990/0701 - NEAR 184 LECKAN ROAD SLIVENALARGY KILCOO - Retirement farm dwelling – granted

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards & Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

The site is within an Area of Outstanding Natural Beauty and Area of Constraint on Mineral Developments. The site is within proximity to an archaeological site and monument.

Consultations:

- Statutory Transport NI No objections
- Statutory NIEA HMU/WMU No objections
- Non-Statutory NI Water No objections
- Statutory DARDNI Confirmed 6 years active business and payments claimed
- Advice and Guidance Environmental health - No objections in principle

Objections & Representations

The following neighbouring properties were notified on 24th September 2015:

- 182/184/188/192 Lackan Road, Kilcoo

The following neighbouring properties were re-notified on 25th July 2016:

- 188/192 Lackan Road, Kilcoo

The application was advertised on 17th August 2015.

No objections or representations have been received in response to this application.

Consideration and Assessment:

The application is for outline planning permission for a dwelling on a farm.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.

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. There is no evidence to suggest that the farm is not currently active and established for more than 6 years.

It is considered 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 on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. 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)

Criteria (c) requires that 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).

A large red line with an area of 1.17ha has been submitted. The proposed siting of the dwelling is shown as being located approximately 70m to the east of the establish group of farm buildings on a site with an area of approximately 0.15h. The site for the dwelling is on the northern section of a larger field. The site would be accessed via a proposed new laneway from Lackan Road. No details have been provided as to the positioning of this lane except for the entrance point to the south of the site.

It is not considered that proposed site clusters with the establish group of buildings on the farm therefore consideration is given to whether the proposed dwelling would visually link with the established group of buildings on the farm.

Views of the site are achieved from Lackan Road to the south and southeast. Views from the southwest along Lackan Road are restricted by no182 when approaching from this direction. There are long views available from the Dublin Road and Bog Road to the south of the site. Due to the elevated position and lack of mature vegetation surrounding the site it appears relatively exposed when viewed from the south. It is not considered that the proposed site is visually linked with the established group of buildings on the farm due to the degree of separation between the site and the farm. The site appears closer to the neighbour farm at no192 than the farm buildings at no184.

The agent submitted additional information to support the application received by the Council on 10th June 2016 – this included

- A letter / supporting statement
- An email DARDNI acknowledging receipt of a Whole Farm Needs Assessment survey submitted by the applicant on 2nd April 2016.
- 3 photographs/photomontages showing the proposed dwelling when viewed from Dublin Road.

The agent has advised that the applicant intends to expand the farm business by building a new shed to the east of the existing farm buildings – an email has been submitted to demonstrate that a Whole Farm Needs Assessment survey has been submitted to DARD by the applicant on 2nd April 2016. Whilst the applicant may have intent to expand the farm buildings, this email is not considered to a verifiable plan to expand the farm business. The photomontage shows the proposed location ‘an approved new shed’ however there is no record of any certificate of lawful use or approved shed on this site.

The photomontages submitted show a single storey dwelling surrounded by mature landscaping, most of which does not currently exist. The siting of the dwelling as shown in the photomontage does not appear to correlate with the proposed site as shown on the site location plan. The field boundary to the west of the site would

constitute the extent of the site with the dwelling likely to be situated toward the centre of the site. The photomontage shows the majority of the proposed dwelling as being further west than this boundary wall. It is considered that if the dwelling were to be wholly located within the site as shown on the site location plan, it would be located further to the east than is shown on the photomontage. Furthermore it would not benefit from the mature landscaping shown.

While the agent argues that views from the Dublin Road are only available short lived, from a static position, and at 90 degrees from the road, I was able to obtain views of the site whilst travelling along the Dublin Road. Furthermore there are head on views of the site when travelling along Bog Road toward Dublin Road. The site can be viewed straight ahead and for a sustained period when travelling along this stretch of Bog Road. The agent argues that the site and the farm are visually linked. The site is located closer to the neighbouring farm at no192 and it is not considered that the site would visually link with the applicant's farm at no184.

The agent uses the example of no182 to illustrate that the proposed dwelling would be sited at a similar distance to the farm. The dwelling at no182 was approved in 1989 under a different policy context and bears no relevance to the proposed dwelling considered under the current policy context.

A new access lane is proposed and the proposal would not make use of the existing lane.

CTY13

The proposed site is undefined to the south and east. The western and northern boundaries are demarked by low dry stone walls and post and wire fences with only 3 small thorn trees located on the western field boundary. The site is located in an elevated position above lands to the south. The rising land and hills further north of the site would provide a backdrop when viewed from the south however the elevated position and the lack of natural boundaries would mean the dwelling is likely to appear prominent and would fail to integrate suitably into the landscape. The proposed dwelling would rely primarily on the use of new landscaping for integration. The application is an outline and no detailed ancillary works or design has been submitted. The site would not visually link with the establish group of buildings on the farm.

The proposed laneway would come off Lackan Road. The existing farm laneway would not be utilised. The proposed lane is likely to be easily visible from the views to the south and would ascend up the hillside to the site. While the lane could follow the eastern hedge of the field and pass along the top of the field it is considered unlikely to suitably integrate into the countryside due to the elevated position and long views of the site.

CTY14

The proposed dwelling would be prominent in the landscape by virtue of its elevated position and lack of natural boundaries and natural screening. The photomontage submitted show a dwelling set within mature landscaped gardens. These mature trees and hedges are not currently in existence. There are 3 small thorn trees along the western boundary of the site however these would not provide any screening of the site when viewed from the south from where the critical views are achieved.

CTY16

The proposed dwelling would not be contrary to CTY16 subject to further consultation with NI Water & NIEA Water management Unit at the reserved matters stage.

Access

The access is from a new proposed lane from the south of the site off Lackan Road. The course of the lane has not been shown however it is likely to ascend the hillside along the eastern boundary of the field along the border with 192 Lackan Road. Transport NI have been consulted on the application and have no objections.

NH6

The proposed siting is not considered to be sympathetic to the special character of the AONB in general and of the particular locality. The dwelling would fail to integrate into the landscape due to a lack of natural screening and boundaries and would detract from the rural appearance of the surrounding area. The proposed new lane way is likely to be easily visible from surrounding views and it is considered it would also fail to integrate and be sympathetic to the surrounding AONB.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

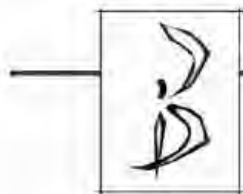
The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm; and is not accessed from an existing laneway.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees,

buildings, slopes and other natural features which provide a backdrop; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape; and the impact of ancillary works would damage rural character: and would therefore result in a detrimental change to the rural character of the countryside.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposed siting is sympathetic to the special character of the Area of Outstanding Natural Beauty.



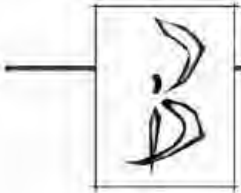
Re : DWELLING ON A FARM ON LANDS APPROX. 88 METRES EAST OF NO. 184
LACKIN ROAD, KILCOO, NEWRY, COUNTY DOWN.
LA07/2015/0747/0 for Niall Branagan

With respect to the above our clients application has been rejected under planning Policy as follows

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm; and is not accessed from an existing laneway.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, 7 buildings, slopes and other natural features which provide a backdrop; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; and therefore would not visually integrate into the surrounding landscape. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape; and the impact of ancillary works would damage rural character: and would therefore result in a detrimental change to the rural character of the countryside. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposed siting is sympathetic to the special character of the Area of Outstanding Natural Beauty.



john feehan **design3**

44

architectural & interior design

john.feehan@design3.info www.design3.info

We believe that the proposal is visually linked to the main farm dwellings and hope to be able to prove that with attached photos that will be displayed at the meeting.

Once visual linkage has been proved, all the other mentioned polices quoted as the reason for refusal will not apply.

I hope this is to your approval

Regards

John

tel 07845811586

ITEM NO	17				
APPLIC NO	LA07/2016/0856/F	Full	DATE VALID	6/9/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Eamon Lynch 20 Keggal Road Camlough Newry BT35 7LB	AGENT	Design 3 c/o 8 Chapel Road Camlough Newry BT35 7HQ 07871375963		
LOCATION	14 Mountain Road Camlough Newry				
PROPOSAL	Proposed replacement dwelling (with retention of building to be replaced) and garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses Signatures		Addresses Signatures
			0	0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
- 2 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 scale of the proposed dwelling will be unsympathetic to the locality and the proposed design is not considered to reflect local architectural styles and patterns.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0856/F

Date Received: 09.06.2016

Proposal: The application seeks full permission for a proposed replacement dwelling (with retention of building to be replaced) and garage.

Location: 14 Mountain Road, Camlough, Newry. The site located in South Armagh approximately 0.8 miles south of the Settlement of Camlough.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a broadly rectangular shape consisting of the roadside section of an agricultural field and dilapidated building. The field boundaries of the site are, in the main, relatively sparse and the land falls quite steeply towards the North West. Development pressure is still a relatively low level in the area. As the site is located on the foothills of Camlough Mountain it is quite elevated and benefits from views down towards the settlement of Camlough.

Site History:

P/2013/0573/O

14 Mountain Road, Camlough, Newry.

Site for replacement dwelling and garage

Permission Granted: 22.12.2014

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15

Planning Policy Statement 2

Consultations:

Transport NI – No objections subject to conditions submitted on response.

NI Water – Standing advice

Objections & Representations

No. 15 Mountain Road was notified on 07.07.2016 and the application was advertised on 20.07.2016. No objections or representations received.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement. The site lies within the Ring of Gullion Area of Outstanding Natural Beauty / Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections with regard to the Area Plan.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
Transport NI was consulted with regards to this policy and is satisfied the proposal meets these policy criteria.

PPS21 – Sustainable Development in the Countryside

Policy CTY 1 lists acceptable forms of development in the countryside with replacement dwellings noted to be assessed against policy CTY3. The first aspect of CTY 3 deals with the principle of a replacement dwelling. The previous application P/2013/0573/O Outline for a replacement dwelling was approved on 22.12.2014– with the standard time conditions attached. The Reserved Matters period still applies and as the red line boundary and policy provisions have not changed since the Outline application I consider in this instance, determining weight attached to the Outline approval and the principle of a replacement dwelling established. I will consider the rest of policy CTY 3 in further detail.

The proposed dwelling has been sited approximately 18m away from the dwelling to be replaced, closer to the public road. I do not contend that this closer location to the road would result in 'betterment' when the design of the dwelling is considered. The length of the dwelling measures approximately 26.6m and whilst it is broken up, still appears excessive. The existing building to be replaced is approximately 16m in length and has been sited gable ended towards the road. When this is considered with the length of the new building, which is sited 18m closer to the public road it will have a significantly greater visual impact than the existing building. The new planting as shown on the layout plan is not considered to mitigate these concerns. The large curtilage of the site which is out of character with the area is also considered to exacerbate the visual impact.

In terms of the design of the dwelling it is considered crucial giving the nature of the site and its location in the Ring of Gullion Area of Outstanding Natural Beauty. The size and scale as discussed above is considered excessive. The front elevation appears cluttered with a variation of elevations and roof heights which gives the impression of more than one building. The two dormer windows appear dominant and out of scale with the dwelling and generally the design should be simplified. A

letter was sent to the agent on 9th August 2016 to ask for a reduced length and simplified design. A two week time limit was confirmed in the letter and to date there has been no response from the agent.

All necessary services are likely to be provided without significant adverse impact on the environment or character of the locality and access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

For the above reasons, the proposal, as submitted is contrary to policy CTY 3. As this application does not meet the full policy requirements of CTY 3 it does not meet the exception listed in policy CTY 1.

As discussed above the design is inappropriate for the location. As a consequence this also fails policy criteria (e) of CTY13 in that the design of the building is inappropriate for the site and its locality and would therefore fail to integrate sympathetically into the landscape.

A condition will be added to any decision notice that before commencement a copy of the consent to discharge will be agreed by the Council. The proposal is in compliance with CTY16.

With regard to Planning Policy Statement 2 Natural Heritage, policy NH6 is applicable as the site is within the AONB. The scale of the proposed dwelling will be unsympathetic to the locality for the reasons outlined above; however there are no adverse impacts on features of importance to the character, appearance and heritage of the landscape. The proposal is not considered to reflect local architectural styles where a more simplistic approach is found.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
2. 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 scale of the proposed dwelling will be unsympathetic to the locality and the proposed design is not considered to reflect local architectural styles and patterns.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

Case Officer:

Authorised Officer:

ITEM NO	24				
APPLIC NO	P/2015/0230/F	Full	DATE VALID	3/18/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Stephen Collins C/O Agent	AGENT	Desgin 3 16 Glenvale Road Newry BT34 2JX NA		
LOCATION	10 Cloughreagh Park Cloughreagh Bessbrook Armagh BT35 7EJ				
PROPOSAL	Retention of 2 storey rear extension & new bay window & canopy on front elevation (revised description)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
			Addresses Signatures		
			0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal will unduly affect the amenity of the neighbouring residents at No. 12 Cloughreagh Park by reason of dominance and overshadowing / loss of light.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2015/0230/F

Date Received: 18.03.2015

Proposal: Erection of 2 storey rear extension & new bay window & canopy on front elevation

Location: 10 Cloughreagh Park, Cloghreagh, Bessbrook, Armagh. East of Council area within the development limit for Newry City.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a two storey semi-detached dwelling which at the time of visiting had building work on going at an advanced stage. A small garden area exists to the front of the dwelling with a driveway connecting to the rear larger garden area. A large two storey extension has been substantially completed to the rear of the property. The rear boundary to the adjoining property was undefined at the time of inspection. The area is residential in character with the majority of the dwellings being of a similar character to No. 10 Cloughreagh Park.

Site History:

No site specific planning history.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement
Addendum to Planning Policy Statement 7

Consultations:

No consultations issued.

Objections & Representations

7 Neighbours notified on 03.03.2016 – no representations/objections received.
Application advertised on 29.04.2015

Consideration and Assessment:Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for extensions to dwellings following the publication of the SPPS and as it is less prescriptive, the retained policy of the addendum to PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the development limit for Newry City. There are no objections to the proposal with regard to the Banbridge Newry and Mourne Area Plan 2015.

Addendum to PPS7 EXT1

The scale and massing of the rear extension is considered acceptable as the existing floor area measures approximately 74.34 sq m with the proposed floor space measuring approximately 60.5 sq m which is marginally subordinate in scale. The new bay window and canopy to the front will not significantly detract to the appearance of the property or character of the surrounding area and the design is acceptable with the external materials sympathetic to the built form and appearance of the existing dwelling. The proposal is in compliance with criteria (a) of EXT 1.

