

September 1st, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 2nd September 2026** at **10:00 am** in **Mourne Room, Downshire Civic Centre**.

Committee Membership 2026-27

Councillor M Larkin **Chairperson**

Councillor M Rice **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor V Harte

Councillor O Magennis

Councillor D McAteer

Councillor S Murphy

Councillor A Quinn

Councillor H Reilly

Councillor J Tinnelly

Councillor H Young

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol

4.0 Minutes of Planning Committee Meeting held 5 August 2026

For Approval

Attachment: Planning Committee Minutes 2026-08-05.docx

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5.0 Addendum list – planning applications with no representations received or requests for speaking rights

For Approval

Attachment: Addendum list - 02-09-2026.pdf

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Development Management - Planning Applications for determination

6.0 LA07/2024/0666/F - Lands West of Spring Meadows, Warrenpoint, BT34 3SU - Erection of 23 dwellings with associated road layouts

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

Attachment: LA07-2024-0666 Updated.pdf

Page 20

7.0 LA07/2025/0365/F - Lands south of William Street, located between Newry River and the Newry Canal, at Albert Basin, Newry - City Park (Public Open Space) comprising**

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

**waterside walkway; pedestrian and cycle paths throughout site; biodiversity trail; urban sports facility (incorporating pump track and skate park); toilet building (incorporating changing places facility and ancillary office and 9 kWp PV panels to roof); play park facility (to cater for multiple age groups and levels of ability); central plaza area; boat launching slipway; floating pontoon and access ramp; watersports building (incorporating boat storage, meeting room, changing and shower facilities and 14 kWp PV panels to roof); 3No. canopy sun/rain shelters; water sports storage area; maintenance building; arboretum walk (comprising native tree and shrub species); natural play area; southern plaza area; associated car parking, overspill/temporary car parking and drop off areas; 2No. dual EV charging points; cycle stands; connection to greenway; park lighting; CCTV (pole and building mounted); quay/canal wall restorations (including in-situ preservation of existing mooring rings, stone bollards and metal posts); ancillary park infrastructure (bollards, gates, fences, railings, benches/seating, bins, interpretation boards, historical markers/feature trail locations); 315kVA electrical substation; and all associated site works, infrastructure, and landscaping.

Attachment: LA07 2025 0365 F.pdf

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8.0 LA07/2025/0897/O - Immediately N of 46 Forkhill Road, Cloghoge, Newry, BT35 8LZ - Infill site for two dwellings.

For Decision

REFUSAL

On agenda as a result of the Call in process.

Speaking rights have been requested in support of the application by Mr John Cole.

Attachment: LA07-2025-0897-O.pdf

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Attachment: 8. LA07 2025 0897 O.pdf

Page 100

9.0 LA07/2024/1283/O - Lands 95m N of No. 11 Lesh Road, Newry, BT35 6NF - Erection of farm dwelling and detached domestic garage, ancillary site works.

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mr Timmy Hamill, supported by Mr Gerry Rafferty.

Attachment: LA07-2024-1283-O.pdf

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Attachment: 9. LA07-2024-1283-O.pdf

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10.0 LA07/2024/0308/O- To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW - Site for dwelling and carport

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the applicaiton by Mr Colin O'Callaghan.

Attachment: LA07-2024-0308-O.pdf

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Attachment: 10. LA07 2024 0308 O.pdf

Page 125

11.0 LA07/2025/0762/O - Lands approximately 25m south of No. 58 Newtown Road, Newtowncloghoge, Newry, BT35 8RJ - Infill dwelling with detached domestic garage, site access, ancillary site works and associated landscaping

For Decision

REFUSAL

On agenda as a result of the Call In Process

Speaking rights have been requested in support of the application by Mr Timmy Hamill, supported by Mr Gabriel McEvoy.

Attachment: LA07_2025_0762_O.pdf

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Attachment: 11. LA07 2025 0762 O.pdf

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12.0 LA07/2025/1466/O - Adjacent & W of No.25 Derrywilligan Road, Newry, BT35 6JU - Dwelling & detached garage

For Decision

REFUSAL

On agenda as a result of the Call In Process.

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

Speaking rights have been requested in support of the application by Councillor David Taylor.

Attachment: LA07_2025_1466_O.pdf

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Attachment: 12. LA07 2025 1466 O.pdf

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Attachment: 12. LA07 2025 1466 O - Cllr Taylor.pdf

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13.0 LA07/2025/1205/F - Adjacent to No. 25 Seafin Road, Killeavy, Newry, BT35 8LA - Detached dwelling on an infill site

For Decision

REFUSAL

On agenda as a result of the Call In Process

Speaking rights have been requested in support of the application by Mr Ruairi Quinn.

Attachment: LA07_2025_1205_F.pdf

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Attachment: 13. LA07-2025-1205-F.pdf

Page 157

14.0 LA07/2022/0801/F - Lands at 58a Downpatrick Road, Crossgar - Replacement building (previously destroyed by fire) for farm diversification including all associated site works.

For Decision

REFUSAL

On agenda as a result of the call in process

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

Attachment: LA07-2022-0801-F.pdf

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Attachment: 14. LA07 2022 0801 F.pdf

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For Discussion/Decision

15.0 Tree Protection Bill – Call for Evidence

Attachment: PC Report - Northern Ireland Tree Protection Bill.pdf

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16.0 Shaping Better Places - Politicians in Planning Event

For Decision

Attachment: Politicians in Planning.pdf

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For Noting

17.0 Historic Action Sheet

For Information

Attachment: Planning Historic Tracking Sheet - 05-08-2026.pdf

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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 5 August 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:	Councillor L Devlin	Councillor V Harte
	Councillor O Magennis	Councillor D McAteer
	Councillor S Murphy	Councillor H Reilly
	Councillor M Rice	Councillor J Tinnelly
	Councillor H Young	

Officials in attendance: Mrs A McAlarney, Planning Manager
 Ms B Ferguson, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Ms E Kirk, Assistant Director: Legal & People
 Mr P Rooney, Head of Legal Administration
 Ms S Taggart, Democratic Services Manager
 Mr C Smyth, Democratic Services Officer

P/054/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Clarke and Mr J McGilly, Assistant Director of Regeneration.

P/055/2026: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/056/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/057/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 1 JULY 2026

Read: Minutes of Planning Committee Meeting of Wednesday 1 July 2026. **(Copy circulated)**

AGREED: **On the proposal of Councillor Magennis, seconded by Councillor Harte, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 1 July 2026 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/058/2026: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 5 August 2026. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Harte, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 5 August 2026:**

- **LA07/2025/0242/F** - On street car parking area immediately in front of No. 2 O'Hagan Street, Newry - Proposed parklet area with associated site works
APPROVAL
- **LA07/2025/0243/F** – On-street car parking area immediately in front of no. 14-16 & 18B Hill Street, Newry BT34 2BN - Proposed parklet area with associated site works
APPROVAL
- **LA07/2020/0156/O** - 11B Edward Street Newry - Erection of Apartment Development
APPROVAL
- **LA07/2026/0377/F** - 156A Drumaness Road, Drumaness, Ballynahinch, BT28 8RL - Installation of a modular building, associated site works, changing facilities, toilets, and a multifunctional community hub. Access remains via the existing entrance to the cricket grounds.
APPROVAL

DEVELOPMENT MANAGEMENT

P/059/2026: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2025/0555/O

On agenda as a result of the Call in Process

Location:

75m NW of 4 Upper Ballinran Road, Kilkeel

Proposal:

Site for dwelling & detached garage with associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane stated that the application was an outline application for a farm dwelling and that the Case Officer's report, including the site history, had been taken as read. He

advised that Planning Officers acknowledged that the proposal complied with Policy CTY 10 relating to a farm dwelling. However, Policy CTY 1 required that all development proposals in the countryside also met other planning and environmental considerations. In this regard, the proposal was considered contrary to Policy CTY8, as the proposed siting, to the side of two existing buildings, would have resulted in ribbon development.

Mr Keane stated that the proposal was therefore considered contrary to Policies CTY 1, CTY 8 and CTY 14 and was recommended for refusal on that basis.

Speaking rights:

In Support:

Mr Brendan Quinn spoke in support of the application. He stated that the proposal sought outline planning permission for a dwelling and garage on the applicant's family farm, adjacent to two lawful farm sheds. He advised that the submitted plans showed the dwelling would have been set back from the Upper Ballinran Road and would not have shared a frontage with the road. He added that the existing sheds would have screened the dwelling from views approaching from the south-west, while views from the north-east would have shown it alongside the sheds with the Mourne Mountains as a backdrop.

Mr Quinn noted that the officer's report confirmed compliance with all the requirements of Policy CTY 10 but concluded that the proposal was contrary to Policy CTY8 and Criterion (d) of Policy CTY 14 as it would have created ribbon development. He referred to a December 2025 appeal decision in Ballygowan, which he stated had informed the recommendation for refusal.

Mr Quinn advised that the Council had considered two similar applications in March and April 2026 and had been granted approval in both cases. He stated that discussions at the Committee had reflected concerns about recommendations for refusal of farm dwellings based on a perceived conflict with Policy CTY 8 following a single appeal decision. He expressed the view that applications had traditionally been assessed primarily against Policy CTY 10 since 2008.

He further stated that, since April 2026, four applications in the Newry and South Armagh area involving a potential conflict between the siting requirements of Policy CTY 10 and the prevention of ribbon development had been approved, with greater weight given to Policy CTY 10.

Mr Quinn argued that the Planning Department had adopted an inconsistent approach to applications for farm dwellings. He noted that Policy CTY 10 required compliance with Policies CTY 13, CTY 14 and CTY 16 once the principle of development had been established, and that Policy CTY 8 was not expressly identified as an additional policy test, although it remained a material consideration.

Councillor Rice asked whether previous decisions overturned by the Committee, as referenced by Mr Quinn, had been taken into account in the assessment of the application. Mr Keane advised that officers were mindful of those decisions but were also required to have full regard to planning policy and the development plan.

In response to further queries from Councillor Rice, Mr Keane advised that applications involving potential conflict between Policies CTY 8 and CTY 10 were assessed on their individual merits, taking account of site-specific circumstances, including the relationship to the public road and existing development. He stated that there was no blanket approach and that the Planning Department considered the current proposal to constitute ribbon development. He further noted that, while a 2019 appeal had afforded determining weight to compliance with CTY 10 despite conflict with CTY 8, more recent appeal decisions had dismissed proposals that complied with CTY 10 but conflicted with CTY 8.

Mr Quinn stated that, since the introduction of Policy CTY 10 in 2008, he had not encountered a recommendation for refusal where a proposal complied with CTY 10 but was considered contrary to CTY 8. He argued that the Ballygowan appeal differed significantly from the current application and was not directly comparable. He further advised that the dwelling had been positioned further back within the site and screened by existing farm sheds to minimise visual impact. Mr Quinn expressed concern that excessive reliance was being placed on the December 2025 appeal

decision and suggested that this could have implications for the future assessment of farm dwelling applications.

In response to queries from Councillor Devlin, Mr Keane advised that alternative sites existed within the wider landholding and reiterated that Policy CTY 1 required compliance with all relevant planning considerations, including Policy CTY 8. He added that it was appropriate for the Planning Department to review its interpretation of policy in light of appeal decisions and case law. He also confirmed that amendments to the red line boundary would not address the ribbon development concerns.

In response to Councillor McAteer, Mr Keane advised that the proposal was considered contrary to Policy CTY 8 on the basis that it would create ribbon development, noting that set-back or staggered development could also constitute ribboning and that this position had been supported through appeal decisions.

Councillor McAteer noted that the proposal met the positive tests of Policy CTY 10 for a farm dwelling, to which Mr Keane responded that the requirements of Policies CTY 8 and CTY 10 were separate planning considerations and should not be conflated.

Councillor Reilly stated that, given the proposal's compliance with Policy CTY 10 and its relationship to the existing farm sheds, he did not consider it to represent ribbon development and believed it could integrate successfully within the landscape. He also questioned the relevance of the Ballygowan appeal to the current application and asked whether Mr Quinn considered that decision to be restricting legitimate farm dwelling development in the Mournes area. In response, Mr Quinn cited three recent cases in which the Planning Department had referred to that appeal decision.

Referring to Mr Quinn's comments regarding inconsistencies in decision-making across the District, Councillor Tinnelly expressed concern and queried why the current application had not been approved if similar criteria had been applied in other approved cases. Mr Keane responded that each application depended on its own site-specific circumstances.

Councillor Rice proposed to overturn the recommendation to an approval, stating that the proposal complied with Policy CTY 10 and had been confirmed as relating to a genuine, established and active farm. He further stated that he did not consider the reasons for refusal under Policies CTY 8 and CTY 14 to have been substantiated and considered that the dwelling would read as part of the existing farm grouping alongside two agricultural sheds, rather than as an isolated roadside dwelling.

This was seconded by Councillor Devlin.

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

FOR: 10

AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Devlin, it was agreed to issue an approval in respect of planning application LA07/2025/0555/O contrary to officer recommendation as contained in the Case Officer Report.

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

Councillor Rice left the meeting at this point – 10.48am

(2) LA07/2025/0378/F

On agenda as a result of the Call in Process.
Previously tabled in February 2026.

Location:

26 Lisburn Street, Electrotech, Ballynahinch

Proposal:

Change of use from commercial shop unit to 2-bedroom dwelling house

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Brenda Ferguson stated that the application sought full planning permission for the change of use of a commercial shop unit to a two-bedroom dwelling house and that the case officer's report had been taken as read. She advised that no objections had been received and that all consultees had responded with no objections, subject to conditions.

She noted that the site was located within Ballynahinch Town Centre, as designated in the Ards and Down Area Plan 2015. She advised that the proposal involved the conversion of the building to a single dwelling, comprising a kitchenette/dining area and living room at ground floor level, with two bedrooms and a shower room at first floor level. The loss of this limited amount of retail floorspace to residential use was considered acceptable, given that the site was not located within the Primary Retail Core.

Mrs Ferguson advised that Policy QD1(c) and the supplementary planning guidance contained within *Creating Places* were relevant considerations that stated that adequate private open space should form an integral part of residential design to provide amenity for residents, enhance visual attractiveness and improve safety, particularly for young children. While smaller areas could be appropriate for one or two-bedroom dwellings or properties located adjacent to public or communal open space, an area of less than approximately 40 square metres was generally considered unacceptable.

She noted that the agent had argued that the property was located within the designated Town Centre and benefited from immediate access to a range of public spaces and facilities, while the agent had also highlighted that no amenity space was provided at No. 24 and that only limited amenity space existed at neighbouring properties opposite the site. She confirmed that those properties were long established and pre-dated the introduction of PPS 7. She confirmed that as the proposal included no private rear amenity space, the justification provided was not considered sufficient to overcome this policy concern and the proposal was therefore considered contrary to the layout requirements of Policy QD1.

Mrs Ferguson concluded that the proposal was unacceptable as it failed to create a quality residential environment and did not comply with Policy QD1 of PPS 7.

Speaking rights:

In Support:

Mr William Getty spoke in support of the application. He stated that the principal issue related to the provision of amenity space and noted that PPS 7 did not prescribe a mandatory minimum standard but required adequate provision to be assessed in context. He advised that he owned the additional lands identified on the plans and that these could be landscaped and used as amenity space, together with the rear yard serving the property.

Mr Getty stated that there was limited retail demand in Ballynahinch but a need for smaller residential properties. He highlighted that no objections had been received from DfI Roads, Environmental Health, NI Water, members of the public or neighbouring properties. He contended that the application conflicted with only one element of policy relating to amenity space and argued that this should be balanced against wider planning objectives, including housing delivery, the reuse of existing buildings and the town centre location. He expressed disappointment that the application had been recommended for refusal on amenity space grounds when additional amenity space was available within his ownership and control.

In response to a query from Councillor Devlin as to whether the Council could impose conditions on land outside the application site boundary, Mrs Ferguson advised that it could not and confirmed that a new planning application would be required.

Councillor Reilly noted the high number of vacant properties in Ballynahinch and queried whether the proposed alterations would adversely affect the town's streetscape. Mrs Ferguson advised that the proposal would protect the character of the streetscape.

Discussion then focused on amenity space. Mr Getty advised that a lean-to at the rear of the building provided approximately 12 to 15 square metres of space. He also referred to the level of dereliction in the area and stated that the proposal could act as a catalyst for regeneration in Ballynahinch and support employment.

Councillor McAteer suggested that there might be a planning mechanism to secure land outside the application boundary for amenity purposes, to which Mr Rooney advised that he was unaware of any such mechanism.

Mrs Ferguson advised that the lean-to would not be regarded as private amenity space and even if it were, it would fall below the 40 square metre guidance. Mr Getty responded that the policy required adequate amenity provision and stated that, if planning permission were granted, he intended to provide additional amenity space on land within his ownership outside the application boundary.

Mrs Kirk reiterated that any works outside the application boundary would require an amendment to the application and that a legal agreement would not have been appropriate in the circumstances. She further advised that Members were not bound by the officer recommendation and could apply their own judgement and weighting to the relevant planning policies.

In response to a query from Councillor Larkin regarding nearby open space and community facilities, Mr Getty identified a number of local amenities, including a play park, community centre and town square. He also noted that the property will benefit from off-street parking.

Councillor Larkin proposed to overturn the recommendation to an approval, stating that he believed there was sufficient amenity space nearby for occupants to utilise. He also noted the landowner had lands to the rear of the site which he intended to develop into amenity space.

Councillor Devlin seconded the proposal, endorsed Councillor Larkin's comments and noted the significant demand for housing within the Ballynahinch area.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Devlin, it was agreed to issue an approval in respect of planning application LA07/2025/0378/F contrary to officer recommendation as contained in the Case Officer Report.

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

(3) LA07/2023/3550/O

On agenda as a result of the Call in Process / Operating Protocol and Scheme of Delegation

Location:

60m S of 36 Killyleagh Road, Crossgar, BT30 9LA

Proposal:

Proposed replacement dwelling and retention of existing structure as ancillary building.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Brenda Ferguson stated that the application sought outline planning permission for a replacement dwelling and the retention of the existing structure as an ancillary building. The Case Officer's report had been taken as read. No objections had been received, and consultees had offered no objections in principle.

She advised that the site was located within the countryside and that Policy CTY3 of PPS 21 was applicable. While the existing stone building retained four walls and a roof, officers considered that it did not display the essential characteristics of a dwelling. The building lacked features typically associated with a dwelling house, including a chimney, domestic-scale openings, a chimney breast and evidence of internal room divisions. Instead, its appearance and form were considered more consistent with a shed or former agricultural building.

Mrs Ferguson noted that the agent had submitted historical mapping and Griffith's Valuation records indicating the presence of a dwelling on the holding in 1863. However, the footprint of the building shown on the historic records did not correspond with the rectangular structure currently on site, and significant changes had occurred over time. Officers considered that, regardless of the building's history,

the essential characteristics of a dwelling were no longer evident in the structure currently standing on the site.

She concluded that the proposal failed to meet the requirements of the SPPS and Policies CTY1 and CTY3 of PPS 21 and was therefore recommended for refusal.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application, supported by Mr Richard Jamison, the applicant's brother. He advised that the proposal sought permission for a replacement dwelling with retention of the existing building as an ancillary structure. He noted that a previous application on the site had been refused in 2016; however, the current application was supported by additional evidence, including a Griffith's Valuation record confirming the presence of a dwelling on the site in the 19th century. He stated that the building remained largely intact and retained its own folio number, supporting its status as a separate unit.

Mr Rooney advised that the building retained several residential characteristics, including substantially intact external walls, internal room divisions, a pitched roof and domestic-scale window and door openings. He noted that the officer's report accepted the historical evidence of a dwelling on the site and acknowledged that the four external walls remained substantially intact.

He stated that concerns regarding a wider opening in one elevation did not undermine the building's residential character, arguing that this feature was consistent with a historic byre-dwelling where animals and residential accommodation had been accommodated under the same roof. He further contended that the absence of a chimney was not determinative, as Policy CTY 3 did not require a chimney and older dwellings often contained internal chimneys that may no longer be evident.

Referring to a previously approved application on the Dundalk Road, Newtownhamilton, Mr Rooney argued that the circumstances were comparable and demonstrated that similar buildings had been accepted as replacement dwellings. He submitted that the documentary evidence, together with the building's physical characteristics, demonstrated compliance with Policy CTY 3 and, consequently, Policy CTY 1.

In response to a query from Councillor Devlin regarding the building footprint and whether the animal accommodation section had been added after the production of the Griffith's Valuation map, Mr Rooney advised that the applicant's family had owned the property for approximately 50 years and that the footprint had remained unchanged during that period. He stated that buildings in rural areas often changed over time and noted that the map depicted the building as originally having an L-shaped footprint. He added that it was difficult to determine whether the map was entirely accurate or whether part of the building had been removed at some stage.

In response to a further query from Councillor Devlin, Mr Jamison advised that there was only one house on the site and that no structural works had been carried out since the property was purchased by the family in 1973.

Councillor Reilly commented that the building appeared well enclosed and clustered with other buildings and stated that, in his view, it exhibited the characteristics of a dwelling.

Councillor Tinnelly queried whether the Planning Department's position was that the building shown on the Griffith's Valuation map was not the same building currently on site. Mrs Ferguson advised that there was insufficient evidence to demonstrate that the building shown in the historic record corresponded with the building on the ground in terms of footprint or position. She further advised that, when considered as a whole, the building did not exhibit the features or essential characteristics expected of a dwelling house.

Councillor Tinnelly further queried whether it was contradictory for the Planning Department to accept that a dwelling had existed on the site as shown on the Griffith's Valuation map while also accepting that the building may have changed over the subsequent 160 years.

Mrs Ferguson advised that the relevant policy test required the building currently on site to exhibit the essential characteristics of a dwelling house. She stated that, while the policy did not provide an exhaustive list of such characteristics, none of the essential characteristics of a dwelling were evident in the building under consideration.

In response to a query from Councillor Magennis, Mrs Ferguson advised that the Planning Department did not have sufficient evidence to conclude that the building currently on site was the original dwelling shown on the folio map. Councillor Magennis stated that, given the passage of time, there was likewise insufficient evidence to conclude that it was not the original building. Mrs Ferguson reiterated that it had to be demonstrated that the building shown on the folio map was reflected in the structure on the ground through the characteristics of a dwelling house and that such evidence had not been provided.

Councillor Larkin noted that the absence of rear window openings was not uncommon, with some houses having no rear windows or rear door. Mrs Ferguson acknowledged that some historic buildings did not exhibit such features or contained only very small window openings. However, she advised that the assessment had considered the building as a whole and the range of characteristics typically associated with a dwelling house, of which window openings were only one factor.

Councillor Reilly proposed to overturn the officer recommendation and grant an approval, stating that he considered the building to retain the characteristics of a traditional rural Irish dwelling from the relevant period.

The proposal was seconded by Councillor Larkin, who stated that the building exhibited the essential characteristics of a dwelling house.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Reilly, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2023/3550/O contrary to officer recommendation as contained in the Case Officer Report.

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

(4) LA07/2025/0641/F

On agenda as a result of the Call in Process

Location:

Approx. 125m NW of 15 Killybawn Road, Saintfield, Co. Down, BT24 7JP

Proposal:

Dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Brenda Ferguson stated that the application sought full planning permission for a dwelling on a farm. The Case Officer's report had been taken as read. No objections had been received and consultees had responded with no objections.

She advised that the site was located within the countryside and the Strangford and Lecale Area of Outstanding Natural Beauty and that the proposal had been assessed against the SPPS, Policies CTY 1, CTY 10, CTY 13, CTY 14 and CTY 16 of PPS 21, and the retained policies of PPS 2 and PPS 3. Officers considered that criteria (a) and (b) of CTY

10 had been met and that the proposed site was visually linked to an established group of agricultural buildings, thereby satisfying criterion (c).

Mrs Ferguson noted, however, that the site occupied an elevated position above the adjacent laneway and that due to the topography of the site and the proposed height of the dwelling, it was considered that the development would appear as a prominent feature in the landscape when viewed from the south-east and along the road frontage. Existing vegetation was not considered sufficient to integrate the dwelling into the landscape. As such, the proposal was considered contrary to criteria (b), (c) and (f) of CTY13.

She further advised that the dwelling would be unduly prominent in the landscape and, if constructed immediately west of the agricultural shed, would add to an existing ribbon of development along the laneway. The proposal was therefore considered contrary to Policy CTY 14, CTY 8 and the relevant provisions of PPS 21.

Mrs Ferguson concluded that, for these reasons, officers had recommended refusal of the application.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, supported by Mr Ross, applicant and his daughter Ms Ross.

Mr Tumelty stated that the proposal satisfied the requirements of Policies CTY 1 and CTY 10, noting that the farm business had been established for more than six years, no development sites had been sold from the holding, and the proposed dwelling would cluster with existing farm buildings and utilise an existing access.

He advised that the proposed site was located adjacent to lawful farm buildings and that the relevant farm business criteria had been accepted by the Council. He further stated that the site was well defined by mature hedging and planting, with a farm building forming the remaining boundary, and therefore met the relevant integration requirements.

Mr Tumelty noted that the site was set back from the Killybawn Road along a laneway and benefited from limited visibility due to the surrounding topography and vegetation. He explained that a level building platform would be created and contended that the dwelling would integrate satisfactorily into the landscape while respecting the traditional pattern of rural development.

He stated that no alternative site was available which would comply with Policy CTY 10 without creating privacy issues for existing or future residents. He also disputed the officer's conclusion that the proposal represented ribbon development, advising that

the dwelling would cluster with existing farm buildings and would not result in ribboning along the Killybawn Road.

In conclusion, Mr Tumelty contended that the proposal complied with Policies CTY 10, CTY 13, CTY 14 and CTY 16, including the provision of satisfactory sewage treatment arrangements, and recommended that the Committee overturn the officer recommendation and grant planning permission.

In response to a question regarding the height of the hedgerow, Mr Tumelty advised that it would be broadly level with the proposed site, which rose gently from the laneway. He added that mature trees within the vicinity would further assist with integration.

Councillor McAteer asked for clarification on the Planning Department's concerns regarding integration, specifically whether the proposed dwelling would break the skyline and whether it could be read as part of the existing group of buildings. Mrs Ferguson advised that, while the proposed dwelling and adjacent shed would be viewed together, the development would contribute to ribbon development. She further stated that the dwelling would be positioned approximately 10 metres above the laneway, resulting in an elevated and prominent feature which would break the skyline.

Referring to the PowerPoint presentation, Councillor Larkin queried the visibility of the site from the public road. Mrs Ferguson confirmed that the proposed dwelling would be visible and would remain prominent from that viewpoint regardless of its distance from the road. In response to a question regarding the setback distance, Mr Tumelty advised that the site was located at the corner of an adjoining field approximately 200 metres from the road and would cluster with existing buildings in the area. He added that this was the only location capable of meeting the requirements of Policy CTY 10 and contended that it would not result in ribbon development along the Killybawn Road.

Councillor McAteer proposed to overturn the officer recommendation to an approval, stating that he considered the proposal to comply with Policy CTY 13. He noted that a reasonable effort had been made to integrate the dwelling by locating it at the lower end of the field and stated that he was not persuaded by the Planning Department's view that the proposal would break the skyline.

This was seconded by Councillor Reilly, who stated that he did not consider the proposal to constitute ribbon development and regarded it as suitably clustered with existing buildings.

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

FOR:

9

AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Reilly, it was agreed to issue an approval in respect of planning application LA07/2025/0641/F contrary to officer recommendation as contained in the Case Officer Report.

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

(5) LA07/2025/0057/O

On agenda as a result of the Call in Process

Location:

Approx. 28m N of 51 Derryboy Road, Crossgar, BT30 9LH

Proposal:

Site for dwelling with access on to Holly Park Road

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson stated that the application sought outline planning permission for a site for a dwelling. The Case Officer's report had been taken as read. No representations had been received and consultees had raised no objections, subject to conditions.

She advised that the site was located within the open countryside and the Strangford and Lecale Area of Outstanding Natural Beauty. The agent had confirmed that the application had been submitted under Policy CTY 2A of PPS 21, which permitted a dwelling within an existing cluster subject to meeting all policy criteria.

Mrs Ferguson stated that officers did not consider an appropriate cluster to exist at the location, as only three dwellings were present, and the remaining buildings were ancillary in nature. The site, located to the rear of Nos. 49 and 51 Derryboy Road, was not considered visually linked to the wider group of buildings or the nearby crossroads. In addition, the site was bounded by development on only one side and did not represent the rounding off of an existing cluster. Instead, the proposal was considered to extend development into the open countryside and could not be satisfactorily absorbed within the landscape.

She noted that criterion 6 of Policy CTY 2A, relating to residential amenity and separation distances, had been met. However, the proposal failed to satisfy the remaining criteria of the policy.

Mrs Ferguson concluded that the principle of development was unacceptable as the proposal failed to comply with Policy CTY2 A of PPS 21 and was therefore recommended for refusal.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, supported by Mr Burgess.

Mr Tumelty advised that the application had been submitted under Policy CTY 2A, which provided an exception to the normal restrictions on development in the countryside under Policy CTY 1. He contended that the proposed site was located within an existing cluster comprising three dwellings and associated ancillary buildings.

He stated that the site was positioned to the rear of the existing semi-detached dwellings and that it clustered with the surrounding development. He further argued that the site was bounded on at least two sides and satisfied the relevant policy tests relating to enclosure and integration.

Mr Tumelty advised that the proposed dwelling would be viewed as part of the existing group of buildings and noted that the officer's report had confirmed compliance with Policy CTY 14. He stated that the proposal would round off the existing development pattern, would not visually intrude into the open countryside, would not create ribbon development, and would not adversely affect rural character.

He further contended that the site was located at a genuine crossroads formed by Derryboy Road, Clay Road and Holly Park Road, and that the proposal clustered with existing development at that location. He stated that the proposal respected the traditional settlement pattern of the area and was not contrary to Policies CTY 13 or CTY 14.

In conclusion, Mr Tumelty stated that the applicant considered the proposal to comply with Policy CTY 2A. He noted that no objections had been received from members of the public or statutory consultees and requested that planning permission be granted.

Councillor Reilly stated that, having viewed the presentation, he agreed with Mr Tumelty's assessment that the proposed site formed part of an existing cluster of development, contrary to the Planning Department's view.

In response, Mrs Ferguson advised that a proposal had to satisfy all of the criteria set out in Policy CTY 2A to be considered part of a cluster. She stated that the Planning Department had assessed the proposal against those criteria and concluded that it did

not comply. Mrs Ferguson advised that there was no qualifying cluster in this instance, as the required grouping of buildings was not present. She further advised that the site was not bounded on two sides, did not constitute rounding off and was not visually linked to the crossroads. On that basis, she concluded that the proposal failed to satisfy a number of the requirements of Policy CTY2A.

Referring to the aerial view of the site, Councillor Larkin queried the status of No. 55. Mr Burgess advised that it was a dwelling with an adjacent outbuilding. He further advised that No. 49 comprised a dwelling and that the adjoining building had previously operated as a plumbing business.

In response to a query from Councillor Devlin, Mr Tumelty contended that the site was bounded by No. 55 and a boundary to the north-east.

In response to a query from Councillor Larkin regarding Mr Tumelty's assertion that the proposal met the four-building cluster criterion, Mr Tumelty advised that No. 55 comprised a dwelling and an outbuilding. He further stated that the applicant's agent considered the two semi-detached dwellings to constitute two separate buildings for the purposes of the policy, notwithstanding that they were physically attached. He noted that, if sold, the properties would be treated as separate residential units and therefore contended that the four-building requirement was met. Mr Tumelty added that the semi-detached properties were one-and-a-half to two-storey former RDC cottages with associated outbuildings, while the property at No. 55 was a single-storey dwelling.

Councillor Larkin referred to the case officer's report and noted that Policy CTY 2A excluded ancillary buildings, garages and outbuildings from the building count. He stated that he had no difficulty regarding Nos. 49 and 51 being treated as two separate buildings but queried the reliance on outbuildings to satisfy the four-building requirement.

In response, Mr Tumelty advised that the application had been submitted based on the information presented by the initial agent. He noted that his research indicated that a building adjacent to one of the semi-detached dwellings had previously operated as a plumbing business, although this had not formed part of the application or officer assessment. He added that the building adjacent to No. 55 had been confirmed as a domestic outbuilding and stated that he had no evidence to support any alternative classification of the remaining buildings.

Councillor Larkin proposed that the Committee Members attend a site visit to gain a better understanding of the situation on the ground, which was seconded by Councillor Harte.

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

FOR:

9

AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Harte, it was agreed to issue defer planning application LA07/2025/0057/O to allow for a site visit.

FOR NOTING

P/060/2026: **PROPOSED MATERIAL ALTERATIONS TO PROPOSED VARIATION NO.2 TO THE MONAGHAN COUNTY DEVELOPMENT PLAN 2025 - 2031**

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Proposed Material Alterations to Proposed Variation No.2 to the Monaghan County Development Plan 2025 - 2031
(Copy circulated)

AGREED: It was agreed on the proposal of Councillor McAteer, seconded by Councillor S Murphy, to note the contents of the officer's report.

P/061/2026: **HISTORIC ACTION SHEET**

Read: Historic action sheet for agreement (Copy circulated)

AGREED: It was agreed on the proposal of Councillor McAteer, seconded by Councillor S Murphy, to note the historic action sheet.

There being no further business the meeting ended at 12.13pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 50% of decisions overturned.

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 2 September 2026

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

- **LA07/2024/0666/F** - Lands West of Spring Meadows, Warrenpoint, BT34 3SU - Erection of 23 dwellings with associated road layouts
APPROVAL

-0-0-0-0-0-0-

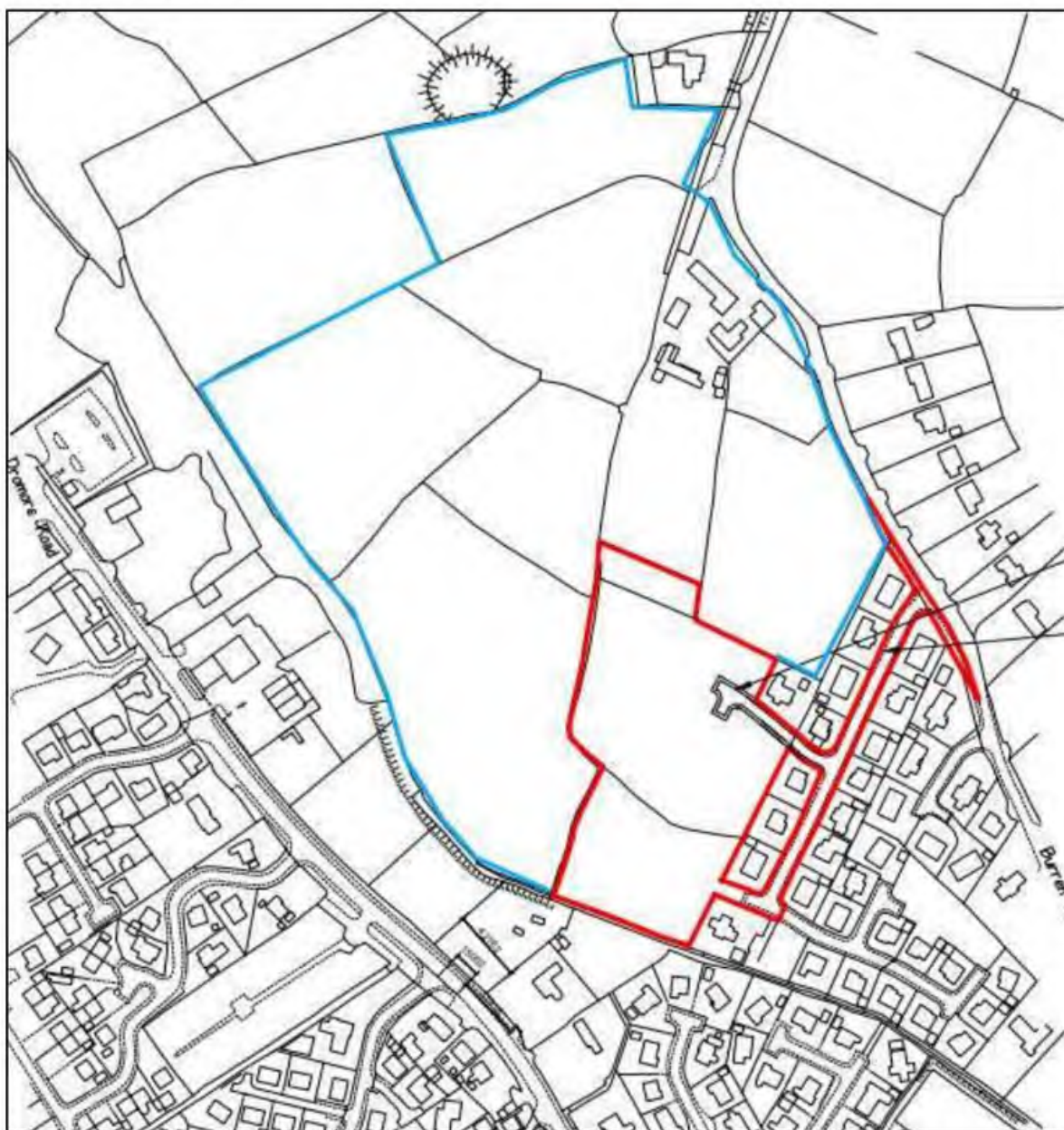
Delegated Application

Development Management Officer Report	
Case Officer: Richard McMichael	
Application ID: LA07/2024/0666/F	Target Date:
Proposal: Erection of 23 dwellings with associated road layouts	Location: Lands west of Spring Meadows, Warrenpoint, BT34 3SU (amended site location)
Applicant Name and Address: Pat Mc Kay 84 Burren Road Warrenpoint BT34 3SA	Agent Name and Address: John Cole 12A Duke Street Warrenpoint BT34 3JY
Date of last Neighbour Notification:	19 March 2025
Date of Press Advertisement:	12 March 2025
EIA Determination:	
Consultations: <u>DfI Roads (22/01/26)</u>: No objection, subject to conditions. <u>Env. Health (26/08/25)</u>: No Environmental Health objection in principle. <u>DfI Rivers (29/05/26)</u>: FLD1 – Objects. Structures and fencing found within the 1-in-100-year flood plain during a 6 May 2025 site visit; area must be reinstated as amenity space, and flood mitigation measures/finished floor levels need to be confirmed. FLD2 – Non-compliant. Fencing built along the watercourse banks breaches the required 5m (up to 10m) working strip, which must be shown on the site layout. FLD3 – Outstanding. Previously granted PDE for storm water discharge has expired; updated NI Water approval required. FLD4 – Not applicable. FLD5 – No objection; reservoir has Responsible Reservoir Manager Status. <u>HED (23/05/25)</u>: HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies SPPS and PPS 6 archaeological policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. <u>SES (17/04/25)</u>: Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. <u>NIEA (WCU) (06/03/25)</u>: Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment (see remarks regarding sewage disposal).	

<u>NIEA (NED) (06/03/25)</u>: NED acknowledges receipt of a Biodiversity Checklist and Preliminary Ecological Assessment carried out in February 2023 and advises, due to the lapse in time clarification is sought from the Ecologist that no material changes has occurred since the original surveys took place. <u>NI Water (04/03/25)</u>: A Wastewater Impact Assessment was submitted to NIW for this proposal, ref DS85279.	
Representations: No representations received.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Site Visit Report

Site Location Plan:



Date of Site Visit: March 2025

Characteristics of the Site and Area

The application site comprises approximately 1.9ha of land to the west of the existing Spring Meadows development in Warrenpoint and is accessed via the same road that serves that development. The site lies within the settlement development limit of Warrenpoint/Burren and within the Mourne Area of Outstanding Natural Beauty and makes up the majority of the zoned housing land site WB 22. The site is also adjacent

to the WB 37 Local Landscape Policy Area to the north and the WB 24 land zoned for economic development to the west.

The site currently comprises agricultural land. It is enclosed by mature hedgerow and tree planting along the majority of its western and southern boundaries. To the north, the site is bounded by further open agricultural land, separated by a hedgerow and tree line, with Burren Road lying beyond. To the east the site directly adjoins the rear boundaries of dwellings within the established Spring Meadows residential development, with an area of hardstanding and disturbed ground evident close to the shared boundary in the north eastern corner. To the south, the site is bounded by residential development and a commercial storage yard and associated buildings further to the south west. To the west the site adjoins extensive open agricultural land forming part of the wider rural setting of the AONB.

Description of Proposal

Erection of 23 dwellings with associated road layouts

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: P/1995/0375

Decision: Permission Granted

Decision Date: 29 September 1995

Proposal: Site for housing development

Application Number: P/1999/0140

Decision: Permission Granted

Decision Date: 09 September 1999

Proposal: Erection of 4 No Dwelling, construction of housing road and widening of Burren Road

Application Number: P/2001/1749/F

Decision: Permission Granted

Decision Date: 11 January 2002

Proposal: Erection of 2 No dwellings with detached garages

Application Number: P/2007/0874/F

Decision: Allowed

Decision Date: 11 August 2008

Proposal: Erection of 2 dwellings

Application Number: LA07/2020/0089/F

Decision: Permission Granted

Decision Date: 28 May 2020

Proposal: Erection of new dwelling and detached garage (change of house type from that previously approved under P/2007/0874/F) (amended description)

Application Number: LA07/2020/0557/PAD

Decision: PAD Concluded

Decision Date: 13 April 2021

Proposal: Proposed development of land within the development limit adjacent to Spring Meadows, Warrenpoint to provide 36 dwellings

Application Number: LA07/2022/0298/F

Decision: Permission Granted

Decision Date: 01 June 2022

Proposal: Extension and alternations to dwelling and detached domestic garage

Application Number: LA07/2023/2446/F

Decision: Application Withdrawn

Decision Date: 28 February 2024

Proposal: Proposed 5 No dwellings on sites 3,12,16 ,21 and 24 and road layout for lands to the North of Springs Meadows and Spring Meadow Close, Warrenpoint for MCK Construction

SUPPORTING DOCUMENTS

- *Design & Access Statement*, Cole Partnership (May 2024)
- *Construction Environmental Management Plan*, Cole Partnership (May 2024)
- *Concept Statement*, Cole Partnership (May 2024)
- *Biodiversity Checklist & Preliminary Ecological Assessment*, ATEC NI (February 2023)
- *Biodiversity Checklist*, MCL Consulting (October 2022)
- *Landscape Management Plan*, Beth Moore (October 2022)
- *Flood Risk & Drainage Assessment*, MCK Contracts Ltd. (July 2022)

PLANNING POLICIES & MATERIAL CONSIDERATIONS

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 7: Quality Residential Environments
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- PPS 8: Open Space, Sport and Outdoor Recreation
- PPS 12: Housing in Settlements
- PPS 15 (Revised): Planning and Flood Risk

- DCAN 8: Housing in Existing Urban Areas
- DCAN 15: Vehicular Access Standards
- Parking Standards
- Creating Places: achieving quality in residential developments
- Living Places: An Urban Stewardship and Design Guide for Northern Ireland

CONSIDERATION AND ASSESSMENT

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015, as the Council has not yet adopted a new Local Development Plan. The site is located within the Warrenpoint/Burren settlement development limit and makes up the majority of the WB 22 housing zoning, as identified on Map No. 3/06a Warrenpoint/Burren. The site is also located within the Mourne AONB.

Zoning WB 22 identifies 2.87 hectares of land at Upper Dromore Road/west of Spring Meadows for housing. The key site requirements attached to the zoning are that housing development shall be of a maximum gross density of 30 dwellings per hectare, that access shall be taken from Upper Dromore Road, and that the existing vegetation along the western boundary shall be retained and augmented by a 3m belt of trees of native species to protect the amenities of future residential occupiers. The Plan further notes that land outside the site may be required to meet access and sight line requirements, and identifies a risk of flooding on the southern portion of the site associated with an undesignated watercourse, stating that a Flood Risk Assessment will be required at application stage to determine the full extent of the flood plain.

The site proposes two accesses from the existing Spring Meadows internal road network, rather than from Upper Dromore Road as suggested in the Plan. The submitted Design and Access Statement (DAS) has put forward a number of points in this respect, which are accepted.

While the Plan doesn't specifically state why the access is to be taken from Upper Dromore Road, it is likely this was intended to give the site better connectivity to shops and services in that location. The DAS points out that a number of changes have occurred on the Burren Road and Upper Dromore Road since publication of the Plan, and that the land identified for access on Upper Dromore Road is not within the applicant's ownership and represents less than 3% of WB 22. It also states that the section of ground indicated as the possible access point is within the flood plain, as demonstrated on the Drainage Assessment map, and that a bridge would be required over the existing stream where the section of ground outside the applicant's control overlaps the applicant's land.

The statement goes on to state that there are numerous accesses adjacent to and opposite the suggested access point on Upper Dromore Road, including those serving

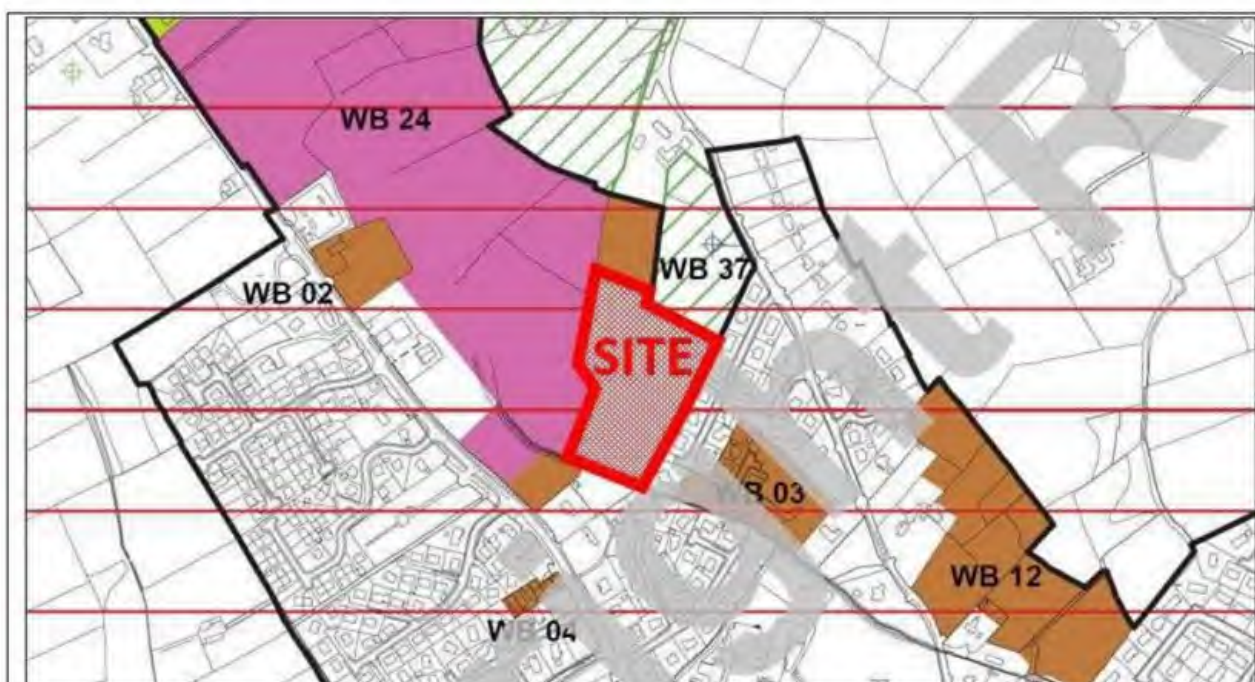
No. 57 Upper Dromore Road, Warrenpoint cemetery, Elmfield Drive, Elmfield Avenue and Elmfield Crescent, the Vivo Extra petrol station and supermarket, and No. 56 Upper Dromore Road. The statement notes that, as Upper Dromore Road is a local distributor road, a right-hand turning lane would be required at this location, and that there is insufficient spacing between the opposing and adjacent accesses to accommodate this. The statement also draws attention to WB 24, an area of ground zoned for industrial development, which is also to be accessed from Upper Dromore Road adjacent to the proposed WB 22 access, adding further pressure to this section of road.

The statement contends that, for these reasons, access to the proposed development should instead be taken through the existing Type 4A road in Spring Meadows, which was designed to facilitate a development of up to 400 houses, considerably larger than the proposed extension.

Taking these points into account, together with the fact that Roads has raised no objection to the proposed accesses from Spring Meadows, it is not considered that the Upper Dromore Road access requirement should be insisted upon. While the loss of the Upper Dromore Road connectivity is noted as a negative, it is not considered sufficient, on its own, to warrant outright refusal of the proposal.

The site plan shows existing hedgerows and trees along the western boundary to be retained and reinforced, which accords with the zoning requirement. The flood risk identified in the zoning on the southern portion of the site associated with an undesignated watercourse corresponds with the matters subsequently raised by Rivers Directorate under Policy FLD 1 of PPS 15, discussed further below, and a Flood Risk Assessment has been submitted in accordance with this requirement and built development has specifically been restricted from the affected areas.

There are no other specific policies in the Plan relating to the proposed use, and the application will otherwise be assessed against regional planning policy.



The Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS 7: Quality Residential Environments and PPS 12: Housing in Settlements. This policy will be given substantial weight in determining the proposal in accordance with paragraph 1.12 of the SPPS.

On 11th December 2025 the Department for Infrastructure published the SPPS Edition 2 which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS Edition 2 makes clear that all other policy provisions within the former SPPS are unchanged.

EIA Development

The planning application was assessed to determine whether it constituted Schedule 2 development under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The proposal was considered to fall within Category 10(b) of Schedule 2. In addition, the site is located within the Mourne Area of Outstanding Natural Beauty, which is identified in the Regulations as a 'sensitive area'.

Having regard to the nature, scale and location of the development, it is considered unlikely that the proposal would give rise to significant effects on the environment. Accordingly, the development is not considered to require an Environmental Statement.

PPS 7 – Quality Residential Environments and PPS 7 Addendum

PPS 7 sets out the planning policies for achieving quality in new residential development. Policy QD 1 is applicable to this proposal.

Policy QD 1

Policy QD 1 of PPS 7 requires all proposals for residential development to conform to the following criteria:

a) Respecting context, character and topography

The site lies to the west of, and forms a logical and natural extension to, the established Spring Meadows development. The proposed house types are two storey units of traditional form, scale and massing consistent with the surrounding and approved residential pattern at Spring Meadows and along Burren Road. The development follows the existing topography of the site, with finished floor levels shown on the site plan varying across the layout from approximately 31.5m to 35.4m AOD. The density, plot sizes, pattern of detached dwellings and house types proposed are considered in keeping and respectful of the existing character. It is noted Spring Meadows comprises a low density development of detached dwellings with a mix of house types and sizes.

b) Archaeological, built heritage and landscape features

A standing stone is in close proximity to the northern boundary of the site, ref. DOW051:065. HED were consulted and raised no objection. Existing hedgerows and trees are shown to be retained and reinforced along the site boundaries in accordance with the landscape drawing, and this should be secured by condition.

c) Public and private open space

The site area measures 1.8446ha with an open space requirement of 0.19 hectares, as required by Policy OS 2 of PPS 8. The layout shows open space provision measuring 0.203ha. The private amenity space provision for each of the dwellings far exceeds the average of 70sqm referenced in Creating Places.

d) Local neighbourhood facilities

While access from Upper Dromore Road, as required by the WB 22 zoning, would have offered improved connectivity to local services and facilities, the site is still located within the Warrenpoint/Burren settlement development limit and is located off a main arterial route into Warrenpoint town. The site benefits from proximity to existing facilities and services within Warrenpoint.

e) Movement pattern

The proposal is located off of Burren Road where there is a continuous footpath link to the town centre save for an approximately 40m stretch of Burren Road between St Patrick's Park and Smalls Road where no footpath currently exists. However, this section can be safely navigated on foot as the road is straight along this stretch, affording good visibility, and hardstanding areas set back from the carriageway allow pedestrians to avoid standing on the road itself.

Burren Road and the wider town centre network do not benefit from dedicated cycling infrastructure, however the carriageway width and prevailing traffic speeds are such that cyclists can share the carriageway safely with other road users, and the short distance to the town centre, schools and other local facilities means the site is well placed to encourage cycling as a genuine alternative to the private car for local trips. The footpath

network linking the site to the town centre is of adequate width and is dropped at crossing points to accommodate wheelchair users and those with prams or mobility aids, with gentle gradients throughout that do not present a barrier to those with impaired mobility.

There are no public rights of way crossing or adjoining the application site. There are no bus stops along Burren Road. However, there are bus stops in Warrenpoint town centre and along Upper Dromore Road that serve numerous destinations within the locality.

The utilisation of accesses to the internal road network of Spring Meadows, in itself, aids traffic calming, as it is a residential environment which naturally reduces vehicle speeds, assisting in maintaining vehicle speeds at a level appropriate to a residential environment and reinforce pedestrian priority within the scheme.

Overall, the movement pattern provided is considered to comply with the policy requirement, supporting walking and cycling, meeting the needs of those with impaired mobility, respecting existing rights of way, providing adequate access to public transport and incorporating appropriate traffic calming measures.

f) Parking

The policy requires that new residential development make adequate and appropriate provision for parking.

The proposal comprises 23 no. four bedroom detached dwellings. In accordance with the Department's parking standards, a four bedroom dwelling generates a requirement of 3.75 spaces, giving a total parking requirement for the scheme of 86.25 spaces (23 x 3.75).

Each dwelling is provided with 3 no. in-curtilage spaces, giving 69 in-curtilage spaces across the site (23 x 3). This leaves a residual requirement of 17.25 spaces to be met elsewhere within the scheme. The parking layout plan provides 17 no. on-street spaces, distributed through the estate road network, which is considered to adequately address the shortfall against the calculated standard.

The level and distribution of parking is considered acceptable and will not result in on-street parking pressure or verge/footway parking that would be detrimental to residential amenity or road safety. The parking provision is therefore considered to accord with the requirements of Policy QD1 of PPS 7.

g) Local traditions of form, materials and detailing

The design and materials palette for both house type pairings, grey concrete roof tiles, rendered finishes, PVC rainwater goods and windows, and stonework or quoin detailing is considered to draw upon materials and detailing established within the surrounding built context of Spring Meadows.

h) Relationship with adjacent land uses and amenity

The layout maintains separation from the existing dwellings along Spring Meadows, with a 1.8m high fence boundary treatment provided along this interface, and a 3m planting zone provided as a buffer to the adjacent industrial zoned land (WB 24) to the west.

A number of dwellings adjoin existing properties within Spring Meadows, whereby the respective separation distances and ground levels, together with boundary treatment are considered sufficient to prevent any unacceptable loss of residential amenity in this urban context.

Environmental Health was consulted on the relationship with this adjacent industrial zoned land and has raised no objection.

Where the original site layout showed plots orientated at 90 degrees to one another, whereby the rear elevation of one dwelling faced the side elevation of another, separation distances at these locations were increased and denoted to avoid any adverse effect on residential amenity, for example between sites 5 and 6, as well as 13 and 14/15. The separation distances and orientations between the 23 no. dwellings themselves are considered sufficient to prevent any adverse effects arising from overlooking, loss of light, overshadowing, noise or other disturbance between the proposed dwellings.

On this basis, it is considered that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance, and the proposal accords with the requirements of this part of the policy.

i) Designing out crime

The layout, with dwellings generally fronting the internal road network and open space overlooked by adjacent units, is considered to be designed to deter crime and promote personal safety so far as appropriate for a residential development of this nature.

Subject to the matters flagged above, the proposal is considered compliant with Policy QD 1 of PPS 7.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas

Policy LC1 has not been engaged as part of this assessment, as the proposal is neither for the redevelopment of existing buildings nor the infilling of a vacant site. The site forms part of a larger zoned housing site and is considered an extension to the Spring Meadows development. The WB22 zoning has its own established density requirement, against which the proposal has been assessed, and the acceptability of the pattern of development and space standards falls to be considered under Policy QD1 in its own right, without requiring engagement of Policy LC1.

PPS 12 – Housing in Settlements

The site lies within the settlement development limit for Warrenpoint and therefore falls within the scope of PPS 12, which applies to residential development within cities, towns, villages and small settlements.

Planning Control Principle 1 – Increased Housing Density without Town Cramming

Planning Control Principle 1 seeks to promote increased housing densities in appropriate locations whilst ensuring that development does not result in town cramming or adversely affect local character, environmental quality or residential amenity.

The application proposes a gross density of approximately 12 dwellings per hectare, which is within the maximum density permitted for the WB22 housing zoning. The proposed layout has been designed to respect the character of the surrounding area, providing a low density development of detached units in keeping with the existing character, appropriate separation distances, private amenity space, landscaping and an internal road layout that integrates with the existing residential environment. The development is therefore considered to achieve an appropriate density without resulting in overdevelopment or town cramming and is consistent with the objectives of Planning Control Principle 1.

Planning Control Principle 2 – Good Design

The policy for this principle is likewise set out in PPS 1 and PPS 7 and has been addressed under the QD1 assessment above, covering layout, boundary treatment, separation distances and relationship with adjoining uses.

Planning Control Principle 3 – Sustainable Forms of Development

The site is located off a main arterial route into Warrenpoint and benefits from proximity to existing facilities and services within the town. This is considered to accord with the objective of achieving a high degree of integration with centres of employment, community services and public transport. Given the scale of the proposal, the developer is not required to make direct provision for local neighbourhood facilities, and the site's accessibility to existing services in Warrenpoint is considered sufficient to meet this principle.

Planning Control Principle 4 – Balanced Communities

Planning Control Principle 4 seeks to promote balanced communities through the provision of an appropriate mix of housing types, sizes and tenures, including social housing where appropriate. This principle is implemented through Policies HS2 and HS4 of PPS 12.

With regard to Policy HS2, the policy seeks the provision of social housing where a demonstrable need has been identified by the Northern Ireland Housing Executive (NIHE). However, Planning Control Principle 4 makes clear that social housing should be provided by developers as an integral element of larger housing developments. The current proposal comprises 23 dwellings and, as such, does not constitute a larger housing development for the purposes of the principle. Consequently, it is not considered appropriate or necessary to require the provision of social housing as part of this proposal, and no conflict with Policy HS2 arises.

In relation to Policy HS4, the application site extends to approximately 1.9 hectares and therefore falls within the scope of the policy. HS4 requires a mix of house types and sizes to assist in creating balanced communities and providing housing choice. As submitted, the scheme comprises 23 four-bedroom detached dwellings. Notwithstanding this, the application site forms an extension to the established Spring Meadows development which is exclusively made up of detached dwellings. This area along Burren Road lies on the edge of the built up area of Warrenpoint, where densities are

characteristically lower. In this context, the lack of housing mix within the scheme is considered acceptable.

DCAN 8 – Housing in Existing Urban Areas

DCAN 8 applies to housing development within existing urban areas, and section 5 sets out the specific types of proposal it covers:

- demolition and redevelopment of existing houses
- backland development
- conversion/extension of houses
- Living over the shop

The application site and proposal is not an existing urban site, but forms part of a zoned greenfield housing allocation (WB 22) at the edge of the settlement, developed as a logical extension to the existing Spring Meadows estate. DCAN 8 is therefore not considered directly engaged by this proposal, and the relevant design and layout considerations are instead addressed through Policy QD1 of PPS 7 above.

PPS 8 – Open Space, Sport and Outdoor Recreation

Policy OS 2 of PPS 8 requires public open space to be provided as an integral part of new residential development. As noted under Policy QD1(c) above, the site area of 1.8446ha generates an open space requirement of 0.19ha, and the submitted layout provides 0.203ha, exceeding this requirement in quantitative terms.

In terms of quality and usability, the site plan shows the open space provision concentrated as a single area along the southern site boundary, adjacent to units 4, 5 14 and 15, bounded by the retained hedgerows and trees along that edge. It is overlooked by the aforementioned units and by the rear of an adjoining dwelling to the south, assisting in passive surveillance and reducing the potential for antisocial use.

This space shall be conditioned to ensure that no dwellings shall be occupied until the area has been landscaped in full accordance with the approved Landscape Management Plan to ensure the ongoing management and maintenance of the open space in perpetuity in the interests of visual and residential amenity.

Subject to satisfactory management and maintenance arrangements being secured, the proposal is considered to comply with Policy OS 2 of PPS 8.

PPS 3 – Access, Movement and Parking

The proposal will be served by two internal road and footpath connections from the existing Spring Meadows residential development. DfI Roads has, following several requests for amendments, raised no objection to the proposal subject to conditions. The proposal is considered to comply with the requirements of PPS 3, subject to those conditions being attached to any approval.

The application was the subject of extended consultation with DfI Roads, who raised a series of concerns across three rounds of comments before reaching a position of no

objection. Roads initially identified a lack of sight visibility splays at internal road junctions, a possible requirement to extend the red line to meet the Burren Road on the basis that the internal road network is not yet adopted, and general deficiencies in the road layout whereby forward sight splays did not function correctly.

In response, the applicant was asked to submit an amended site location map with the red line extended to the edge of the public road, together with an amended 1:500 PSD drawing demonstrating Road 1 coloured red to the junction of Spring Meadows, the required sight visibility splays at that junction with a note confirming the sightlines are to be retained given they are not currently in situ, carriageway widths of 5.5m with a 2m footway, and forward sight distance at the bend adjacent to unit 22. Roads also raised concern that the in-curtilage parking to unit 19 was unacceptable due to its proximity to the junction, that parking at the turning head adjacent to units 20 and 17 should be located to the rear of the carriageway and footway rather than in front of the footway, and that the proposed raised tables should be removed and replaced with traffic calming features more appropriate to an adoptable road.

A further round of amendments was required to demonstrate sight visibility splays of 2m x 33m to the northern direction at the junction from Road 3 onto Road 1, and to the southwestern direction at the junction from Road 4 onto Road 1, both fully dimensioned. Roads also required all visitor parking spaces to be shaded red to enable departmental adoption and maintenance, with clarification sought as to the status of the spaces located between units 22 and 23. A minimum access width of 3.2m to unit 15 was required, together with clarification of the access arrangements to the dwelling located north of unit 23 onto Road 1.

Following submission of amended drawings addressing each of these points, DfI Roads confirmed no objection to the principle of the access point to serve the development and the associated detailed proposals, subject to conditions. The proposal is accordingly considered acceptable under PPS 3, and conditions requiring compliance with the agreed 1:500 PSD drawing, retention of visibility splays, and adoptable road specification are recommended.

DCAN 15 – Vehicular Access Standards

DCAN 15 sets out the technical standards for vehicular access, junction spacing and visibility splays against which the internal road network has been assessed by DfI Roads. The standards applied through the consultation process, including the 5.5m carriageway width with 2m footway, the 2.0m x 33m visibility splays at the Road 3/Road 1 and Road 4/Road 1 junctions, and the minimum 3.2m access width to unit 15, are drawn from DCAN 15 and have been demonstrated on the amended 1:500 PSD drawing, ref. no. 2967 PL PSD. The proposal is considered to accord with the requirements of DCAN 15, subject to the conditions recommended under PPS 3 above.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage.

Policies NH 2 and NH 5

Policies NH 2 and NH 5 of PPS 2 provide that planning permission will only be granted for development that is not likely to result in unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage importance, including species protected by law. The site plan identifies existing hedgerows and trees to be retained and reinforced in accordance with the landscape drawing, a protective buffer between construction works and the adjacent stream corridor, and a local landscape policy area (WB 37) adjoining the western site boundary, indicating natural heritage features and a watercourse in proximity to the site that warranted assessment.

A Biodiversity Checklist and Preliminary Ecological Assessment was submitted in February 2023. The assessment confirms the site comprises species poor grassland of low ecological value, with internal hedgerows to be cleared and replaced on a like for like basis using species drawn from NIEA native species planting guidance, while boundary hedgerows and mature trees are to be retained and protected during construction in accordance with BS5837. The watercourses along the western and southern boundaries are hydrologically linked to Carlingford Lough ASSI, and the assessment recommends a 5m construction buffer to these corridors, together with pollution prevention measures and a SuDS based drainage strategy to protect water quality during construction and operation. Boundary hedgerows are identified as having foraging and commuting value for bats, with no direct lighting of the stream corridors or associated hedges to be secured by a lighting/lux plan, and nesting bird season restrictions (1 March to 31 August) applied to any vegetation clearance. No evidence of badgers, otters or smooth newts was recorded, and impacts on these species are assessed as low.

Given the lapse of time since the original 2023 surveys, NED sought clarification from the ecologist that no material change had occurred on site. An update was submitted in August 2025 confirming no new issues and no material change since the original surveys.