There are no privacy issues with regard to this extension to the neighbouring properties, however there are concerns with regard to the impact the extension will have on the neighbouring attached dwelling at No. 12. Cloughreagh Park. The 45 degree overshadowing test as described in Annex A shows that this rear extension will cause a loss of light to the ground floor rear window of No.12 which is the primary source of light from the rear to the ground floor of this dwelling. Paragraph A31 refers to the effect dominance can have on the immediate aspect or outlook from an adjoining property. This paragraph also states 'neighbouring occupiers should not be adversely affected by a sense of being 'hemmed in' by an extension. The large blank wall on the proposed rear extension, that is located less than 1m from the boundary, will appear large and excessively overbearing resulting in dominance on the neighbouring dwelling. The surrounding context of the area has been considered and the policy does make provision for extensions when the majority of dwellings in the area have been extended in a similar way. The majority of dwellings in this area have not been extended in a similar way. The closest to this extension is found at No.20 which is 1.7m shorter in length and 1.3m higher. However this application was approved under a now expired planning policy and the adjoining rear elevation of the neighbour has also been extended out with extensive use of glazing minimising the threat of over shadowing / loss of light. The special circumstances of the case have been considered however it has not been demonstrated that an extension of this scale is a necessary response to those particular circumstances. As a result of the above the proposal is contrary to criteria (b) of EXT 1.

The proposal will not cause the loss the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. Sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposal is compliant with criteria (c) and (d) of Ext 1.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal will unduly affect the amenity of the neighbouring residents at No. 12 Cloughreagh Park by reason of dominance and overshadowing / loss of light.

Case Officer**Authorised Officer**

ITEM NO 10

APPLIC NO LA07/2016/0201/F **Full** **DATE VALID** 2/10/16

COUNCIL OPINION **APPROVAL**

APPLICANT Alterity Developments Ltd **AGENT** Insideout
 Montgomery House Belfast BT1 4NX Architects 77 High Street Bangor BT20 5BD 02891478835

LOCATION 115-117 Main Street Newcastle Co Down

PROPOSAL The proposal consists of a new café on ground floor with 3 apartments over first and second floors addressing the Main Street. the rear building has 2 apartments over ground and first floor. (Amended plans received)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	0	0
			Addresses	Signatures
			0	0 0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0201/F

Date Received: Feb 2016

Proposal:

Full permission is sought for the demolition of the existing building ((Ulster Bank, Main Street, Newcastle), with construction of a new 3 storey block to the front, comprising a cafe on the ground floor with 3 apartments above fronting Main Street, with an additional 2 storey block to the rear of the site comprising 2 apartments which will front towards Valentia Place.

Applicant: Alterity Developments Ltd.

Location:

The site is located within the boundary of Newcastle town centre, whereby the frontage is also within the Primary Retail Core, as identified in the Ards and Down Area Plan 2015. It is also noted Main Street is a Protected Route.

This site extends from Main Street through to Valentia Place to the rear, whereby the existing development along this stretch of Main Street is commercial in form at ground floor level with a mix of uses above including storage, office and residential, while the properties along this stretch of Valentia Place are also residential in character.

Site Characteristics & Area Characteristics:

The site comprises the grounds of the former Ulster Bank building and associated grounds which extend from Main Street to Valentia Place to the rear.

This site is currently vacant whereby the use as a bank has ceased, and includes a 2 storey building with car park to the rear, whereby the car park is accessed via Valentia Place.

This 2 storey building is detached with a road (Bryansford Gardens) and alley-way running along either side, with Main Street to the front and Valentia Place to the rear. It is also noted footpaths run along the front and rear of the site, although double yellow lines run along the front, side and rear of the site.

The existing building extends across the full width of the site and extends to adjoin the alley-way and road (Bryansford Gardens) to either side.

This building includes large glazed panels at ground floor with 6 windows at first floor with vertical emphasis, and also includes a hipped roof with slate roof and central chimney. The side gables are blank while the rear return includes a number of openings and small extensions.

This stretch of Main Street includes a mix of building sizes and designs whereby the terrace of no.105-113 to the north side of the site and beyond Bryansford Gardens are 3 storey high, while the adjoining buildings to the south side of the site are 2 storey high. The properties to the far side of this stretch of Main Street include a mix of 2 and 3 storey buildings, while the properties along Valentia Place in the vicinity of the site are generally 2 storey.

No.113 Main Street is currently vacant although was previously commercial in use, while no.119 is commercial in use (hot food carry-out with upper floor sit-in area). The properties to the rear along Valentia Place and Bryansford Gardens are residential in use.

Site history

A history search has been carried out for the site and surrounds, whereby it is noted there have been a number of applications in this area, the most relevant of which includes:

LA07/2016/1157- PAD- 115-117 Main Street, Newcastle, Demolition of existing building and development of 3 no 1bed apartments in 3 storey block and 6 no 2bed apartments in 3 storey blocks and 4 no car parking spaces, Applicant: Helm Housing Association.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6, PPS7 and Addendum, PPS8, PPS11, PPS12, PPS15, and supplementary guidance

As stated above the entire site is located within the boundary of Newcastle town centre, whereby the frontage is also within the Primary Retail Core, as identified in the Ards and Down Area Plan 2015. It is also noted Main Street is a Protected Route.

This site extends from Main Street through to Valentia Place to the rear, whereby the existing development along this stretch of Main Street is commercial in form at ground floor level with a mix of uses above including storage, office and residential, while the properties along this stretch of Valentia Place are also residential in character.

This stretch of Main Street includes a mix of building sizes and designs whereby the terrace of no.105-113 to the north side of the site and beyond Bryansford Gardens are 3 storey high, while the adjoining buildings to the south side of the site are 2 storey high. The properties to the far side of this stretch of Main Street include a mix of 2 and 3 storey buildings, while the properties along Valentia Place in the vicinity of the site are generally 2 storey.

As these lands are located within the development limits, there can be no objections to the principle of development unless demonstrable harm will result.

Representations

6 representations in opposition to this proposal have been received to date (06-10-16) from owner/occupiers of properties along Main Street, whereby the main issues raised include:

- there is no objection to modernising the site, but there are concerns regarding the cafe/further eating establishment and further competition in this area, (A list of existing eating places is provided),
- a large brand coffee shop will not recruit from the local community and will have no benefit to the local economy as a whole. Many businesses in Newcastle are long standing and family run, which is what Newcastle traders pride themselves on,
- there is already over-provision of cafes in the town and there is no need for this,
- both buildings are not visually in keeping with the surrounding buildings,
- the access is coming off a busy and particularly awkward junction which often bottlenecks and impinges traffic flow on a regular basis,
- there has been a shortcoming regarding the distribution of NN,
- overshadowing, loss of light and loss of view from no.98a Main Street
- if any piling work is proposed there is the potential for structural damage to 98a,

See file for full content of representations received.

As part of the processing of this application neighbour notification and advertising was undertaken in Feb and March 2016.

Having account the extent of the red line and statutory requirements neighbour notification was undertaken with a number of properties along Main Street and Valentia Place in Feb 2016, while the case was also advertised in the local press in March 2016.

The above points are a summary of issues raised, and are not meant to be an exhaustive list. With regards to the points made it is considered neighbour notification has been carried out in line with current practice and statutory requirements. The potential amenity issues are covered below, while Transport NI were consulted on several occasions and also attended an office meeting, and have offered no objections in principle. The design of the frontage has also been amended to take account of the existing character, and while it is noted the main concern relates to the ground floor cafe, it is considered there are no grounds to refuse, as this use offers choice to shoppers and visitors alike.

Consultations-

Having account the nature of this proposal, location and constraints of the site and area, consultations have been carried out with Transport NI, NIW, NIEA, Environmental Health, Shared Environmental Services and Rivers Agency, as part of this application, who offer no objections in principle. A Habitats Regulations Assessment Screening was also undertaken.

Transport NI initially requested a site meeting which duly took place in April 2016, and following the submission of further info, now offer no objections in principle. Rivers Agency had also requested further information which was duly submitted and now offer no objections.

The remaining consultees offered no objections in principle.

Having account the location, zonings and constraints of the site and surrounds, it is not considered necessary to seek comments from any other body to determine this proposal.

Assessment

As stated above the site comprises the grounds of the vacant Ulster Bank building and associated car parking to the rear.

It is proposed to demolish this existing building and construct a new development comprising a 3 storey building to the front fronting Main Street and 2 storey building to the rear fronting Valentia Place, with central parking area.

This 3 storey building to the front will consist of a cafe on the ground floor with 3 apartments above, each with 2 bedrooms. The 2 storey building to the rear will consist of 2 apartments, each with 2 bedrooms.

The town centre location and zonings of the site are noted, however having account the vacant nature of the building and associated previous use, and existing mix of uses along this stretch of road, it is considered there can be no objection to the principle of a cafe at ground floor level, with residential accommodation above. The content of the Area Plan including reference to apartment developments and the town centre have been considered as part of this assessment whereby it is concluded the proposal does not offend these policies, and is in line with the general thrust of commercial use at ground floor with residential accommodation above along Main Street.

It is acknowledged the frontage along Main Street is within the Primary Retail Core however for the reasons outlined, no objections are offered to the principle of a cafe at ground floor level.

In addition the proposed residential use along Valentia Place will continue to protect the residential character and potential spread of commercial uses along this town centre peripheral location.

Also it is considered the proposal does not offend the content of the recently published SPPS for the reasons already stated, and will contribute to a vibrant town centre, providing a mix of commercial and residential uses.

It is noted the representations received have expressed concerns regarding the ground floor use as a cafe shop, however it is considered it is not possible to sustain a refusal on these grounds in policy terms in this instance.

An office meeting was facilitated with the agent in April 2016 at the request of Transport NI, to discuss their respective concerns. Planning concerns were also discussed with the agent at this meeting which included the design and finishes of the proposal, bin storage, and parking provision.

Following this meeting amended plans were submitted in May 2016, while Private Streets Determinations drawings were also submitted in June, and further information was also submitted for Rivers Agency in July.

This report is based on the amended scheme received in May, whereby the proposed development and associated siting remains the same, however the design of the front block has been amended to better respect the existing frontage along Main Street.

The amendments made include changes to the design and finishes, whereby the frontage to Main Street has been simplified and now includes painted render walls with stonework at ground floor level. Having account the existing character of the area and associated designs and finishes of adjacent properties it is considered the design and finishes now proposed are acceptable.

While it is noted the development proposed is larger than that currently existing on site, it is considered the 3 storey development to the front and 2 storey block to the rear are in keeping with the existing character of this area, thus no objections are offered.

Having account the town centre location of the site and associated density of the area it is considered the site is large enough to accommodate 2 blocks of units which is reflective of the existing character.

In addition it is considered the separation distance and spacing between units and all other adjoining/adjacent properties is sufficient to prevent any unacceptable impact in this town centre location, in terms of overlooking, overshadowing, loss of light or dominant impact and will not result in the loss of an unacceptable amenity. It is noted this area includes a mix of commercial and residential units whereby the relationships and distances between units in this higher density town centre location is similar to that proposed.

Similarly it is considered sufficient provision has been made for amenity space and parking for these units in this town centre location.

It is noted 5 parking spaces are being provided within the site (ratio of 1 to 1) for these 5 apartments, which is considered acceptable for this town centre location. It is also noted a new footway is to be provided along the side of the site, which will improve this stretch of road as no footpath existing along this stretch of road at present. An enclosed bin storage area is also to be provided for both the retail and residential units.

It is acknowledged no parking is being provided for the cafe however this is reflective for existing uses along Main Street and within the town centre area.

While it is noted there is opposition to this scheme on balance it is considered the proposal complies with the applicable policy context, whereby there are no justifiable grounds to sustain a refusal.

As such approval is recommended subject to conditions.

Recommendation: Approval.



Practice Pad

Ref: **Date: 02 November 2016**

LA07/2016/0201/F

Title:

115-117 Main Street Newcastle

Subject:

Written Submission

Scottish Provident Building,
7 Donegall Square West,
Belfast
BT1 6JH

T: 028 9091 8410
F: 028 9091 8201
E: admin@pragmaplanning.com

This written submission is prepared on behalf of Alterity Developments Ltd by Pragma Planning in lieu of speaking rights at the Newry Mourne and Down Council Town Planning Committee on 10th November 2016.

Alterity Developments are a local privately owned development and investment company that has been actively involved in redevelopment across Northern Ireland for the last 40 years.

This development is a response to current high levels of demand for commercial units of a particular format that is not being met by the existing buildings in Newcastle. This demand is from five different occupiers in the café/restaurant market. The existing commercial buildings in Newcastle do not cater for these occupiers. Alterity has been seeking premises in Newcastle since 2007 to meet this demand and attract inward investment into the town centre.

This particular building has been derelict since Ulster Bank vacated and has had a negative impact on the life, vibrancy and vitality of Main Street during that period. The development of the site for a café and apartments will mean that the site is fully developed for the first time in a long time, since Ulster Bank utilised the rear of the site as a car park and did not provide any active use to the streets to the rear.

The main benefits of the scheme are:

- Meets all planning policy;
- Increased foot fall to Main Street and Newcastle generally;
- Increased life and vitality to Main Street from the café and apartments above throughout the day and night;
- Improves road safety for pedestrians on Bryansford Gardens through the provision of a new footpath;
- Significantly increased rates revenue (the current building only delivers 50% of the rates liability on the current building due to vacant rates relief);
- Increased employment opportunities for local people – the proposal will create around 10-15 jobs which will be filled by local people;
- Increased supply chain benefits – café/restaurants source produce locally as this means it will be fresh and use local supply chains to service their stores creating increased benefit to the local economy;
- Café/restaurants such as that proposed act as a springboard to investment by other retailers, thereby creating significant further inward investment to the local economy.

The main objections are:

- The proposal is for a national chain – this is not a planning reason for refusing this application, contrary to assertions otherwise national chains also use local people, local supply chains and are actively involved in local communities because they employ local people;
- There are enough cafés in Newcastle – this is not a planning reason for refusing this application, contrary to assertions national chains exist alongside local outlets across Northern Ireland as each one caters to different segments of the market;

'Regulated by RICS'

Pragma Planning & Development Consultants Ltd. Registered office: Andras House, Great Victoria Street, Belfast. Registered No.: NI 45892. VAT Reg No. 810 0345 89

- Height, overlooking and loss of views – the proposal is not significantly taller than the existing building due to the raised ground floor of the existing bank, there will be no overlooking caused by the development which faces onto the fronts of neighbouring buildings and there will be no loss of views.

We trust that this is an adequate explanation of our client's proposals.