On this basis, the proposal is considered to comply with Policies NH 2 and NH 5 of PPS 2, subject to conditions securing the retention and protection of existing hedgerows and trees, the stream corridor buffer, a lighting/lux scheme avoiding direct illumination of the watercourses and hedgerows, and vegetation clearance.

Policy NH 6

The application site lies within the Warrenpoint settlement development limit but falls within the wider setting of the Mourne AONB, and the proposal has accordingly been assessed against Policy NH 6 of PPS 2. The site is accessed via the established Spring Meadows residential road network and is located off a main arterial route into Warrenpoint, in an area where the pattern of surrounding development is predominantly

residential in character. The scheme will therefore be read as a continuation of the existing built form of Warrenpoint rather than as an intrusion into the open AONB landscape itself.

The layout, comprising 23 dwellings, has been designed to integrate with the existing Spring Meadows development through its two internal road and footpath connections. Given its location within the settlement development limit, its scale and density are considered proportionate to its context and will not appear visually prominent when viewed from within the AONB. Therefore, the special character or qualities of the AONB, including its landform, landscape pattern, or scenic quality, will not be adversely affected.

Overall, the proposal is considered acceptable under Policy NH 6 of PPS 2 subject to the conditions recommended in respect of drainage, archaeology, and roads matters addressed elsewhere in this report.

Habitats Regulations Assessment

Given the hydrological connectivity identified between the watercourses bounding the site and Carlingford Lough, consideration has been given to whether the proposal is likely to have a significant effect on any European site, either alone or in combination with other plans or projects, for the purposes of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Shared Environmental Services (SES) was consulted and, following an appropriate assessment in accordance with the Regulations, having considered the nature, scale, timing, duration and location of the project, has advised that the project would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES assessed the manner in which the project is to be carried out, including mitigation, and its conclusion is subject to the following mitigation measures being conditioned in any approval:

1. Throughout the construction phase, a clearly defined buffer of at least 10 metres to be maintained between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse adjacent to the red line boundary.
2. No development to take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water.

Newry, Mourne and Down District Council, in its role as the competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has reviewed and adopted the appropriate assessment and conclusions prepared by Shared Environmental Service, dated 17/04/2025. This found that the project would not have an adverse effect on the integrity of any European site.

On this basis, the proposal is considered acceptable in terms of its effect on European sites, subject to the mitigation measures above being secured by condition.

PPS 15 – Planning and Flood Risk

Rivers Directorate has reviewed the Flood Risk Assessment prepared by IE Consulting and has raised objection under FLD 1. A site visit on 6th May 2025 identified multiple structures and fencing constructed within the 1 in 100 year fluvial flood plain. Rivers Directorate considers this contrary to Policy FLD 1 of Revised PPS 15 and objects to development taking place on this basis, requiring that the affected area be returned to amenity space in accordance with Drawing No. IE2530-003 Rev A.

It is not considered necessary for the applicant to provide further information in relation to the removal of these structures. The presence of unauthorised structures and fencing within the floodplain is a matter for planning enforcement to address, rather than a matter to be resolved through this application. Rivers Directorate's assessment should properly focus on the proposed development the subject of this application, namely the 23 dwellings, internal road network and associated open space, and whether that development itself accords with Policy FLD 1. On this basis the objection is not accepted as it stands, and Rivers Directorate should be asked to confirm its position in respect of the proposed development on its own merits, separate from the unauthorised structures which will be pursued through enforcement action.

Rivers Directorate has also requested that the applicant provide supporting drawings confirming which flood mitigation measures, including the finished floor levels set out in the FRA, will be incorporated into the final building design and construction. The finished floor levels of the dwellings are as follows:

- Dwellings closest to the southern boundary: **30.76m OD**
- Dwelling adjacent to the western boundary: **33.41m OD**
- Dwellings adjacent to the northern boundary: **34.76m OD**

These levels have been set at the minimum required as shown on drawing no. 2976 PL SP Rev. F, and this requirement has therefore been met.

Rivers Directorate has further raised concern under FLD 2, noting that fencing has been constructed along the banks of the watercourse bounding the site to the south and west, which does not comply with the requirement to retain a working strip of minimum 5 metres, up to 10 metres where necessary, from the top of bank to facilitate future maintenance access. The proposed site plan does not show this fencing along the boundaries in question, and it is therefore clear that it shall be removed as part of the proposed works when clearing the site. In the event that it is retained, this could be pursued via enforcement proceedings. The stream corridor can, in any event, be accessed and maintained from the opposite bank, outside the site, without obstruction, and there is accordingly no need to provide a working strip within the site itself.

On FLD 3, Rivers Directorate had queried whether an updated Pre-Development Enquiry approval was required from NI Water following the expiry of a previous PDE. It is our opinion that, as the applicant is currently progressing the proposal through the

Waste Water Impact Assessment (WwIA) process with NI Water, an updated PDE would not provide any information beyond that which will be established through the WwIA process. This matter is therefore not considered outstanding. Suitably worded pre-commencement and pre-occupation conditions shall be attached to any permission granted, to ensure that a method of sewage disposal has been agreed in writing prior to the commencement and occupation of the development.

On FLD 5, the site lies within the potential inundation area of Donaghaguy Reservoir (Fishing stands). Rivers Directorate has confirmed that this reservoir holds Responsible Reservoir Manager status and has accordingly raised no objection on reservoir flood risk grounds.

Having regard to the above, the matters raised by Rivers Directorate relate either to unauthorised structures and fencing which fall to be addressed through enforcement action rather than through this application, or to information which has already been adequately demonstrated or which can be secured by appropriately worded planning conditions. No substantive matter has been identified which relates to the proposed development itself that cannot be resolved in this manner. The proposal is therefore considered to meet the requirements of PPS 15, subject to conditions securing the sewage disposal arrangements.

PPS 6 – Planning, Archaeology and the Built Heritage

The application site lies in close proximity to DOW 051:065, a Neolithic standing stone and scheduled monument of regional archaeological significance protected under Policy BH1 of PPS 6. The proposed development bounds the Local Landscape Policy Area WB 45, designated in the Banbridge, Newry and Mourne Area Plan 2015 to protect the monument, its associated views and its setting. The siting of the monument in a prominent hilltop location was of significance to its Neolithic builders, intended to be visible within the surrounding landscape with the backdrop of the Cooley Mountains forming part of its setting.

An assessment of site topography has determined that the proposed development would not significantly impact on the setting of DOW 051:065, given that the development site lies at a lower elevation than the monument and the hill on which it is located, and that a buffer zone will be retained in accordance with WB 45. Any further encroachment into that buffer would not be acceptable under Policy BH1.

The recorded presence of nearby archaeological sites and monuments indicates a high potential for further, previously unrecorded archaeological remains within the application site, both upstanding and below ground, which may be encountered during construction. HED (Historic Monuments) has considered the proposal and is content that it satisfies the archaeological policy requirements of the SPPS and PPS 6, subject to conditions L15A, L15B and L15C securing a developer-funded programme of archaeological work. These conditions require, respectively, that no site works take place until a programme of archaeological work has been prepared, submitted and approved in writing by the Council in consultation with HED; that all works proceed only in accordance with that

approved programme; and that post-excavation analysis, reporting and archive preparation be completed and submitted within 12 months of completion of the archaeological site works. The Planning Dept has reviewed this zoning and response and agree with the position of HED.

On this basis, and subject to conditions L15A, L15B and L15C being attached to any approval, the proposal is considered to comply with Policy BH1 and BH4 of PPS 6 and the archaeological policy requirements of the SPPS.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approve, subject to conditions.

Drawing Numbers: 2976 PL road, 2976 PL fencing, 2976 PL PSD Rev. C, 2976 PL SP Rev. G, 2976 PL Drainage, 2976 PL type C and D, 2976 PL FP House A & B, road sections 2 road 2 and road 4, sections A, LO-01 Rev. B, LO-02

Conditions:

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

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 2976 PL PSD Rev. C.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing 2976 PL PSD Rev. C 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 that the access is constructed to an appropriate standard and that adequate visibility is provided at the point of access to ensure the safety of road users.

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

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

5. No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of that site for the parking and turning of private cars as shown on the approved plan.

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

6. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses the 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.

7. No dwelling shall be occupied until the visitor parking spaces located on the completed section of the service road that provides access to that dwelling, as shown on the approved 'Parking Layout' plan, dwg. no. '2976 PL Parking', have been provided, constructed and surfaced in accordance with that plan. The visitor parking spaces shall thereafter be retained and kept available for visitor parking purposes at all times.

Reason: To ensure adequate provision of visitor parking in the interests of road safety and residential amenity.

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

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

9. No dwelling hereby permitted shall be occupied until the foul and surface water drainage arrangements required under Condition 8, and agreed with NI Water, have been constructed and brought into operation to serve that dwelling. The development shall not be carried out unless in accordance with the approved drainage details, which shall be retained thereafter.

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

- 10.** Throughout the construction phase, a clearly defined buffer of at least 10 metres must be maintained between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, etc. and the watercourse adjacent to the western and southern boundaries of the site.

Reason: To prevent adversely affecting the integrity of any European site.

- 11.** No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for the identification and evaluation of archaeological remains within the site; mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and preparation of the digital, documentary and material archive for deposition.

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

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

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

- 13.** A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 10. These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

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

- 14.** The landscaping of the site shall be carried out in full accordance with the approved Landscape Management Plan prepared by Beth Moore, dated 3 October 2022, including Drawing No. LO-01B 'Landscape Proposals' and Drawing LO-02 'Landscape Management and Maintenance Plan'. All planting, seeding, and associated works shall be completed within the first planting season

following the occupation of the first dwelling, or within such extended period as may be agreed in writing with the Council. Any trees, shrubs or hedges which within a period of five years of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site in the interests of visual amenity and the integration of the development into its surroundings.

- 15.** Prior to the occupation of the first dwelling within the development, a legal agreement transferring ownership and responsibility for all communal landscape areas to a management company shall be put in place, and a copy of that agreement shall be submitted to the Council within 7 days of execution. The communal landscape areas shall thereafter be managed and maintained in perpetuity in accordance with the approved Landscape Management Plan.

Reason: To ensure the long-term maintenance and management of communal landscape areas within the development in the interests of visual amenity and residential amenity.

- 16.** The close boarded fencing associated with each dwelling, as indicated on the drawing no. 2976 PL fencing, shall be erected prior to the occupation of that dwelling and shall thereafter be retained.

Reason: To ensure the provision of adequate boundary treatment in the interests of visual and residential amenity.

- 17.** No development shall take place, including any site clearance, until protective fencing has been erected around all hedgerows and trees to be retained, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction." The fencing shall be retained throughout the course of construction and no work, storage of materials, parking of vehicles, excavation or changes in ground level shall take place within the fenced area without the prior written agreement of the Council.

Reason: To protect existing hedgerows and trees to be retained in the interests of visual amenity and biodiversity.

- 18.** No external lighting shall be installed within the development until a lighting/lux scheme has been submitted to and approved in writing by the Council. The scheme shall demonstrate that the retained stream corridors and boundary hedgerows will not be subject to direct illumination. Development shall thereafter be carried out and maintained in accordance with the approved scheme.

Reason: To protect the foraging and commuting value of the site for bats.

19.No clearance of vegetation shall take place between 1 March and 31 August inclusive in any year, unless a survey for nesting birds has first been carried out by a suitably qualified ecologist and a report submitted to and approved in writing by the Council confirming no active nests will be affected. Where active nests are identified, no clearance shall take place within any buffer recommended by the ecologist until the young have fledged. Reason: To protect nesting birds in accordance with the Wildlife (Northern Ireland) Order 1985.
Case Officer Signature: R. McMichael
Date: 30 July 2026
Appointed Officer Signature: M Keane
Date: 30-07-26

Date _____

Committee Application

Development Management Officer Report	
Application ID: LA07/2025/0365/F	
Proposal: City Park (Public Open Space) comprising: waterside walkway; pedestrian and cycle paths throughout site; biodiversity trail; urban sports facility (incorporating pump track and skate park); toilet building (incorporating changing places facility and ancillary office and 9 kWp PV panels to roof); play park facility (to cater for multiple age groups and levels of ability); central plaza area; boat launching slipway; floating pontoon and access ramp; watersports building (incorporating boat storage, meeting room, changing and shower facilities and 14 kWp PV panels to roof); 3No. canopy sun/rain shelters; water sports storage area; maintenance building; arboretum walk (comprising native tree and shrub species); natural play area; southern plaza area; associated car parking, overspill/temporary car parking and drop off areas; 2No. dual EV charging points; cycle stands; connection to greenway; park lighting; CCTV (pole and building mounted); quay/canal wall restorations (including in-situ preservation of existing mooring rings, stone bollards and metal posts); ancillary park infrastructure (bollards, gates, fences, railings, benches/seating, bins, interpretation boards, historical markers/feature trail locations); 315kVA electrical substation; and all associated site works, infrastructure, and landscaping.	
Location: Lands south of William Street, located between Newry River and the Newry Canal, at Albert Basin, Newry	
Applicant Name and Address: Andrew Patterson Monaghan Row Newry BT35 8DJ	Agent Name and Address: Michael Graham MRTPI 1 Locksley Business Park Montgomery Road Belfast BT6 9UP
Date of last Neighbour Notification:	26 th May 2026
Date of Press Advertisement:	30 th April 2025 and 1 st June 2026
1.0 Consultations: Loughs Agency (27.07.26):	

- Loughs Agency are content for the use of VEM piling to reduce instream disturbance
- The conditions on timing of works put forward within our 15th May 2025 response still stand.
- The applicant should demonstrate best environmental practice when working close to watercourses

Loughs Agency (15.05.26) - Loughs Agency has considered the information provided within the outline Construction Environmental Management Plan and would have no objection in principle to the proposed development subject to the adoption of the mitigation measures proposed in the final Construction Environmental Management Plan. Conditions outlined)

EH (27.07.26) - No Environmental Health objections in principle subject to planning conditions.

SES (21.07.26) - The Council should satisfy itself that the commissioned HRA meets the requirements of the Habitats Directives. SES has no additional comments to make and further consultation is not required

NIW (10.06.26) - This Proposal is not situated within any of NI Water's Water Catchment areas; therefore, NI Water has no comment to make

NIW (28.04.26) - A Wastewater Impact Assessment was submitted to NIW for this proposal, ref DS96015. A WwIA is not deemed complete until a solution has been agreed upon and deemed deliverable by both NIW and the developer. Planning cannot be conditioned until stage 2 of the wastewater impact assessment has been completed and signed off by NI Water with all necessary third-party sign offs in place. NI Water will make contact with the case officer for this proposal, once the Wastewater Impact Assessment has been completed, and is in a position to revise their planning consultation response.

NIEA Water Catchment Unit (05.06.26) -

Water Catchment Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment (see remarks regarding sewage disposal).

However, should this application be given approval, Water Catchment Unit refers the Planning Authority to DAERA Standing Advice and gives relevant planning condition.

NIEA Natural Environment Division (05.06.26) - NED has reviewed the additional information submitted and is content that the previous recommendations still stand.

Recommended conditions attached.

NIEA Marine And Fisheries (10.12.25)

Inland Fisheries:

The Loughs Agency is the lead body for provision of advice regarding impacts to salmonid and inland fisheries interests within the catchments of Lough Foyle and Carlingford Lough. Consequently, said agency should be consulted in relation to this application. DAERA Inland Fisheries will provide fisheries advice for those areas outside of the catchments of Foyle and Carlingford Loughs.

Marine Licensing:

Activities taking place below the mean high water springs mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the Mean High Water Spring Tide (MHWST). It is the applicant's responsibility to take the necessary Marine and Fisheries Division Response steps to ascertain whether their works will fall below the Mean High Water Springs mark.

NIEA Regulations Unit (06.08.25) - Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

DFI Roads (04.06.26) – No objection subject to conditions

Historic Environment Division (HED) (29.05.26) - HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies SPPS and PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

HED Buildings 01.06.25 - Content

NIE (23.04.26) – No objection

Tourism NI (12.11.25) - Tourism NI (TNI) welcomes the development of the Newry City Park regeneration project, part funded by the Northern Ireland Executive Complementary Fund and Newry, Mourne and Down District Council.

Translink (09.07.25) – No objection

RSPB (23.05.25) – Included response as previously given 04.07.24 - We advise that NIEA are contacted regarding nature conservation designations and to view the relevant

Area Plans with regard to both statutory and non-statutory designations.

Rivers Agency (31.07.26)

FLD1 - Development in Fluvial and Coastal Flood Plains – Rivers Directorate has reviewed the Flood Risk Assessment by Tetra Tech, and our comments are as follows: Rivers Directorate, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Flood Risk Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors (refer to Section 5.1 of Revised Planning Policy Statement 15). Rivers Directorate cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are “safe”. The Planning Authority should make the final decision on whether the flood evacuation plan, the proposed development and the scale of intensification of use are acceptable.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – The site is bound at the east by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to Rivers Directorate as: ‘Newry River Ext’ and is also bound at the west and traversed by a partially culverted watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to Rivers Directorate as: ‘Derrybeg River’. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Directorate, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. Under 6.33 of the Revised Policy PPS 15 FLD 2, there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. It is essential that a working strip of minimum width 5m from the top of the bank is retained but up to 10m where considered necessary. The applicant should contact the local Rivers Directorate area staff to establish their needs. Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip. Rivers Directorate notes that Drawing No. 02887.1.01 Rev A appears to comply with this requirement.

FLD3 - Development and Surface Water – Rivers Directorate has reviewed the Drainage Assessment by Tetra Tech, and our comments are as follows: Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Directorate cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. The Drainage Assessment has provided a detailed drainage design that

demonstrates that the issue of out of sewer flooding will be managed by attenuating the 1 in 100 year event including allowances for climate change within the proposed drainage network and safely disposed of at limited rate supported by relevant correspondence from Rivers Directorate. If this was achieved it would satisfy the requirement under PPS 15, FLD 3 to provide adequate measures to mitigate the flood risk from the development to elsewhere. Rivers Directorate advises the Planning Authority that the applicant will be responsible for the design, construction and maintenance of the drainage network, and managing the flood risk associated with this network. There will be no further input by a statutory authority. Rivers Directorate advises that compliance with the drainage assessment is included in any planning decision notice. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to Section 5.1 of Revised Planning Policy Statement 15).

FLD4 - Artificial Modification of Watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Rivers Directorate reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. Camlough Dam Certification has been forwarded to DfI Rivers for comment.

2.0 Representations:

Summary from letters of support:

- Transformative opportunity for the city
- Enhance wellbeing, promote inclusion and provide meaningful recreational opportunities for young people and families across the wider Newry area
- Development represents a significant investment in public space and community infrastructure that will positively shape the health, social cohesion and vibrancy of Newry City for generations to come.
- The inclusion of high-quality urban sports provision within Newry City Park would directly address a long-standing gap in local recreational infrastructure
- It would provide a safe, purpose-built environment for young people to develop skills and social connections and contributing to a vibrant, active city park environment
- We commend the Newry City Park Project Team for progressing this ambitious and forward-looking development and for recognising the importance of inclusive recreational opportunities.
- Newry Urban Sport Group fully supports the planning application and looks forward to continued engagement as the project progresses.
- The Inland Waterway Association Ireland (IWAI) is strongly supportive of the

park’s vision and Phase 1 objectives, our endorsement is conditional upon the inclusion of essential subsurface electrical infrastructure, as made necessary by the inclusion of an electrical supply sub-station recently mandated by NIE. - IWAI views the regeneration of the Albert Basin as a positive, transformative Milestone - We believe this project will act as a catalyst for both local wellbeing and the eventual restoration of the historic basin. - As the Albert Basin is a Scheduled Historic Monument; any ground disturbance is a sensitive undertaking - we seek assurance that the Phase 1 technical specification includes: • High-capacity ducting run from the new substation to the proposed slipway and the anticipated mooring areas. • Access chambers (draw pits) at strategic intervals along the Albert Basin perimeter to allow for easy cable pulling in future phases without further excavation. - IWAI is eager to see Newry City Park succeed and become a premier destination for both land and water-based users.	
Letters of Support	3

Site Visit Report

3.0 Site Location Plan:



4.0 Characteristics of the Site and Area

The application site extends to approximately 10.61 hectares and comprises an elongated parcel of land that is currently a brownfield site. The site is bounded by the Clanrye River to the east and Newry Canal to the west, with link to the existing Greenway to the S portion of the site

The majority of the site consists of hardstanding areas, interspersed with pockets of scrub vegetation and a number of existing derelict buildings.

Vehicular access to the site is provided from William Street/Dublin Bridge at its northern end.

5.0 Description of Proposal

Full planning permission is sought for the development of a comprehensive City Park and Public Open Space featuring recreational, sports, environmental, and waterside amenities. Key elements include:

- Walking, cycling and biodiversity infrastructure, including a waterside walkway, cycle and pedestrian paths, biodiversity trail, arboretum walk, and greenway connection.

- Recreation and sports facilities, including a multi-age play park, urban sports area (pump track and skate park), natural play area, and water sports facilities.
- Waterside developments, including a boat launching slipway, floating pontoon, access ramp, water sports building, and storage areas.
- Visitor and community facilities, ancillary office, including a toilet/changing places building, meeting space, changing and shower facilities, plazas, shelters, seating, and interpretation features.
- Environmental and heritage enhancements, including native tree and shrub planting, quay/canal wall restoration, and preservation of historic markers/ trail.
- Supporting infrastructure, including car parking, maintenance building, EV charging points, cycle stands, lighting, CCTV, electrical substation, landscaping, ancillary park infrastructure and associated site works.

The proposal aims to create a high-quality, accessible waterfront park that combines recreation, active travel, biodiversity enhancement, heritage conservation, and community use.

6.0 RELEVANT PLANNING HISTORY

- LA07/2024/0688/PAD - Provision of a City Park on lands located between Newry River and the Newry Canal at Albert Basin, Newry. PAD Concluded 7th February 2025 (Application site)
- LA07/2024/0784/PAN - Provision of a City Park (Public Open Space) with associated infrastructure. Proposal of Application Notice is Acceptable 25th November 2024 (Application site)

7.0 PLANNING POLICIES AND MATERIAL CONSIDERATIONS

- o Regional Development Strategy 2035 (RDS)
- o The Strategic Planning Policy Statement for Northern Ireland (SPPS 2nd Ed.)
- o The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- o PPS 2 - Natural Heritage
- o PPS 3 - Access, Movement and Parking
- o PPS 6 - Planning, Archaeology and the Built Heritage
- o PPS 8 - Open Space, Sport and Outdoor Recreation
- o PPS 13 – Transportation and Land Use
- o PPS15 (Revised) - Planning and Flood Risk
- o PPS 16 – Tourism

- o DCAN 10 (Revised) - Environmental Impact Assessment
- o DCAN15 - Vehicular Access Standard
- o DOE Parking Standards

8.0 Planning Assessment of Policy and Other Material Considerations

8.1 The proposals involve the creation of a City Park (Public Open Space) extended across a 10.61 ha site within the urban centre of Newry City.



8.2 Northern Section of Park

The northern section of the proposed park will retain and enhance existing infrastructure while improving accessibility and connectivity. Key elements include the retention of the existing vehicular entrance and quay wall, together with the NIE substation. Accessible parking provision will be incorporated through designated disabled parking spaces.

Secure gated access will be provided for both vehicles and pedestrians, helping to manage movement within the site. A new railing system will be installed along the quay wall to improve safety while maintaining views of the waterfront.

A significant feature of the proposal is the extension of the waterside walkway, creating a continuous pedestrian connection between the eastern bank and the greenway network, thereby enhancing recreational opportunities and improving riverside access for pedestrians and cyclists.

8.3 Eastern and Central Areas of the Proposed Park

The eastern and central areas of the proposed park will provide a diverse range of recreational, sporting, community and biodiversity-focused facilities, creating an active

destination for users of all ages and abilities.

A key feature of the eastern section will be a biodiversity trail, incorporating principles of eco-mimicry to promote environmental education, habitat creation and engagement with the site's natural setting. This area will be complemented by a range of outdoor recreation facilities, including an urban sports zone with ramps, bowls, rails, steps, jumps and varied level changes designed to accommodate skateboarding, scootering and other wheeled sports. A pump track will also be provided, comprising ramps, berms, step-ups and other terrain features suitable for cycling and wheeled recreation.

The central area will also include a play park designed for all ages and abilities, incorporating inclusive play equipment, informal play spaces, seating areas and varied landscaping to encourage active and social use of the park. Supporting facilities will include a toilet and changing facility, providing accessible toilets, Changing Places facilities and showers to serve park users and participants in recreational and water-based activities.

On the western side of the central park area, a waterfront activity hub is proposed. This will comprise a boat launching slipway, floating pontoon, and a watersports building with associated storage facilities, supporting river-based recreation and enhancing access to the water. The adjacent plaza area will be defined by a natural stone edge, helping to create an attractive and functional public realm while strengthening the connection between the park and the waterfront environment.

8.4 South Side of the Proposed Park

The south side of the park is planned as a nature-led destination that combines biodiversity, recreation, and connectivity. It will feature areas of habitat creation and eco-mimicry, designed to replicate local natural ecosystems and support wildlife. An arboretum walk showcasing native trees and shrubs will provide opportunities for learning and enjoying the natural environment, while natural play areas will encourage outdoor recreation for children and families.

The area will also accommodate a maintenance building, integrated within the wider landscape framework. A South Plaza will act as a key gathering and arrival space, and enhanced connections to the Greenway will improve accessibility and link the park to surrounding walking and cycling routes.

Overall, the vision for the south side is to create a sustainable, accessible, and environmentally rich space that balances ecological enhancement with community use and recreation.

8.5 Overall Park Proposals

The overall park proposals focus on enhancing accessibility, recreation, biodiversity and public safety while retaining and enhancing key existing features. Existing mature trees,

boundary walls and the historic quay wall will be retained and protected, with additional planting and grassland areas introduced to strengthen the landscape character and ecological value of the park.

The public realm will be improved through a range of surface treatments, including asphalt access roads, natural stone paving within pedestrian spaces, resin-bound gravel footpaths, tactile paving for inclusive access, and wet-pour safety surfacing within play areas. New railings, mesh panel fencing, bollards and other boundary treatments will provide definition, security and management of movement throughout the site.

A variety of amenities will be incorporated to improve visitor experience, including seating benches, wall-top seating, lighting columns and CCTV infrastructure to create a safe and welcoming environment. Waterfront and recreational elements such as fishing pegs, a floating pontoon, stone mooring bollards and metal posts will support river-based activities and enhance connectivity with the water. Collectively, these proposals will create a well-connected, attractive and functional public park that balances recreation, accessibility, heritage and environmental enhancement.

9.0 DEVELOPMENT MANAGEMENT REGULATIONS

9.1 The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 under Retailing, Community, Recreation and Culture within Part 7 of the regulations as the area of the site exceed 1 hectare (10.61ha) and therefore required the submission of a Proposal of Application Notice (PAN) which was submitted under LA07/2024/0784/PAN.

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

9.3 The agent submitted a Pre-Application Notice to the Planning Department on the 2nd July 2024 which was subsequently agreed in writing on the 25th November 2024. The agent carried out public consultation by way of an open event in Newry Leisure Centre on the 29th August 2024, as well as having physical displays and comment boxes at other venues (Downpatrick, Kilkeel and Newcastle), a dedicated digital website created, as well as corresponding with Cllrs/MLA and advertisement took place within several locally circulated newspapers August 24.

9.4 Supporting evidence of this process was submitted as part of this application to demonstrate that this has been carried out in accordance with legislative requirements at that time (See Pre-Application Consultation Report dated April 2025).

10.0 EIA SCREENING

A Voluntary Environmental Statement and further addendum (ES submitted April 25 and

further Addendums April 26) were submitted with the application which were taken into account in the assessment and determination of the proposal. In these circumstances, the council is not required to issue a separate screening opinion under Part 2 of the Planning (EIA) Regulations 2017 before considering the application.

11.0 HRA

This planning application has been considered in accordance with the requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In its consultation response dated 21st July 26, the Shared Environmental Service (SES) advised that, as this is a Council-led proposal, Newry, Mourne and Down District Council is the competent authority and is therefore responsible for undertaking the assessment required under Regulation 43.

To fulfil these obligations, the Council commissioned RPS to prepare a Habitats Regulations Assessment (HRA), with the Final Issue HRA submitted to the planning portal on 27th April 2026.

Screening identified the potential for likely significant effects on Carlingford Lough SPA (NI), Carlingford Lough Marine Proposed SPA (NI), Carlingford Lough Ramsar Site (NI) and Carlingford Lough SPA (RoI), arising from the potential diminution of water quality during the operational phase in the absence of mitigation measures.

Whilst the application site is not located within any internationally designated nature conservation site, it is hydrologically connected to Carlingford Lough and associated European designated sites. The applicant has submitted a Final Habitats Regulation Assessment (submitted 27.04.26) and prior to this a Shadow Habitats Regulations Assessment (SHRA) (submitted 11.04.25) including both Stage 1 Screening and Stage 2 Appropriate Assessment.

Whilst the application site is not located within any internationally designated nature conservation site, it is hydrologically connected to Carlingford Lough and associated European designated sites. The applicant has submitted a Final Habitats Regulation Assessment (submitted 27.04.26) and prior to this a Shadow Habitats Regulations Assessment (sHRA) (submitted 11.04.25), including both Stage 1 Screening and Stage 2 Appropriate Assessment.

The Stage 1 Screening identified the potential for likely significant effects in the absence of mitigation and therefore progressed to Stage 2 Appropriate Assessment. The Stage 2 Appropriate Assessment concluded that, with the implementation of the proposed mitigation measures, including measures to protect water quality during construction and operation and the implementation of an Invasive Species Management Plan, the development would not result in adverse effects on the integrity of any European site, either alone or in combination with other plans or projects. No reasonable scientific

doubt remains regarding this conclusion.

SES confirmed that it had no additional comments to make and that no further consultation was required.

12.0 Planning Act:

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

13.0 The Regional Development Strategy (RDS) 2035:

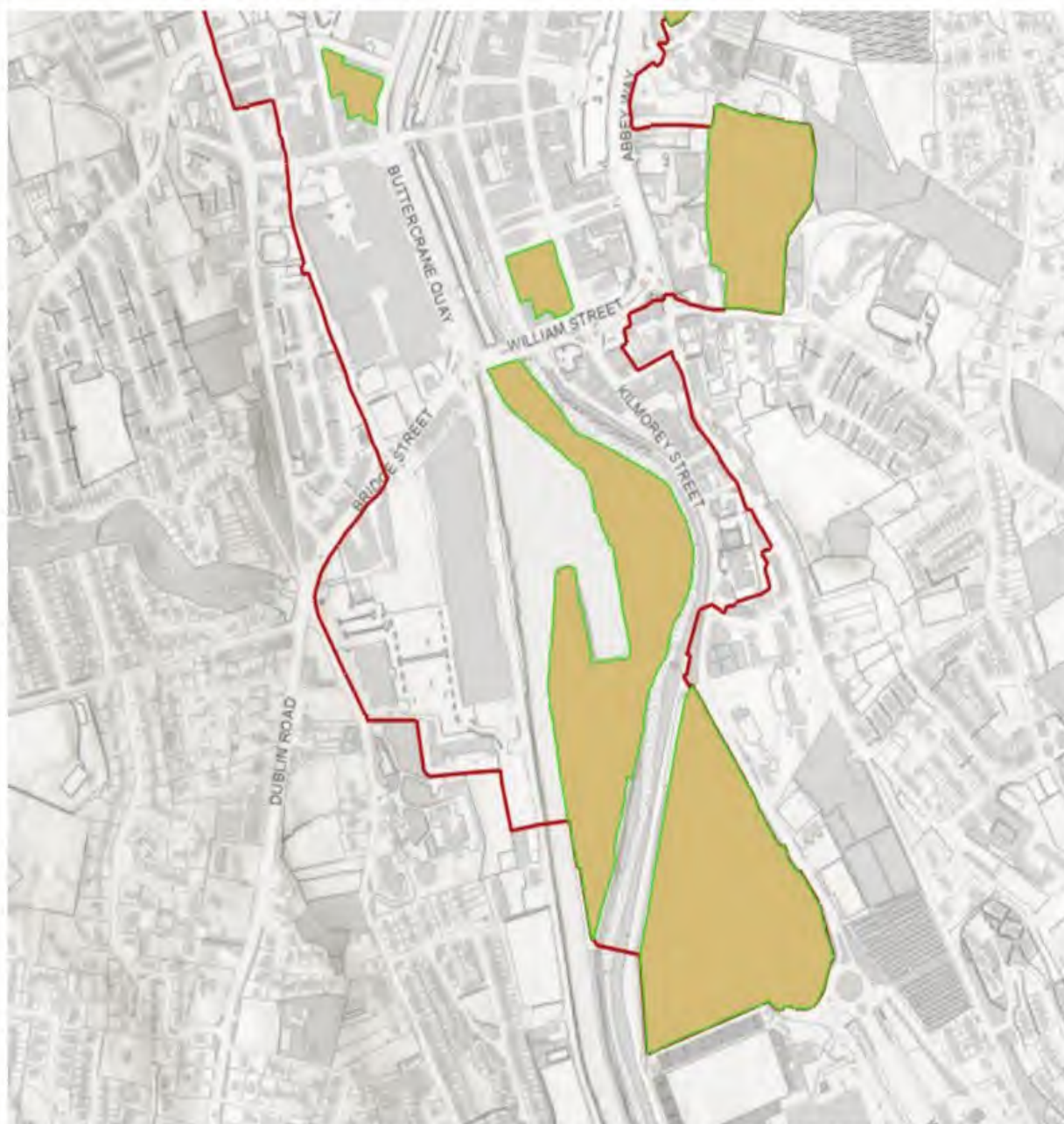
The proposed park and associated facilities are fully consistent with the strategic aims of the Regional Development Strategy (RDS), particularly Policy RG4 which seeks to promote a sustainable approach to the provision of tourism infrastructure. Located within Newry, identified in the RDS as the South Eastern City Gateway, the development will strengthen the city's role as a key regional destination by enhancing recreational, leisure and visitor amenities in an accessible and sustainable location.

The scheme will provide a high-quality public park that contributes to the tourism, social and economic objectives of the RDS by creating an attractive destination for residents and visitors alike. The development will encourage outdoor recreation, active lifestyles and greater engagement with the area's natural assets, thereby supporting the RDS objective of maximising the benefits derived from Northern Ireland's environmental and tourism resources.

In accordance with RG4, the proposal represents appropriately located tourism and recreational infrastructure that will complement existing attractions within Newry and contribute to a diverse range of visitor experiences. The park will enhance the quality of place, strengthen the attractiveness of the city as a destination, and support wider regeneration and investment objectives. Furthermore, the design and layout of the development have been informed by the need to protect and enhance the surrounding environment, ensuring that the infrastructure is sensitively integrated into its setting and delivers long-term environmental, social and economic benefits.

As such, the proposal accords with the core principles of the RDS by supporting sustainable tourism development, improving recreational facilities, enhancing the visitor offer within Newry, and contributing to the creation of healthy, vibrant and connected communities.

14.0 Banbridge/ Newry and Mourne Area Plan 2025



Newry City Centre, Boundary Map & Development Opportunity Site. BNMAP

The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) is the operational Local Plan for this site, which identifies the site as being within the settlement limits of Newry City (NY01), including zonings NY89 and NY114. Consideration of BNMAP 2015 is set out below:

14.1 Zoning NY 01 (Settlement Development limit)

The proposed City Park is consistent with Designation NY01 (Settlement Development

Limit), which establishes a presumption in favour of development within the urban area that supports the sustainable growth and regeneration of Newry in its role as a regional hub and gateway.

Located within the defined settlement development limit, the proposal represents an effective use of land within the existing urban footprint and accords with the strategic objective of directing investment and development to appropriate locations within the settlement boundary.

The City Park will deliver significant leisure, recreational and tourism benefits, providing a high-quality public amenity for residents and visitors alike. In doing so, it will act as a catalyst for wider regeneration initiatives, enhancing the attractiveness of the city centre, increasing footfall within the urban area and supporting economic activity. The proposal will strengthen Newry's role as a destination, contributing positively to the vitality and viability of the city while aligning with the aims of NY01 to promote sustainable growth within the settlement boundary and maximise the social, economic and environmental benefits associated with development in an urban context.

Furthermore, by focusing investment and activity within the settlement development limit, the proposal will support the objectives of NY01 to accommodate growth within the city's established urban area, thereby reducing pressure for outward expansion into the surrounding countryside and safeguarding the landscape and environmental features that contribute to Newry's distinctive setting.

14.2 Zoning NY89 – Development Opportunity Site Middlebank, Albert Basin

The application site is located within Zoning NY89, identified in BNMAP as a Development Opportunity Site. The zoning includes a number of Key Site Requirements (KSRs), one of which requires that a minimum of 40 dwellings be provided for social housing.

The proposed development does not include the provision of social housing and therefore does not fully comply with this specific KSR. However, the applicant has provided a detailed justification (See Planning Statement 11.04.25), outlining that the proposed City Park would deliver significant community, recreational, tourism, health and wellbeing, environmental and regeneration benefits for Newry City Centre. These benefits are considered to represent a substantial material consideration in support of the proposal.

It is acknowledged that the development differs from the mixed-use development envisaged under Zoning NY89. Nevertheless, the proposal would bring a long-vacant and underutilised site into beneficial use and deliver a strategic city-wide recreational asset. The scheme also addresses a number of the remaining Key Site Requirements, including the integration of industrial heritage features and the provision of pedestrian and cycle connections along the canal and river frontages.

While the proposal does not fully satisfy all of the Key Site Requirements associated with Zoning NY89, including the requirement for social housing provision, the Planning Department has nevertheless have considered the significant public benefits arising from the proposed City Park, it is considered that these material considerations outweigh the conflict with the social housing requirement and certain other aspects of the zoning framework.

On balance, it is considered that the proposal is acceptable in principle and that the substantial social, environmental, recreational and economic benefits associated with the development justify a departure from the specific requirement for the provision of 40 social housing units within the site.

14.3 Designation NY 114 and CVN 3 - Local Landscape Policy Area

The application site adjoins the Local Landscape Policy Area (LLPA) designation NY114, Newry Canal/River. The LLPA's key characteristics include the Newry River and Canal corridors and their associated vegetation and trees; archaeological sites and monuments, together with their settings, important views and visual relationships.

Policy CVN 3 seeks to ensure that development proposals do not adversely affect the intrinsic environmental value or character of the LLPA. The proposed development has been designed with careful regard to these landscape, heritage and environmental sensitivities. The scheme will not result in any unacceptable impact on the nature conservation interests of the river and canal corridors, nor will it adversely affect the setting, views or significance of nearby archaeological assets or listed buildings. As demonstrated within the Landscape and Visual Impact Assessment, the proposal integrates appropriately with its surroundings and safeguards the environmental quality, integrity and character of the LLPA. Accordingly, the development complies with the objectives of Designation NY114 and the requirements of Policy CVN 3.

14.4 Disused Transport Route

A disused transport route traverses the site and is identified on the map below. Volume 3 of BNMAP states that disused canal, railway and tramway corridors may have potential for future transport or recreational use and are therefore protected under Policy AMP 5 of PPS 3: Access, Movement and Parking (further consideration of this policy is set out below).

Proposals for Newry City Park incorporate the implementation of the disused transport corridor as a walking and cycling route, providing a connection to the existing Greenway network. As such, the proposal would facilitate and enhance the recreational use of the route in accordance with the objectives of BNMAP and would not prejudice its future use.



Disused Transport Route (PRONI MAP)

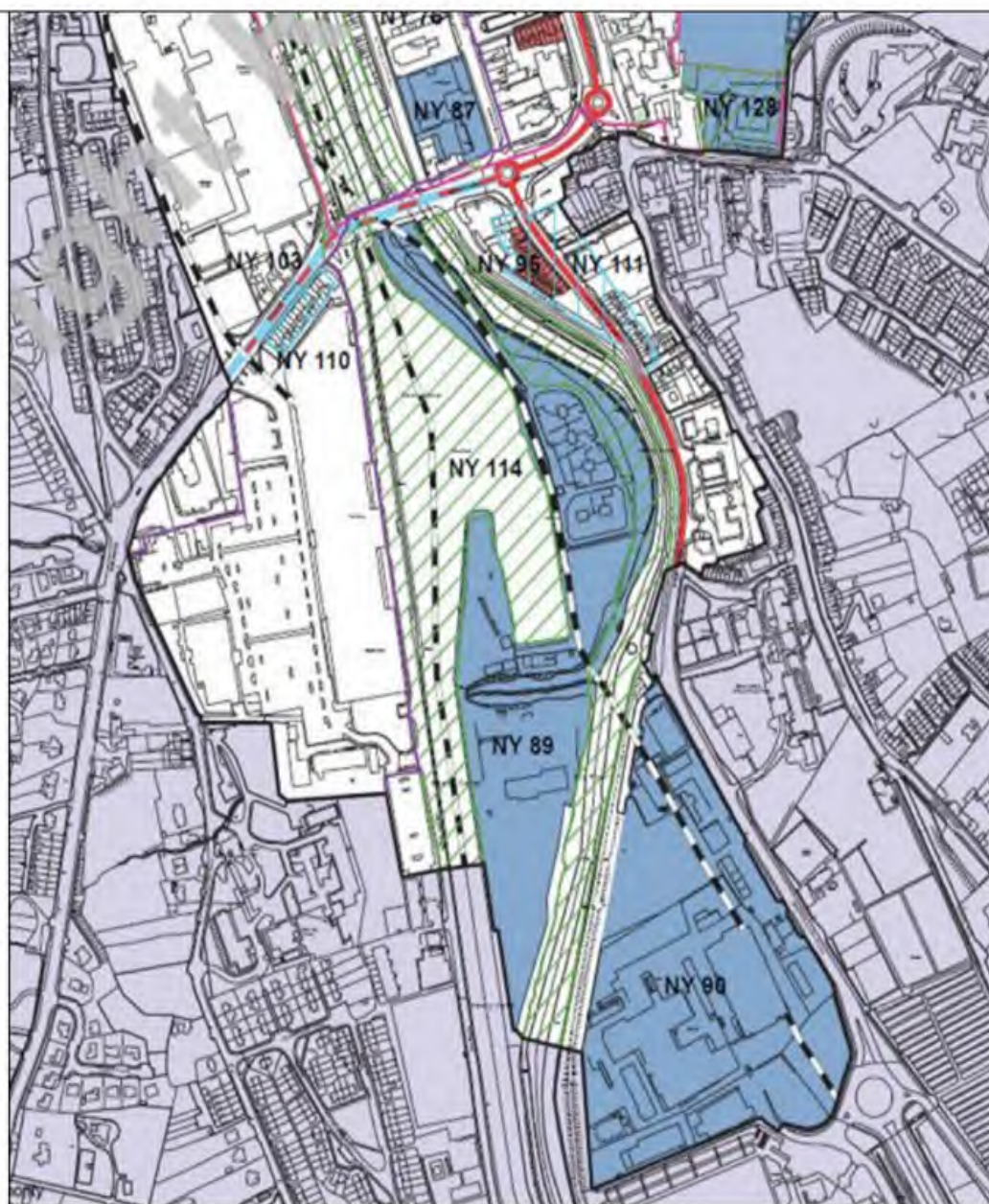
14.5 Protected Route

The application site is bounded by William Street and Kilmorey Street/Warrenpoint Road, both of which form part of the Protected Route Network as identified within the Banbridge, Newry and Mourne Area Plan (BNMAP).

The control of access onto Protected Routes is governed by Policy AMP 3 of PPS 3: Access, Movement and Parking (further assessment against this policy is set out below), the aim of which is to safeguard the carrying capacity, safety and strategic function of designated roads by restricting the creation of new accesses and intensification of existing accesses.

The proposed access details have been incorporated into the application drawings and have been assessed by DfI Roads who in comments (dated 04.06.26) have no objection.

Overall, the proposed Newry City Park is considered to be broadly consistent with the strategic aims and objectives of BNMAP. While it departs from certain site-specific requirements within Zoning NY89, the significant social, environmental, recreational, tourism and regeneration benefits associated with the development are considered to outweigh these conflicts and support the proposal in principle.



BNMAP Map Zonings

15.0 Policy Consideration

In addition to the requirements of the BNMAP, the proposed development must be considered in the context of relevant planning policy, guidance, and advice. Those of particular relevance are identified in Section 7.0 above and will be assessed further within the report below.

16.0 The Strategic Planning Policy Statement for Northern Ireland (SPPS 2nd Ed.)

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy

direction nor provide a policy clarification in respect of proposals. Therefore, the retained policies PPS2, PPS3, PPS6, PPS8, PPS15, PPS16 are afforded greater weight in the consideration of the assessment.

17.0 PPS 2 – Natural Heritage

17.1 Policy NH 1 - European and Ramsar Sites – International

Policy NH 1 of PPS 2 requires that planning permission is granted only where a proposal, either alone or in combination with other plans or projects, is not likely to have a significant effect on a European Site. Where likely significant effects cannot be ruled out, an appropriate assessment must be undertaken to determine whether the proposal would adversely affect the integrity of the designated site in view of its conservation objectives.

Whilst the application site is not located within any internationally designated nature conservation site, it is hydrologically connected to Carlingford Lough and associated European designated sites. The applicant has submitted a Final Habitats Regulation Assessment (submitted 27.04.26) and prior to this a Shadow Habitats Regulations Assessment (sHRA) (submitted 11.04.25), including both Stage 1 Screening and Stage 2 Appropriate Assessment.

The Stage 1 Screening identified the potential for likely significant effects in the absence of mitigation and therefore progressed to Stage 2 Appropriate Assessment. The Stage 2 Appropriate Assessment concluded that, with the implementation of the proposed mitigation measures, including measures to protect water quality during construction and operation and the implementation of an Invasive Species Management Plan, the development would not result in adverse effects on the integrity of any European site, either alone or in combination with other plans or projects. No reasonable scientific doubt remains regarding this conclusion.

The Planning Department notes that NIEA (Natural Environment Division – NED dated 05.06.26), Loughs Agency (dated 27.07.26) and SES (dated 21.07.26) were consulted on the proposal and, in its responses raised no objections or concerns regarding the proposed development or the conclusions of the Habitats Regulations Assessment.

Having regard to the submitted ecological information, the findings of the Appropriate Assessment, the proposed mitigation measures, and the consultation response received from NIEA, it is considered that the proposed development would not have a significant adverse effect on any European or Ramsar Site.

The proposal therefore complies with the requirements of Policy NH 1 of PPS 2.

17.2 Policy NH 2 - Species Protected by Law

Policy NH 2 of the Local Development Plan Strategy states that planning permission will only be granted for development proposals that are not likely to harm European Protected Species. In exceptional circumstances, development that may affect such species will only be permitted where there are no alternative solutions, there are imperative reasons of overriding public interest, there is no detriment to the maintenance of the population of the species at favourable conservation status, and compensatory measures are secured.

The policy further requires that development proposals do not harm other statutorily protected species and that adequate mitigation or compensation is provided where necessary. Development should be sensitively designed and located to protect protected species, their habitats, breeding sites and resting places.

In support of the application, a comprehensive suite of ecological surveys has been undertaken, including an Extended Phase 1 Habitat Survey, Invasive Non-Native Species Survey, Bat Survey, Otter Survey, Badger Survey, Smooth Newt Survey and Bird Surveys, including breeding bird assessments. The findings of these surveys are presented within Chapter 6 of the Environmental Statement – Biodiversity (dated 11.04.25) and accompanying appendices.

The ecological information has been supplemented through the submission of an updated Construction Environmental Management Plan (CEMP) dated 01.05.2026 and a Final Habitats Regulations Assessment (HRA) dated 27.04.2026. These documents, taken together with the earlier ecological assessments, identify appropriate avoidance, mitigation, management and monitoring measures to protect ecological receptors throughout the construction and operational phases of the development.

The submitted information concludes that the proposed development will not result in harm to any European Protected Species or other protected species. The proposed mitigation measures, ecological safeguards and construction management procedures will ensure protection of species and habitats and will avoid deterioration of breeding sites or resting places. Seasonal constraints and ecological best practice measures have also been incorporated into the proposed works.

The proposal has also been considered in light of consultation responses received. No statutory consultee has raised objection on ecological grounds, and no concerns have been identified regarding impacts on protected species, subject to the implementation of the recommended mitigation and management measures set out within the ecological reports and CEMP.

Having regard to the ecological surveys, Environmental Statement, updated CEMP, Final HRA, proposed mitigation and management measures, and the responses from consultees, the Planning Department is satisfied that the development has been appropriately designed and will not adversely affect

European Protected Species or other protected species. Accordingly, the proposal complies with the requirements of Policy NH 2 of the Local Development Plan Strategy.

17.3 Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

Policy NH5 of PPS 2 seeks to protect habitats, species and features of natural heritage importance and states that planning permission will only be granted where a proposal is not likely to result in an unacceptable adverse impact on, or damage to, such features. Where adverse impacts are identified, development may still be permitted where the benefits of the proposal outweigh the value of the habitat, species or feature concerned, subject to appropriate mitigation and/or compensatory measures.

In support of the application, the agent acknowledges that the development will result in the loss of approximately 5,500m² of Northern Ireland Priority Habitat Open Mosaic Habitat (OMH), together with other vegetation within the construction footprint. However, it is contended that the substantial public benefits arising from the delivery of the City Park, including recreation, tourism, health and wellbeing, ecological enhancement and improved strategic connectivity, outweigh the value of the habitat to be lost.

The submitted Environmental Statement and Landscape and Ecological Management Plan (LEMP) set out a compensation strategy to address the habitat loss through the creation of 5,500m² of Eco-Mimicry habitat, together with additional biodiversity enhancements including native tree planting, wildflower meadows, hedgerows and retained vegetation. The agent concludes that these measures will deliver a net gain in biodiversity and ensure that the development will not have a significant adverse effect on the habitat resource in the longer term.

The proposed compensation approach had already been discussed in a meeting with NIEA during the PAD process (LA07/2024/0688/PAD concluded Feb 2025, meeting notes reflect this discussion 07.02.25) with an agreed position. No objections or concerns have been raised by consultees in respect of ecology, natural heritage or the proposed mitigation and compensation measures.

Having regard to the submitted ecological information, the proposed compensation measures and the absence of consultee concerns, it is considered that the proposal complies with the requirements of Policy NH5 of PPS 2

18.0 PPS 3 - Access, Movement and Parking and DCAN 15 (Vehicular Access Standards)

18.1 Policy AMP 1 - Creating an Accessible Environment

Policy AMP 1 seeks to create a more accessible environment by ensuring that the needs of people with disabilities and those with impaired mobility are taken into account

in the design of development proposals. The policy requires, where appropriate, the incorporation of accessibility measures such as convenient movement along pathways, unhindered approaches to buildings, pedestrian priority, and ease of access to parking and public transport facilities.

The submitted proposal has been assessed against the requirements of Policy AMP 1. The Design and Access Statement (dated 11.04.25) indicate that the development has been designed to provide inclusive access for all users. Pedestrian access to the site and buildings is available via existing/proposed pathways, with level or appropriately graded approaches provided where practicable. No features have been identified that would create undue barriers to movement for persons with disabilities or reduced mobility.

The proposal does not result in any unacceptable obstruction to pedestrian movement and satisfactory access arrangements are available within the site. Where relevant, parking and access arrangements have been designed to ensure convenient and safe movement between vehicles and the building entrance.

Having regard to the scale and nature of the proposal, and the accessibility measures outlined by the agent, it is considered that the development provides satisfactory access for all users and complies with the provisions of Policy AMP 1 of PPS 3.

18.2 Policy AMP 2 - Access to Public Roads

Policy AMP 2 states that planning permission will only be granted where a development proposal involving direct access, or the intensification of an existing access, onto a public road will not prejudice road safety, significantly inconvenience the flow of traffic, and does not conflict with Policy AMP 3.

In assessing the proposal, regard has been had to the nature and scale of the development, the character of the surrounding area, the existing road network, and the potential impact on traffic movements.

DfI Roads, in its consultation response dated 4th June 2026, offered no objection subject to conditions. As the competent authority responsible for road safety and access matters, DfI Roads is satisfied that the proposed access arrangements are acceptable and that the development would not prejudice road safety or significantly inconvenience the free flow of traffic, subject to the recommended conditions being attached to any approval.

Having considered the proposal against the requirements of Policy AMP 2 and taking account of the advice received from DfI Roads, it is considered that the development provides satisfactory access arrangements and would not result in an unacceptable impact on road safety or the operation of the public road

network. The proposal is therefore compliant with Policy AMP 2 of PPS 3.

18.3 Policy AMP 3 - Access to Protected Routes

Policy AMP 3 of PPS 3 seeks to protect the safety and carrying capacity of Protected Routes by restricting the creation of new accesses and controlling the intensification of existing accesses.

Within settlement limits, planning permission will only be granted for development proposals involving direct access, or the intensification of an existing access, where access cannot reasonably be taken from an adjacent minor road or, in the case of residential development, where it can be demonstrated that access arrangements would significantly assist in the creation of a quality environment without compromising road safety.

The application site is located within settlement limits and is accessed from William Street/Dublin Bridge, a Protected Route.

As the proposed development does not involve residential development, criterion (b) of Policy AMP 3 is not applicable. Accordingly, consideration is given to criterion (a), namely whether access can reasonably be obtained from an adjacent minor road.

The supporting information submitted by the agent states that vehicular access to the site is taken from William Street/Dublin Bridge at the northern end of the site and cannot reasonably be obtained from an adjacent minor road. It is also noted that discussions with DfI Roads through the PAD process (LA07/2024/0688/PAD) established acceptance in principle of a left-in/left-out access arrangement from William Street/Dublin Bridge. The proposed development would utilise this existing access arrangement and does not require the creation of a new access onto the Protected Route.

In assessing the proposal against Policy AMP 3, it is also noted that the site has historically accommodated a range of uses, including residential and industrial activities, which operated using the existing vehicular access. The proposed park development will continue to utilise this established access arrangement. There does not appear to be a significant intensification in vehicular use associated with the proposal when compared to the site's former uses. The development is predominantly recreational in nature, with the primary mode of access expected to be by pedestrians and cyclists. Vehicular movements are likely to be limited principally to servicing and maintenance vehicles, emergency vehicles and use by those whose mobility is impaired.

Having regard to the nature of the proposal, the use of an established access point, the absence of any additional access onto the Protected Route and the acceptance in principle of the access arrangements by DfI Roads, the proposal is not considered to result in an unacceptable intensification of vehicular use or to prejudice the safe and efficient operation of the Protected Route. The proposal is

therefore considered to comply with Policy AMP 3 of PPS 3.

18.4 Policy AMP 4 Protection for New Transport Schemes

While Policy AMP 4 seeks to safeguard land required for transport schemes identified within the Development Plan, the proposed road extension from Bridge Street across Dublin Bridge is located out with the application site and beyond the red line boundary.

Given that the development relies on the existing access arrangements and does not affect the safeguarded route, it would not prejudice the future implementation of the scheme.

Accordingly, no conflict with Policy AMP 4 arises.

18.5 Policy AMP 5 Disused Transport Routes

Policy AMP5 of PPS 3 relates to Disused Transport Routes and states that planning permission will not be granted for development that would prejudice the future re-use of a disused transport route identified in a Development Plan for transport or recreational purposes.

A disused transport route bisects the site and is identified within BNMAP as a protected route that could be utilised for future transport or recreational purposes. The agent's assessment confirms that the proposed development does not encroach upon or prejudice the future use of this route. The route remains free from built development and therefore retains the potential for future implementation should it be required for transport infrastructure or recreational purposes.

Furthermore, the proposal enhances accessibility by facilitating pedestrian and cycle connections to the Greenway, thereby supporting movement along the corridor of the disused transport route. As such, the proposal is considered consistent with the objectives of Policy AMP5.

In addition, DfI Roads, in its consultation response dated 04.06.26, offered no objection to the proposed development subject to conditions. ***Having regard to the requirements of Policy AMP5, the agent's assessment, and the comments of DfI Roads, it is considered that the proposal complies with Policy AMP5 of PPS 3.***

18.6 Policy AMP 6 Transport Assessment

Policy AMP6 states that in order to evaluate the transport implications of a development proposal the Department will, where appropriate, require developers to submit a Transport Assessment.

In considering the requirements of Policy AMP6, regard is had to the nature, scale and

transport implications of the proposed development and the information submitted in support of the application.

Following pre-application discussions with DfI Roads in respect of PAD application LA07/2024/0688/PAD, it was agreed that the transport implications of the proposed development could be assessed through the submission of a Traffic and Access Framework (TAF) rather than a full Transport Assessment. The TAF was submitted on 11th April 2025.

Further transport information was subsequently provided within the Environmental Statement (ES), including Appendix 8A (dated 11th April 2025) and Chapter 8: Traffic and Transport, submitted on 6th August 2025. These documents, together with the Transport Statement, Service Management Plan and Event Management Plan, provide a comprehensive assessment of the transport and access implications of the proposed development.

The submitted information demonstrates that the transport impacts arising from the proposal are acceptable and can be appropriately managed through the mitigation measures identified. The documentation provides sufficient detail to enable a full assessment of the proposal's transport effects.

DfI Roads reviewed the submitted information, including the TAF and subsequent transport assessments, and confirmed on 4th June 2026 that it had no objection to the proposed development.

Accordingly, it is considered that the requirements of Policy AMP6 have been satisfactorily addressed and that the proposal complies with the policy.

18.7 Policy AMP 7 Car Parking and Servicing Arrangements

Policy AMP7 requires development proposals to provide adequate car parking and servicing arrangements, having regard to the Department's published parking standards. While the policy allows flexibility in certain circumstances, the key consideration remains whether the level of parking proposed is adequate for the nature and scale of the development and whether the proposal would prejudice road safety or significantly inconvenience the flow of traffic.

The applicant acknowledges that the proposal provides 20 disabled parking spaces only, which is substantially below the level of parking that would normally be required under the published parking standards. The Supporting Statement argues that the development satisfies circumstances where reduced parking provision may be acceptable, namely that the site is in a highly accessible location served by public transport, that nearby public and private car parks can accommodate demand, and that a reduced parking provision assists in the conservation of heritage assets associated with the site.

It is accepted that the site occupies a highly accessible city centre location with good pedestrian connectivity and access to public transport services. The proposal in this case therefore benefits from the flexibility afforded under the second criterion of Policy AMP7. Furthermore, the availability of nearby public car parks is a material consideration and provides some support for a reduced level of on-site parking under the third criterion.

The policy requires consideration whether adequate parking provision is achieved having regard to the characteristics of the proposed development and the likely parking demand generated. In this regard, consideration must be given to the anticipated visitor numbers, the reliance on off-site parking provision, the availability and capacity of surrounding car parks at peak periods, and whether displacement parking could adversely affect the operation of nearby parking facilities or surrounding streets.

The applicant also contends that additional parking provision would adversely affect the conservation of the site's industrial heritage assets and Scheduled Monument. Given the significant heritage constraints associated with the site, weight can be attached to this argument under the fifth criterion of Policy AMP7.

In terms of servicing arrangements, the applicant has submitted a Service Management Plan and states that adequate servicing can be accommodated. DFI have reviewed this information and in comments made 4th June 2026 had raised no issue of concern with the detail of the servicing arrangements and their impact on the surrounding road network. ***Accordingly, it is considered that the requirements of Policy AMP7 have been satisfactorily addressed and that the proposal complies with the policy.***

18.8 Policy AMP 8 Cycle Provision

Policy AMP8 seeks to ensure that developments providing employment, shopping, leisure, service, educational and community uses adequately cater for the needs of cyclists. The policy requires, where appropriate, the provision of safe and convenient cycle access, secure cycle parking facilities, and connections to existing or proposed cycle networks.

The proposed development has incorporated cycle infrastructure and facilities within the overall design. Safe and convenient access for cyclists is provided through the site's internal circulation network, while dedicated cycle connections are proposed to link with the Greenway located to the south of the site, helping to integrate the development with the wider active travel network. Secure cycle parking facilities, including cycle stands, are distributed throughout the development to encourage cycling as a sustainable mode of transport.

Given the nature of the proposal as a public park and leisure facility, the inclusion of cycle access, cycle parking and connectivity to the existing Greenway network is considered appropriate and consistent with the requirements of Policy AMP8.

The proposal therefore complies with Policy AMP8 of PPS 3.

18.9 Policy AMP 9 Design of Car Parking

Policy AMP9 requires car parking proposals to be designed and laid out to a high standard, ensuring that they respect the character of the surrounding area, safeguard visual amenity, and provide a safe, secure and accessible environment for all users.

Having regard to the agent's assessment and the supporting information submitted, it is considered that the proposed parking provision complies with the requirements of Policy AMP9. The parking areas can be accommodated within the site without adversely affecting the character or appearance of the surrounding landscape, and the proposed landscaping measures will assist in integrating the development into its setting. As such, the proposal will not result in any unacceptable visual impact and visual amenity will be maintained.

The proposed level of parking provision is considered appropriate for the development, and the site layout has been designed to facilitate the safe and convenient movement of pedestrians, cyclists and vehicles throughout the site. In addition, the parking areas are located where they will benefit from natural surveillance, thereby enhancing security and providing a safe environment for users.

Accordingly, it is considered that the proposal satisfies the requirements of Policy AMP9.

19.0 PPS 6 - Planning, Archaeology and the Built Heritage

PPS 6 provides the principal policy framework for assessing development proposals that may affect archaeological remains and built heritage assets. It establishes a hierarchy of archaeological importance, ranging from World Heritage Sites to regionally and locally important sites, with the degree of protection afforded generally reflecting the significance of the asset. With related and relevant policies further considered below:

19.1 BH1 – The Preservation of Archaeological Remains of Regional Importance and their Settings

Policy BH1 of PPS 6 relates to the preservation of archaeological remains of regional importance and their settings. Parts of the application site, including the northern and central sections, the western boundary of the southern section, and a strip of land along the eastern bank of the canal, are protected as Scheduled Monuments under the Historic Monuments and Archaeological Objects (NI) Order 1995. As such, the requirements of Policy BH1 are directly relevant to the assessment of the proposal.

Policy BH1 states that there is a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings, including scheduled monuments, and that development which would adversely affect such

remains or the integrity of their setting will not be permitted except in exceptional circumstances.

In support of the application, further information was submitted, including Appendix 8.1 (Newry Canal Statement of Significance dated 27th April 2026) and Appendix 8.2 (Historic Environment Setting Assessment – Albert Basin dated 27th April 2026). HED Historic Monuments in comments dated 29th May 2026 reviewed this additional information and confirmed that it satisfactorily addressed the issues previously raised in relation to compliance with Policy BH1.

The Environmental Statement acknowledges that the proposed development involves extensive groundworks that have the potential to impact upon any surviving archaeological remains. However, it also notes that extensive historical interventions across the site have significantly reduced the likelihood of intact subsurface archaeological deposits surviving. Measures have been incorporated to ensure that any archaeological remains encountered during construction are appropriately investigated, recorded and managed in accordance with current archaeological standards and under the supervision of HED.

The proposal also includes the retention and conservation of key heritage assets associated with the Newry Canal, including the surviving canal walls and historic canal furniture such as stone mooring pots, mooring rings and bollards. These features will be conserved and incorporated into the final landscape design, contributing positively to the site's heritage interpretation and long-term preservation. While the removal of the mid-twentieth-century O'Rourke's Wall is proposed, this feature has been assessed as having limited heritage significance and will be fully recorded in advance of demolition.

The Planning Department notes that Scheduled Monument Consent has been granted for the scheme (copy of which uploaded 22nd May 2026) and that HED Historic Monuments has confirmed that the proposal is acceptable in principle from an archaeological perspective. HED has advised that the development satisfies the requirements of the SPPS and PPS 6, subject to planning conditions requiring the agreement and implementation of a developer-funded programme of archaeological works to identify, record and, where appropriate, preserve archaeological remains in situ in accordance with Policy BH4 of PPS 6 (assessment of this policy further considered below).

Taking into account the submitted Environmental Statement, the Statement of Significance, the Historic Environment Setting Assessment, the Scheduled Monument Consent process, and the consultation response from HED Historic Monuments dated 29th May 2026, it is considered that the proposal will not adversely affect archaeological remains of regional importance or the integrity of their setting. Subject to the conditions recommended by HED, the proposal is therefore considered to comply with Policy BH1 of PPS 6.