Photograph of the existing former bank premises

Note the steps up to the front door indicating the raised ground floor, also note the large height of the ground floor compared to neighbouring premises to give the banking hall a sense of presence.

Also note the lack of footpath on Bryansford Gardens.

The proposal is a similar height to the building on the right hand side of the photograph.



Photograph of existing former banking premises.

Note the steps to the ground floor and the height of the ground floor.

Also note the lack of footpath on the opposite side of Bryansford Gardens

The former bank presents a dead frontage onto Main Street even when it was in active use due to the elevated ground floor and the opaque glass. The proposal will create an active frontage with life and activity throughout the day and evening.



Photograph of Bryansford Gardens

Note the lack of footpath and street lighting making this a dangerous and intimidating street to walk along particularly at night. This is a significant impediment to accessibility of Main Street from the housing areas behind.

Also note the lack of passive surveillance from residential windows overlooking the street. Both of these issues are resolved by the proposal which provides a pedestrian walkway and lighting from the apartments and shop – street lighting could be provided on this walkway by the appropriate authority.



Photograph of the rear of the site.

This area is a dead frontage with no life or activity on the street scene. The proposal will provide a two storey building (2 apartments) on this corner of a similar height to the houses in the photograph. It will also provide activity and passive surveillance over the street from the living accommodation.



3d Drawing of the proposal illustrating both the Main Street and Bryansford Gardens elevation. This shows the building at approximately the same height as the buildings on the opposite side of Bryansford Gardens (on the right hand side of the image).

Please note the active street frontage which turns the corner into Bryansford Gardens as well as the upper floor apartment windows providing passive surveillance over Bryansford Gardens.



Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down

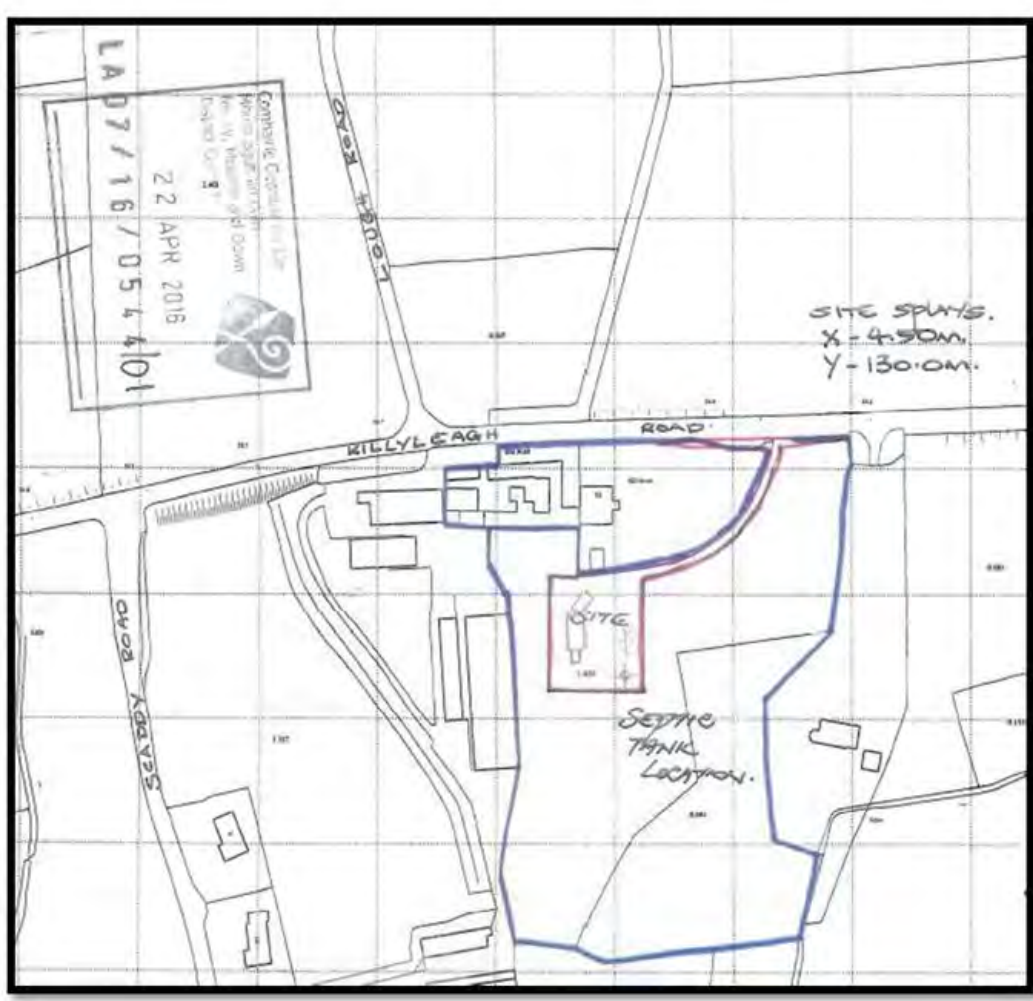
District Council

Application Reference: LA07/2016/0544/RM

Date Received: 22nd April 2016

Proposal: Proposed dwelling

Location: The site is located on land directly southeast of 53 Killyleagh Road, Crossgar.



Site Characteristics & Area Characteristics:

Site Characteristics

The site is part of a larger agricultural field which is located directly south of no53 Killyleagh Road. The site adjoins the southern boundary of no53 which is defined by a tall row of mature conifer trees. The remaining boundaries of the site are undefined. The site is currently in agricultural use and slopes upward from east to west.

Area characteristics

The area is characterised by agricultural land and sparsely located rural dwellings along the Killyleagh Road. The main farm dwelling (no57) is a listed building which is a large 2 storey dwelling with hipped roof and several large stone outbuildings. No57 is a guesthouse approved under R/1997/1007/F. To the east of the site there is 2 storey dwelling and garage at no55. To the south of the site is open agricultural land and to the west is a large agricultural unit which is part of a neighbouring farm.

The topography of the area is undulating with land falling to the east and south east.

Site History:

R/1974/0385 -	Hill house, Killyleagh Road, Crossgar – Farm shop - Granted
R/1993/0793 –	Hill house, Killyleagh Road, Crossgar - Alterations to premises – Historic
R/1994/0196 –	Hill House, Killyleagh Road, Crossgar - Change of use of outbuildings to restaurant – Historic
R/1997/1007 -	Hill House, Killyleagh Road, Crossgar - Change of use from dwelling to guest house - Granted
R/2002/1368/O -	Lands at 53 Killyleagh Road, Cluntagh, Crossgar, Northern Ireland, BT30 9LB - The proposal is for 3 number self-catering tourist cottages and 2 number special needs self-catering cottages as an extension to the existing facilities at Hill house Guest House and Restaurant, 53 Killyleagh Road, Crossgar – Appeal dismissed
R/2012/0198/O -	Adjacent land to rear of 53 Killyleagh Road, Crossgar, Co Down, BT30 9LB - Private storey and a half dwelling – Granted 7 th May 2013

Planning Policies & Material Considerations:

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3
- Planning Policy Statement 21
- Building on Tradition

The site is located within an Area of Constraint on Mineral Developments and a small section of the sites and access falls within the listed buildings curtilage.

Consultations:

- Statutory – NI Transport – No objections
- Non-Statutory – NI Water – No objections
- Statutory – NIEA Water Management Unit – No objections
- Statutory – Historic Environment Division – Objections
- Advice & Guidance – Environmental Health - Advice

Objections & Representations

The following neighbouring occupiers were notified on 12th May 2016:

- 53 Killyleagh Road, Cluntagh, Crossgar, Down, BT30 9LB
- 55 Killyleagh Road, Cluntagh, Crossgar, Down, BT30 9LB

The application was advertised on 11th May 2016.

There have been no representations received in relation to this application.

Consideration and Assessment:

This application is for the reserved matters of outline approval R/2012/0198/O which was granted on 25th April 2013 with a time limit of 3 years to submit reserved matters. This application was received by the council on 22nd April 2016 therefore the application was submitted within the time limit.

The principle has been established under the outline permission – this application will consider the design, access and other reserved matters.

Design

The proposed dwelling has a main frontage of 11.3m with subordinate side wings, one of which adjoins a double garage. The overall front elevation measures 29m including side wings and the garage. The dwelling has a main ridge height of 6.6m above ground level and 6.4m above finished floor level. The dwelling would be finished with smooth render walls, oak grained upvc windows and doors and blue/black or dark grey plain interlocking concrete non-profiled roof tiles with matching ridge tiles. There would be 2no chimneys located on the main ridge. One chimney would have an external chimney breast. There are 2no dormer windows on the front elevation and a small storm porch.

The rear elevation would have a pitched roof return and 2no dormer windows French doors and Juliet style balconies.

The proposed garage would be 6.2m above ground level and would be finished in coursed random rubble whinstone. The garage would adjoin the dwelling by a subordinate link.

The design meets the requirements of the conditions of the outline approval. The site is located south of the main farm dwelling. There is a tall mature row of trees along the southern boundary of no53's curtilage. This restricts views of the site from the Killyleagh Road when travelling east to west. The site cannot be viewed when

travelling west to east. There are no views of the site from the Scaddy Road to the south west due to the topography of the land and the existing agricultural buildings to the west of the site. It is considered that views from the Killyleagh Road will be restricted by the tall row of trees along the north of the access and proposed dwelling – only a small section of the dwelling will be visible and this view will be short term.

There are no views of the rear of the dwelling from any viewpoint and rising land and buildings to the west would provide a backdrop to the dwelling when viewed from the northeast.

Historic Environment Division (Historic Buildings) were consulted on the application and have raised an objection to the dwellings design stating:

'Historic Environment Division, Historic Buildings Unit (HED - HBU) has considered the impacts of the proposal on the building and on the basis of the information provided, advise:

- *It considers that the proposal has an adverse impact on the building under Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning'*

The following necessary criteria from BH11 are not satisfied by the proposal:

"the detailed design respects the listed building in terms of scale, height, massing and alignment"

"the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building"

A previous application (R/2002/1368/O) for 3no self-catering tourist cottages and 2no special needs self-catering cottages were proposed with a similar siting as the current proposed farm dwelling. This application was subsequently refused and appealed (2004/A512) with one of the refusal reasons being that the proposed development was contrary to BH11 of PPS6. In the appeal decision the commissioner noted that the belt of trees to the south and southeast of the driveway provides a 'visual enclosure over which Hill House commands dominance' ...'I cannot conclude that the setting of the listed building breaks out of this enclosure onto the surrounding fields which blend with the surrounding countryside.' The commissioner did not find that the proposal would adversely affect the setting of the listed building known as Hill House at 53 Killyleagh Road.

In considering that the proposed site is in roughly the same site as the above appeal I find that the proposal is acceptable in that it is located in a position with limited public views and has been previously found at appeal not to affect the setting of Hill House. To enhance the vegetation between the site and listed building, amended plans were requested and received on 19th September 2016 showing a 3m landscape buffer planted between the proposed dwelling and the listed building.

The design is generally in keeping with Building on tradition and would integrate suitably into the surrounding countryside. There are no overlooking or overshadowing issues associated with the proposal. The dwelling would be located approximately 100m from no55 Killyleagh Road.

The dwelling is considered acceptable in terms of its siting, design, and scale. The proposal is not considered contrary to PPS21 CTY1, CTY8, CTY 13, and CTY14.

Access

The access is from Killyleagh Road from the same position as an existing agricultural field entrance. The access would be adjacent to the existing access lane to no53. Transport NI have been consulted and are content with the proposed access with conditions. The Killyleagh Road is not a protected route.

Landscaping

New boundaries are to be defined by timber post and wire fence with planting on the inside. Details of proposed landscaping have been provided and are considered acceptable. Conditions should be imposed to ensure that new boundaries are planted and any trees that die within 5 years to be replaced.

Septic Tank

NIEA Water Management Unit has been consulted and has raised no objections to the proposal. The septic tank location is to be finalised. The necessary permissions should be obtained prior to the development. The proposal complies with PPS21 CTY16.

Environmental Health

There is a large agricultural unit to the west of the site which is outside the applicant's ownership. The principle of the site in this located was previously approved however it should be noted that the applicant may incur noise and smells which would be ordinarily associated with an agricultural unit.

Summary

The proposed dwelling complies with the conditions of the outline approval and is considered acceptable in terms of its siting, design, access and layout. The application is therefore recommended for approval.

As the recommendation goes against an objection from HED the application should be determined by the planning committee in accordance with legislation and the Councils Scheme of Delegation.

Recommendation:

Approval

Conditions:

As required by Section 62 the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

i. The expiration of a period of 5 years from the grant of outline planning permission;
or

ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 03 (Rev03) bearing the date stamped 19th September 2016 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.

The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/ trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

The existing natural screenings of this site, shall be retained unless necessary to prevent danger to the public (except as required to be removed to provide access) or in which case a full explanation shall be given to the Council in writing, and agreed by the Council prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

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

Practise. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with the approved plans.

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

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.

ITEM NO	25				
APPLIC NO	R/2014/0159/F	Full	DATE VALID	3/27/14	
COUNCIL OPINION	REFUSAL				
APPLICANT	Philip Patterson 31 Brae Road Ballynahinch		AGENT	James Anderson 202 Belfast Road Ballynahinch BT24 8UR	
LOCATION	31 Brae Road Ballynahinch			NA	
PROPOSAL	Replacement agricultural shed				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
			Addresses	Signatures	Addresses
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the existing agricultural holding is not currently active and established.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed building is not necessary for the efficient use of the agricultural holding.



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**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0159/F

Date Received: 1st April 2014

Proposal: Replacement Agricultural Shed

Location: The site is located at 31 Brae Road, Ballynahinch, Co. Down, in the north of the district.

Site Characteristics & Area Characteristics:

The site is set back from the eastern side of the Brae Road by approximately 60m. The site can be accessed via 2 laneways – one which enters to the north of the site and also provides access to the associated dwelling known as 31 Brae Road, the alternative access enters the yard from the south of the site. The topography of the site rises from the road in a south easterly direction before falling again adjacent to the application site. This undulating topography partially screens the site from view from the road. The site is defined by a large gravel area, on which various containers and sheds of temporary constructions are located. There are piles of logs and crates and other bags of material which have been stacked together.

Site History:

R/2004/1304/F

31 Brae Road, Creevytenant, Ballynahinch, Northern Ireland, BT24 8UN

Extension to dwelling to form Granny flat.

Permission Granted

R/2003/0009CA

Site adjacent to 31 Brae Road, Ballynahinch.

Operational Devt

Planning Policies & Material Considerations:

In assessment of this application, regard shall be given to the Regional Development Strategy (RDS) 2035, Ards and Down Area Plan 2015, Strategic Planning Policy Statement (SPPS), Planning Policies 3 and 21.