19.2 Policy BH4 – Archaeological Mitigation

Policy BH4 of PPS 6 seeks to ensure that where development affects sites known to contain archaeological remains, appropriate measures are taken for the identification, investigation, recording, preservation, or mitigation of archaeological impacts. The policy states that planning permission may be granted subject to conditions requiring archaeological works, including excavation and recording of remains prior to development commencing, or their preservation in situ where appropriate.

In assessing the proposal against Policy BH4, regard has been had to the submitted Environmental Statement, supporting archaeological information, and the consultation response provided by HED (Historic Monuments) on 29th May 2026.

The Environmental Statement, specifically Chapter 10 (Cultural Heritage), sets out a comprehensive programme of archaeological mitigation measures for both the construction and operational phases of the development. These measures include the implementation of a licenced archaeological watching brief during all site clearance and ground reduction works, ensuring that any archaeological remains encountered are appropriately identified, recorded and assessed. Where significant remains, such as former building foundations or footings, are uncovered, consideration will be given to their preservation and incorporation within the final landscape design. Where preservation in situ is not feasible, preservation by record through archaeological excavation will be undertaken.

Additional mitigation measures include the careful removal, storage and reinstatement of historic canal features, including mooring posts, rings and bollards, under archaeological supervision. The conservation and repair of the surviving eastern canal wall will be informed by a Conservation Method Statement, to be agreed with HED, and supported by detailed archaeological recording and inspection. Prior to the demolition of O'Rourke's Wall, a full written, photographic and drawn record will be completed, with all demolition works monitored by a suitably qualified archaeologist operating under licence.

The proposal also includes measures to enhance public understanding and appreciation of the site's cultural heritage through the provision of interpretative features, together with the long-term conservation and monitoring of surviving canal structures and associated historic features.

Having regard to the mitigation strategy outlined within the Environmental Statement and the consultation response from HED (Historic Monuments), it is considered that appropriate provision has been made for the identification, recording, preservation and mitigation of archaeological remains in accordance with Policy BH4 of PPS 6. HED has confirmed that the proposal satisfies the relevant SPPS and PPS 6 policy requirements, subject to conditions securing a developer-funded programme of archaeological works.

Accordingly, subject to the imposition of the archaeological conditions recommended by HED and associated informatives, the proposal is considered

compliant with Policy BH4 of PPS 6.

19.3 Policy BH 11 - Development affecting the Setting of a Listed Building

Historic Environment Division (HED) Historic Buildings was consulted on the application and, in its response dated 01.09.26, advised that it is content with the proposal. HED noted that the application had previously been the subject of Pre-Application Discussion and, having reviewed the submitted information, concluded that the development would not have a detrimental impact on the setting of nearby historic buildings. ***Accordingly, the proposal satisfies the requirements of paragraph 6.12 of the Strategic Planning Policy Statement (SPPS) and Policy BH11 of PPS 6: Planning, Archaeology and the Built Heritage, which seeks to protect the setting of listed buildings from inappropriate development.***

20.0 PPS 8 - Open Space, Sport and Outdoor Recreation

PPS 8 sets out the regional planning policy framework for the protection, development and enhancement of open space, sport and outdoor recreation facilities. The policy seeks to safeguard existing recreational assets while promoting opportunities for improved health, wellbeing and community participation. Any development proposals for the site incorporating sports, leisure, recreational or open space uses will need to demonstrate compliance with the relevant provisions of PPS 8.

20.1 Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities

Policy OS5 is a relevant consideration as the proposal involves the provision of outdoor recreational facilities through the creation of a City Park. In assessing the proposal against the policy, regard has been given to the potential for noise impacts on nearby residents and other noise-sensitive receptors, as well as any effects on wildlife and the enjoyment of environmentally sensitive locations.

The Noise and Vibration Assessment, together with the submitted Agent of Change Assessment, has considered the potential effects arising from the operation and use of the City Park. The findings demonstrate that the proposal would not result in an unacceptable level of disturbance to nearby residential properties or other noise-sensitive uses and would not give rise to conflict with existing receptors. These conclusions are supported by Environmental Health, who, in their consultation response dated 11th May 2026, raised no objection to the proposal subject to conditions.

Given the site's location within Newry City Centre, there are no farm livestock receptors that would be adversely affected by the development. Furthermore, Chapter 6 (Biodiversity) of the Environmental Statement concludes that the proposal would not result in any unacceptable impacts on wildlife.

The site is situated within an established urban environment and the proposal is not considered to adversely affect the enjoyment of environmentally sensitive features or

areas valued for their tranquillity. Having regard to the findings of the Environmental Statement, including the Noise and Vibration Assessment, and the consultation response from Environmental Health, ***it is considered that the proposed development would not give rise to unacceptable noise impacts and complies with the requirements of Policy OS5.***

20.2 Policy OS 6 - Development of Facilities ancillary to Water Sports

Policy OS6 supports the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where specific criteria relating to compatibility, environmental protection, design, accessibility and management are satisfied. Given the site's location adjacent to existing waterways and the inclusion of water-based recreational infrastructure, including a boat launching slipway, floating pontoon and access ramp, and a water sports building, Policy OS6 is a relevant consideration in the assessment of the proposal.

Having assessed the proposal against the requirements of Policy OS6, it is considered that the development complies with the policy in full. The proposed facilities are specifically intended to support and enhance recreational use of the waterway and have been designed to operate alongside existing water-based activities without adversely affecting non-recreational users. The development therefore remains compatible with existing uses of the water.

The supporting information provided determines that no adverse impacts would arise in respect of nature conservation interests, archaeological remains or built heritage assets. Environmental and heritage assessments submitted in support of the application conclude that the proposal can be accommodated without significant effects on these interests.

The proposal has also been assessed in terms of its visual and landscape impacts. The scale, siting and design of the buildings and associated structures are appropriate to their setting within the wider park environment and river corridor. Together with the proposed landscaping, the development will integrate successfully into the local landscape and is not considered to adversely affect visual amenity or landscape character.

With regard to environmental impacts, the submitted information confirms that the development would not result in water pollution or generate unacceptable levels of noise or disturbance. Appropriate mitigation measures have been incorporated into the design and operation of the scheme to ensure the protection of both environmental quality and residential amenity. NIEA (05.06.26 and 10.12.25) and EH (11.05.26) have no objection subject to conditions.

The proposed buildings and structures have been designed to a high standard, with careful consideration given to their appearance, layout, scale and relationship with the surrounding environment. The development incorporates materials and design features

that respond positively to the character of the area while the associated landscaping proposals will contribute to an enhancement of the site's appearance.

The proposal has also been designed to be accessible and inclusive. Accessible parking spaces, level access throughout the site and inclusive recreational facilities ensure that the development meets the needs of people with disabilities and promotes equal access to the amenities provided.

Finally, no conflict has been identified with any relevant local management plans and appropriate arrangements will be in place to ensure the ongoing management and maintenance of the facilities.

Taking account supporting information submitted with the application, it is considered that the proposal satisfies all criteria of Policy OS6. The development would provide high-quality ancillary water sports facilities while protecting environmental, heritage, landscape and amenity interests. As such, the proposal is considered to accord with Policy OS6 of the LDP.

21.0 PPS 13 – Transportation and Land Use

21.1 PPS13 sets out policy objectives on achieving integration between land and transportation policy. The primary objective of this PPS is to integrate land use planning and transport by promoting sustainable transport choices, promoting accessibility for all and reducing the need to travel, especially by private car.

The proposed development will deliver a public park within the Newry City Centre with good connectivity. It will enable access via a range of transport modes, including car, foot, bus, and cycle; thereby, ensuring integration and connectivity in a highly sustainable location.

The proposal is in line with the aims and objectives of PPS13.

22.0 PPS15 (Revised) - Planning and Flood Risk

22.1 PPS 15 (Revised) provides the planning policy framework for managing and reducing flood risk. Its primary aim is to prevent development in areas at risk of flooding and to avoid increasing flood risk elsewhere. In considering the proposal, regard has been given to the precautionary approach advocated by PPS 15, including the need to account for uncertainties relating to flood risk and climate change. The policy also requires that appropriate mitigation measures are incorporated to ensure that development is protected from flooding and does not adversely affect flood risk on surrounding lands or properties. The relevant policies of PPS15 are further considered below.

22.2 FLD1 - Development in Fluvial and Coastal Flood Plains

Policy FLD1 of Revised PPS 15 states that development will not normally be permitted within the 1 in 100 year fluvial flood plain (1% AEP) or the 1 in 200 year coastal flood plain (0.5% AEP) unless the proposal satisfies the relevant Exceptions Test and is supported by a Flood Risk Assessment (FRA) demonstrating that all sources of flood risk have been identified and that adequate measures are in place to manage and mitigate any flood risk arising from the development.

The Planning Department has assessed the proposal against the Exceptions Test contained within Policy FLD1 and is satisfied that the proposed public park and associated recreational infrastructure constitute water-compatible development and outdoor recreation, which fall within the policy exceptions. Whilst exception (f) of Policy FLD1 specifically excludes children's playgrounds within undefended floodplains, the proposed play park does not form part of the development within the floodplain.

This has also been confirmed in correspondence dated 1st July 2026, the agent confirmed that the proposed playground is located outside the identified floodplain, as illustrated on the submitted General Arrangement Drawings (02887.1.01 to 02887.1.04 Rev A). The agent further advised that the exclusion relating to children's playgrounds is therefore not engaged in this instance. The Planning Department is satisfied that the proposal meets the requirements of the Exceptions Test and that the principle of development within the floodplain is acceptable. This position was set out with Rivers Agency to allow consideration of the Flood Risk Assessment and Drainage information (which was submitted 11th April 2025).

The assessment identifies those parts of the site are located within the 1% AEP fluvial floodplain and the 0.5% AEP tidal floodplain. However, it concludes that the extent of fluvial flooding on the site is limited to the eastern bank area, which is intended to remain largely undeveloped as part of the proposed scheme. The FRA&DA further advises that the site's capping strategy will increase ground levels and provide protection from the predicted 1% AEP fluvial flood event. Minor tidal flood risk is identified along the eastern boundary of the site, with predicted flood depths of less than 0.3m, and the submitted mitigation measures are considered capable of protecting the site from the 0.5% AEP coastal flood event. In respect of pluvial, groundwater and inter-urban flooding, the assessment concludes that risks are low and can be appropriately managed through the proposed drainage strategy and existing drainage infrastructure maintained by the relevant statutory bodies.

Rivers Agency has reviewed the submitted FRA&DA and, whilst not responsible for its preparation, accepted its methodology and has no reason to disagree with its conclusions as outlined within comments received 31st July 2026.

Rivers Agency advises that responsibility for justifying the Flood Risk Assessment and implementing the proposed mitigation measures rests with the developer and their professional advisers, in accordance with Section 5.1 of Revised PPS 15. Rivers Agency also notes that it cannot comment on the acceptability or safety of the proposed flood evacuation arrangements. The responsibility of which lies with the developer and

such responsibilities can be highlighted by way of a planning informative.

Having regard to the submitted FRA&DA, the comments of Rivers Directorate and the Department's conclusion that the proposal satisfies the Exceptions Test under Policy FLD1, it is considered that all sources of flood risk have been appropriately identified and assessed and that adequate mitigation measures have been proposed. The Planning Department is therefore satisfied that the proposal complies with Policy FLD1 of PPS 15 and would not result in an unacceptable flood risk to people, property or the surrounding area.

22.3 Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure

Policy FLD 2 states that planning permission will not be granted for development that would impede the operational effectiveness of flood defence or drainage infrastructure, or restrict access required for inspection, maintenance, repair or replacement.

The applicant has confirmed that the existing DfI Rivers storm culvert and NI Water combined sewer and water mains within the site are to be retained. The proposed buildings have been positioned outside the required exclusion zones associated with this infrastructure. Furthermore, flood defence structures are located beyond the eastern boundary of the site and the applicant states that a working strip will be maintained to facilitate ongoing access, maintenance and operation of these defences.

Having considered the submitted Flood Risk Assessment and Drainage Assessment (submitted 11th April 2025), together with the supporting information contained within the Environmental Statement, there is no evidence that the proposed development would adversely affect the function, capacity or integrity of existing flood defence or drainage infrastructure. Nor would the proposal hinder access for future inspection or maintenance of such infrastructure.

Subject to compliance with the recommended exclusion distances and maintenance access requirements which can be made conditional, the proposal is not considered to impede the operational effectiveness of existing flood defence or drainage infrastructure.

The proposal is therefore considered to comply with the requirements of Policy FLD 2

22.4 FLD3 - Development and Surface Water

Policy FLD 3 requires a Drainage Assessment for development proposals exceeding specified thresholds, including development sites greater than 1 hectare. As the application site exceeds 1 hectare (10.61ha), the proposal is required to be

accompanied by a Drainage Assessment. This has been provided through the submitted Flood Risk and Drainage Assessment (FRA&DA provided 11th April 2025).

The FRA&DA demonstrates that surface water from the proposed development will discharge at the existing brownfield run-off rate, ensuring there will be no increase in either the rate or volume of run-off from the site. New storm drainage infrastructure is proposed throughout the site, with surface water directed to the Newry River and Newry Canal at identified discharge locations. A Schedule 6 Consent to Discharge has also been provided (See Appendix 2.18 submitted as part of the Environmental Statement Addendum April 2026) and as confirmed by email from the agent 1st July 2026. The assessment further confirms that the drainage network will be designed and constructed to NI Water adoptable standards and that finished site levels will facilitate the efficient collection and conveyance of stormwater, reducing the potential for surface water flooding.

The submitted assessment identifies that a small section of the southern part of the site lies within the 0.5% AEP pluvial floodplain. However, development in this area is largely confined to soft landscaping and pathways, with proposed drainage infrastructure located within landscaped areas to capture runoff from impermeable surfaces and take it safely to the wider drainage network and ultimately the Newry River. As such, the proposal incorporates measures to effectively mitigate surface water flood risk within the development.

In accordance with Policy FLD 3, development will be permitted where it is demonstrated that adequate measures are in place to mitigate flood risk to the proposed development and elsewhere, and where surface water run-off will not adversely affect neighbouring land or features of environmental, archaeological or built heritage importance. Taking account, the findings of the FRA&DA, it is considered that the proposed drainage strategy satisfactorily addresses these requirements. The proposal will not increase pluvial flood risk either on-site or beyond the site boundary and there is no evidence that surface water run-off arising from the development would adversely impact surrounding receptors. This is further supported by comments from Rivers Agency dated 31st July 2026 which concluded had no reason to disagree with the conclusions of the drainage information provided.

It is therefore considered that the submitted Drainage Assessment demonstrates that appropriate mitigation measures will be implemented to effectively manage surface water flood risk, and the proposal is compliant with the requirements of Policy FLD 3.

22.5 FLD4 - Artificial Modification of Watercourses

Policy FLD 4 seeks to resist the artificial modification of watercourses, including culverting and canalisation, except in exceptional circumstances where such works are necessary for access purposes or can be justified on engineering grounds with no

reasonable or practicable alternative available.

The proposal does not involve the culverting, canalisation, diversion or other artificial modification of any watercourse. No works are proposed that would alter the existing course, flow characteristics or physical condition of a watercourse within or adjoining the site. As such, the exceptional circumstances set out within Policy FLD 4 are not engaged, and the proposal is fully consistent with the aims of the policy to protect and retain natural watercourses.

Accordingly, no conflict arises with Policy FLD 4, and the development is considered compliant with this policy requirement.

22.6 FLD5 - Development in Proximity to Reservoirs

Policy FLD 5 permits development within the potential inundation area of a controlled reservoir where it can be demonstrated that the reservoir's condition, management and maintenance regime provide sufficient assurance of safety, and where a Flood Risk Assessment (FRA) demonstrates that flood risks have been assessed and appropriately mitigated.

Rivers Agency advises that the site lies within the potential inundation area of Camlough Reservoir. Rivers states that it has not been demonstrated that the condition, management and maintenance regime of the reservoir provide sufficient assurance regarding reservoir safety, as required by Policy FLD 5. A copy of the reservoir certificate on behalf of Newry Mourne and Down District Council has been forwarded to DfI Rivers (21.08.26) for consideration.

The submitted FRA and Drainage Assessment contends that this provides sufficient assurance regarding reservoir safety and concludes that the proposed development is not at risk from any identified flood source and would not increase flood risk elsewhere. The agent therefore maintains that the proposal complies with the requirements of Policy FLD 5.

It is also acknowledged that, condition assurance had until recently been maintained. Whilst arrangements concerning these responsibilities are currently under review and subject to administrative processes being completed, it is anticipated that the necessary assurance framework will continue thereafter. Furthermore, given the significant distance between the application site and Camlough Reservoir, the potential impact arising from a reservoir failure event at this location is considered to be limited.

Notwithstanding the applicant's position and the above considerations, Rivers Agency maintains that the site is located within an area of unacceptable flood hazard associated with reservoir inundation and has raised this as a material consideration in the assessment of the application. The weight to be attached to this objection must therefore be balanced against the submitted FRA, the reservoir's management

arrangements, the separation distance from the reservoir, and the overall planning merits of the proposal. River's agencies comments in relation to the submitted certificate are pending.

When taken together with the findings of the submitted Flood Risk Assessment and the limited potential impact at the application site, it is considered that the proposal satisfies the requirements of Policy FLD 5 and does not warrant refusal on reservoir inundation grounds.

22.7 Flood Risk in the Climate Change Scenario

Rivers Agency has advised that the latest flood risk modelling indicates that part of the site lies within both the 1 in 100 year fluvial climate change floodplain (Q100CC) and the 1 in 200 year coastal climate change floodplain (T200CC). Accordingly, Rivers Agency considers that part of the proposed development may be at risk of flooding under future climate change scenarios and advises that, unless the Exceptions Test under Policy FLD 1 of PPS 15 is applied, the proposal would be contrary to regional planning policy relating to flood risk. This matter has therefore been identified as a material planning consideration.

The Planning Department has carefully considered this advice and is satisfied that the proposal meets the requirements of the FLD 1 Exceptions Test. In reaching this conclusion, consideration has been given to the site's location within settlement limits, the planning history and circumstances of the site, and the wider planning benefits of the development. It has also been demonstrated in information provided that the proposal would not result in an unacceptable increase in flood risk on-site or elsewhere and that appropriate mitigation measures can address any residual risk.

The Planning Department therefore considers that the climate change flood risk identified by Rivers Agency is negligible, can be managed going forward and does not justify refusal of planning permission and can be appropriately weighed as a material consideration in the overall planning balance.

23.0 PPS 16 – Tourism

23.1 TSM 1 – Tourism Development in Settlements

Policy TSM 1 of PPS 16 states that planning permission will be granted for tourism development, including tourist amenities, within a settlement where the proposal is appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the relevant provisions of the development plan.

Tourism NI, in its consultation response dated 13th November 2025, welcomes the proposed Newry City Park regeneration project. While no tourist accommodation is proposed, the development is considered to constitute a tourist amenity as defined by

PPS 16, providing a significant recreational and visitor attraction that will be enjoyed by both tourists and local residents.

The proposal is located within the settlement limits of Newry and is appropriate in terms of its nature, scale, design and setting. Furthermore, the development accords with the wider objectives of the Local Development Plan and will deliver substantial tourism, community, recreational, health and wellbeing, ecological and connectivity benefits. The creation of Newry's first City Park will enhance the city's visitor offering, supporting tourism growth and providing an attraction for both day visitors and overnight tourists.

Having regard to the consultation response from Tourism NI (13th November 2025) and the merits of the proposal, the Planning Department is satisfied that the development represents an appropriate tourism amenity within the settlement and complies with the requirements of Policy TSM 1 of PPS 16.

23.2 TSM 7 – Criteria for Tourism Development

Policy TSM 7 of PPS 16 supports tourism development proposals where they are of a high-quality design, are appropriately integrated within their surroundings, promote sustainable travel and accessibility, protect amenity and environmental assets, and are supported by suitable infrastructure and access arrangements. The policy seeks to ensure that tourism developments contribute positively to the tourism offer of an area whilst safeguarding environmental quality, public safety and the character of the surrounding locality.

Tourism NI was consulted on the proposal and, in its response, welcomed the delivery of the Newry City Park Regeneration Project, recognising the positive contribution it will make to the tourism, recreation and visitor offer of Newry. Tourism NI's support demonstrates the strategic tourism value of the proposal and reflects its potential to enhance the attractiveness of the city as a destination for both residents and visitors.

The proposed regeneration of this area of Newry City through the delivery of a City Park will enhance an existing strategic recreational and tourism asset within a highly accessible city centre location. The development promotes sustainable travel through improved pedestrian and cycling connections, inclusive access arrangements for all users, and convenient access to public transport. The scheme has been designed to provide safe and attractive routes throughout the park, incorporating principles of inclusive design and ensuring accessibility for people with reduced mobility.

The proposal is of a high design quality and will deliver substantial improvements to the visual appearance, functionality and attractiveness of the park. The layout, landscaping and associated infrastructure have been carefully considered to create an attractive visitor destination while also supporting environmental sustainability objectives and biodiversity enhancement.

Appropriate boundary treatments and landscaping are incorporated into the design,

ensuring that the development integrates successfully within its surroundings and maintains an attractive public realm.

Drainage matters have been addressed through the supporting technical information, which demonstrates that surface water will be managed in a sustainable manner.

The layout has also been designed to promote personal safety through natural surveillance, clear sightlines and well-connected movement routes, creating a secure environment for visitors and park users.

The proposal is compatible with the established recreational, tourism and civic functions of the area and will enhance, rather than detract from, the character and quality of its surroundings.

The development will improve a key public amenity and tourism asset within Newry, providing enhanced facilities and attractions for residents and visitors alike.

It is not considered that the proposal will give rise to any unacceptable impacts on residential amenity, natural heritage interests or built heritage assets.

The site can be adequately serviced by existing infrastructure, and issues relating to water supply, drainage, sewage disposal can be adequately dealt with by way of negative conditions.

Access and transportation matters have been fully assessed, and the proposal will not prejudice road safety or significantly inconvenience the free flow of traffic. The surrounding road network is capable of accommodating the additional traffic associated with the development.

Furthermore, the proposal will improve public access to an important tourism and recreational asset and will encourage increased visitor activity within the city. In this regard, the development is consistent with the wider objectives of PPS 16 to support sustainable tourism growth and enhance the quality of the visitor experience.

Having regard to Tourism NI's positive consultation response, the Agent's assessment demonstrating compliance with the requirements of Policy TSM 7, and the wider planning assessment contained within this report, it is considered that the proposal accords with the objectives and policy tests of PPS 16. The development represents a significant investment in a key tourism and recreational asset and is therefore acceptable in planning policy terms.

24.0 Water and Sewerage

The applicant proposes to connect the development to the public water supply network, with water supply to be provided via the existing mains infrastructure. Surface water drainage is proposed through existing watercourses, and a Schedule 6 consent was

issued on 12th June 2026. Foul sewage is proposed to discharge to the public sewer network. It is noted that the site historically benefited from mains water and sewerage connections associated with the former commercial premises and temporary housing site that previously occupied the lands.

The agent has engaged extensively with Northern Ireland Water (NIW) regarding wastewater infrastructure requirements. A Wastewater Impact Assessment (WWIA) was submitted to NIW in support of the proposal, as evidenced by correspondence dated 28th April 2025. NIW initially advised that planning permission could not be conditioned until Stage 2 of the WWIA process had been completed and formally signed off.

A meeting was subsequently held between Planning Officers and the agent on 9th June 2026 to consider NIW's position and explore potential options. During discussions, it was acknowledged that the Council's approach in such circumstances has been that where substantive engagement with NIW has been demonstrated, the application of appropriately worded pre-commencement or negative conditions may be an acceptable mechanism to address outstanding infrastructure matters.

In its consultation response dated 5th June 2026, NIEA acknowledged concerns regarding the potential for wastewater capacity constraints and the consequent impacts on the aquatic environment. NIEA suggested that a negative condition could be applied requiring that no development take place until a method of sewerage disposal had been agreed in writing with NIW. However, officers considered that such a condition would be unduly restrictive in this case as it would prevent commencement of the entire development, including the extensive park and recreational elements which do not rely upon a mains sewer connection. These components represent the predominant part of the proposal and carry significant community, tourism, regeneration and economic benefits.

Only a limited number of buildings within the scheme, namely the water sports facility, toilet block and maintenance building, require connection to the public sewer network. As such, the sewerage issue relates to a relatively minor element of the overall development. During discussions, the agent was requested to provide information regarding any existing Consent to Discharge arrangements for the site, which would assist in resolving matters relating to surface water management and further narrow any outstanding concerns to the small number of buildings requiring foul sewer connections.

Consideration was also given to relevant Planning Appeals Commission the details of which are contained within meeting note (9th June 2026) where negative conditions were accepted in circumstances where sewer connections had not yet been secured and approach taken in planning applications, where negative conditions were utilised to permit development up to a specified stage pending confirmation of sewerage infrastructure arrangements.

The advice indicated that a negatively worded condition preventing the commencement/ operational use of development until an agreed method of sewerage disposal had been

secured with NIW would be a legitimate mechanism to address uncertainty. The rationale was that, in the absence of the necessary NIW approvals, the development could not be lawfully implemented, thereby avoiding environmental risk.

The current application is set apart in that the vast majority of the proposed development does not depend on a sewer connection. Consequently, the potential risk associated with wastewater infrastructure limitations is significantly reduced. Given the substantial benefits arising from the wider development and the limited nature of the buildings requiring sewer connection, it is considered that the matter can be adequately addressed through the use of a suitably worded negative condition.

Significantly, NIW's most recent consultation response dated 10th June 2026 advises that the proposal is not situated within an NIW wastewater catchment area and consequently NIW offered no objection or comment. Furthermore, in correspondence dated 1st October 2026 (email from NIW dated 1st October 2025), NIW stated that ongoing improvement works being undertaken by NI Water in Newry will facilitate a future connection from the site. This correspondence provides a degree of assurance that a connection is likely to be available once the relevant infrastructure works are completed.

Having regard to the applicant's engagement with NIW, the historical servicing of the site, the limited extent of development requiring sewer connection, the absence of objection from NIW in its latest consultation response, and the indication that future wastewater infrastructure upgrades will accommodate the development, it is considered reasonable to permit the proposal subject to an appropriately worded negative condition controlling occupation and use of those elements of the development requiring a foul sewer connection until the necessary approvals and connections have been secured. This approach ensures environmental protection while allowing the broader community, tourism and regeneration benefits of the scheme to be realised.

25.0 Neighbour Notification Checked	Yes
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26.0 Summary of Recommendation

The proposed Newry City Park represents the regeneration of the Albert Basin site into a major public open space incorporating inclusive recreational facilities, event space, active travel links, landscaping and biodiversity enhancements.

The development accords with the SPPS, relevant development plan and planning policies (as set out above within the planning report) by supporting sustainable development, urban regeneration, health and wellbeing, active travel, and the provision of high-quality public open space.

Supporting representations emphasise the need for enhanced recreational facilities, community wellbeing benefits, environmental improvements, stronger city centre

connections and economic benefits for Newry.

Issues raised during consultation, including traffic, noise, maintenance, drainage and environmental impacts, have been assessed and can be satisfactorily addressed through mitigation measures and planning conditions (see draft conditions below).

The proposal will deliver significant social, environmental and regeneration benefits, complies with relevant planning policy, and is recommended for approval subject to conditions

27.0 Draft Conditions:

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

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

2. All remediation measures contained within Appendix 12B of Volume II of the Environmental Statement (dated April 2025) - Contamination Strategy shall be completed prior to the operational use of the development. A Validation Report demonstrating compliance with the approved Contamination Strategy shall be submitted to and agreed in writing by the Planning Department to the satisfaction of Environmental Health prior to operational use. Remediation measures shall be implements agreed in writing.

Reason: In the interest of protection environmental health.

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

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

4. Prior to the commencement of development, a scheme for the management, handling and disposal of all waste arising from the development, including demolition waste where applicable, shall be submitted to and approved in writing by the Planning Department to the satisfaction of Environmental Health. The approved scheme shall be implemented in full throughout the construction phase of the development. All waste generated by the development shall be managed,

transported and disposed of in accordance with the Waste and Contaminated Land (Northern Ireland) Order 1997 and all subordinate legislation and regulations in force at the time of construction.

Reason: To ensure the proper management and disposal of waste in the interests of environmental protection and compliance with waste management legislation.

5. No construction, demolition or site clearance works shall take place outside the hours of 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays. No such works shall be carried out on Sundays or Public/Bank Holidays

Reason: To safeguard the amenities of neighbouring occupiers and to minimise disturbance from noise and other construction-related activities.

6. All construction works shall be carried out in accordance with the mitigation measures contained within Sections 9 (Noise) and 9.6 (Air Quality) of the Outline Construction Environmental Management Plan (April 2026). These measures shall be implemented and maintained throughout the construction phase of the development.

Reason: To protect residential amenity and safeguard air quality during the construction phase of the development.

7. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Planning Department. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Department. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Peat/Spoil Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated peat/soil;
- e) Water Quality Monitoring Plan;

f) Environmental Emergency Plan;

g) Details of the appointment of an Ecological Clerk of Works (ECOW) and their roles and responsibilities. Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the Carlingford Lough SPA/ASSI.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect connected features of European Sites.

8. No development activity, including ground preparation or vegetation clearance, shall take place until a final Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Department.

The approved HMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved HMP, unless otherwise agreed in writing by the Planning Department.

The HMP shall include the following:

- a) Clear aims and objectives of proposed habitat management/restoration;
- b) Description of pre-construction, baseline habitat conditions;
- c) Appropriate maps, clearly identifying habitat management areas;
- d) Detailed methodology and prescriptions of habitat management and restoration measures, including timescales, and with defined criteria for the success of the measures;
- e) Details of the prohibition of habitat damaging activities, including agricultural activities;
- f) Details of the regular monitoring of the effectiveness of habitat management and restoration measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in 1, 3, 5 & 10 years after construction;
- g) Details of the production of regular monitoring reports which shall be submitted to the Planning Department within 6 months of the end of each monitoring year and which shall include details of contingency measures should monitoring reveal unfavourable results.

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats and to mitigate for impacts to priority species/breeding birds.

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02887-S26-330 REV A published 01st June 2026. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).

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

10. The traffic signal, road marking arrangements and location shall be agreed in writing with DFI Roads traffic section and private streets inspector prior to the commencement of any other development hereby permitted and the details of which shall be submitted to and agreed by the Planning Department. Proposals shall be implemented as agreed.

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

11. The existing sight visibility splays and forward sight distance 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.

12. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Planning Department to the satisfaction of Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

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

condition 12.

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

14. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 12. These measures shall be implemented and a final archaeological report shall be submitted to the Planning Department within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Planning Department.

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

15. No in-stream works shall be undertaken during periods of salmonid migration unless otherwise agreed in writing with the Planning Department, following consultation with the Loughs Agency.

Reason: To protect migratory salmonid species during sensitive periods and to prevent adverse impacts on fisheries interests. The proposed slipway and associated in-stream works have the potential to affect salmonid migration and therefore require appropriate timing restrictions and consultation with the Loughs Agency.

16. Sufficient measures shall be implemented to ensure that no temporary or permanent barriers to fish migration are created during construction or as a result of the completed development. All in-stream works and associated structures shall be designed, constructed and maintained to preserve fish passage at all times, unless otherwise agreed in writing with the Planning Department, following consultation with the Loughs Agency.

Reason: To ensure the free movement of fish species within the watercourse, to protect fisheries interests and aquatic biodiversity, and to prevent adverse impacts on fish migration routes arising from the construction or operation of the development.

17. During the first available planting season after the approved development becomes operational, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in strict accordance with Drawing No. – (dated). Landscaping shall be retained and maintained in perpetuity in accordance with an agreed Landscape Management Plan.

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

18. 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 Planning Department, 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 Planning Department gives its written consent to any variation.

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

19. All approved landscaped areas shall be managed and maintained in accordance with a Landscape Management Plan Report, which shall be submitted to and agreed in writing by the Planning Department prior to the commencement of development. The approved measures shall be implemented in full and maintained in perpetuity, unless otherwise agreed in writing by the Planning Department.

Reason: To ensure a adequate landscaping in the interest of visual amenity.

20. A minimum undeveloped buffer zone of 5 metres shall be maintained between the development and the watercourse. The buffer area shall remain free from buildings, structures, storage, fencing, hardstanding, or other obstructions, and shall be kept accessible at all times to facilitate inspection, maintenance, and emergency works by the Rivers Agency and other relevant authorised personnel.

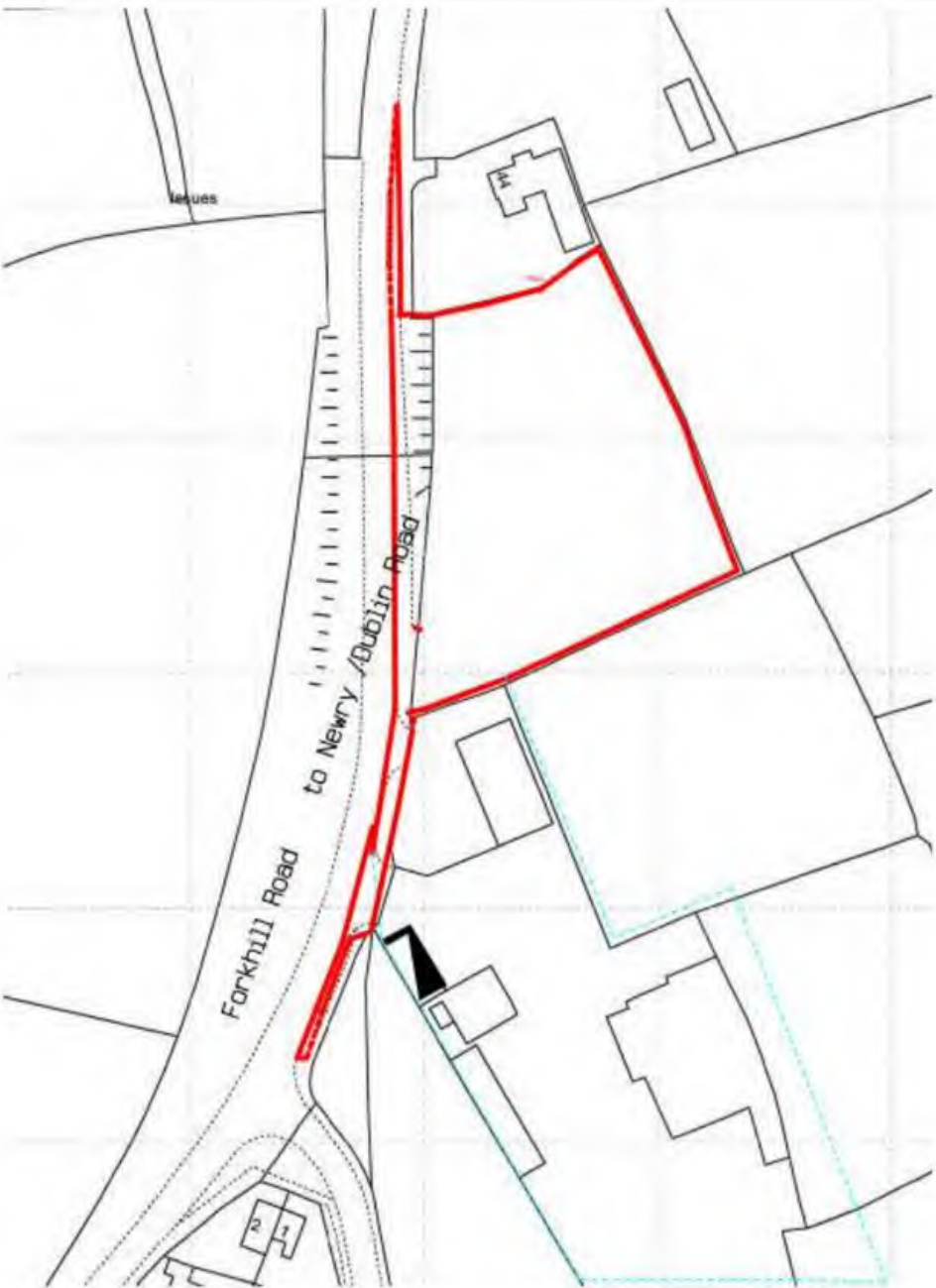
Reason: To protect the watercourse, maintain its ecological and hydrological function, and ensure safe and unrestricted access for future maintenance and management operations.

21. The water sports facility, toilet block and maintenance buildings shall not become operational until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or an alternative solution has been provided the details of which shall be submitted to and agreed by the Planning Department. The sewerage disposal proposals shall be implemented as agreed.

Reason: In the interests of health and protection of water quality and habitat.

Delegated Application

Development Management Officer Report	
Case Officer: Joseph McKee	
Application ID: LA07/2025/0897/O	Target Date:
Proposal: Infill site for two dwellings.	Location: Immediately north of 46 Forkhill Road, Cloghoge, Newry, BT35 8LZ
Applicant Name and Address: Patrick Tinnelly 46 Forkhill Road Newry BT34 8LZ	Agent Name and Address: John Cole 12A Duke Street Warrenpoint
Date of last Neighbour Notification:	22 January 2026
Date of Press Advertisement:	24 September 2025
EIA Determination: Screening undertaken, EIA not required	
Consultations: DfI Roads (10.02.26): Stated no objections in principle subject to submission of detailed plans at reserved matters stage. Environmental Health (23.01.26): No objection subject to conditions and informatives. NI Water (24.02.26): No objection subject to appropriate conditions and informatives.	
Representations: No representations either in support of or in objection to the application received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: The extent to which the application is in accordance with the relevant policy framework.	

Site Visit Report
Site Location Plan:
 The map shows a street layout with Forkhill Road running vertically. A red line outlines a specific area on the eastern side of the road. Labels include 'Forkhill Road' and 'to Newry / Dublin Road'. There are also labels for 'Issues' and '1' near some buildings. A dashed green line is visible on the right side of the map.
Date of Site Visit: 16.01.26
Characteristics of the Site and Area The application site is an undeveloped field fronting the eastern side of Forkhill Road.

The application site shares a common frontage; on the eastern side of Forkhill Road with no. 44 Forkhill Road; an existing dwelling as well as no. 46 Forkhill Road; south of the application site which hosts a commercial enterprise, comprising a three-storey office building along with an associated yard. Further south is the junction between Forkhill Road and Park View; with no's 1 and 2 Park View fronting the junction and Forkhill Road.

The application site is located outside of any defined settlement boundary within the countryside however, at its south-western corner, the site boundary abuts the boundary of the settlement limit of Newtowncloghoge. The site is located within the designated Ring of Gullion AONB.

Description of Proposal

Infill site for two dwellings.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: P/2004/0404/LDE Decision: Permission Granted Decision Date: 21 September 2004

Proposal: Use of land at Forkhill Road Newry for: (1) recycling (2) Storage of scrap (3) resale of material from demolition (4) offices and base for demolition business (5) asbestos transfer station (6) sale of gas products (7) light engineering.

Application Number: P/2007/1463/F Decision: Permission Granted Decision Date: 19 June 2008

Proposal: Construction of new training facility, stores and offices.

Application Number: P/2008/1087/F Decision: Permission Granted Decision Date: 28 May 2009

Proposal: Construction of new Training Facility, Stores and Offices (amended design to planning approval ref: P/2007/1463/F).

Application Number: P/2009/0747/F Decision: Permission Granted Decision Date: 28 May 2010

Proposal: Erection of 22 No dwellings

Application Number: P/2009/0348/F Decision: Permission Granted Decision Date: 19 August 2010

Proposal: Proposed stores and workshop for storage of equipment and repair of equipment and plant.

EVALUATION

Planning Policies & Material Considerations

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 7 – Quality Residential Environments
- PPS15 (Revised) - Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. At its south-western corner, the site boundary abuts the boundary of the settlement limit of Newtowncloghoge however the site is located outside of any defined settlement boundary within the countryside.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states where the SPPS introduces a change of policy direction and/or provides a policy clarification; that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided primarily by the retained Planning Policy Statement 21, Sustainable Development in the Countryside.

Principle of Development

Policy CTY 1 (Development in the Countryside) of PPS 21 sets out a range of types of development, including housing development, which are in principle acceptable in the countryside and that will contribute to sustainable development.

CTY 8 (Ribbon Development) of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to

a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.

The application site shares a common frontage; on the eastern side of Forkhill Road with no. 44 Forkhill Road; an existing dwelling as well as no. 46 Forkhill Road; south of the application site which hosts a commercial enterprise, comprising a three-storey office building along with an associated yard. Further south is the junction between Forkhill Road and Park View; with no's 1 and 2 Park View fronting the junction and Forkhill Road. Continuing along Forkhill Road, the road bends and a continuous frontage extends in a linear pattern particularly along the south-east side of the road; the same side of the road as the application site.

The context of the application site is that despite the site is wholly within the countryside, outside of any defined settlement limit; part of the site's southern boundary abuts the settlement limit. Noting the existing dwelling further north; no.44 and indeed piecemeal development both residential and commercial further north, the site somewhat reads as within the settlement limit.

The preamble to PPS 21 makes clear that development proposals within settlements and development proposals in the countryside are subject to separate policy considerations. The policy tests applicable to development within settlement limits cannot be relied upon to justify development in the countryside. Consequently, when assessing the proposal, only those buildings and land located within the countryside and relevant to the countryside policy context can be taken into account.

Policy CTY 1 of PPS 21 sets out the types of development that may be considered acceptable in principle in the countryside. Having assessed the proposal against the categories of development listed under Policy CTY 1, it is considered that the proposal does not fall within any of the identified circumstances where development in the countryside would be considered acceptable in principle. As such, the proposal fails to satisfy Policy CTY 1.

The applicant has sought to rely on development located within the adjacent settlement limit in an attempt to demonstrate compliance with Policy CTY 8 relating to ribbon development. However, the site lies outside the settlement limit and must be assessed within its countryside context. The preamble to PPS 21 is clear that settlement and countryside policy areas should not be conflated. Buildings located within the settlement limit form part of the urban area and cannot reasonably be relied upon as frontage development for the purposes of demonstrating compliance with a countryside policy test.

In assessing Policy CTY 8, only those buildings that are located within the countryside and which legitimately form part of the existing roadside frontage can be considered. When development within the settlement limit is excluded from the assessment, there are not a sufficient number of qualifying buildings to establish a substantial and

continuously built-up frontage as required by Policy CTY 8. On this basis, no.46, or buildings fronting the road within the settlement boundary; south of the application site, cannot be included in the application of Policy CTY 8.

Accordingly, the proposal would create or contribute to ribbon development and fails to satisfy the requirements of Policy CTY 8.

For reasons outlined, the principle of the development for this application, is not acceptable and is contrary to Policies CTY 1 and CTY 8 of PPS 21.

CTY 15 – The Setting of Settlements

In addition to the above policy concerns, regard has been had to Policy CTY 15 of PPS 21, which seeks to safeguard the character of the countryside and prevent the erosion of the distinction between built-up areas and the rural area beyond settlement limits.

While the application site immediately adjoins the settlement limit, it remains located within the countryside for planning purposes. The settlement limit represents a deliberate policy boundary separating land considered suitable for urban development from land where development is subject to countryside policies. The proximity of the site to development within the settlement does not alter its countryside status.

The applicant has sought to rely upon buildings located within the settlement limit to demonstrate compliance with Policy CTY 8. However, to do so would undermine the clear distinction between settlement and countryside areas that PPS 21 seeks to maintain. Accepting buildings within the settlement as qualifying frontage development for the purposes of a countryside policy assessment would effectively blur the settlement boundary and diminish its planning purpose.

Policy CTY 15 recognises the importance of retaining the rural character of land beyond settlement limits and resisting forms of development that erode the transition between settlements and the countryside. In this case, the proposal would extend built development beyond the defined settlement limit in a manner that would weaken the visual and policy distinction between the settlement and the surrounding rural area.

Accordingly, the proposal not only fails to satisfy Policies CTY 1 and CTY 8 but is also contrary to the objectives of Policy CTY 15 insofar as it would erode the distinction between the settlement and the countryside and undermine the established settlement boundary.

Access and Parking

This application would result in the formation of new accesses within the central part of the site to serve the proposed dwellings. DfI Roads were consulted on this application and stated no objection subject to conditions and informatives; requiring the reserved matters application to be accompanied by additional detail. Detailed drawings will need

to demonstrate acceptable parking levels in accordance with policy however the principle of proposed new access has been accepted and the development of the site would accord with PPS 3; subject to detail required within the reserved matters application.

PPS15 - Planning and Flood Risk

The application site is not located within a fluvial (river) flood plain nor does the site does not have any surface water flood risk constraints. To this end, the development of the site, accords with PPS 15.

PPS 2 – Natural Heritage

This application is located within the designated Ring of Gullion AONB. Due to this sensitive location, this application was accompanied by a Biodiversity Checklist and an Ecological Statement both completed by ATEC Environmental Consultancy; dated February 2026. This application will result in the removal of some scrub; to ensure the ability to deliver adequate sight lines/visibility splays. The submitted Ecological Statement sets out both a desktop exercise as well as a field study. The Statement concludes that none of the vegetation within the hedges (along site boundaries) were assessed as having significant bat roosting potential and that no evidence of badger activity was identified during the site survey.

The development will involve the removal of species poor, improved grassland assessed as having 'Low' conservation value. An area of scrub along the roadside boundary is stated to likely require removal to accommodate the new access. The removal of this vegetation will be compensated for with new planting with native hedgerow species - the location of new planting will have to be detailed within detailed plans at a reserved matters stage.

It is concluded the proposed development is unlikely to have an impact on foraging, commuting or roosting bats, badgers or smooth newts. However, the scrub along the roadside could be suitable for smaller species of nesting birds. Therefore, in order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests, any necessary clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive. A condition should be secured to any permission ensuring compliance.

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

CTY 16 – Development Relying on Non-Mains Sewerage

On discussion between the applicant and NI Water, the development would be reliant on septic tank(s) for on-site treatment of foul waste. NI Water were reconsulted and withdrew their original stated objection and recommend the securing of appropriate conditions and informative. Subject to design detail in the subsequent reserved matters application and conditions, the proposed development would accord with this policy. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development, this is required to address the treatment plant proposed.

Neighbour Notification Checked

Yes

Summary of Recommendation

The proposal fails Policy CTY 1 as it does not represent a form of development acceptable in principle in the countryside, fails Policy CTY 8 due to the absence of a qualifying ribbon frontage, and is contrary to the objectives of Policy CTY 15 because it would erode the distinction between the settlement and the countryside. Refusal is therefore recommended

Reasons for Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 Development in the Countryside, of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 Ribbon Development of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site sufficient only to accommodate up to a maximum of two houses, is dependent on development inside the settlement limits of Newtownclogue and would, if permitted, result in a ribbon of development along Forkhill Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY15 The Settling of Settlements of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would result in the marring of the distinction between the settlement and the surrounding countryside resulting in urban sprawl.

Case Officer Signature: J MCKEE

Date: 15 May 2026
Appointed Officer Signature: Annamarie Loughan
Date: 17 June 2026

Cole Partnership Architecture and Project Management

12A Duke Street Warrenpoint
Co.Down BT34 3JY

100

Proposed two infill dwellings immediately North of 46 Forkhill Newry. LA07/2025/0897/O

This is an outline planning application for two dwellings immediately North of 46 Forkhill Road Newry.

The criteria for an infill dwelling as per CTY8 of PPS 21 is that the proposed site must be a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up road frontage. The proposed site or sites must respect the existing pattern of development along the frontage in terms of scale, siting and plot size. The definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The planning department are of the opinion that the proposed site does not meet the criteria for an infill for two reasons:

- The site does not represent a small gap site sufficient only to accommodate up to a maximum of two houses, it is dependent on development inside the settlement limits of Newtowncloughoge and would, if permitted, result in a ribbon of development along Forkhill Road
- the development would result in the marring of the distinction between the settlement and the surrounding countryside resulting in urban sprawl

The proposed sites are positioned between 42 and 46 Forkhill Road Newtowncloughoge. No.42 consists of a dwelling and a garage with a frontage on to Forkhill Road, No.46 is a commercial building with associated buildings with frontage on to Forkhill Road, further south along the Forkhill Road are residential dwellings with frontage on to the Forkhill Road. The proposed site is a small gap site with frontage on to Forkhill Road positioned between 3 buildings along a road frontage. The definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear, the proposed site meets this criteria. CTY 8 also requires the proposed sites to respect the existing development pattern in terms of size, scale siting and plot size. As this is an outline application there have been no dwellings designed. However the proposed plot sizes and siting reflect the character of the area. The existing dwelling at No.42 Forkhill Road has a plot width of 40m, the two proposed sites are 38m and 36m wide, the proposal will be in keeping with the character of the area.

The principal concern raised by the Planning Department relates to the use of development within the settlement limit to establish a substantial and continuous built-up frontage. However, it is important to note that PPS 21 does not state that buildings within the development should be excluded from an assessment of road frontage. Rather, the assessment of whether a substantial and continuous built-up frontage exists should reflect the actual physical characteristics and appearance of the site and its surroundings on the ground. In this instance, the proposed sites, together with the existing development, would form a substantial and continuous built-up frontage. The proposed sites are located immediately adjacent to the established development limit of Newtowncloughoge. Development within this gap would therefore represent a logical rounding-off of the settlement, rather than isolated development within the open countryside. The proposal should be considered in the context of the existing built form and settlement pattern, rather than treating the sites in isolation.

Precedent has been set within Northern Ireland planning committees where development within settlement limit and countryside have been accepted to provide 'a substantial and continuous built-up frontage'. Planning application LA01/2024/1045/O was recommended for refusal. However at planning committee it was agreed that the buildings required for a built-up frontage in the settlement limit and countryside was acceptable, there was a responsible pattern of development and this type of development has already been accepted by the planning appeals commission.

Planning appeal 2017/A017 clearly shows that development for infill dwellings using development within the countryside and settlement limit is acceptable. The commissioners report shows that development on the edge of development limits is acceptable as proposals in these positions would read as 'an integral, albeit extended part of the urban fabric' of the

development limit of settlements and although contrary to policy 'if constructed would have no detriment to the rural character would be visually apparent'. The proposed sites about the development limit of Newtowncloughoge and are positioned within an area that consists of residential and commercial buildings which are positioned out of the development limit. The case officer report states that 'the site somewhat reads as within the settlement limit'. The proposals would have no detrimental effect on the character of the area and would read as part of the development limit of Newtowncloughoge which the case officers reports agrees with.

In the planning appeal, which resembles our proposal, the commissioner determined that granting the proposal for two infill sites would not result in 'visual detriment to rural character' and concluded that there are 'overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision'

The planning department feel that the proposed sites may mar the distinction between settlement and countryside and result in urban sprawl. However given the build-up of residential and commercial properties at this section of the Forkhill Road there already is a visual connection between countryside and settlement limit which makes the settlement limit difficult to define. This is confirmed in the case officers report when it states that 'the site somewhat reads as within the settlement limit' indicating at this location there is no distinction between countryside and development limit. The proposed sites are positioned in the centre of the residential and commercial area. The development cannot lead to urban sprawl as they are in the middle of existing development

The proposed sites could not result in ribbon development, approval of these sites will not allow for further development at this location along the Forkhill Road as other sites will not meet the requirements for infill opportunity. As the proposed sites are positioned within existing build-up of residential and commercial buildings it is not possible for the sites to create urban sprawl.

No where in PPS 21 does it state that buildings within the development must be excluded from a road frontage assessment to establish a substantial and continuous built-up frontage.

The proposed sites are situated within an established area of residential and commercial development. Furthermore, the Case Officer's report acknowledges that "the site somewhat reads as within the settlement limit". In these circumstances, approval of the proposals would not represent a significant encroachment into the countryside nor would it materially alter the perceived distinction between the settlement limit and the surrounding rural area.

Any dwelling designed at the proposed site would be designed to minimise visual impact through the use of low ridge heights, 6.5m similar to other dwellings in the area, the retention of established mature vegetation, and the introduction of additional landscaping. Consequently, any visual effects would be appropriately mitigated and would not result in an adverse impact sufficient to justify refusal of the application.

We feel that the information presented shows that the proposal meets the criteria for infill dwellings.

Delegated Application

Development Management Officer Report	
Case Officer: Karen Reid	
Application ID: LA07/2024/1283/O	Target Date:
Proposal: Proposed Erection of Farm Dwelling House and Detached Domestic Garage, Ancillary Site Works	Location: Lands 95 Metres North of No. 11 Lesh Road, Newry, Co. Armagh, Northern Ireland, BT35 6NF.
Applicant Name and Address: G & G Rafferty No. 24 Cullentragh Road Lissummon Newry BT356SD	Agent Name and Address: Barney Mc Kevitt Mourne House 3 Downshire Close Newry BT34 1FD
Date of last Neighbour Notification:	29 March 2025
Date of Press Advertisement:	
EIA Determination: N/A	
Consultations: - DAERA – Confirm the business has been in existence more than 6 years, claims payments and that the proposed site is located on lands for which payments are currently being claimed by the farm business. - NIEA – Refer the Planning Authority to the new DAERA Standing Advice – NED – Single dwellings - DFI Roads – No objections in principle to the application subject to planning conditions. - Environmental Health – No objections in principle to the proposal, informatives provided.	
Representations: No objections or representations have been submitted for consideration.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit:	
Site Characteristics & Area Characteristics: The application site is located within the rural countryside outside any settlement development limits as defined within the Banbridge, Newry and Mourne Area Plan 2015. The application site is approx. 0.27 hectares in size and comprises part of an existing agricultural field. The site can be access directly from the Lesh Road, and the entrance is defined by a metal farm gate. The existing field entrance is narrow and gradually widens as it open into the larger agricultural field. The western boundary of the site which is the existing field boundary consists of matured vegetation and hedging whilst the northern and eastern boundaries of the site undefined. Two structures are located along the eastern boundary of the wider agricultural field.	
Description of Proposal Proposed Erection of Farm Dwelling House and Detached Domestic Garage, Ancillary Site Works	
Planning Policy & Material Considerations - Banbridge, Newry and Mourne Area Plan 2015 - Strategic Panning Policy Statement for Northern Ireland (SPPS) - Planning Policy Statement 21 - Planning Policy Statement 3 / DCAN 15 - Planning Policy Statement 2 - Building on Tradition	
Planning History: No relevant planning history.	

Objections & Representations:

Two neighbours were notified of the proposal on the 14th of March 2025. The proposal was advertised in the local press on the 25th of February 2026. No objections or representations have been submitted for consideration.

Planning History:

No relevant planning history for the application site.

Consultations:

- DAERA – *Confirm the business has been in existence more than 6 years, claims payments and that the proposed site is located on lands for which payments are currently being claimed by the farm business.*
- NIEA – *Refer the Planning Authority to the new DAERA Standing Advice – NED – Single dwellings*
- DFI Roads – *No objections in principle to the application subject to planning conditions.*
- Environmental Health – *No objections in principle to the proposal, informatives provided.*

Correspondence with Agent / Applicant

Following a site inspection and internal discussion of the application the previous case officer contacted the agent to advise that the department were concerned with the 'buildings' shown on the site location plan in that the department did not consider the structures on site to constitute buildings for the purpose of policy and therefore the proposal is considered contrary to criterion (c) of Policy CTY 10 (PPS 2). A substantive response was received from the Agent on the 27th of August 2025 and this has been considered by the department. and will be assessed within the assessment section of this report.

Consideration and Assessment:

Proposal:

The proposal is an outline application for the erection of a farm dwelling and detached domestic garage with ancillary site works. No floor plans or elevations have been submitted with this application; these would be required at reserved matters stage.

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site lies outside any settlement limits, as designated within this Plan.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such time as a Plan Strategy for the whole of the Council Area has been adopted. It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangement must be resolved in favour of the provisions of the SPPS.

As there is no significant change to the policy requirements for the proposal following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS 2, PPS

3 and PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 21: Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes dwellings on a farm if it is in accordance and meets the policy requirements of CTY 10.

Policy CTY 10 – Dwellings on Farms

Policy CTY 10 states planning permission will be granted for a dwelling on a farm where all of the following criteria are met;

(a) the farm business is currently active and has been established for at least 6 years;

The Farm Business ID was allocated in 2004, is a Category 1 Farm, has been in existence for more than 6 years, single farm payments are claimed and the site is under the control of the farm business. It is considered the farm business is both active and established for the requisite period. Criterion A has been met.

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and;

The planning history has been investigated throughout the past 10 years using the farm maps supplied by the applicant and online search engines. The information submitted in support of the application is also noted. It is considered no dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years and therefore this criterion is met.

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or*
- verifiable plans to expand the farm business at the existing building group(s).*

Following a site inspection, the 'buildings' shown on the site location plan appear to be structures comprising of corrugated metal sheets fixed to a basic timber post framework, one of the buildings is open fronted on the front elevation. The second structure has a gated entrance at one end. These structures are located within the same agricultural field as the proposed site. The department have carefully considered the information submitted by the agent in there supporting statement, however, do not consider that these structures constitute buildings for purposes of policy and as such they cannot be regarded as forming an established group of farm buildings for the purposes of Criterion (c) of Policy CTY 10.

A relevant PAC decision 2019/A0105 considered a similar case with reference to what constituted a building. The PAC decision stated in paragraph 5.7 and 5.8; *(A Copy of this PAC decision has been published on the documents tab)*

'The structure is a corrugated metal arrangement and its structural element comprises timber posts. Whilst the posts have been embedded in concrete, it has no typical foundations or accompanying hard standing...The absence of a formal hard-standing curtilage or typical foundations or indeed any base which links it to the ground in a permanent manner indicates that it is not of a typically permanent construction. The metal cladding, once used for providing shelter is badly weathered and, in several places, warped and worn away. Whilst the structure has been present at the site over a reasonable timescale, it is currently in a ruinous state'

'While the structure is fixed to the ground by fence posts, none of the external or internal walls are attached to the ground or are load bearing. Therefore, the only elements of the structure which make contact with the ground are the posts themselves. These are grounded in concrete to provide support to the structure providing a degree of physical attachment, but it could be dismantled easily. As alluded to above, the mere fact that something has been on land over time with a degree of physical attachment does not necessarily make it a building and for reasons given, the subject structure cannot be regarded as a building under the policy'



Figure 1 Images of structures taken during site visit 06/06/2025

Policy CTY 10 further states that, in exceptional circumstances, consideration may be given to an alternative site on the farm where there are no other suitable locations available at an existing group of buildings on the farm or an out-farm, provided one of two additional criteria is satisfied (relating to health and safety reasons or verifiable plans to expand the farm business). No substantive evidence has been submitted to engage this element of the policy. It has not been demonstrated that the proposed dwelling would be visually linked to or cluster with an established group of buildings on the farm, and the proposal does not qualify as an exceptional case. Accordingly, it is considered that Criterion (c) of Policy CTY 10 is not met, as the proposed dwelling would not suitably cluster with an established group of farm buildings. The proposal therefore fails to comply with Policy CTY 10.

Building on Tradition Design Guide

The development of a farm dwelling must also satisfy the integration policies of CTY 13 and CTY 14 as well as ribboning Policy CTY 8. Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Sustainable Design Guide for the Northern Ireland Countryside is taken into account in assessing all development proposals in the countryside. Supplementary guidance on the assessment of farm dwellings advises that new buildings should be positioned sensitively so as to form an integral part of that building group, or

when viewed from surrounding vantage points, the new building reads as being visually interlinked with those buildings.

CTY 8: Ribbon Development

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Para 5.32 set out that 'ribbon development' is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land development. The application site sits adjacent and west of Lissummon GFC which includes a Club House and pitch which have frontage onto the Lesh Road. The proposed dwelling and garage would, if approved, add to this existing ribbon of development which is contrary to Policy CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

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

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

In assessing the above, it is considered that a suitably designed dwelling could not integrate into the site and would become a prominent feature within the existing landscape. The site forms part of an agricultural field and while the site has some established natural boundaries to the west, the northern and eastern boundaries are undefined. The proposal would therefore rely primarily on the use of new landscaping for integration. As this is an outline application ancillary works and the design of the building would be assessed at Reserved Matters stage. The proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. As the application relates to a proposed dwelling on a farm criterion (g) is also triggered. As set out above, the department considers that there are no existing established buildings on or adjacent to the site to enable such clustering. Consequently, the proposed dwelling would appear as an isolated structure, visually detached from any building group. The lack of integration would result in the dwelling appearing as a standalone and prominent feature within the landscape, failing to blend with its surroundings and thereby detracting from the rural character of the area. The proposal is therefore considered contrary to Criterion A, B,C,F and G of CTY 13.

CTY 14 – Rural Character

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

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or

- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As noted above the application site is located within a larger open agricultural field resulting in limited enclosure and a lack of established natural boundaries. This would cause the development to appear unduly prominent in the landscape and prevent it from interrogating successfully into its rural surroundings. The application site is adjacent and west of Lissummon GFC, this includes a Club House and pitch which have frontage onto the Lesh Road. The proposed dwelling and garage if approved would result in a suburban style build-up of development. The traditional pattern of development in the vicinity are detached dwellings, neighbouring properties are set back from the public road, the proposal would respect the traditional pattern of development exhibited in the area. As previously set out in this report, the proposed dwelling and garage would, if approved, add to an existing ribbon of development. As previously set out, the proposed ancillary works would be assessed at reserved matters stage. The proposal is therefor considered contrary to Criterion A, B and D of CTY 14.

CTY 16: Development Relying on non-mains sewerage

Following consultation with NIEA the Planning Authority are referred to DAERA Standing Advice – Single Dwellings. The application complies with Policy CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Residential Amenity

The nearest neighbouring residential property is No 11 Lesh Road located south of the application on the opposite side of the public road. It is considered that there is ample curtilage space for a dwelling to be sites on without impacting on neighbouring amenity, and case officers are satisfied that plans could be submitted at any subsequent RM stage which would achieve an acceptable separation distance between the proposed site and neighbouring properties, which would avoid unacceptable overlooking, overshadowing or loss of light.

Environmental Health were also consulted as part of this application as the proposed dwelling is located in close proximity to an existing GAA club facility, Lissummon GFC, which operates with floodlighting. As such, future residents may be exposed to noise from club activities and to obtrusive light from the floodlights. Environmental Health have no objection in principle to the proposal, however, at the subsequent planning stage Environmental Health requests that the applicant submits a Lighting Impact Assessment prepared by a suitably qualified lighting professional. The assessment must quantify likely light levels at the proposed dwelling (including vertical illuminance at façades and within private amenity areas, and potential glare) and demonstrate compliance with the Institution of Lighting Professionals. The applicant may wish to consider screening and/or design features to the rear of the property, to minimise potential loss of amenity to this property from the neighbouring GAA playing field. Advice should be sought from an acoustic consultant with respect to suitable glazing and if necessary acoustic ventilation to ensure suitable internal acoustic design targets are met.

PPS 3: Access, Movement and Parking

Policy AMP 2 of PPS 3 stats that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

A consultation response from DFI Roads indicates no objections to the proposal subject to conditions.

PPS 2: Natural Heritage

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance Policy NH 5 of PPS 2 provides the planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impacts or damage to known, priority habitats, species or other features of natural heritage importance. This includes species protected by law. Following s site visit, there is no evidence of any impact on species protected by law or Habitats, Species or Features of Natural Heritage Importance and therefore the proposal is considered consistent with policy NH2 and NH5.

Summary: All information submitted has been duly considered throughout the assessment and processing of this application. On the basis of this assessment, refusal is recommended.

Neighbour Notification Checked	Yes/No
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Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 Development in the Countryside, of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building is not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon of development along the Lesh Road and does not represent an exception to policy.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 Integration and Design of Buildings in the Countryside, of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:
 - the proposed development would be a prominent feature in the landscape,
 - the 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 proposal relies primarily on the use of new landscaping for integration

- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - it is not visually linked or sited to cluster with an established group of buildings on a farm. 5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14, Rural Character of Planning Policy Statement 21 Sustainable Development in the Countryside, in that: - The new dwelling will unduly prominent in the landscape - it results in a suburban style build-up of development when viewed with existing and approved buildings - It adds to a ribbon of development
Case Officer Signature: K. Reid
Date: 07/05/2026
Appointed Officer Signature:A Loughan
Date:08/05/2026

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Erection of farm dwelling and detached domestic garage, ancillary site works, located Upon Lands 95m north of No. 11 Lesh Road, Newry, BT35 6NF. – Mr. Gerry Rafferty.

1. Introduction

It is important for the committee to note at the outset that the application satisfies the majority of the policy tests engaged. Criterion (a) of Policy CTY10 is met, the farm business, allocated in 2004, is confirmed by DAERA as active and established for the requisite period. Criterion (b) is met no dwellings or development opportunities have been sold from the holding. Every technical consultee DFI Roads, Environmental Health, and NIEA (via DAERA Standing Advice) have confirmed no objection in principle. No neighbour, resident, or member of the public has submitted any objection or representation.