Consultations:

In assessment of the application, a consultation was carried out with DARD. Their response dated 02.05.14 advised that the farm business ID has been in existence for more than 6 years, while single farm payments were only claimed in 2005 & 2006.

Objections & Representations

The proposal was advertised in the local press on 16.04.14. No neighbours have been notified of the proposal and no objections have been received.

Consideration and Assessment:

The proposal seeks full planning permission for the replacement of an agricultural shed. It is proposed that the shed will replace existing unauthorised sheds on site. The P1 form states that the existing sheds are untidy and of different constructions and that the proposal will replace 'piecemeal' storage.

The proposed shed will be 24.7m in length, 10m wide and 4.8m in height. The shed will be constructed with steelwork and finished with dark green, metal troughed sheeting. It will be sited to the south-east of No 31 Brae Road and immediately north of the unauthorised hard cored area, which is included in the site outlined in red. The submitted plans also show a fence, which is proposed to separate the dwelling from the agricultural yard.

As the replacement shed is to be used for agricultural purposes, which is to be located on a farm, Policy CTY 12 of PPS 21 is applicable. This policy states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that criteria (a) – (e) are met. It is necessary, therefore, in the first instance that the applicant demonstrates that the agricultural holding is active and established, which for the purposes of this policy will be that set out under Policy CTY10 of PPS21. In assessment of this the Council consulted Department of Agricultural who confirmed on 02.05.2014, that the farm business ID had been in existence for more than 6 years, but Single Farm Payment, Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes had only been claimed by the business in 2005 & 2006. Therefore, the business while established is not active. In an attempt to address this latter point, additional information was submitted by the agent (James Anderson) stating that the applicant plants potatoes annually on half acre of the farm, however, the remaining land is let out to a farming friend. This type of farming does not demonstrate to the Council that the business is both established and active, the proposal does not, therefore, meet the first test of the policy.

In assessment of the remaining criteria (a) – (e), insufficient information has been submitted to demonstrate that the proposed replacement shed is necessary for the efficient use of the agricultural holding. It is noted that supporting evidence submitted on 22.09.14, provides some detail on the work carried out by the applicant i.e. annual potatoes, rearing of turkeys and keeping land in good order. In addition, it was cited that the applicant requires the replacement shed for the storage of farm machinery and vintage vehicles. It is noted that the submitted drawing No 1 is annotated to state that the shed will be used to house machinery to enable other sheds of different constructions to be removed – such use is not considered necessary for the efficient use of the holding.

On this basis the proposal fails to meet the policy criteria and is therefore recommended for refusal.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the existing agricultural holding is not currently active and established.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed building is not necessary for the efficient use of the agricultural holding.

Signed

Date.....

Signed

Date.....



*Construction
Management Services*

*202 Belfast Road
Ballynahinch
028 07 503404
Jimmy.Anderson@btinternet.com
Mobile 07515 283355*

DOE Planning

Case reference Nr R/2014/0159/F - 31 Brea Road, Ballynahinch, Co Down

In respect of the above I was informed by a local Councillor Walter Lyons that the above application was up for refusal at Down Council meeting of 22/9/2014

I therefore looked at the planning web site to ascertain the reasons why and was amazed at the points contained therein, in that, the information that seemed to be required and hence the conclusions reached had not been communicated to the Client or indeed to me the agent.

The report states that the farm has to be active for at least 6 years and I can confirm that this farm has been active for as long as I can remember. I can say that with some authority as I live close to it and remember even before the present owners, Mrs Pattersons father being very active on the farm, I am 69 and lived in the same location all that time.

Like many small farms it is difficult for to make a living from the land alone, so most owners have other sources of income to supplement earnings. At present Mr Patterson plants potatoes annually which takes up about half an acre. He also raises around 40 turkeys which he sells at Christmas. The rest of the land is let out to a farming friend who raises beef cattle of which I recently counted 9 on the land. Also he keeps the land in good order by fencing weed killing etc. I would also add that in the past he has kept cattle & sheep himself. How much he does himself & how much he lets the land out is determined by circumstances, the price of livestock etc. At present he supplements his income by doing landscape work mainly cutting grass in graveyards connected with churches in which he travels to various sites to carry out this work. In the past he has also acquired trees & logged them which many use nowadays for the very popular wood burning stoves. So the farm is active although not all is farmed by Mr Patterson at present.

Apart from considerable farm machinery Mr Patterson and his sons are interested in vintage machinery and whilst Mr Patterson is interested in old tractors his sons are interested in restoring 2 old minis therefore a lot of space is needed to house both farm machinery and the vintage vehicles which is why a lot of sheds are required. The plan to reduce the sheds is to have one large shed to house the machinery is the subject of the application. The stock of machinery is, 3 tractors one of which is used on the land & 2 Vintage restored tractors, 1 Plough, 1 disc, 1 potato planter, 1 potato digger, 1 yard leveller, 1 yard scraper and a quad bike.

The case officer has stated in his report that no information was given. However I was not consulted or asked for any of the information he refers too. I got one phone call from him to say that the farm map was not the one he needed, after which I rang DARD for the one he required and was told they do not issue them generally & are linked to the single farm payment in recent times which Mr Patterson has not claimed due to, more than anything, his lack of organisation skills in respect of printed documents. However the DARD officer stated that he would have the proper map as it had been issued on a previous occasion. Mr Patterson has since found this map which I enclose along with 3 copies. I would be pleased to get the original back.

The enforcement notice Mr Patterson received will be observed which he has already agreed to and communicated his intention to that department in writing but I was asked by him to request that he be allowed to keep the hardstanding & build one shed to replace some of the small sheds. The enforcement officer stated that he could apply for that as a separate planning approval which would be nothing to do with the enforcement notice until the result was known. Therefore I was surprised to see this mentioned in the case officers report. I would hope that this in no way has influenced the case officer's decision to recommend refusal.

Finally I would request that this further information would be considered by the Department in respect of this application by either a site meeting or an office meeting

Yours faithfully

James Anderson (Agent)

19/09/2014



MRS E KELLY & A & P
PATTERSON
30 BRAE ROAD
BALLYNAHINCH
CO DOWN
BT24 8UN

Area-Based Schemes Payment Branch
Orchard House
40 Foyle Street
Derry/Londonderry
BT48 6AT

Tel: 0300 200 7848

E-mail:

areabasedschemes@dardni.gov.uk

Business ID: 604311

Date: 10th December 2015

Dear Farm Business

PROVISIONAL NOTIFICATION OF 2015 BASIC PAYMENT SCHEME ENTITLEMENTS

I am pleased to advise you that you have successfully established Basic Payment Scheme (BPS) entitlements. This letter provides you with a summary of the entitlements allocated to you in the table below.

TOTAL NUMBER	PROVISIONAL TOTAL VALUE OF ENTITLEMENTS (€)
8.09	989.65

TOTAL NUMBER - This is the total number of entitlements allocated to you based on the area we found that is eligible to establish entitlements. However, if there are any changes made to the eligible area used to establish entitlements this will result in an adjustment of the total number of entitlements allocated.

PROVISIONAL TOTAL VALUE OF ENTITLEMENTS - This is the total monetary value in euro of the entitlements allocated to you in 2015, after a scaleback of 32.455310% has been applied and the first step in the move towards the flat rate has been taken. Scaleback is required to provide funds for the Greening Payment, Young Farmers' Payment and Regional Reserve. Your 2015 BPS payment will be based on the information in the above table subject to scheme eligibility conditions being met.



Department of
**Agriculture, Environment
 and Rural Affairs**

81

MRS E KELLY & A & P PATTERSON
 30 BRAE ROAD
 BALLYNAHINCH
 CO DOWN
 BT24 8UN

Area-based Schemes Payment Branch
 Orchard House
 40 Foyle Street
 Derry/Londonderry
 BT48 6AT

Tel: 0300 200 7848

areabasedschemes@daera-ni.gov.uk

Business ID: 604311

Date: 14/10/2016

Dear Farm Business

Basic Payment Scheme and Greening Payment 2016: Advance Payment

Your 2016 application for the Basic Payment Scheme (BPS), Greening Payment and, if applicable, Young Farmer Payment (YFP) has been assessed and you should receive a 70% advance payment amounting to £974.58 within the next five working days.

This advance payment is based on the total eligible area for BPS claimed in 2016 and the current value of the Payment Entitlements you established in 2015. Further payments to farm businesses covering the balance of the 2016 payment will start to be issued from 1st December 2016. Your advance payment has been calculated as follows:

BPS Payment

Total value of BPS Entitlements	€ 1,129.28
Less over declaration penalty (0 hectares)	€ 0.00
Less late claim penalty	€ 0.00
% reduction	0.00%
Less late field penalty	€ 0.00
Non declaration penalty	€ 0.00
% reduction	0.00%
Capped amount	€ 0.00
BPS sub-total	€ 1,129.28

ITEM NO	26			
APPLIC NO	R/2014/0392/F	Full	DATE VALID	7/18/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Cathal Shields 69 St Patricks Road Downpatrick BT30 7JJ		AGENT	K'lar Consultancy 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822
LOCATION	Approx 400m East South East of 47 Loughmoney Road Raholp Downpatrick			
PROPOSAL	Proposed V39 250KW wind turbine on 40m high tower.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	12	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0392/F

Date Received: 18/07/2014

Proposal: Proposed V39 250KW wind turbine on 40m high tower

Location: Sited in the open countryside 560 metres south of Raholp.



Site Characteristics & Area Characteristics:

Access to the site is via an agricultural gate which fronts onto the Bannaghan Rd and field to the rear and east of No.2 St Patrick's View. There is no existing laneway to the site, the development will therefore require the construction of a temporary laneway which will track across two open agricultural fields in a southerly direction for a distance of 550 metres. The site is located within a gently undulating field with field boundary vegetation located 60 metres to the east. The land in the vicinity of the site rises to the east and falls initially to the west before rising to a localised hill. Field boundaries to the west consist of 1m stone walls with occasional trees and bushes.

Two clusters of farm outbuildings are located 380 metres and 420 metres to the west of the turbine site. The southern side of St Patricks terrace is located 486 metres to

the north of the site, however as noted above the proposed access runs parallel with and to the rear of No2,4,6 and 8 St Patrick's Terrace.

A number of important tourist sites are located in this part of the District. These include St Patrick's Monument located 1.47 km to the south west, Castleward 3.73km to the north east and Delamont Country Park 4.18km to the north west.



View from St Patrick's Monument with approx turbine position indicated.



Existing agricultural access gate and track

Site History:

There is no relevant history relating to the application site. There are however several applications for wind turbine developments and an existing telecommunications tower in the vicinity of the site, these are as follows:

R/2006/1266/F - 6KW 15m wind turbine. 32 Myra Road, Downpatrick. Permission granted 4.04.07.

R/2011/0831/F - Existing 6 no DBPP antennas (L1905 x W204 x D136mm) to be removed and replaced by 6 no DBDP antennas (L1942 x W364 x D152mm) and ancillary equipment. 200m NW of 78 Ballyculter Road, Downpatrick Permission granted 6.03.12.

R/2012/0575/F – Wind turbine 30m rotor, 30m tower. Approx 100m SE of 32 Myra Rd. Permission granted 31.03.14

R/2014/0394/F - A single 250kw wind turbine with a base height of 40m and a blade length of 19.5m. Approx 295m South of 28 Bannaghan Road. Permission granted 24.02.15.

R/2014/0476/F - Proposed 250kw Wind Turbine with Tower height of 40m and Blade diameter of 29m. Approx. 340m SSW of 35 Myra Road. Under consideration.

R/2014/0658/F - Installation of a wind turbine on a tubular tower of up to 40m height with blades up. Lands 340m South West of 22 Slievegrane Road, Saul. Under consideration.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Ards and Down Area Plan 2015

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 16: Tourism

Planning Policy Statement 18: Renewable Energy

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Guidance:

Wind Energy Development in Northern Ireland Landscapes

Best Practice Guidance to PPS18 'Renewable Energy'

The Ards and Down Area Plan 2015 (ADAP) currently serves as the local development plan for the area within which the site lies. It identifies that the site lies with the Strangford and Lecale Area of Outstanding Natural Beauty (AONB) and in close proximity to European designations associated with Strangford Lough.

Policy CT 1 of PPS 21 directs that renewable energy projects in the countryside will be granted in accordance with policies contained in PPS18. Proposals satisfactorily meeting PPS18's requirements are therefore developments acceptable in the countryside. PPS 18 is supported by the Best Practice Guidance (BPG) providing background information on renewable energy technologies.

The aim of PPS18 is consistent with the aim of SPPS to site renewable energy generating facilities in appropriate locations in order to achieve NI's renewable energy targets without compromising other environmental assets of acknowledged importance. Both the SPPS and Policy RE1 of PPS 18 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects, which are not outweighed by the local and wider environmental economic and social benefits of the development.

Consultations:

NIEA Historic Buildings Unit

22.06.15 – HBU considers that the proposal is contrary to Policy BH11 of Planning Policy Statement 6 in that it would, if permitted, adversely affect the setting of a building/structure listed under Article 42 of the Planning (NI) Order 1991 namely: Statue of Saint Patrick on Slieve Patrick (approached from St Patrick's Road, Saul) by reason of:

- Its detailed design which is out of keeping with the listed building/structure in terms of scale, form, massing, proportions and height.
- The adverse impact on the fragile and scenic landscape association and visual envelope of the listed structure.
- The adverse visual impact on visual amenity and landscape character.

Historic Monuments Unit has considered the impacts of the application and on the basis of the information provided is content with the proposal.

Waste Management Unit has considered the impacts of the proposal on the environment and on the basis of the information provided refers to standing advice.

The foundations of the wind turbine could potentially impact on groundwater flow paths, groundwater receptors (aquifers) or secondary receptors. Hence it is recommended that the applicant considers the risks to potential receptors identified initially through a desktop study. If the desktop study identifies any potential impacts a more detailed risk assessment may be required.

Natural Environment Division refer to Standing Advice Note 15 – Bats. Please apply the Bat Formula noted in Appendix 3 and also refer to the Biodiversity Checklist to determine what surveys may be required.

NI Water

29.07.14 - We have assessed this proposal with regard to both the fixed radio links and ST radio links that NI Water operate, and have no objection.

NATS

29.07.14 - Although the proposed development is likely to impact our electronic infrastructure, NATS (En Route) plc. have no safeguarding objection to the proposal.

Arquiva

04.08.14 - Having regard to our network and the lines of sight used by our Re-Broadcast Links we have no objection or issues to raise based on the information provided.

Civil Aviation Authority

02.10.14 - In addition to consulting with NATS (En Route) Ltd and the MOD you should consult with aerodromes within the vicinity of the development. It would also be sensible to establish the related viewpoint of local emergency services air support units.

Belfast International Airport

5.08.14 – The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with Belfast International Airports safeguarding criteria.

BIA would recommend that the developer installs a low/medium intensity, omnidirectional, night vision compatible, Steady Red Obstacle light at the highest point of the hub.

Transport NI

18.08.14 – No objection to this proposal

Down District Council Environmental Health

12.12.14 – Applicant should demonstrate that the noise impact will not exceed 35 Db La90, 10min for wind speeds up to 10m/s at any property other than the applicants own house.

19.12.14 – No objections in principle

Westica Communications (on behalf of PSNI Information & Communication Services)

12.07.16 – Westica Communications has a technical safeguarding objection to this proposal because the assessment indicates that a wind turbine of the specified details located on the proposed co-ordinates would be likely to have an impact on the NI Emergency Services Radio Communications and Public Safety Telecommunications Infrastructure.

MOD Defence Infrastructure Organisation Safeguarding Department

Consulted 22.06.16 , no response received to date.

George Best Belfast City Airport

Consulted 27.06.16, no response received to date.

Objections & Representations

Under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the Council must serve notice of the application to any identified occupier on neighbouring land. An 'identified occupier' means an occupier of premises within a 90 metre radius of the boundary of the site. 'Neighbouring land' is land that directly adjoins the application site or which would do but for an entry or road less than 20 metres in width. The Council does not operate an extended notification process for turbines.

The nearest residential property in this instance is 47 Loughmoney Road which is located 381 metres to the north west of the site and does not adjoin the application site.

Advertised on the 30.07.2014 and following submission of an amended proposal description re-advertised on the 17.09.2014

1 Neighbour, 75 St Patrick's Rd, was notified on the 15.08.14, 03.09.14, 18.09.14. and the 29.12.14.

13 letters of objection have been received, however only 1 contains a postal address - Downpatrick Traders Association, 2 Anon, 2 Resident of St Patrick View, 2 Resident of Bannaghan Rd, 75 St Patrick's View, M Andrews, Mrs Cartwell, Joan O'Connor, Mrs Galloway, John G Armstrong. The key issues raised are as follows:

- Noise impact, noise emission information does not meet current standard.
The Noise Impact assessment has been considered by the Council's Environmental Health who have raised no issues.
- Impact of temporary laneway on residents of Bannaghan Rd and St Patrick's Rd.
It is accepted that there will be increased noise levels during the construction phase of the laneway and turbine, however both these are time limited.
- Devaluation of property.
The impact of the proposal on existing properties from both a visual and residential amenity point of view is considered in depth below.
- Site location description not accurate.
- Turbine description not accurate.
It is considered that both the site description and turbine description are accurate.
- Appropriate neighbour notification not carried out.
Under current legislation the Council are required to notify neighbouring occupants of land adjoining the site. In this instance there are no neighbouring properties adjoining the application site.
- Visual impact, contrary to Policy RE1 of PPS18, Policy CTY 13 & 14 of PPS21.
- Impact on St Patrick's monument.
- Impact on tourist trade.
The visual impact is considered under the assessment section below.
- Application does not comply with PPS2.
- Application does not comply with PPS6, will impact on a number of historical and landscape features nearby.
Considered under assessment section below.
- Applicant's intention to develop a wind farm.
- Applicant intends to amend application to 160m turbine.
- Applicant could put turbine on other lands not beside residential estate.
The Council can only assess and determine the proposal on the basis of the plans that have been submitted.

Consideration and Assessment:

Supporting information received:

Environmental Noise Impact Assessment received 12th December 2014
Landscape & Visual Impact assessment received 25th March 2015

EIA Determination

As the development was within Category 3 (J) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 1999 The Department was obliged under Regulation 9 of the Regulations to make a determination as to whether the application was for EIA development. The Department subsequently made a determination on the 6th August 2014 that submission of an ES was not required as the environmental effects were not considered to be significant.

PPS 18 – Policy RE1

Policy CTY1 sets out a range of development which in principle are considered acceptable in the countryside, one of these is renewable energy projects in accordance with PPS18. The aim of PPS18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve NI's renewable energy targets and to realise the benefits of renewable energy (Paragraph 3.1). Whilst PPS18 is generally supportive of renewable energy projects its policy objectives (paragraph 3.2) seek to ensure that environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed.

Policy RE1 of PPS18 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;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

In terms of public safety, human health and residential amenity (criteria (a)) the proposed wind turbine is to be located 381 metres from the boundary of the closest sensitive receptor (No.47 Loughmoney Rd).

Criteria (vi) also requires applications for wind energy development to demonstrate that the development will not cause significant harm to the safety or amenity of sensitive receptors¹ arising from noise; shadow flicker; ice throw; and reflected light.

¹ For the purpose of this policy sensitive receptors are defined as habitable residential accommodation, hospitals, schools and churches.

Noise Impact

In their consultation response dated 12th December 2014 the Council Environmental Health Department state that the applicant is required to demonstrate that the noise will not exceed 35 dB LA90, 10min for wind speeds up to 10m/s at any property other than the applicant's own house.

A Noise Impact Assessment was received on the 12th December 2014 The Council's Environmental Health Department having considered this assessment have indicated they have no objection. However this has been based on a noise report which has excluded the nearest noise sensitive receptor. Subsequently the applicant has been requested to submit a revised noise assessment taking into account the proximity to No.47 Loughmoney Road. The Council issued a letter on the 3rd August 2016 requesting submission of a revised noise with a further letter issued on the 9th September 2016. To date no information has been submitted, it has therefore not been demonstrated that there will be no loss of amenity to No.47 Loughmoney Rd.

Shadow Flicker

The turbine will be visible from a number of surrounding dwellings on Loughmoney Road, St Patrick's Road, St Patrick's View and Banaghan Road given the size, scale and siting of the turbine. A concern in relation to wind turbines and residential dwellings is the possibility of shadow flicker. The Best Practice Guidance outlines that shadow flicker is possible on properties located within 130 degrees of North in both directions of the proposed turbine and it also states that it is very unlikely to occur beyond the distance of ten times the diameter of the blades. In this instance turbine blades have a diameter of 39m metres and so shadow flicker may occur up to a distance of 390m metres.

The nearest property, as highlighted above, is No. 47 Loughmoney Road, which is located 381 metres to the west. As this property is within ten times the diameter of the blades there is the potential for this property to be affected. A shadow flicker assessment was requested on the 3rd August 2016 with a further request issued on the 9th September 2016. To date this has not been received, it has therefore not been demonstrated that there will be no loss of amenity on No.47 Loughmoney Rd as a result of shadow flicker.

Ice Throw

Within the BPG to PPS18 paragraph 1.3.79 states that the build-up of ice on turbine blades is unlikely to present problems on the majority of sites in Northern Ireland. Given the sites coastal location and the moderating influence of the sea, ice throw would not be considered to be an issue in this instance. BPG also states that even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

Reflected Light

The issue of reflected light has been raised by a third party. Paragraph 1.3.78 of the BPG states that turbines can cause flashes of reflected light which can be visible for some distance. It is possible to ameliorate the flashing but not possible to eliminate it. Careful choice of blade colour and surface finish can help to reduce the effect. In this instance if the proposal is considered acceptable in principle suitable conditions could be attached in respect of blade colour and surface finishes.

Road and Aviation Safety

Transport NI in their response of the 18.08.14 have indicated no objection to the proposal. Access to the site is highlighted in blue, there is however no existing laneway with only a field gate providing access from the public road. Adequate means of access in accordance with Policy AMP2 of PPS3 not demonstrated.

From an aviation safety point of view The Civil Aviation Authority and NATS have raised no objection and Belfast International Airport have raised no issues. To date no response has been received from Belfast City Airport or MOD Safeguarding Department. It is considered that the proposal does not raise any aviation safety issues and should the proposal be approved a condition can be applied in respect of the installation of an omnidirectional night vision compatible steady red obstacle light. In order to ensure that aeronautical charts and mapping records are updated a condition can also be applied requiring turbine specifications to be submitted to the MOD Defence Geographic Centre prior to work commencing on site.

The proposal thus fails to meet criteria (a) of Policy RE1 in that it has not been demonstrated there will be no loss of residential amenity.

Criteria (b) requires that the proposal will not have an unacceptable adverse impact on visual amenity and landscape character. In respect of wind energy, applications are required to demonstrate compliance with seven further but overlapping criteria.

The policy also states that applications for wind energy development will be required to demonstrate a number of points including:

- (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;
- (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.

Impact on Visual Amenity

The site is located 381m East South East of 47 Loughmoney Road ,Raholp Downpatrick within LCA 93 Portaferry and North Lecale as detailed in the NIEA publication Wind Energy Developments in Northern Ireland Landscapes².

According to the NIEA document the landscape is of exceptionally high sensitivity to wind energy development due to its small scale and complexity, prominent skylines and important settings, and high visibility. There is also a very strong concentration of valued landscape characteristics and features, reflected in the area's AONB designation. The document suggests that many of these features are vulnerable to damage or intrusion as a result of wind energy development.

It is acknowledged that the LCA is less sensitive to very small scale wind energy development. The document indicates that areas of lower ground south of the ridge might offer suitable locations for some form of wind energy development, although it is recommended that any turbine development be closely associated with and reflect the scale of existing development and tree groups.

Slieve Patrick forms one of the highest points within this character area and St Patrick's shrine is identified as a central landmark on a prominent skyline. It is stated that care should be taken to avoid adverse impacts on the extremely sensitive ridges, lough edges, skylines and settings and on key landscape and visual characteristics and values identified within the LCA. Overall Sensitivity to Wind energy is considered as High.

The proposed turbine is located approximately 43.97m AOD. The turbine proposed is 40m to the hub with blades of 19.5m, with an overall height of 59.5m.

Objectors have stated that it is the intention of the applicant to increase the height of the turbine and develop a wind farm. The Council can only make a determination on proposals that have been submitted, in this case a single turbine with an overall height of 59.5m. Changes such as those suggested would be require a new planning application to be submitted and would be subject to advertising and neighbour notification.

Overall the turbine would be positioned on a site with limited backdrop, it would appear as a prominent feature in its immediate landscape setting. When viewed from the elevated observation platform at St Patrick's monument, 1.47km to the south west, the turbine would appear as a striking, prominent structure and would impact on the landscape character of the surrounding undulating hills and Strangford Lough.

² Wind Energy Development in Northern Ireland's Landscapes (SPG) August 2010. This Supplementary Planning Guidance provides broad strategic guidance in relation to visual and landscape impacts of wind energy development.

The turbine would appear within an open landscape with the full height from base to blade tip highly visible.

There is existing telecommunications equipment, consisting of a 15m high lattice tower and associated antenna (R/2011/0831/F) situated above the 120m contour line 2km to the south east of the site on Castlemahon Mountain. This is 2.9 km from St Patrick's monument. Given the greater distance and reduced height I consider that the telecommunications equipment has less of an impact than the proposed 59.5m high turbine when viewed from St Patrick's monument.

When viewed from the junction of Loughmoney Rd and Carrowvanny Road, 860 metres to the south west the turbine would appear as prominent skyline development.

On approach from the east along the Bannaghan Road and when viewed from a point 618 metres to the north east the turbine would be intervisible with views to St Patrick's monument. Whilst benefiting from the backdrop of Slieve Patrick a turbine of the size and scale proposed would have a detrimental visual impact on this high quality scenic landscape.

On approach from the west along St Patrick's Road and passing the Ballintogher Road, 968 metres to the west of the site, the Turbine would occupy a prominent skyline position.

It is accepted that the erection of the approved turbine (R/2014/0394/F) 440 metres to the east would lessen the visual impact of the current turbine by displacing its novelty effect. A localised hill however provides a degree of careening to the approved turbine while the current proposal as outlined above benefits from no screening when viewed from St Patrick's Monument. Due to its size, prominence and degree of visibility in the landscape the proposed turbine is still considered to have an unacceptable impact on visual amenity and would have a detrimental impact on the landscape character of this area.

The visual impact of ancillary development such as access roads is also an important consideration. On site tracks need to accommodate the longest loads (usually the blades) as well as the heaviest and widest loads (generally cranes are required during erection). In this instance there is no existing access and the proposal will require an access to be put in place. As currently submitted a laneway (temporary or permanent) does not form part of the proposal description or contained within the red line of the site. It is not therefore possible to make a judgement on whether a satisfactory access can be provided.

In consideration of cumulative impact, there are two approved turbines R/12/0575/F 100m SE of 32 Myra Rd and R/2014/0394/F 295m South of 28 Banaghan Road. These turbines have not yet been erected, and PAC decisions indicate little weight can be attached to turbines approved but not yet constructed. Cumulative impact is therefore not an issue in visual terms.

Due to its size, prominence, and degree of visibility in the landscape the proposed turbine, and any associated laneway, would have an unacceptable impact on the visual amenity and landscape character of the AONB contrary to both Policy RE1 of PPS 18 and Policy NH6 of PPS2.

Impact on Tourism

The impact on the economic sector in particular tourism has been raised by an objector. It is considered that this objection is on the grounds that the proposal would have a detrimental impact on the landscape with a corresponding loss of attraction as a tourism location. The visual impact has been addressed in the preceding paragraphs.

Paragraph 1.3.80 of the BPG to PPS18 states that it is not considered that wind energy developments are necessarily incompatible with tourist and leisure interests. It further states that the results of survey work conducted in 2003 in the Republic of Ireland indicate that tourism and wind energy can co-existing happily.

Policy TSM 8 of PPS16 is entitled 'Safeguarding of Tourism Assets' and states that planning permission will not be granted for development that would itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourist value. Third parties have identified St Patrick's monument as a tourist asset, the Strangford and Lecale AONB, Delmont Country Park and Strangford Lough are also considered to be tourist assets. Whilst it has been highlighted that the proposal is unacceptable in visual terms it is highly unlikely that the presence of the proposed turbine would make visitors less likely to visit the aforementioned tourist assets. There is no evidence to suggest that the proposal would significantly compromise the tourism value of any tourist asset. A refusal on the grounds of Policy TSM 8 is not considered appropriate in this instance.

Environmental, Economic and Social Benefits

The wider environmental, economic and social benefits are material considerations in determining whether planning permission should be granted for the turbine. While Policy RE 1 of PPS 18 states that these should be accorded significant weight, the SPPS makes clear that they should be accorded appropriate weight.