- **The refusal therefore turns entirely on a single contested question of interpretation under Criterion (c) of CTY10, together with consequential findings under CTY8, CTY13 and CTY14 that flow from it.**

2. The Building(s) Definition Under CTY10(c) Has Not Been Properly Assessed on This Site's Facts.

The case officer's report describes two structures on the eastern boundary of the field as "corrugated metal sheets fixed to a basic timber post framework," one open-fronted and the other with a gated entrance. Rather than assessing the physical characteristics of these specific structures, their foundations, method of fixing, age, and condition and the officer's conclusion that they are not "buildings" for policy purposes is reached by direct comparison to PAC decision 2019/A0105, a different case concerning a different structure entirely.

This is a material flaw in the assessment. The PAC's reasoning in 2019/A0105 was fact-specific, it turned on that structure's absence of foundations or hardstanding, its ruinous and weathered condition, and the ease with which it could be dismantled.

Nowhere in the case officer's report for this application is any equivalent finding made about the Lesh Road structures and there is no assessment of their foundation, their condition, or their permanence. A precedent decided on one structure's specific physical state cannot be transplanted wholesale onto a different structure without first making the same factual inquiry.

The farm Buildings identified are indicated on the OSNI Map, they have been in situ for over 50 years and predate the existing Lissummon GAA football pitch. An adjoining farm building had been demolished during a storm and the existing buildings have been used by the applicant since.

The existing agricultural buildings on the holding have been physically established on the land for well over 50 years, a period which far exceeds both the introduction of modern planning control in Northern Ireland (circa 1970–1973) and the statutory enforcement window under the Planning Act (NI) 2011. Their long-term permanence, continued functional use, and complete absence of any enforcement action mean that they are lawful by operation of time and do not require a Certificate of Lawfulness to confirm their status.

As pre-1970 agricultural development, they are inherently exempt from the need for express planning permission and must be treated as permanent, established buildings for all policy and assessment purposes, including CTY10 clustering. CTY10 does not define "buildings", and the correct approach is a fact and degree assessment of what is actually on this site, not the automatic application of another case's conclusion. The policy does also not define any particular size of a farm building to be compliant.

CTY 10 does not apply a permanency test to the buildings for the purpose of policy. Given both buildings are attached and concreted into the ground and cannot be easily removed, the applicant would disagree that these

Planning Application: LA07/2024/1283/O

are a temporary structure. The Planning Act (Northern Ireland) 2011 defines “building” in Section 250(1) as follows: **“‘building’ includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.”**

It is noted that the report finds no substantive evidence has been submitted to engage the exceptional circumstances provision of Criterion (c) of Policy CTY 10. This is disputed. The alternative siting was discussed directly with the previous case officer, at which point the reasons why the dwelling could not be located at or clustered with the main farm buildings were demonstrated and accepted. This acceptance does not appear to have been carried forward into the current assessment, and it is requested that it now be given due weight in reconsidering the application against Policy CTY 10.

The committee is respectfully asked to treat this as an unresolved factual question rather than a settled one, and to either accept that the structures, being fixed, roofed in part, and long-standing features of the holding, are capable of forming an established building group, or to require a site-specific assessment against the correct test before refusing on this ground alone.

3. Policy CTY8 (Ribbon Development) Is misapplied.

The officer's finding that the proposal would add to a ribbon of development rests on the presence of the Lissummon GFC clubhouse and pitch fronting Lesh Road. Policy CTY8 is concerned with the cumulative, built-up pattern created by dwellings along a road frontage. A single community sports facility does not constitute the kind of frontage development the ribbon policy is designed to prevent, and no other dwellings are identified as forming a ribbon pattern for this proposal to add to. Further, where a farm dwelling meets the tests of CTY10, CTY8 should not operate to defeat that entitlement on the strength of one unrelated building of a wholly different character.

4. CTY13 and CTY14 Conclusions Are Not Supported by Any Visual or Landscape Evidence

The report concludes the proposed dwelling would be a “prominent feature” and would cause a “suburban style build-up,” yet no photomontage, landscape character assessment, or visual analysis has been carried out to support either conclusion. The site's western boundary already benefits from mature vegetation and hedging, the design, scale and precise siting of the dwelling remain reserved matters consideration not yet before the council.

It is considered unfair to endorse a finding of visual harm that has not been evidenced, particularly where the applicant has had no opportunity to address a landscape objection through submitted plans at this outline stage.

5. Conclusion and Request

The applicant is considered an active farmer, therefore entitled to a dwelling under policy CTY10 and his son now intends to build on their farm, whilst raising their children in the local community in a safe environment. It has been demonstrated that the applicant complies with the clustering requirements of Criteria C f CTY10, given the site is adjacent to existing permanent farm buildings.

We therefore respectfully request the planning committee afford these material considerations their appropriate weight and overturn the case officer's recommendation to refuse the application.

Committee Application

Development Management Officer Report	
Case Officer: Karen Reid	
Application ID: LA07/2024/0308/O	Target Date:
Proposal: Proposed 2 storey dwelling house with half basement to rear of 8 Hospital Road.	Location: TO THE REAR OF 8 HOSPITAL ROAD CARNAGAT NEWRY BT35 8PW
Applicant Name and Address: Joann O'Hanlon 20 Slievenagarragh Hilltown BT34 5BF	Agent Name and Address: Michael J Delahunt 4 Elmgrove Rathfriland Road Newry BT34 1GZ
Date of last Neighbour Notification:	18 December 2024
Date of Press Advertisement:	9 October 2024
ES Requested: No	
Consultations: - DFI Roads – No objection subject to planning condition - NI Water – Approved with standard planning condition - Historic Environment Division (HED) - (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. - Environmental Health (Newry, Mourne and Down district council) – Have no objections to this proposal - NIEA – WMU – Refer the Planning Authority to DAERA – Standing Advice – Single Dwellings.	
Representations: No objections or representations have been submitted for consideration.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 19/02/2025

Site Characteristics & Area Characteristics:

The application site is located in an urban area within the settlement development limits of Newry. The site is also located directly adjacent to land zoned for housing (NY 30) as set out within the Banbridge, Newry and Mourne Area Plan 2015.

The site itself is a vacant area of land to the rear of No 8 Hospital Road, Newry. Access to the site is currently afforded through the curtilage of No 8. The application is set on a sloping site which rises sharply from east to west. The surrounding location is characterised by semi-detached and detached dwellings fronting onto the Hospital Road, with Daisy Hill Hospital located within close proximity.



Images taken during site inspection 19/02/2025

Description of Proposal

Proposed 2 storey dwelling house with half basement to rear of 8 Hospital Road.

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan (2015)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- DCAN 5 – Vehicular Access Standards.
- Parking Standards
- PPS 6 – Planning, Archaeology and Built Heritage
- PPS 7: Quality Residential Environments
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 – Housing in Settlements
- Creating Places

Planning History:

Planning Reference: P/1974/0791

Proposal: Proposed Improvements to Dwelling House

Decision: Approved

Planning Reference: P/1977/0352

Proposal: Proposed Site of Confectionary Shop

Decision: Refusal

Consultations:

- DFI Roads – No objection subject to planning condition
- NI Water – Approved with standard planning condition
- Historic Environment Division (HED) - (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- Environmental Health (Newry, Mourne and Down district council) – Have no objections to this proposal
- NIEA – WMU – Refer the Planning Authority to DAERA – Standing Advice – Single Dwellings.

Objections & Representations:

Four neighbours were initially notified of the proposal on the 27th of September 2024. These four neighbours were there re-notified on the 4th of December 2024. A further eight neighbours were also initially notified on the 4th of December 2024. The proposal was also initially advertised in the local press on the 30th of April 2024 and the 1st of May 2024 and then re-advertised on the 8th and 9th of October 2024. No objections or representations have been submitted for consideration.

Consideration and Assessment:

Correspondence with Agent / Applicant:

Following a site inspection, review of the case and internal group discussion an email was issued to the Agent on the 20th of March 2025 setting out that the proposal was considered contrary to

PPS 7 and the Addendum to PPS 7. No additional information has been submitted by the Agent for consideration.

Proposal:

The proposal is an outline application for the erection of a detached two-storey dwelling with a half basement to the rear. The Agent / Applicant has indicated on the P1 Form that the External Appearance and Landscaping is to be reserved for subsequent approval and more details plans would be required at reserved matters stage.

The proposed layout is shown below;



Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP) so far as material to the application and to any other material considerations. The application site is currently within the settlement limits of Newry as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is un-zoned. There are no specific policies in the Plan that are relevant to this proposal therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there are no significant change to the policy requirements for residential development following publication of the SPPS, the retained planning policy is PPS 7, PPS 7 (Addendum), PPS 3, PPS 12 and other relevant guidance. This Policy will be given substantial weight in determining the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 7 – Quality Residential Environments:

Decisions regarding planning applications within settlement limits are assessed against PPS 7. Planning Permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

All proposals for residential development must conform to the criteria noted within Policy QD1 – Quality in New Residential Development:

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

The proposal while outline has submitted a site layout with floor plans and elevations to demonstrate how a dwelling at this location could be accommodated. The plans show a detached two storey split-level building orientated towards the public road and the rear of No 8 Hospital Road. It is noted that there is a mix of development exhibited along the Hospital Road with the immediate area being two-story detached and semi-detached dwellings. As shown in the site location plan these neighbouring properties are set in modest plot sizes. The area is highly residential with houses to the north and south and the 'Stoney Hill' housing development located to the rear of the site which includes semi-detached dwellings and apartment blocks. The proposal seeks to erect a two-storey split level dwelling to the rear of No 8 Hospital Road, the construction will involve the creation of a new driveway to the side and rear of No 8. In order to accommodate the steep slopes on site retaining walls are also proposed to be provided to the new driveway and dwelling house.

It is considered that the proposed dwelling at this location would be inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions. The siting of the proposed dwelling to the rear of No 8 would appear out of place with the pattern of development exhibited along the Hospital Road. Further, the scale of the proposed two-story dwelling is not considered appropriate for the site. In order to accommodate this on the site extensive land reshaping and the use of prominent retaining structures would be required given the topography of the sloping site. These are considered unacceptable as they would be visually intrusive and inappropriate to the character of the area.

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

The application site is located within an archaeological site and monument consultation zone. Following consultation with HED, it has been confirmed that the proposal is satisfactory to SPSS and PPS 6 Archaeological policy requirements.

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

Creating Places provides a figure that private amenity space for family sized homes should be around 70 sq/m or greater for back garden provision. The site layout plan indicates a level of private open space which exceeds the minimum requirements. Given the scale of the proposed development, there is no requirement for the provision of public open space.

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

Given the nature, location and scale of the proposal, there is no requirement for the applicant to provide local neighbourhood facilities nor will any existing facilities be impacted upon as a result of this development.

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

The site is located within the settlement limit, there are no issues with regards to walking and cycling and provision for public transport is already in place within close proximity, this development will not impact on the existing arrangements.

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

The requirement for adequate provision for parking is also set out in Policy AMP 7 of PPS 3. The site layout plans provided show an attached garage on the ground floor of the proposed dwelling which would provide in curtilage parking for one vehicle. An additional vehicle could also be parked to the front of the property, where there is a level area with sufficient space for access and turning arrangements, this is considered acceptable.

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

As this is an outline application, the design and external appearance of the dwelling would be assessed at Reserved Matters stage.

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

The site does not create conflict with adjacent residential land uses. It is considered that the proposed dwelling on this site would have an unacceptable and adverse effect on the amenity of the existing dwelling No 8 Hospital Road. Given the topography of the site with the land sloping gradually from east to west, any new dwelling located within the application site will sit at a higher level than No 8 and would result in some level of overlooking, particularly over the rear amenity area of No 8. Further, there is the potential for overshadowing/ loss of light from the prominent retaining structures that are required to accommodate a dwelling on the site. The proposed layout would also result in potential traffic disturbance to the neighbouring dwelling No 8, given the shared entrance and how close the proposed driveway is to the rear elevation.

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

The proposal is for a dwelling within a built-up urban area with passive surveillance surrounding the area.

The proposal is considered unacceptable in that it does not comply with all of the criteria outlined above.

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity

Policy LC 1 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced. This approach, together with existing policy in PPS 7, is supplemented by the provisions of PPS 12 'Housing in Settlements' (published July 2005). Planning Control Principle 1 'Increased Housing Density without Town Cramming' advises that: *'When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents'.*

Policy LC 1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

It is not considered that the proposed density would be significantly higher than that found in the surrounding area. However, it is considered that the proposal would appear out of place with the pattern of development exhibited along the Hospital Road. The scale of the proposed two-story dwelling is not considered appropriate for the site and the extensive land reshaping and use of prominent retaining structures are considered to be visually intrusive and out of keeping with the overall character and environmental quality of the established residential area.

The proposal is considered unacceptable in that it does not comply with all of the criteria outlined above.

PPS 3 – Access, Movement and Parking

Policy AMP 2 - Access to Public Roads

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

The proposal involves the alteration of an existing access on the Hospital Road. DfI Roads were consulted on this application and have no objections in principle to the proposal subject to conditions and the submission of detailed plans at Reserved Matters stage.

Policy AMP 7 - Car Parking and Servicing Arrangements

Policy AMP 7 of PPS 3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Parking Standards (2005) sets the required amount of parking to be provided for each type of development. In accordance with Table 8 of Parking Standards, a minimum of 2.5 in curtilage parking spaces would be required to serve a 3-bedroom detached dwelling. The indicative plan shows a driveway to the front of the property and an internal garage on the ground floor which would provide in curtilage car parking space along with sufficient access and turning arrangements, this is considered acceptable. DfI Roads were consulted on this application and have no objections.

Provision of services

As indicated on the P1 application form, the proposal seeks to make use of the mains sewage network to treat foul waste. NI Water were consulted on the application and offered no objections subject to standard planning conditions.

Planning Policy Statement 6 – Planning, Archaeology and Built Heritage

The application site is within an Archaeological site and monument consultation zone. A consultation was issued to Historic Environment Division (HED) who advised Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

PPS 2 – Natural Heritage

Policy NH 2 and NH 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

A completed Biodiversity Checklist was submitted as part of the application. The checklist found that the proposed development would likely have no adverse effect on any biodiversity and natural heritage interests and that no further ecological assessments or surveys were required. Having reviewed the Biodiversity Checklist and undertaken a site inspection the department are satisfied that no further natural heritage assessment is required.

Neighbour Notification Checked	Yes
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Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality

Residential Environments' part (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions.

2. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (h) in that the proposal would, if permitted result in an unacceptable adverse effect on the existing property No 8 Hospital Road in terms of overlooking, loss of light and overshadowing.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b) as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: K. Reid

Date: 21/10/2025

Appointed Officer Signature: Annamarie Loughan

Date: 21/10/2025

Addendum:

This Addendum is supplementary to the above Case Officers Report signed 21st of October 2025. The report for application LA07/2024/0308/O appeared on the weekly list dated the 27th of October 2025 recommended as a refusal. The application was subsequently discussed at call in panel on the 25th of November 2025. The application was deferred to allow for the amendment of the application description to remove the 2-storey element, with subsequent neighbour notifications to be issued to allow for a valid application. With regard to this application, despite having appeared on a weekly list and been recommended, it remains a live application and the Planning Department can assess further.

On the 18th of February 2026 the Agent submitted an amended P1 application form changing the description of the proposal to 'Proposed site for dwelling and carport.'. The Agent also submitted a supporting statement and concept plan for information purposes only.

Objections & Representations:

Twelve neighbours were re-notified of the proposal on the 18th of February 2026 following the submission of new material including an amended description. The proposal was also re-advertised in the local press on the 3rd and 4th of March 2026. No objections or representations have been submitted for consideration.

Consultations:

No further consultations were required.

Consideration and Assessment:

The proposal is an outline application for the erection of a dwelling and carport. The applicant's agent submitted a supporting statement and concept plans for consideration on the 18th of February 2026 which appear to show a dwelling that is split level in design.

Following consideration of the new material submitted the departments opinion remains that a proposed dwelling at this location would be inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions. The siting of the proposed dwelling to the rear of No 8 would appear out of place with the pattern of development exhibited along the Hospital Road. Further, whilst the agent has set out in the supporting statement that *'Constructing a car port essentially masks the retaining structure that would otherwise have been required along the western part of the parking area'* the department consider that in order to accommodate any dwelling on the proposed site extensive land reshaping and the use of prominent retaining structures would still be required given the topography of the sloping site. These are considered unacceptable as they would be visually intrusive and inappropriate to the character of the area.

The departments concerns also remain in that it is considered that a proposed dwelling on this site would have an unacceptable and adverse effect on the amenity of the existing dwelling No 8 Hospital Road. Given the topography of the site with the land sloping gradually from east to west, any new dwelling located within the application site will sit at a higher level than No 8 and would result in some level of overlooking, particularly over the rear amenity area of No 8. Further, whilst this is an outline application the most recent indicative plans submitted include a car port located close to the rear of No 8 which has the potential for overshadowing/ loss of light. The indicative layout would also result in potential traffic disturbance to the neighbouring dwelling No 8, given the shared entrance and proximity of the driveway and carport to the rear elevation.

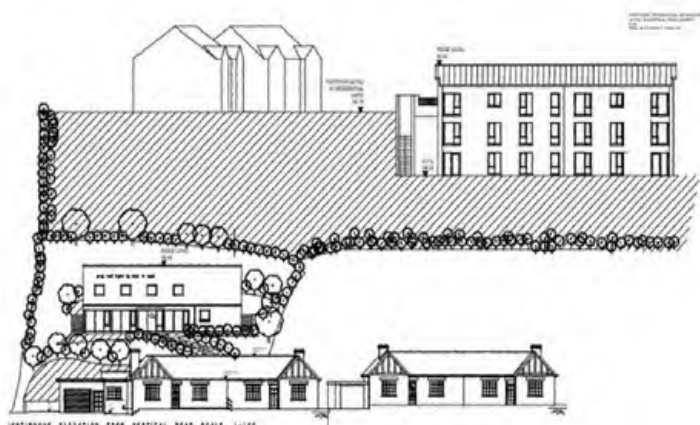


Figure 1 Contiguous Elevation from Hospital Road

Having assessed the amendments to the proposal against relevant policy I am satisfied that the recommendation of a refusal remains unchanged. The proposal remains contrary to Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) & (h) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b).

Reasons for Refusal:

- 1.The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions.
- 2.The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (h) in that the proposal would, if permitted result in an unacceptable adverse effect on the existing property No 8 Hospital Road in terms of overlooking, loss of light and overshadowing.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy LC1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, part (b) as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: K Reid

Date: 18/03/2026

Appointed Officer Signature: Annamarie Loughan

Date:19/03/2026

LA07/2024/0308/O Site for dwelling to the rear of 8 Hospital Road, Newry

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- 1) This site lies within the settlement limit for Newry, within which there is a presumption in favour of new residential development. This presumption applies, provided a proposal will not result in demonstrable harm to local character, environmental quality or neighbouring residents' amenity. We believe this proposal is compliant in all these respects.
- 2) The site lies in a built up urban area. It is not in an area of special townscape character or a Conservation Area. There are no listed buildings within the site's environs.
- 3) Boundaries are established and there is a well vegetated backdrop to the site, none of which will be compromised to secure this development.
- 4) Overarching policy advocates increasing urban density in areas like this, which are close to city centres and are highly accessible on foot or by public transport.
- 5) Although the ground is rising, there is a multi-storey and multi-unit apartment development above the site. That development features prominently above this western part of Newry. The site lies comfortably below that site, and will be framed by a backdrop of mature vegetation, ensuring that any development on this site is not prominent in this locality.
- 6) Although the field rises above the applicant's house, the site is large enough to ensure that a dwelling could be set back far enough to avoid overlooking the existing house.
- 7) The applicant seeks outline planning permission only. That means that matters of siting, design, external appearance, access and landscaping will all be reserved for future approval.
- 8) The applicant is entirely open-minded in terms of how the house could be designed.
- 9) The first refusal reason suggests *that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of plot size, layout, scale and proportions*. In reality however the site is larger than all of the adjacent plots on this part of the Hospital Road frontage.
- 10) There is nothing to suggest that the site layout is inappropriate, since full or final plans have not been put forward for consideration. Indicative sketches have been submitted, for information purposes only. This shows a single dwelling in the middle of the site. It could easily have been pushed back on the site. The indicative layout provided shows that the site will not be over developed. It will not be dominated by masses of hard standing, or by prominent retaining walls. It has avoided the need for these, by relying upon an innovative split-level design.
- 11) It is unclear where the concerns in relation to scale and proportions arise from, since the final design, siting or site layout have not been settled upon. But the site is large enough to allow for even a generously-sized house without being dominant or overbearing.
- 12) It is suggested that the proposal would, if permitted result in an unacceptable adverse effect on the existing property No 8 Hospital Road in terms of overlooking, loss of light and overshadowing. We disagree with this analysis for a number of reasons. Firstly, the house that will purportedly be impacted upon is owned by the applicant. Refusing permission on this basis would be akin to refusing an application for a wind turbine on noise grounds, when it is an applicant's own property that will be impacted. In any case, the site is elevated, meaning that views outwards from the new house would likely be over the roof of the applicant's existing house below. Additionally, there is an abundance of space to allow for the introduction of planting, between the two houses. This would further reduce the potential for overlooking.
- 13) It is suggested that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area. It is assumed that this is because there are no other plots along this frontage that have "backland development". But

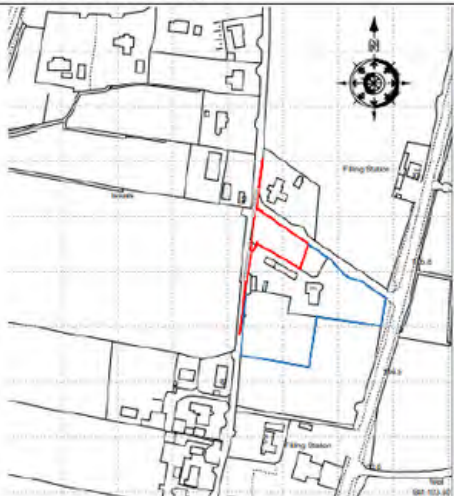
LA07/2024/0308/O Site for dwelling to the rear of 8 Hospital Road, Newry

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there is a very valid reason for this: this is the longest plot on this frontage. The boundaries all narrow significantly as you travel further up Hospital Road. None of the other plots have the same potential to secure a separate access to the rear lands either. It must also be remembered that the site is not in an area of distinct townscape character.

- 14) The mere fact that this proposal would be the first new dwelling along this short stretch of Hospital Road is not sufficient to make the proposal disrespectful of the character of the area (criterion a of Policy QD 1) or disrespectful of the pattern of development (criterion b of Policy LC 1). There will be no impact upon environmental quality or local character (the main requirements of Policy QD 1).
- 15) Whereas it is suggested the pattern of development does not respect that of the surrounding area, the site's immediate context is dominated by a large multi-unit apartment block immediately above it. That is a landmark building in the local area, and the proposal is more than respectful in relation to this.
- 16) The applicant's concept anticipated a car port to the rear of the applicant's existing house. This would be a less expensive solution than a garage. It would also help buffer the space between the existing and the new dwellings. It would actually enhance privacy and it would also mask some of the sub-structure / under build to the new dwelling. This was an entirely conceptual idea. It was not and is not set in stone. It was contemplated because it could have been sited behind a part of the existing dwelling that has no windows. As there are no windows to that part of the existing house, the proposal would not have resulted in any perception of dominance, and it could not have resulted in overlooking. Officers have two concerns in this respect however: Impact on the area's character; and 2) Impact on No. 8.
- 17) In reality however, the visual impact of the car port will be masked by No. 8, ensuring this aspect of the development will not be visible from the surrounding area. If it is not visible or is of low visibility, it cannot affect the area's character. In relation to the impact on No. 8, officers suggest it will result in dominance and overshadowing, but there are in fact no windows to the rear of that part of No. 8. The proposal is therefore incapable of generating the effects that are set out in the refusal reasons, and these aspects of Policy QD 1 are not truly offended.
- 18) Overlooking can also be avoided by taking basic steps such as ensuring that opposing windows do not directly face towards each other. That, and siting, could easily be secured through the imposition of a planning condition.
- 19) To summarise, the proposal is said to be inappropriate in terms of plot size, layout, scale and proportions. But officers hold no concerns in relation to the density of the proposal and the site is actually larger than the plots below, offering an opportunity for new planting and landscaping and a generous buffer between the proposal and the applicant's house (No. 8). Concerns regarding the layout of the site, the scale of the dwelling and its proportions are all moot points, as the Committee will see (because this is an outline planning application and siting, design, external appearance, access and landscaping are all "reserved matters" that are not typically assessed at outline planning stage).
- 20) We have received a very similar approval at Chapel Street on the other side of Newry's basin - LA07/2023/3241/F. In the interests of consistency, we ask for a common approach to be taken when dealing with development on sloping sides. Given that Newry is sited in a basin, it is to be expected that development will have to occur on difficult sites but this site is not unsuitable and the proposal has the potential to be fully sensitive to the site and the locality.

Development Management Officer Report	
Case Officer: Sorcha O'Beirne	
Application ID: LA07/2025/0762/O	Target Date: 04/11/2025
Proposal: Erection of an infill dwelling with detached domestic garage, site access, ancillary site works and associated landscaping.	Location: Lands Approximately 25m South of No. 58 Newtown Road, Newtowncloghoge, Newry, Co. Armagh, BT35 8RJ
Applicant Name and Address: Gabriel McEvoy 255 Dublin Road Killeen Newry BT35 8RL	Agent Name and Address: Barney Mc Kevitt Mourne House 3 Downshire Close Newry BT34 1FD
Date of last Neighbour Notification:	01/09/2025 & 26/03/2026
Date of Press Advertisement:	05/08/2025 & 06/08/2025 12/04/2026 & 13/04/2026
ES Requested: No	
Consultations: DFI Roads – DFI Roads has no objections in principle to this proposal subject to submission of detailed plans at reserved matters stage.	
Representations: Neighbours were notified on 01/09/2025 and re-neighbour notify on 26/03/2026. The application was published 05/08/2025 & 06/08/2025 and re-advertised 12/04/2026 & 13/04/2026. 1 objection was received on 10/09/2025.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: The objection stated the following concerns: - Privacy and overlooking - Light pollution - The increase of development in the surrounding area	

Site Visit Report	
Site Location Plan:	
 	
Date of Site Visit: 05/09/2025	
Characteristics of the Site and Area The proposed site consists of a paddock field along the Newtown Road. It is located within the ward of Fathom, outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015 and designated as an AONB. The surrounding area contains a mixture of rural housing and agricultural fields. The area has become increasingly built up in the recent years. The character of surrounding area is predominantly 1 and half or single storey detached houses with traditional design elements found in the countryside dispersed along Newtown Road. The site has a Road and residential dwellings located towards the North, dwelling houses are located beyond the Northern boundary, an agricultural field is located to the West and outbuildings are situated to the South. The Newtown Road is found along the Western boundary. The site has a block wall along the Southern boundary and mature vegetation or post and wire fencing along the remaining curtilage boundaries.	
Description of Proposal Erection of an infill dwelling with detached domestic garage, site access, ancillary site works and associated landscaping.	
Planning Assessment of Policy and Other Material Considerations Planning Policy Banbridge / Newry and Mourne Area Plan 2015 Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 21 – Sustainable Development in the Countryside Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15 Planning Policy Statement 2 – Natural Heritage Building on Tradition Planning History No on site planning history	

Consideration and Assessment:

Banbridge/ Newry & Mourne Area Plan 2015

Section 45(1) of the Planning Act (Northern Ireland) 2011 requires all planning applications to take the Local Development Plan into regard, so far as material to the application, and to any other material consideration. The site is currently within the remit of the Banbridge/ Newry & Mourne Area Plan 2015 as the new council has not yet adopted a Local Development Plan. The proposed development is located outside the settlement limit, situated in the countryside.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for the proposal following the publication of the SPPS and it is arguably less prescriptive; the retained policies of PPS 8 and PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Principle of Development

Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of development types considered acceptable in principle in the countryside, and that will contribute to the aims of sustainable development. One of these is for the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8.

Policy CTY 8 of PPS 21 is titled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and, provided these respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. For the purpose of this policy, the definition of a substantial and continuously built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether the proposal constitutes an exception in accordance with Policy CTY 8 is to determine whether there is a substantial and continuously built-up frontage (SCBUF).

In the context of the site working from North to South; there is No. 58 Newtown Road (a two storey dwelling and domestic garage to the rear). The dwelling itself has dual frontage onto both Newtown Road along No 58's Western boundary and the Southern Boundary. To the South of the site, there are a couple of outbuildings fronting onto the Newtown road, these are in front of the residential dwelling of Kilean house, 255 Dublin Road. This is followed by a site consisting of hardstanding and a container unit. For the purposes of this initial test, whilst there are 2 or more existing buildings along this road frontage, the frontage is broken by Newtown Road, which lies between the site and No 58 Newtown Road. As such, the proposal is relying on two separate road frontages to meet the exception to ribbon development. This does not equate to a "*substantial and continuously built up frontage*" as required by policy.

The Planning Authority sent an email on 19/03/2026 notifying the agent of the recommended refusal on the basis of a break in road frontage, a rebutal was submitted on the 01/07/2026. A supporting statement referenced a number of similar applications:

- LA07/2022/2171/F – This application does not exist however, I found LA07/2023/2171/F, I believe this is the application the agent reviewed with a minor typo. This application was

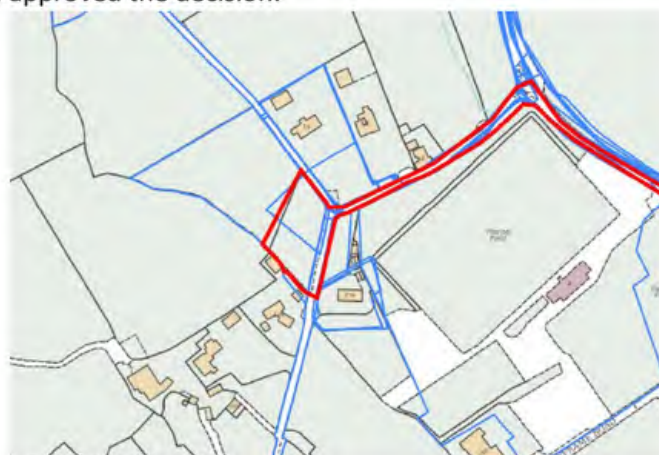
processed as a refusal by the case officer due to the frontage required for the application was broken by Mountain Road and that the applicant was relying on two separate roads to create a gap site. Council approved the decision.



- LA07/2020/1103/O – This application was refused by the case officer due to “the Drumill Road (a two lane public road) breaks the frontage between Carrig Place and the proposed site”. This application differs to the proposed application as the this specific site is not directly linked to 2 road frontages. Council approved the decision.



- LA07/2022/0243/F – This application was a refusal by the case officer due to the private laneway not creating a continuous frontage and would be reliant on buildings along two frontages. Council approved the decision.



These applications have been thoroughly reviewed and reflected on by the case officer. Each application will be considered on its own merits and facts to this site.

In regards to this particular site, an objection from a neighbouring site has been raised with concerns with the substantial development that has occurred within the locality of this site. A site visit demonstrated that road is not a private laneway but a public road that visually creates a substantial gap separating the 2 road frontages. This creates a concern that not only will the road provide a visual break from the transients views along the North/ South direction but the site will also be prominent when travelling along the Eastern/Western direction.



Figure 1 : Image to demonstrate the road gap between the site and building, this image was taken 2009 as to most likely demonstrate the gap, the vegetation will mostly likely need to be removed along the road in order to incorporate splays.

The first test of CTY 8 has not been met. CTY 8 also requires proposals to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. In assessment of this Officers note that the building to building gap between No 58 and the closest outbuilding to the South is approx 50m. In assessment of the frontages typical along this section of Newtown Road, Officers note that there is an average of approx. 35.6m between the 3 neighbouring frontages. While assessment of infill is a visual test and not a mathematical exercise, such measurements do inform the assessment. The proposed site has a frontage of approx 30m. This is slightly smaller than the average, however visually it would not be an unduly size difference. The sqm of the 2 neighbouring sites is approx 2509sqm (No.58) 1565 (Outbuildings to South), the sites measures at approx 1411 sqm. When considering the surrounding area a variety of house types are present, all of which are detached dwellings with slightly larger plot sizes, however, it would not be a drastic size difference and therefore in terms of the scale and size of the plot, the department consider that a small single storey detached dwelling would respect the existing development pattern. However due to the gap in the frontage it is deemed that the overall proposal does not meet CTY 8 of PPS 21.

It is established that the application site does not sit within a substantial and continuously built up frontage and therefore does not qualify as an exception to CTY8, rather its development as proposed, would result in the addition of ribbon development along this road frontage. The site provides a visual break in the developed appearance of this locality, which is evidently already eroded by ribbon development. As the site does not merit a small gap within an otherwise substantial and continuous frontage, with infilling of this site should not be permitted, in accordance with para 5.34 CTY8.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its

setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

Impact on the Character of the Surrounding Area

The application site has a low stone wall and mature vegetation surrounding the curtilage of the site which will aid in development on the site to be integrated and not visible from the Newtown Road. It would be required to retain the mature vegetation or trees to meet policy CTY 13. The design aspect would be decided on at the reserved matters stage. It is considered that due to the application site not having a continuous frontage that development on the site would accumulate to the suburban style build-up of development when viewed with existing buildings, therefore, due to the gap in the frontage it would add to ribbon development.

It is therefore considered that the proposal would have a negative impact on the character and appearance of the surrounding location, contrary to the requirements of policy CTY 13 and 14 of PPS 21 and is not acceptable in this instance.

Amenity

The closest dwellings to the application site are 255 Dublin Road and 58 Newtown Road. However, as outlined above, the proposal does not comply with the requirements of Policy CTY8, and therefore the principle of development cannot be supported on this site. One objection was received from a neighbouring resident. In terms of residential amenity, they had concerns regarding privacy and overlooking and light pollution. A site visit demonstrated that the Northern boundary has mature vegetation and hedgerow, which should be conditioned to remain in order to aid integration and privacy of neighbouring dwellings. A condition for a ridge height restriction would also be added to aid in retaining the character of the surrounding buildings and to avoid overlooking. Design elements will be considered during the RM stage. In terms of light pollution, due to the proposed scale of development it is considered that a single residential dwelling would not have an undue on light pollution in the surrounding area.

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposal involves the adaption of the existing access onto Newtown Road of No 255. DFI Roads have been consulted and are content with the proposal with conditions attached.

Planning Policy Statement 2 NH5 - Habitats, Species or Features of Natural Heritage

Following a site inspection, an email was sent to the agent on the 05/11/25 requesting the submission of a Biodiversity checklist and an ecologist survey was received on 08/12/2025. It stated that there would be no adverse effect on ecology or habitats.

On this basis it has not been demonstrated that the proposal safeguards the protection of any European or National protected species or that the exception clause has been engaged or suitable mitigation has been proposed as required by policy NH 2 of PPS 2.

Policy NH 5 of PPS 2 sets out planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats. Similarly, in the absence of the necessary ecological information, it has not been demonstrated that priority species or habitats that may be associated with the site are safeguarded from any adverse impact or damage caused by the proposal. Mitigation or compensatory measures have also not been provided rendering the application contrary to policy NH 5 of PPS 2.	
Neighbour Notification Checked	- Yes
Summary of Recommendation:	
Refusal	
Reasons: For the reasons stated above, the principle of development for an infill opportunity on the application site has not been established and therefore it is recommended to refuse outline planning permission. 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to ribbon development along Newtown Road and is not considered to represent an exception to the policy. 3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: - the development would result in a suburban style build-up of development when viewed with existing and approved buildings; - the development adds to a ribbon of development	
Case Officer Signature: Sorcha O'Beirne	
Date: 26/06/2026	
Appointed Officer Signature: A Loughan	
Date: 16 July 2026	

Planning Application: LA07/2025/0762/O

Planning Application: LA07/2025/0762/O - Erection of an infill dwelling with detached domestic garage, site access, ancillary site works and associated landscaping, Upon Lands Approximately 25m South of No. 58 Newtown Road, Newtowncloghoge, Newry, Co. Armagh, BT35 8RJ – Mr. Gabriel McEvoy

- The development proposal is in keeping with Policy CYT8 of PPS21, in that the proposed site is featured within a substantial and continuously built-up frontage and respects the existing development pattern in terms of size, scale, siting and plot size.
- The proposal wholly complies with the SPPS and Policies CTY 1 and CTY 8 of PPS 21 as the applicant does not own any other lands within the local development zone of Killeen. On this basis, the development proposal is located within a line of three or more buildings, including No. 58 Newtown Road to the North of the proposal and No. 255 Dublin Road, with existing outbuildings to the South of the application site, which clearly demonstrates that the proposal is suitable both for this rural location and is indeed an existing (infill) gap site, therefore meeting the relevant planning policy criteria of CTY 1 and CTY 8 and the criteria listed.
- When travelling in either direction along the roadway towards the site, there is a perception that the road frontage is substantially and continuously built up. There is a strong sequential relationship between the dwelling house constructed at No.58, which has a dual frontage onto the Newtown Road and also the dwelling and outbuildings located at No.255 Dublin Road which also share a dual frontage.
- In terms of the existing development pattern along this stretch of public roadway, all of the existing buildings have orientated frontages faced onto the existing roadway. All of the buildings in close proximity to the site, front directly onto the road and therefore the requisite minimum of three buildings has been achieved and the initial part of the infill gap sequential test has been fully satisfied.
- Policy CTY8 of PPS21 defines a substantial and continuously built-up frontage as a line of three or more buildings along a road frontage, with the gap to be infilled measured as the distance between those buildings, not by reference to any road, junction, or laneway that may lie within that distance. Neither the policy wording nor its justification and amplification text identifies an intervening road as a feature capable of severing frontage continuity; the test set by CTY8 is framed entirely around the pattern of buildings, not the pattern of roads. On that basis, the presence of a road within the gap does not, in itself, break the continuity of the built-up frontage or place the site outside the definition of a gap site. As the line of three or more buildings is clearly established either side of the site, the frontage should be treated as continuous for the purposes of Policy CTY8, and the reason for refusal citing a break in frontage is not supported by the policy as written.
- A number of significant other Planning Precedents which have been granted by the planning committee for another similar infill development proposals;
- Planning Reference (**LA07/2020/1103/F**). The planning department took the view in this application that the presence of Drumill road, broke the frontage and the site failed to meet

Planning Application: LA07/2025/0762/O

the requirements of Policy CTY8. The planning committee readily accepted that the frontage of the development extended across the junction and approved permission for an infill dwelling and detached garage.

- Planning Reference (**LA07/2022/0243/F**). The planning department took the view in this application that the private laneway did not create a continuous frontage and failed to meet the exceptional test of CTY8. The planning committee overturned this decision finding on the basis that they considered there was a continuous built-up frontage and the proposal satisfied CTY8.
- Planning Reference (**LA07/2023/2171/F**). The planning department took the view in this application that the presence of Mountain Road, broke the frontage required for the application which in turn failed to meet the requirements of CTY8. The planning committee overturned this decision finding on the basis that the road wasn't found to break the frontage and complied with policy.
- The proposal does not result in a suburban style build-up of development when viewed with existing and approved buildings in the locality and all of the surrounding dwellings include a completely different range of architectural styles and materials choice.
- Given the surrounding context and nature of the built environment, and mix of house styles and sizes, it is considered that the proposal is acceptable and will not be a prominent feature in the landscape. The proposed dwelling will read along with the existing dwellings along the frontage of the Newtown Road.
- The application site has acceptable established natural boundaries which provide a suitable degree of enclosure for the building to integrate into the landscape. The proposal as submitted includes additional planting which will supplement these boundaries and provide a further element of integration.
- The proposal is not considered to be unduly prominent in the landscape. It is of an appropriate scale for the surrounding context. The proposal does not result in a suburban style build-up of development when viewed with existing and approved buildings in the locality. The proposal respects the traditional patterns of settlement exhibited in the area. The proposal does not create or add to a ribbon of development and the impact of ancillary works does not damage rural character.
- The case officers report has been written in such a way which suggests that the application would comply with the remaining criteria of CTY8, provided that the site is deemed to be located within a substantial and continuously built-up frontage of buildings. It follows that if the committee finds this frontage test to be satisfied, as set out above, the application must be treated as compliant with CTY8 in full. On that basis, the remaining reasons for refusal fall away, and permission should be granted.
- In conclusion, the application site sits within a clear line of three or more buildings along the road frontage, satisfying the CTY8 test, which turns on the pattern of buildings rather than any intervening road. This is consistent with the committee's own decisions, where a road or laneway was found not to break the frontage. In fairness to the applicant, and to maintain consistency with the number of decisions made by elected members on this point, the committee should apply the same reasoning here. We therefore, respectfully ask the committee to find the frontage continuous, overturn the refusal, and grant permission or, alternatively, to carry out a site visit to assist that assessment

Development Management Officer Report	
Case Officer: Sorcha O’Beirne	
Application ID: LA07/2025/1466/O	Target Date: 10/03/2026
Proposal: Dwelling & detached garage.	Location: Adjacent & W of No.25 Derrywilligan Road, Newry, BT35 6JU
Applicant Name and Address: Alan Milne 245 Armagh Road Newry BT35 6NL	Agent Name and Address: Brendan Starkey 1st Floor - River House 48-60 High Street Belfast BT1 2BE
Date of last Neighbour Notification:	21/04/2026
Date of Press Advertisement:	10/12/2025
ES Requested: No	
Consultations: DFI Roads – DFI Roads has no objections in principle to this proposal subject to submission of detailed plans at reserved matters stage.	
Representations: Neighbours were notified on 21/04/2026. The application was published 10/12/2025. No objections were received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 21/05/2026	

Characteristics of the Site and Area

The proposed site consists of an agricultural field along the Derrywilligan Road. It is located within the ward of Whitecross, outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The surrounding area contains a mixture of rural housing and agricultural fields. Adjacent to the site is a commercial business unit. The character of surrounding area is predominantly 2 storey detached houses with traditional design elements found in the countryside dispersed along Derrywilligan Road. The Derrywilligan Road is found along the Southern boundary, to the East is a residential dwelling and beyond the Northern and Western boundary are agricultural fields. The sites boundaries includes a mixture of mature vegetation or post and wire fencing along the curtilage boundaries.

Description of Proposal

Dwelling & detached garage.

Planning Assessment of Policy and Other Material Considerations

Planning Policy

Banbridge / Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

Planning Policy Statement 2 – Natural Heritage

Building on Tradition

Planning History

No site specific planning history.

Consideration and Assessment:

Banbridge/ Newry & Mourne Area Plan 2015

Section 45(1) of the Planning Act (Northern Ireland) 2011 requires all planning applications to take the Local Development Plan into regard, so far as material to the application, and to any other material consideration. The site is currently within the remit of the Ards and Down Area Plan 2015 as the new council has not yet adopted a Local Development Plan. The proposed development is located outside the settlement limit, situated in the countryside.

Strategic Planning Policy Statement (SPPS)

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

Principle of Development

Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of development types considered acceptable in principle in the countryside, and that will contribute to the aims of sustainable development. One of these is for the development of a new dwelling in an existing cluster site in accordance with Policy CTY 2a.

Policy CTY 2a of PPS 21 is titled 'New dwelling in existing cluster'. It states that planning permission will be granted for a dwelling at an existing cluster of development provided the proposed development meets the necessary planning criteria and environmental requirements.

This policy contains 6 criteria, all of which need to be met in order to qualify for this planning policy. The proposed development will only be granted provided all of the following criteria are met:

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



OS map – site outlined in red

A cluster of development is not defined by the Policy. The starting point is whether there is an existing cluster of development at the proposed site. As shown by the OS map above, the proposed site is located approximately 114m from a crossroads. Surrounding this crossroads are multiple detached residential dwellings and on the opposite side of Derrywilligan road, adjacent to the site, is a commercial business unit.

When approaching the site from the East at the crossroads, there are 2 detached residential dwellings on either side of the road (No 22 and 23), further towards the site are another 2 detached residential dwellings on either side of Derrywilligan Road (No 24 and 25). Adjacent to the site is a commercial premises and west of this premise is an approved dwelling under construction. The first criteria is met

due to the cluster of development is outside of a farm and consists of four or more buildings which exculdes ancillary and domestic garages.

The second criterion indicates that the cluster should appear as a visual entity in the local landscape. The third criterion indicates the cluster is to be associated with a focal point such as a social/community building/facility, or is located at a crossroads. A site visit indicated that although the area does not contain a social or community facility such as a school or community facility, the crossroads are located in close proximity to the site and that there is a small cluster of development which appears as a visual entity surrounding this crossroads.

The criteria states that the identified site is required to provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. A site visit and desktop survey of drawing and maps demonstrates that the site is bound on 1 side. The Eastern boundary is adjacent to a residential development of No 25. The Northen and Western side is bound by fields and the South is bound by Derrywilligan Road. A site visit demonstrated that the proposal intends to use part of a larger agricultural field and the drawings submitted indicate a post and wire fence and hedgerow to be planted, this create 2 new boundaries. A study of 'building on tradition' illustrates the siting principles of CTY 2a and provides various sites that would not comly with CTY 2a. An example can be seen below in figure 1, this demonstrates that a road is not seen to provide a boundary of development, Therefore the application site does not provide a suitable degree of enclosure. The proposal fails this criterion.



Figure 1 : purple sites indicate sites not likely to comply with CTY 2a

The next criteria requires development of the site to be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside. The development of this site would not consolidate the existing cluster and instead would extend it and as such would alter the existing character. Due to the site being positoned on the outskirts of the cluster this would visually intrude into the open countryside and would add to ribbon development. The proposal fails this criterion.

The final requirement of this policy is that the proposed development will not adversely impact on residential amenity. Whilst this is an outline application the agent has provided an indicative site layout drawing. The Planning Department considers that a dwelling could be appropriately sited without harm to the amenity of the existing dwelling of No 25 Derrywilligan Road. Provided the boundary treatment along the East is retained. An acceptable proportion of provide amenity space will be provided. This would be assessed in further detail at reserved matters stage.

Policy CTY2a also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY 8, CTY13 and CTY14 of PPS21.

Impact on the Character of the Surrounding Area

The application site has mature vegetation along the Eastern boundary, the other boundary curtilage of the site will be altered for splays or created with new fencing and hedgerow. Currently the site which is relatively flat in topography lacks natural boundaries and therefore the site will rely on new boundary treatments in order to be integrated. The site will be predominantly visible along the Derrywilligan Road and have transient views travelling along the road from the West and East. The design aspect would be decided on at the reserved matters stage. It is considered that due to the application site visually intruding into the open countryside, it would accumulate to the suburban style build-up of development when viewed with existing buildings, therefore, it would add to ribbon development.

It is therefore considered that the proposal would have a negative impact on the character and appearance of the surrounding location, contrary to the requirements of policy CTY 14 of PPS 21 and is not acceptable in this instance.

CTY 8 – Ribbon development

Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of the size, scale, siting and plot size etc.

In assessment of this application, it is noted that the site would be accessed off an agricultural access. The site is not considered a gap site within a continuous built up frontage due to the lack of development on the boundaries of the site along the road frontage. Officers therefore consider that the site does not comprise a small gap site within a substantial and continuously built up frontage. It is therefore considered that the proposal fails to comply with Policy CTY8 of PPS21.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Due to the site encroaching on the open countryside it is considered that the proposed development would add to ribbon development in the area.

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposal involves the adaption of the agricultural access onto Derrywilligan Road. DFI Roads have been consulted and are content with the proposal with conditions attached.

Planning Policy Statement 2 - Natural Heritage

PPS2 is applicable for new development in the Countryside. The site is not within an AONB, a biodiversity was therefore not required to be submitted. A desktop survey demonstrated that the site is not within range of protected sites and planning are content that the site visit and further desktop investigation did not demonstrate any protected species that would be affected by development. The siting and scale of the proposal is considered sympathetic to the natural heritage in the area and the proposal will not compromise features of importance to the character, appearance or heritage of the landscape. Following a site visit I am content that there are no protected habitats or species compromised by the proposal. The proposal will not have an impact on habitats or species. Proposal is compliant with policies NH2 and NH5 of PPS 2.

Neighbour Notification Checked - Yes

Summary of Recommendation:

Refusal

Reasons:

For the reasons stated above, the principle of development for an infill opportunity on the application site has not been established and therefore it is recommended to refuse outline planning permission.

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 - Development in the Countryside of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a - New Dwellings in Existing Clusters of Planning Policy Statement 21, Sustainable Development in the Countryside in that
 - The identified site does not provide suitable enclosure.
 - Is not bound on at least 2 sides with other development.
 - The development will visually intrude into the open countryside.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8- Ribbon development of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to ribbon development along Derrywilligan Road and is not considered to represent an exception to the policy.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14- Rural Character of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The development would result in a suburban style build-up of development when viewed with existing and approved buildings;
 - The development adds to a ribbon of development

Case Officer Signature: Sorcha O'Beirne

Date: 21/07/2026
Appointed Officer Signature: A Loughan
Date: 22/07/2026

WRITTEN REPRESENTATION

143

Reference No: LA07/2025/1466/O

Proposal: Dwelling & detached garage

Location: Adjacent & W of No. 25 Derrywilligan Road, Newry, BT35 6JU

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1. This application seeks outline planning permission for a single dwelling and detached garage within an existing cluster of development at Derrywilligan crossroads. Importantly, the Planning Department accepts that a qualifying cluster exists and that the cluster contains the requisite number of buildings, appears as a visual entity in the landscape and is associated with the crossroads. It is also accepted that a dwelling could be accommodated without adversely affecting residential amenity. The dispute therefore relates principally to the enclosure and rounding-off requirements of Policy CTY2a and the consequential conclusions regarding ribbon development and rural character.

Principle of Development & Policy CTY1 (Refusal Reason 1)

2. Refusal reason 1 relates to Policy CTY1. A dwelling within an existing cluster which complies with Policy CTY2a is expressly identified by CTY1 as an acceptable form of development in the countryside. Accordingly, if Members are satisfied that the proposal is acceptable under CTY2a, the principle of development is established and there is no separate requirement to demonstrate an overriding need for a dwelling in this rural location.

Policy CTY2a – Cluster Development (Refusal Reason 2)

3. Planning officers accept that a qualifying cluster exists at Derrywilligan crossroads and that the substantial commercial yard opposite forms part of that cluster. Their concern is the contention that the site is only physically bounded by development on only one side because Derrywilligan Road intervenes between the application site and the commercial development opposite. On that basis, officers do not regard the commercial premises as providing the second developed side required by CTY2a and consequently conclude that the site lacks sufficient enclosure.
4. This conclusion relies heavily upon the illustrations contained within Building on Tradition, which show roads intervening between proposed sites and other development. However, these illustrations are for guidance purposes only and should not be applied as an inflexible rule in place of the site-specific planning judgement required by the policy itself (CTY2a). The question is whether the site has a suitable degree of enclosure and can be absorbed into the existing cluster. No. 25 provides an immediate developed edge to the east, while the substantial commercial premises directly opposite provide a strong visual and developed edge to the south, notwithstanding the narrow intervening road. Large mature trees along the eastern boundary provide a backdrop, while the existing vegetation and proposed landscaping would further integrate and contain the development. The proposal therefore satisfies policy CTY2a in this respect.
5. There is highly relevant local precedent which addresses this issue directly. Under **LA07/2021/2005/F at Concession Road, Cullaville**, Planning officers similarly considered a site within a larger agricultural field to be bounded by development on only one side. Officers expressly relied upon the Building on Tradition illustrations and maintained at Committee that the youth club opposite could not provide the second developed side because a road intervened. Members disagreed, took the youth club opposite into consideration and concluded that the site was bounded on two sides and would round off the cluster. Planning permission was subsequently granted by this Committee.
6. Further support is provided by **Appeal 2021/A0010 at Aughnahoy Rd, Portglenone**. In that case the Commissioner accepted that the site did not strictly satisfy the two-sided enclosure criterion of CTY2a

because roads physically separated it from development to the north and south. However, the commercial development across the road was found to read with and provide a backdrop to the proposed dwelling. The Commissioner concluded that the dwelling would be perceived within and consolidate the existing cluster without visually intruding into the countryside. Notwithstanding strict non-compliance with the physical two-sided test, the proposal was assessed to meet the thrust of the CTY2a and comply with the policy when read as a whole. The appeal was upheld and planning permission granted.

7. These decisions demonstrate that the intervention of a road does not make development opposite irrelevant to the CTY2a assessment. At Derrywilligan, the commercial premises are substantial, immediately opposite the site and expressly accepted by Planning as forming part of the same cluster. Together with the replacement dwelling and No. 25, they provide the built context within which the dwelling would be experienced. The proposal would therefore be read as a modest rounding off and consolidation of the accepted crossroads cluster rather than an isolated extension into the open countryside.

Policies CTY8 & CTY14 – Ribbon Development & Rural Character (Refusal Reasons 3 & 4)

8. Refusal reasons 3 and 4 are closely related to the CTY2a assessment. Planning considers that the dwelling would extend ribbon development and create a suburban style build-up. However, the existing development at Derrywilligan is accepted as a cluster focused around a crossroads, with buildings extending along different road arms. It is therefore a nodal grouping rather than a simple linear ribbon. The proposal would sit immediately beside No. 25 and opposite substantial existing development and would not establish a new detached pocket of housing or a new direction of growth into the countryside.
9. **LA07/2022/0751/F at Moor Hill, Newry** is particularly relevant to this issue. Planning officers considered that dwelling to project beyond the existing cluster, “break new ground”, visually intrude into the countryside and extend ribbon development. Members accepted that there would be some intrusion but considered it minimal, found the site sufficiently enclosed and concluded that the dwelling would round off the development. Permission was granted by this Committee accordingly.
10. The Planning Appeals Commission reached a similar conclusion in **2021/A0010**. Having determined that the dwelling would be read as part of and consolidate the existing cluster, the Commissioner found that it would neither result in ribbon development nor create a suburban style build-up contrary to CTY14. The same planning judgement is available here at Derrywilligan. A single dwelling positioned beside existing development and within the visual envelope of an accepted crossroads cluster would consolidate that grouping rather than materially extend development into the open countryside.

Conclusion

11. There are no technical or environmental objections to the proposal. DfI Roads has no objection in principle, officers accept that residential amenity can be protected, no natural heritage harm has been identified and no third-party objections have been received. As this is an outline application, the Council will also retain control over the precise siting, scale, design and landscaping at reserved matters stage.
12. The decision therefore turns upon a visual and spatial planning judgement. There is clear local precedent for Members concluding that comparable edge-of-cluster sites can satisfactorily round off existing clusters notwithstanding officer concerns regarding enclosure and ribbon development. There is also clear appeal authority demonstrating that the wider visual relationship with development across a road is material to the assessment of CTY2a. We respectfully submit that the proposal represents a logical and limited consolidation of the established Derrywilligan crossroads cluster and that planning permission should be granted.

Speaking Rights Request – Councillor David Taylor - LA07/2025/1466/O

I would outline my support for the application for outline planning permission for a single dwelling at Derrywilligan Road. The proposal represents a modest and appropriate form of rural development within an established cluster of development and should be considered favourably having regard to the requirements of Planning Policy Statement 21 (PPS21), particularly Policies CTY1, CTY2a and CTY8.

The site directly adjoins No. 25 to the east and faces substantial established development associated with the commercial premises immediately to the south. This relationship is important. The proposal is not seeking to establish a new and unrelated pocket of housing in an otherwise undeveloped rural location. Instead, it would occupy a position within the established visual and physical extent of development around the crossroads.

Policy CTY2a requires a suitable degree of enclosure and development on at least two sides, but it does not require the qualifying buildings to share an uninterrupted physical boundary with the application site. In this case, the substantial developed edge along the southern frontage, together with No. 25, mature boundary trees and proposed additional planting, provides a credible degree of enclosure.

The existing mature vegetation and established built form would assist in integrating the dwelling into the surrounding development pattern. The site-specific relationship between the application site and the buildings around the crossroads should therefore be given appropriate weight when assessing enclosure.

The proposed dwelling would also serve to round off and consolidate the existing cluster. Its position beside No. 25 and opposite the established commercial premises would keep development within the recognised extent of the crossroads grouping.

The proposed dwelling would be located beside No. 25, adjacent to established mature boundary vegetation and opposite an extensive commercial premises. It would not extend a line of buildings into an otherwise undeveloped stretch of road.

The proposal would not create or add to ribbon development contrary to Policy CTY8.

The presence of the existing commercial yard, No. 25, established buildings and mature trees provides a developed context which distinguishes the site from an exposed greenfield location. Appropriate siting, design, boundary treatment and landscaping would further assist in ensuring that the dwelling respects the rural character of the area.

The proposal is therefore capable of being accommodated without eroding the rural character of the locality.

I would also outline the lack of objections to the proposal either from DfI Roads in principle or through a third-party. I would say that every effort has been made to carefully locate the proposed single dwelling within an established rural cluster at

Derrywilligan Crossroads. The officer’s assessment already accepts that a qualifying cluster exists, that the site can accommodate a dwelling without unacceptable harm to residential amenity, and that there are no significant technical or environmental constraints.

I believe there is a clear and credible basis for concluding that the proposal provides the required degree of enclosure, rounds off and consolidates the cluster, and does not create or add to ribbon development.

The proposal is therefore consistent with the objectives of PPS21 and, in particular, Policies CTY1, CTY2a and CTY8. It represents an appropriate form of rural development which responds to an established pattern of development rather than creating a new and isolated form of countryside development.

Application

Development Management Officer Report	
Case Officer: Karen Reid	
Application ID: LA07/2025/1205/F	Target Date:
Proposal: Detached dwelling on an infill site	Location: Adjacent to No. 25 Seafin Road, Killeavy, Newry, BT35 8LA
Applicant Name and Address: Ruairi Quinn 5 Wellington Park Belfast BT9 6DJ	Agent Name and Address: Ruairi Quinn 5 Wellington Park Belfast BT9 6DJ
Date of last Neighbour Notification:	16 March 2026
Date of Press Advertisement:	5 November 2025
EIA Determination:	
Consultations: - DFI Roads – No objections subject to Planning Conditions.	
Representations: No objections or representations have been submitted for consideration.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 03/03/2026

Characteristics of the Site and Area:

The application site is located in the rural countryside outside any settlement development limits designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015). The site is also located within the 'Ring of Gullion' Area of Outstanding Natural Beauty.

The application site consists of part of an existing agricultural field (approx. 0.29ha) and is located adjacent and south of No 25 Seafin Road. Access to the site is granted via an agricultural gateway along the western roadside boundary. The northern and southern boundaries of the site remain undefined whilst the eastern and western roadside boundaries consist of matured hedgerow.



Figure 1 Application Site



Figure 2 No 29 Seafin Road & Agricultural Field

Description of Proposal

Detached dwelling on an infill site

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan (2015)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Car Parking
- PPS 2: Natural Heritage

Planning History:

Planning Reference: LA07/2020/1193/O
Proposal: Dwelling with domestic garage on gap site.
Decision: Refusal

Objections & Representations:

Four neighbours were notified of the proposal on the 3rd of March 2026. The proposal was also advertised in the local press on the 4th and 5th of November 2025. No objections or representations have been received.

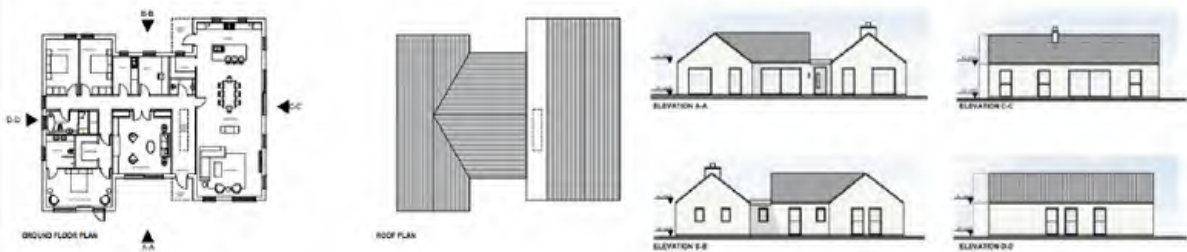
Correspondence with Applicant:

Following a site inspection and discussion of the application and an internal meeting and email was issued to the applicant on the 11th of May 2026 advising that the proposal is considered contrary to Policy CTY 8 and CTY 14 of PPS 21. The department also set out concerns with the design of the proposed dwelling. A response was received from the applicant on the 29th of May 2026. All information submitted has been considered by the department and will be assessed within the assessment section of this report.

Consideration & Assessment:

Proposal:

The proposal is a full application for a detached dwelling house under Policy CTY 8 of PPS 21. The proposal is for a single storey dwelling with a ridge height of approx. 6m. The dwelling consists of two linear blocks connected by a flat roof element. The proposed floor plans and elevations are shown below;



The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is located outside any settlement limits on the above Plan and is un-zoned. There are no specific policies in the Plan that are relevant to the determination of the application, and it directs the decision-maker to the operational policies of the SPPS and the retained PPS 21.

Strategic Planning Policies Statement for Northern Ireland

Para 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of an individual planning application. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY 8.

Policy CTY 8: Ribbon Development

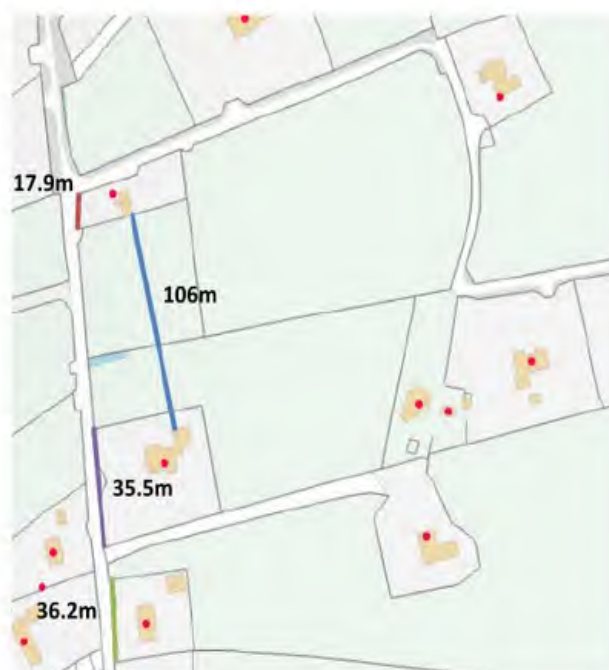
As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site. Policy CTY 8 is a restrictive policy. It states that *'Planning permission will be refused for a building which creates or adds to a ribbon of development.'* It also states that *'An exception will be permitted for development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided these respects the existing development pattern along the frontage in terms of size, siting and plot size and meets other planning and environmental requirements.'*

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

The Planning Department do not consider that the application is an exception to Policy. Directly adjacent and north of the application site is No 25 Seafin Road, a detached dwelling which has recently been constructed, this dwelling is considered to have frontage onto the Seafin Road. South of the site is the remainder of the agricultural field and second field. Further south is No 23 Seafin Road another detached dwelling with frontage onto Seafin Road. Beyond No 23 Seafin Road to the south is a private laneway (serving No 29 Seafin Road) and an agricultural field. The presence of this agricultural field interrupts any continuous frontage. A photo of this arrangement is included in Figure 2 above. The application site is not an exception to policy in that it does not sit within a substantial and continuously built up frontage of 3 or more buildings without development to the rear.

In assessing whether the site constitutes an exception to the policy, the second step is to determine if there is a small gap site sufficient only to accommodate up to a maximum of two

houses within the otherwise substantial and continuously built-up frontage. The gap being assessed must be that between existing buildings along the frontage. In this instance the gap is taken from the dwelling at No 25 Seafin Road to the dwelling at No 23 Seafin Road and measures approx. 106m. The average plot size of the existing frontages is approx. 30m, and therefore the gap in this instance is considered too large to accommodate a maximum of two dwellings, when considering the surrounding context. This has been shown in Figure 3 below. This large gap site serves to provide relief and a visual break in the developed appearance of the locality along Seafin Road and helps maintain rural character. The proposal does not meet policy requirements in that it does not respect the existing development pattern along the frontage in terms of plot size.



The proposal is contrary to CTY 8. The Planning Department sent an email to the applicant on 11/05/2026 outlining the above concerns and offered an opportunity to provide any additional comments they wished the Department to consider within 21 days of the date of this email. Further information was submitted to the Department on the 29/05/