The proposal would contribute to the growth of the renewable energy sector, which provides sustainable electricity utilising a cost free renewable energy source, reduces the dependence on fossil fuels, reduces carbon dioxide emissions and helps Northern Ireland achieve its renewable energy obligations. It would also provide employment and potentially facilitate in the diversification of a farm business and generate revenue for that business.

While the wider environmental, economic and social benefits of the proposal are self-evident and while they weigh in favour of the proposal, determining weight must however be placed on the unacceptability of the proposal in terms of its visual impact in this area. St Patrick's Monument is an important visitor site within the Strangford and Lecale AONB and provides uninterrupted panoramic views of the undulating hills and Strandford Lough. As per the SPPS appropriate weight must be attached to the wider environmental, economic and social benefits of the proposal as opposed to significant weight as previously required. The weight attached to the unacceptable visual impact of this turbine cannot be underestimated.

The proposal thus fails to meet criteria (b) (i) of Policy RE1 in that it would have an unacceptable adverse impact on the visual and landscape character of the area.

Criteria (c) requires that the proposal will not have an unacceptable adverse impact on biodiversity, nature conservation or built heritage interests.

Impact on Natural Heritage

NIEA have referred to current standing advice. Note 15 – Bats and advised that the Bat formula noted in Appendix 3. In this stance the tips of the proposed turbine would be 69 metres from the nearest field boundary vegetation and thus would not breach the recommended 50m buffer. A bat survey is not therefore considered necessary in this instance.

The applicant at the request of NIEA was asked to complete the NI Biodiversity Checklist, to date this has not been submitted. In the absence of this further consideration of the environmental impact has been undertaken.

There is an agricultural land buffer of over 400 metres to the nearest watercourse so there is no hydrological pathway from the proposed site to Strangford Lough. A HRA test of likely significance has been carried out for the applicant's second wind turbine application (R/2014/0476/F) in the vicinity of the Myra Rd and it has been determined that this turbine would not be likely to have a significant effect on the features of any European Site. The Myra Rd turbine is located closer to the designated sites in Strangford Lough than the Loughmoney Rd turbine and NIEA have not requested completion of a HRA in this instance. It is therefore considered that the proposal is unlikely to have any significant effect on the selection features, conservation

objectives or status of any European Site. Further surveys are not considered necessary in this instance.

Impact on Built Heritage

As outlined in the consultation response above NIEA Historic Buildings Unit consider the proposal is contrary to Policy BH11 of Planning Policy Statement 6 in that the proposal would adversely affect the setting of the Statue of St Patrick. When approaching from the east along the Banaghan Rd and passing No.30 Banaghan Rd the turbine would be intervisible with St Patrick's Monument located 1.88km to the south west. The monument currently acts as a key focal landmark and the erection of a turbine at this location would impact of these views along this stretch of the Banaghan Road.

The proposal thus fails to meet criteria (c) of Policy RE1 in that it would have an unacceptable adverse impact on built heritage interests.

Under Criteria (d) the proposal will not have any impact on local natural resources, such as air quality or water quality given the type of proposal and its location.

Under Criteria (e) the proposed turbine will not impact on public access to the countryside.

Under Policy RE 1 Wind energy development are also required to demonstrate that they meet the following:

Criteria (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunications systems.

In their consultation response of the 12.07.16 Westica Communications (on behalf of PSNI Information & Communication Services) have indicated that the proposed wind turbine would be likely to have an impact on the NI Emergency Services Radio Communications and Public Safety Telecommunications Infrastructure. The proposal is therefore considered contrary to Criteria (iv) of Policy RE1.

Recommendation:

It light of the above it is recommended that the application is refused for the following reasons:

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY1 in that there is no overriding reason to allow for this proposal in the countryside.

2. The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage Policy NH 6 in that the proposal would, if permitted, have an unacceptable adverse impact on the visual and special landscape character of this Area of Outstanding Natural Beauty by reason of size, scale, and siting of the proposed turbine.
3. The proposal is contrary to the Department's Planning Policy Statement 3: Access, Movement and Parking Policy AMP 2 in that it has not been demonstrated that a suitable means of access can be achieved from the public road to the turbine to accommodate vehicles during the construction phase and to enable on-going servicing once operational.
4. The proposal is contrary to Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, Policy BH11 in that the development would if permitted adversely affect the setting of the Statue of St Patrick by reason of its detailed design which is out of keeping the state care monument in terms of scale, form, proportions and height.
5. The Proposal is contrary to Department's Planning Policy Statement 18 Renewable Energy Policy RE1 as it has not been demonstrated that the development will not have an unacceptable impact on residential amenity of No.47 Loughmoney Road in the absence of an updated noise impact and a shadow flicker report.
6. The proposal is contrary to the Department's Planning Policy Statement 18 Renewable Energy Policy RE1 in that the proposal would, if permitted, have an unacceptable adverse impact on the visual and landscape character of the area by reason of size, scale, and siting of the turbine.
7. The proposal is contrary to the Department's Planning Policy Statement 18 Renewable Energy Policy RE1 in that there is no existing access lane and it has not been demonstrated that a new access lane would not have an unacceptable adverse impact on the visual and landscape character of the area by reason of its undue prominence.
8. The proposal is contrary to the Department's Planning Policy Statement 18 Renewable Energy Policy RE1 in that a wind turbine of the specified details located on the proposed co-ordinates would be likely to have an impact on the NI Emergency Services Radio Communications and Public Safety Telecommunications Infrastructure.

Case Officer Signature:

Date:

Appointed officer Signature:

Date:

ITEM NO 27
APPLIC NO R/2014/0442/O Outline **DATE VALID** 8/18/14
COUNCIL OPINION REFUSAL
APPLICANT John Breen 1 Laurel Close **AGENT**
 Darragh Cross
 Saintfield
 BT24 7PN

NA

LOCATION Rear of 25 Killybawn Road Crossgar

PROPOSAL Proposed dwelling on a farm

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	1	0	0	0	Addresses	Signatures	Addresses	Signatures
					0	0	0	0

- 1 The proposal is contrary to the SPPS 2015 and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the equestrian business is currently active and has been established for at least six years and is visually linked or sited to cluster with an established group of buildings on the holding.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0metres x 60 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	R/2014/0442/O
Date Received:	18.08.2014
Proposal:	Proposed dwelling on a farm
Location:	Rear of 25 Killybawn Road Crossgar

Site Characteristics & Area Characteristics:

The site is occupied by 5 wooden stable buildings which are flat roofed and single storey. The site is accessed from the Killybawn Road through an established stone lane which serves an agricultural building and lands. The site has an undulating topography rising from the access from the lane, lowering at the field boundary to the south and east. The boundaries are well defined with a mature hedge. The fields to the south also have a similar undulating topography with well defined boundaries.

The site is located in the countryside to the north of Crossgar Village in the Area Plan 2015. This area has an undulating topography associated with a low-lying drumlin landscape. The area has a dispersed rural settlement pattern dotted with agricultural buildings, lands and detached dwellings which range from single to 2 storey.

Site History:

No relevant planning history for the site

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015.

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

Consultations

DARD - the applicant has no farm number and makes no returns to DARD.

NI Water – no objection

EHO- no response received

Transport NI) – Refusal recommended

Objections & Representations

4 neighbours notified and advertised on the 03.09.2014.

2no reps from No.25 Killybawn Road received raising issues of the nature of the equine business, integration of the proposal in the landscape, existing buildings on the lands and their lawfulness and inability to achieve sight lines.

Representation in support made by Margaret Ritchie MP

Consideration and Assessment:

There is no policy conflict between the SPPS and CTY 10. The SPPS makes no reference to Equine operations.

Based on the information provided this application seeks outline permission for a dwelling for an equestrian business, and therefore Policy CTY10 of PPS21 applies.

From the information provided, the applicant resides at 1 Laurel Close, Darragh Cross, the business was established in 2007 and has 6 Mares, 4 Yearlings', 6 Racehorses (Standard Bred) and 4 Foals (at time of application). The applicant also attached a statement of the business. This includes advising that the applicant keeps and breeds horses for commercial purposes for the sole purpose of selling on to the commercial world of racing which has been built up since 2007 and has now become untenable as the applicant cannot be present on site for safety, security and the well-being of livestock. The applicant notes that due to his distance from the site, on 2 occasions this has resulted in the death of 2 horses. Foaling also presents further difficulties as the applicant must sleep on site to ensure he is present for foaling.

The applicant advises that the land was purchased in 2007 when 5 stables were erected on site to facilitate 7 Mares and 5 foals. No land has been sold-off from the farm since 2007.



The supporting information includes:

- 4 horse passports
- Note from Robert Steele & Associates, Veterinary Practice at 26 Hillsborough Road, Comber advising that the applicant has had horses treated at their practice for a number of years.
- Note from Ned Carlisle (Equestrian Feeds and Foaling Service) at 106 Crossgar road, Ballynahinch advising he supplies the applicant with horse feed and foaling mares for the last 10 years.
- Letter from Solicitor McAteer & Co at 97 Bloomfield Road, Belfast regarding the purchase of the Lands at Killybawn Road (Folio No: DN 37340) dated 31.8.2007 with a Bill of Costs and Cash Statement enclosed.
- Letter from STAGBI Breeding Database (The Standardbred and Trotting Horse Association of Great Britain and Ireland) stating that Mr Breen has been keeping and breeding horses at the stables at Killybawn over the past 7 years. Letter not dated.

No rateable records are available for the proposed equine business. No formal accounts submitted. No copies of horse insurances have been submitted. The additional information includes a statement from the applicants Veterinary Practice, no specific dates, incidents, activities, attendances noted, a statement from Equestrian Feeds and Foaling Services with no specific dates, activities mentioned. The purchase of the lands has a clear date and was over 6 years ago in 2007. There is no information or evidence submitted relating to the business operating on the site, the erection of the stables which do not have the benefit of planning permission.

As the buildings on site are unauthorised the proposal fails to satisfy CTY10 criterion (c) and therefore CTY13.

To conclude the applicant has failed to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years.

Transport NI have advised the proposal is contrary to policy in that

Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0 metres x 60metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Recommendation:

Refusal

1. The proposal is contrary to the SPPS 2015 and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the equestrian business is currently active and has been established for at least six years and is visually linked or sited to cluster with an established group of buildings on the holding.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0metres x 60 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Signed

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	R/2014/0442/O
Date Received:	18.08.2014
Proposal:	Proposed dwelling on a farm
Location:	Rear of 25 Killybawn Road Crossgar

The above planning was presented to the Planning Committee of Newry Mourne and Down Council in August 2016 and was deferred at the request of the Committee to allow the applicant to provide further information to demonstrate the length of time the buildings on site have been established, evidence of ownership of land and confirmation that sight splays can be provided.

The status of the stable block is required in order to comply with CTY 10 requirement that a farm dwelling be visually linked or clustered with a group of buildings on the farm.

In previous submissions the agent has maintained that the stables were erected in 2007. The applicant has now submitted OS Ariel photographs dated 3 June 2010 from LPS which appear to show the outline of a stable block and associated hard surfaced yard, but it would appear the stable block does not have a roof.

The agent claims this is undisputable evidence that the stables would benefit from a CLUD. However to date no application has been made for a CLUD, and in the absence of such the stable block remains unauthorised and the application therefore fails to satisfy this criterion of CTY10.

A Letter has also been submitted from William John Ellison, who owns lands that front Killybawn road and are adjacent to the laneway that serves the application site. If required Mr Ellison states he will give his lands over to facilitate the necessary vis splays.

The required vis splays require lands to either side of the access, Mr Elisson only appears to control lands to the west of the access, lands to the east of the access are required and are in the ownership of 25 Killybawn Road, the owner of this property through his planning consultant has stated that he will not allow any improvements over his lands.

It is clear from the above that there is no immediate prospect of the lands being made available to Mr Breen to implement the required road improvements. However should the Committee so wish to attach a negative planning condition this would be placed on the

permission stating that no work to commence until necessary road improvements are implemented.



The concerns of the Planning office in relation to the nature of commercial equine business operating on site remains valid.

No new information has been submitted to verify the existence of a commercial equine business on site.

The planning office does not accept that the current stables on site are reflective of a bone fide commercial operation. There is nothing at the site, such as signage to indicate the presence of an active business. There is a modest paddock comprising the applicants holding, this is more indicative of a hobby and not a commercial enterprise.

No statement of commercial rateable history or insurances has been provided.

Horse passports provided are not specific to the applicant or to the address at Killybawn. The number of passports would not prove that a commercial equine business has been established on site.

The undated letter from STAGBI Breeding Database (The Standardbred and Trotting Horse Association of Great Britain and Ireland) stating that Mr Breen has been keeping and breeding horses at the stables at Killybawn over the past 7 years. This evidence in itself does not demonstrate that the site is part of an established and active business.

Recommendation: Refusal

- 1. The proposal is contrary to the SPPS 2015 and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the equestrian business is currently active and has been established for at least six years and is visually linked or sited to cluster with an established group of buildings on the holding.
- 2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm.

Additional

- 3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0metres x 60 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Signed

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Reference R/2014/0442/0**Proposal: Dwelling on a farm at the rear of 25 Killybawn Road, Crossgar**

The above application was presented to the Council Planning Committee on the 3rd of August 2016. It was agreed to defer in order to ascertain the status of the agricultural buildings, and to provide evidence of the ownership of relevant lands necessary for visibility splays.

Subsequently the applicant Mr Breen submitted the requested information. Mr Breen submitted a certified O.S. aerial photograph that he obtained from Land and Property Services. Such evidence is incontrovertible and it shows that the agricultural buildings and the associated yard area were clearly visible on a fly over date of the 3rd of June 2010. This evidence illustrates that the established agricultural buildings would therefore be considered as lawful by satisfying Section 169 (2) of the Planning Act N.I. 2011.

Mr Breen also submitted Land Registry maps of the relevant registered land owners for the necessary visibility splays. The relevant lands do not appear to be registered to the individual who has lodged an objection to this planning application. Mr Breen further submitted a letter from one of the relevant land owners that any lands which may be necessary to provide the splays would be provided. The other registered owner or the beneficiaries of those lands has never raised an objection to this planning application.

I must emphasise that this demand on the applicant to obtain such land ownership details is not a mandatory requirement under planning policy. In fact this approach taken by the Council planners is not consistent with the provisions of current planning law. The planners have totally disregarded current case law. Decisions on visibility issues must be consistent with planning law, which clearly states that any issues regarding visibility splays should be dealt through negative conditions. And to substantiate this approach I have provided the planners with the most relevant planning appeal decision reference 2015/A0067. I have drawn their attention to paragraph 9, of the said appeal, which clearly states that a negative condition would ensure the provision of visibility splays, as quoted below:

Notwithstanding that the objectors have said that they will not allow the appellant to alter the gate and walls to allow for the provision of visibility

splays the courts have ruled that there is no 'no reasonable prospect test' . I note that the recently published Strategic Planning Policy Statement for Northern Ireland (SPPS) cancelled Planning Policy Statement 1 'General Principles' (PPS 1) and paragraph 58 is no longer relevant. A negative condition would ensure the provision of visibility splays. This being so the Planning Authority's and objectors' concerns are not determining in this appeal and the Planning Authority has not sustained its reason for refusal based upon the requirements of DCAN 15.

If the Council planners continue to disregard current legal guidance and attempt to sustain this unwarranted approach then this would inevitably be seen as wholly unreasonable and may subject the Council to incurring costs against them at the planning appeals stage.

There is no justification for this planning application to be refused. Mr John Breen purchased this farm over nine years ago to enhance his horse breeding business and his application for a farm dwelling complies fully with all the specific requirements of current planning policy and it should therefore be approved accordingly.

James Morgan MRTPI

ITEM NO	28			
APPLIC NO	R/2014/0476/F	Full	DATE VALID	9/5/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Colm Shields 92 Bryansford Road Bryansford Newcastle BT33 0LF		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
				07768057822
LOCATION	Approx 340m SSW of 35 Myra Road Downpatrick			
PROPOSAL	Proposed 250kw Wind Turbine with Tower height of 40m and Blade diameter of 29m			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	15	0	0	0
			Addresses	Signatures
			0	0
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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0476/F

Date Received: 05/09/2014

Proposal: Proposed 250kw Wind Turbine with Tower height of 40m and Blade diameter of 29m

Location: Approx 340m SSW of 35 Myra Road, Downpatrick. The small settlement of Raholp is located approximately 400 metres to the south and Strangford Lough 970 metres to the north west.



Site Characteristics & Area Characteristics:

Located to the north of the Strangford Road, the site is accessed via an existing entrance and track for the first 60 metres. The land rises up from the Strangford Road for approx. 60 metres, levels out and then gradually falls in a north westerly direction. The proposed siting of the turbine is approximately 180 metres back from the Strangford Road in the centre of a large open field currently in use as agricultural grassland. The eastern boundary is defined by a 1m post and wire fence, the northern boundary by a watercourse overgrown by mature trees and the western boundary by 1m hedging with occasional trees and gaps.

Whilst the surrounding land is gently undulating, a number of properties on both the Myra Road and Strangford Road have a direct line of site to the position of the proposed turbine.



View of site looking in north westerly direction



Existing access and track from the Strangford Road



View from Strangford Road



View from St Patrick's Monument

A number of important tourist sites are located in this part of the District. This includes St Patrick's Monument located 1.98 km to the south west, Castleward 3.5km to the north east and Delamont Country Park 3.24 km to the north west.

Site History:

There is no relevant history relating to the application site. There are however several applications for wind turbine development and approved telecommunications tower in the vicinity of the site, these are as follows:

R/2006/1266/F - 6KW 15m wind turbine. 32 Myra Road, Downpatrick. Permission granted 4.04.07.

R/2011/0831/F - Existing 6 no DBPP antennas (L1905 x W204 x D136mm) to be removed and replaced by 6 no DBDP antennas (L1942 x W364 x D152mm) and ancillary equipment. 200m NW of 78 Ballyculter Road, Downpatrick Permission granted 6.03.12.

R/2012/0575/F – Wind turbine 30m rotor, 30m tower. Approx 100m SE of 32 Myra Rd. Permission granted 31.03.14

R/2014/0392/F - Proposed V39 250KW wind turbine on 40m high tower. Approx. 400m East South East of 47 Loughmoney Road Raholp Downpatrick. Under consideration

R/14/0394/F - A single 250kw wind turbine with a base height of 40m and a blade length of 19.5m. Approx. 295m South of 28 Banaghan Road. Permission granted 24.02.15.

R/2014/0658/F - Installation of a wind turbine on a tubular tower of up to 40m height with blades up. Lands 340m South West of 22 Slievegrane Road, Saul. Under consideration.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Ards and Down Area Plan 2015

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 16: Tourism

Planning Policy Statement 18: Renewable Energy

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Guidance:

Wind Energy Development in Northern Ireland Landscapes

Best Practice Guidance to PPS18 'Renewable Energy'

The Ards and Down Area Plan 2015 (ADAP) currently serves as the local development plan for the area within which the site lies. It identifies that the site lies with the Strangford and Lecale Area of Outstanding Natural Beauty (AONB) and in close proximity to a number of European designations associated with Strangford Lough.

Policy CT 1 of PPS 21 directs that renewable energy projects in the countryside will be granted in accordance with policies contained in PPS18. Proposals satisfactorily meeting PPS18's requirements are therefore developments acceptable in the

countryside. PPS 18 is supported by the Best Practice Guidance (BPG) providing background information on renewable energy technologies.

The aim of PPS18 is consistent with the aim of SPPS to site renewable energy generating facilities in appropriate locations in order to achieve NI's renewable energy targets without compromising other environmental assets of acknowledged importance. Both the SPPS and Policy RE1 of PPS 18 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects, which are not outweighed by the local and wider environmental economic and social benefits of the development.

Consultations:

NIEA Historic Buildings Unit

10.02.15 – HBU request further drawings with greater clarity, annotation and detail to allow a comprehensive assessment of the proposal against Policy BH11 of PPS6.

There are a number of listed structures in the wider area of the application site, namely:

HB 18/08/082 Downpatrick Lodge, Strangford	} Myra Castle
HB 18/08/091 Coach and Farmyard Myra Castle	
HB 18/08/092A Myra Castle	
HB 18/08/092B-E Related structures, Myra Castle	
HB 18/08/094 Entrance Gate Myra Castle	
HB 18/08/132 23 St Patrick's Rd, Saul	
HB 18/08/131 Statue of St Patrick	

HBU request that a full Visual Impact Assessment be carried out in order to fully assess the impact of the wind turbine on the setting (as per policy BH11 of PPS6). This includes the impact on the setting of the listed buildings both during construction and on completion/in operation.

29.05.15 – HBU has considered the impacts of the proposed 40m hub height wind turbine on the nearby St Patrick's Monument and on the basis of the information provided, advise it considers that the proposal would have an adverse impact on the monument under Policy BH11 of PPS6.

NI Water

24.09.14 – Magdalene Ltd on behalf of NIW Information Services have assessed this proposal with regard to both the fixed radio links and ST radio links that NI Water operate, and have no objection.

NATS

10.09.14 - Although the proposed development is likely to impact our electronic infrastructure, NATS (En Route) plc. have no safeguarding objection to the proposal.

Arquiva

11.09.14 - Having regard to our network and the lines of sight used by our Re-Broadcast Links we have no objection or issues to raise based on the information provided.

Westica Communications (on behalf of PSNI Information & Communication Services)

11.09.14 – No technical safeguarding objection to the proposal.

Ministry of Defence

11.09.14 – No safeguarding objections, however given the height of the development Defence Infrastructure Organisation (DIO) Safeguarding requests that as a condition of any approval the developer must notify UK DVOF & Power lines at Defence Geographic Centre with the following information prior to development commencing:

- a. Precise location of development.
- b. Date of Commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning light fitted.

The structure should be fitted with aviation warning lighting. The mast should be fitted with a minimum intensity 25 candela omni directional, flashing, red light or equivalent infra-red light fitted at the highest practicable point.

Belfast City Airport

15.09.14 - The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objection to the proposal.

Belfast International Airport

16.09.14 – The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with Belfast International Airports safeguarding criteria.

BIA would recommend that the developer installs a low/medium intensity, omni-directional, night vision compatible, Steady Red Obstacle light at the highest point of the hub.

NIE

15.09.14 – There are existing NIE high voltage lines in very close proximity to the site of the proposed wind turbine. As these lines may service both the immediate and wider areas, it is NIE's view that these lines are presently required to remain.

The proposed turbine is about 57m from one of NIE's 11kv distribution lines. NIE's policy for safety clearance to 11 kv lines is the overall height of the turbine plus 6m.

On the basis that the proposed turbine would infringe on the required NIE safety clearance NIE object to the application.

Ofcom Licensing Centre

No comment

NIEA Natural Heritage

23.09.14 NIEA Natural Heritage has no concerns arising from the current location of the proposed development.

The site and surrounding environs contain habitat features suitable for bats. To minimise risk to bat populations advise from published guidelines regarding bats and wind turbines is to maintain a 50 metre buffer between the tip of the turbine blade and the existing habitat features on site. In this case NIEA advise that a sufficient buffer distance is present to nearby habitat features.

NIEA do not have any other issues of concern with this site. Should any further natural heritage issues arise following a site visit by the case officer NIEA should be re-consulted.

9.08.16 NIEA NED has considered the impacts of the proposal on the designated sites and on the basis of information provided to date (03.08.16) is content that the proposal will not have any adverse impact on the designated sites provided that the proposal is carried out as described in the application. The competent authority (Newry, Mourne and Down Council) should undertake a Habitats Regulations Assessment to ensure compliance with the requirements of the Habitats Directive.

Transport NI

27.04.15 – No objection to this proposal

Down District Council Environmental Health

19.12.14 – Potential to cause adverse impact, noise assessment required. Applicant should demonstrate that the noise impact will not exceed 35 Db La90, 10min for wind speeds up to 10m/s at any property other than the applicants own house. Where this cannot be demonstrated the full assessment should be followed.

22.04.15 – No objections subject to conditions

17.10.16 – Having reviewed information held by the Council Environmental Health Dept. advise that a historical mineral extraction operation has been identified in close proximity to the proposed turbine however there is no record of any historic landfill in this area. The Planning Office may wish to consult with other agencies e.g. DAERA, who may have other sources of historic information. Consultation comments of the 22.04.16

Mid and East Antrim Council Shared Environmental service

Consultation issued to SES to carry out a Habitat Regulations Assessment Stage 1 Test of Likely Significance.

19.08.16 - Having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a significant effect on the selection features, conservation objectives or status of any European site.

Objections & Representations

Under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the Council must serve notice of the application to any identified occupier on neighbouring land. An 'identified occupier' means an occupier of premises within a 90 metre radius of the boundary of the site. 'Neighbouring land' is land that directly adjoins the application site or which would do but for an entry or road less than 20 metres in width.

The nearest residential property in this instance is 35 Myra Road which is located 320 metres to the north of the site and does not adjoin the application site.

No neighbour notification letters have therefore been issued in this instance.

Advertised on the 17.09.14 and following amended description re-advertised on the 30.03.16

12 individual letters of objection have been received as follows:

Two public representatives: Jim Wells MLA, Colin McGrath MLA, the National Trust and 9 separate households: 64 Myra Rd, 63 Myra Rd, 58 Myra Rd, 56 Myra Rd, 55 Myra Road, 45 Myra Road, 35 Myra Road, 15 Myra Rd and 174 Strangford Road.

The issues raised are as follows:

- Impact on sensitive landscape, what environmental impact studies have been carried out?
- Proximity to Strangford Lough ASSI and SPA, threat to Brent Geese and other wildfowl crossing locally to and from breeding grounds.
- EIA determination should be carried out.
- If not refused a full EIA including studies on the impact on the AONB, historic buildings and biodiversity of adjacent SPA and ASSI.
- Ecology report should be requested
- Damage to wildlife, including birds and bats, need for bat survey

- Council should consult with NIEA Natural Heritage regarding impact on vulnerable protected species.

EIA determination & initial Habitats Regulations Assessment have been completed, further information is contained within the consideration and assessment section. Consultation with NIEA Natural Environment Division has taken place.

- Proposed turbine model N750 by Micon IS A 750KW machine with tower height in excess , and blade diameter in excess of the quoted 29m.

Planning assessment is based on the proposal description and dimensions of the proposal as contained in the P1 and P1W forms.

- RSPB & National Trust should be consulted.

These organisations are not statutory consultees. NI Environment Agency is the statutory consultee in respect of natural environment issues and has been consulted.

- Adverse Impact on St Patrick's monument.
- Impact on setting of listed buildings, Castle Ward and Myra Castle are listed.
- Application does not comply with Policy BH11 of PPS6

Impact on built heritage is considered in the assessment section below.

- Visual impact, contrary to Policy RE1 of PPS18 and wind energy specific criteria 1 – 6.

- Loss of visual amenity.

- Contrary to Policy NH6 of PPS2

The impact on the landscape is fully considered under the assessment section below.

- Impact on activities with direct economic benefit including tourism.
- Loss of location for filming.

This is considered under the assessment section below.

- Noise and Health impact, noise, low frequency vibration and flicker, no health impact assessment been prepared.

- Noise report is flawed, fails to disclose full set of monitoring data and No. 170 Strangford Road is not included.

The Noise Impact assessment has been considered by the Council's Environmental Health who have raised no issues.

- Application fails to consider shadow flicker, ice throw and reflected light.

Residential amenity and safety considered in the assessment section below.

- Road safety.

Transport NI have raised no issues in terms of access to the public road.

- Discrepancy in proposal location description.

The proposal location description is considered to be accurate. This is considered further in the assessment section below.

- Application should be refused in line with SPPS.

Consideration under the SPPS forms part of the policy consideration.

- Proposed turbine in the vicinity of former Council Refuse Facility.

The Council have no record of a refuse facility operating in the vicinity

- Submitted LVIA falls below EIA guidelines for development in a sensitive location, and has not been carried out in accordance with GLVIA 3 guidelines.

Visual consideration is detailed under the assessment section below. It is considered that the proposal will have an unacceptable visual impact, it is not considered reasonable to require the applicant to review and revise the submitted LVIA.

Consideration and Assessment:

Supporting information received:

Environmental Noise Impact Assessment received 26th January 2015
Landscape & Visual Impact assessment received 25th March 2015

EIA Determination

As the development was within Category 3 (J) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 1999 The Council are required under Regulation 9 of the Regulations to make a determination as to whether the application was for EIA development. The Council has subsequently determined that submission of an ES is not required as the environmental effects are not considered to be significant.

HRA Test of Likely Significance

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

PPS 18 – Policy RE1

PPS 21 Policy CTY1 sets out a range of development which in principle are considered acceptable in the countryside, one of these is renewable energy projects in accordance with PPS18. Whilst PPS18 is generally supportive of renewable energy projects its policy objectives (paragraph 3.2) seek to ensure that environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed.

Policy RE1 of PPS18 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;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

In terms of public safety, human health and residential amenity (criteria (a)) the proposed wind turbine is to be located approximately 308 metres from the boundary of the closest sensitive receptor (No.35 Myra Rd).

Criteria (vi) also requires applications for wind energy development to demonstrate that the development will not cause significant harm to the safety or amenity of sensitive receptors arising from noise; shadow flicker; ice throw; and reflected light.

Noise Impact

In their consultation response dated 19th December 2014 the Council Environmental Health Department stated that the applicant is required to demonstrate that the noise will not exceed 35 dB LA90, 10min for wind speeds up to 10m/s at any property other than the applicant's own house.

A Noise Impact Assessment was received on the 26th January 2015. The Council's Environmental Health Department having considered this assessment have indicated they have no objection to the proposal subject to noise conditions being attached.

The turbine will be visible from a number of surrounding dwellings on the Myra Rd, Strangford Road and St Patrick's Road given the size, scale and siting of the turbine. A concern in relation to wind turbines and residential dwellings is the possibility of shadow flicker. The Best Practice Guidance outlines that shadow flicker is possible on properties located within 130 degrees of North in both directions of the proposed turbine and it also states that it is very unlikely to occur beyond the distance of ten times the diameter of the blades. In this proposal the blades have a diameter of 29m metres and so shadow flicker may occur up to a distance of 290m metres.

The nearest property is No. 35 Myra Road, which is located approx. 330 metres to the north west. The issue of inconsistency in the information provided by the applicant has been raised, with the description being 'approx. 340 metres SSW of No.35' and the noise report indicating 294 metres. Noise monitoring equipment as shown by plate 2 within the Noise Report is located in the grounds of a property. In the case of No.35 there is a difference of 22 metres in measurements between the dwelling and site and the site and the curtilage boundary. Furthermore as the site does not adjoin any field boundaries a degree of difference in distance measurements is to be expected. I do not consider the application description to be misleading or inaccurate and am of the opinion that the location description is acceptable as currently submitted.

The owner of No.170 Strangford Road has raised the omission of this property from the noise report and raised concerns over noise impact and shadow flicker. The omission of this property from the noise report is addressed by the Environmental Health condition 1 which states "Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of consent but are not listed in the tables attached shall be those of the physically closest location listed in the table.....". It is therefore not necessary to require the applicant to submit a revised Noise Report, incorporating No.170 and to do so would represent an unreasonable request.

Shadow Flicker

This dwelling is located in excess of 400 metres from the turbine. The BPG to PPS18 states at paragraph 1.3.76 that at distances greater than 10 rotor diameters (in this case 290 metres) the potential for shadow flicker is low. It is therefore considered that there would be no significant issue in terms of shadow flicker on this property.

Ice Throw

Concern has been raised over the potential for ice throw. Within the BPG to PPS18 paragraph 1.3.79 states that the build-up of ice on turbine blades is unlikely to present problems on the majority of sites in Northern Ireland. Given the sites coastal location and the moderating influence of the sea ice throw would not be considered to be an issue in this instance. BPG also states that even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

Reflected Light

The issue of reflected light has been raised by a third party. Paragraph 1.3.78 of the BPG states that turbines can cause flashes of reflected light which can be visible for some distance. It is possible to ameliorate the flashing but not possible to eliminate it. Careful choice of blade colour and surface finish can help to reduce the effect. In this instance if the proposal is considered acceptable in principle suitable conditions could be attached in respect of blade colour and surface finishes.

Ground contamination

The Council's Environmental Health Department have been consulted in respect of the site being in the vicinity of a former Council refuse facility. Council records of potentially contaminated land indicate that a quarry previously operated at the entrance to the site however there is no record of a refuse facility. Further consultation with NIEA is not considered necessary.

Road and Aviation Safety

Transport NI in their response of the 27.04.15 have indicated no objection to the proposal. It is noted that the red line of the site does not extend to the public road, however the existing access and associated track have been highlighted in blue.

From an aviation safety point of view NATS have raised no objection and both Belfast International Airport and Belfast City Airport have no issues. The MOD Safeguarding Department have also been consulted and have raised no issue. It is considered that the proposal does not raise any aviation safety issues and should the proposal be approved a condition can be applied in respect of the installation of an omnidirectional night vision compatible steady red obstacle light. In order to ensure that aeronautical charts and mapping records are updated a condition can also be applied requiring turbine specifications to be submitted to the MOD Defence Geographic Centre prior to work commencing on site.

Criteria (b) requires that the proposal will not have an unacceptable adverse impact on visual amenity and landscape character. In respect of wind energy, applications are required to demonstrate compliance with seven further but overlapping criteria. The policy also states that applications for wind energy development will also be required to demonstrate a number of points including:

(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;

(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.

Impact on Visual Amenity

The site is located approx. 340m SSW of 35 Myra Road, Downpatrick within LCA 93 Portaferry and North Lecale as detailed in the NIEA publication Wind Energy Developments in Northern Ireland Landscapes¹.

According to the NIEA document the landscape is of exceptionally high sensitivity to wind energy development due to its small scale and complexity, prominent skylines and important settings, and high visibility. There is also a very strong concentration of valued landscape characteristics and features, reflected in the area's AONB designation. The document suggests that many of these features are vulnerable to damage or intrusion as a result of wind energy development.

It is acknowledged that the LCA is less sensitive to very small scale wind energy development. The document indicates that areas of lower ground south of the ridge might offer suitable locations for some form of wind energy development, although it is recommended that any turbine development be closely associated with and reflect the scale of existing development and tree groups.

Slieve Patrick forms one of the highest points within this character area and St Patrick's shrine is identified as a central landmark on a prominent skyline. It is stated that care should be taken to avoid adverse impacts on the extremely sensitive ridges, lough edges, skylines and settings and on key landscape and visual characteristics and values identified within the LCA. Overall Sensitivity to Wind energy is considered as High.

The proposed turbine is located approximately 23.6m AOD. The turbine proposed is 40m to the hub with blades of 14.5m, with an overall height of 54.5m.

The turbine would be positioned on a site with limited backdrop and would appear as a prominent feature in its immediate landscape setting. When viewed from the elevated observation platform at St Patrick's monument, 1.98km to the south west, the turbine would have a significant visual impact and would impact on the landscape character of undulating hills and Strangford Lough. There is an approved turbine (30m tower & 30 blade diameter) 786 metres north west as a replacement for an existing 15m high turbine. This has not yet been erected.

There is existing telecommunications equipment, consisting of a 15m high lattice tower and associated antenna (R/2011/0831/F) situated above the 120m contour line 2km to the south east of the site on Castlemahon Mountain. This is 2.9 km from St Patrick's monument. Given the greater distance and reduced height I consider that

¹ Wind Energy Development in Northern Ireland's Landscapes (SPG) August 2010. This Supplementary Planning Guidance provides broad strategic guidance in relation to visual and landscape impacts of wind energy development.

the telecommunications equipment has less of an impact than the proposed 54.5m high turbine when viewed from St Patrick's monument.

When viewed from the Standing stone on the Delamont estate, 3.24 km to the north west, the turbine would have a lesser visual impact than the view from St Patrick's Monument by virtue of its distance but would still be relatively prominent by reason of its scale and would have a detrimental impact on the high quality landscape.

On approach from the east along the Strangford Road and passing the junction with St Patrick's Road the turbine would occupy a prominent skyline position and would lack any significant enclosure, backdrop or screening. Views from St Patrick's Road would also be significant, particularly in the vicinity of No.77c, with the turbine dominating the skyline.

When viewed from the Ballintogher Road the Turbine would be prominent, lacking a significant backdrop and projecting above the canopies of mature trees in the immediate vicinity and beyond.

It is accepted that the erection of the approved turbine (R/2012/0575/F) 786 metres to the north west would lessen the visual impact of the current turbine by displacing its novelty effect. The turbine under consideration is however located on higher ground (+ 8.6 metres) and has a tower that is 10m taller. Due to its size, prominence and degree of visibility in the landscape the proposed turbine is nonetheless still considered to have an unacceptable impact on visual amenity and would have a detrimental impact on the landscape character of this area.

In consideration of cumulative impact, there are in the vicinity the two approved but not constructed wind turbines: R/12/0575/F 100m SE of 32 Myra Rd and R/2014/0394/F 295m South of 28 Banaghan Road. Limited determining weight can be attached to turbines approved but not yet constructed. Cumulative impact is therefore not an issue in visual terms.

Due to its size, prominence, and degree of visibility in the landscape the proposed turbine would have an unacceptable impact on the visual amenity and landscape character of the AONB contrary to both Policy RE1 of PPS 18 and Policy NH6 of PPS2.

Impact on Tourism

The impact on the economic sector in particular tourism has been raised by an objector. It is considered that this objection is on the grounds that the proposal would have a detrimental impact on the landscape with a corresponding loss of attraction as a tourism location. The visual impact has been addressed in the preceding paragraphs.

Paragraph 1.3.80 of the BPG to PPS18 states that it is not considered that wind energy developments are necessarily incompatible with tourist and leisure interests. It further states that the results of survey work conducted in 2003 in the Republic of Ireland indicate that tourism and wind energy can co-existing happily.

Policy TSM 8 of PPS16 is entitled 'Safeguarding of Tourism Assets' and states that planning permission will not be granted for development that would itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourist value. Third parties have identified St Patrick's monument as a tourist asset, the Strangford and Lecale AONB, Delmont Country Park and Strangford Lough are also considered to be tourist assets. Whilst it has been highlighted that the proposal is unacceptable in visual terms it is highly unlikely that the presence of the proposed turbine would make visitors less likely to visit the aforementioned tourist assets. There is no evidence to suggest that the proposal would significantly compromise the tourism value of any tourist asset. A refusal on the grounds of Policy TSM 8 is not considered appropriate in this instance.

It is acknowledged that the presence of a turbine may impact on the use of certain locations for historic/period filming, this in itself is not however considered to be so significant to compromise the tourist asset.

Environmental, Economic and Social Benefits

The wider environmental, economic and social benefits are material considerations in determining whether planning permission should be granted for the turbine. While Policy RE 1 of PPS 18 states that these should be accorded significant weight, the SPPS makes clear that they should be accorded appropriate weight.

The proposal would contribute to the growth of the renewable energy sector, which provides sustainable electricity utilising a cost free renewable energy source, reduces the dependence on fossil fuels, reduces carbon dioxide emissions and helps Northern Ireland achieve its renewable energy obligations. It would also provide employment, potentially facilitate in the diversification of a farm business and generate revenue. A counter argument is that the proposal would result in the loss of local employment and revenue from the tv/film industry as the immediate area would be less attractive as a historical rural location. It is noted however that approval has already been granted for a 45m high turbine in the vicinity of the Myra Rd, replacing an existing 15 high turbine (R/2006/1266/F). The immediate area is thus not devoid of wind turbine development.

While the wider environmental, economic and social benefits of the proposal are self-evident and while they weigh in favour of the proposal, determining weight must however be placed on the unacceptability of the proposal in terms of its visual impact in this area. Both St Patrick's Monument and Delamont Park are important visitor sites within the Strangford and Lecale AONB and provide uninterrupted panoramic views of the undulating hills and Strangford Lough. As per the SPPS appropriate weight must be attached to the wider environmental, economic and social benefits of the proposal as opposed to significant weight as previously required. The weight attached to the unacceptable visual impact of this turbine cannot be underestimated.

Criteria (c) concerns the impact on biodiversity, nature conservation or built heritage interests.

Impact on Natural Heritage

As highlighted above a number of objectors have raised concerns regarding impact on local wildlife including wildfowl and bats and Strangford Lough ASSI and SPA.

In their consultation response of the 23.09.14 NIEA Natural Heritage have advised that they have no concerns arising from the current location of the proposal. Whilst the site and surrounding environs contain habitat features suitable for bats there is a sufficient buffer distance present to nearby habitat features.

Specific reference was made by objectors to the impact of the proposal on Brent Geese and other wildfowl crossing Lecale to and from breeding grounds in the area. NIEA Natural Environment Division in their consultation response dated 9th August 2016 advise that they have consulted with the Irish Whooper Swan Study Group (IWSSG) who have no record of light bellied Brent Geese at the site and would not expect any flight this far inland. NED conclude that there will be no significant effects on ornithological selection features associated with the proposal.

A Habitats Regulations Assessment Test of Likely Significance has been undertaken on behalf of the Council by Mid and East Antrim's Shared Environmental Service. The potential impact of the proposal on the Special Protection Area, 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 considered that the proposal would not be likely to have a significant effect on the features of any European site.

In light of consultation responses it not considered that there is a need for a bat survey or ecology/biodiversity report.

NIEA Natural Environment Division is a statutory consultee and provides advice on the impact of proposals on nature conservation interests in the vicinity of the site. It is not considered necessary to undertake a non-statutory consultation with the RSPB.

Impact on Built Heritage

As outlined in the consultation response above NIEA Historic Buildings Unit have assessed the impact of the proposal on all listed structures in the vicinity and consider that the proposal is contrary to Policy BH11 of Planning Policy Statement 6 in that the proposal would adversely affect the setting of the Statue of St Patrick. The proposed turbine is located 1.98km to the north east and is not considered to be intervisible with St Patrick's Monument when travelling along the Strangford Road or Banaghan Road. Public views of the turbine from the Myra Road are limited and intervisibility with St Patrick's Monument from this road would not be considered to be significant. On balance it is considered that the proposal would not adversely affect the setting of the Statue of St Patrick.

Impact on the Myra Estate including Walshtown Castle, Myra Castle and Castle Ward is highlighted by third parties. Views of the turbine may indeed be achieved

from these locations however these are outward rather than inward and would result in loss of rural character rather impacting on the setting of any protected building.

Given the adverse impact of the proposal on visual amenity and landscape character, I do not consider that the environmental, economic and social benefits outweigh the objections to the proposal.

Under Criteria (d) the proposal will not have any impact on local natural resources, such as air quality or water quality given the type of proposal and its location.

Under Criteria (e) the proposed turbine will not impact on public access to the countryside.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1 in that there is no overriding reason to allow for this proposal in the countryside.
2. The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage Policy NH 6 of in that the proposal would, if permitted, have an unacceptable adverse impact on the visual and special landscape character of this Area of Outstanding Natural Beauty by reason of size, scale, and siting of the proposed turbine.
3. The proposal is contrary to the Department's Planning Policy Statement 18 Renewable Energy Policy RE1 in that the proposal would, if permitted, have an unacceptable adverse impact on the visual and landscape character of the area by reason of size, scale, and siting of the turbine.
4. The proposal is contrary to the Department's Planning Policy Statement 18 Renewable Energy Policy RE1 in that it would if permitted pose a threat to public safety as the location of the turbine infringes on the minimum NIE safety clearance for overhead power lines.

Case Officer Signature:

Date:

Appointed officer Signature:

Date: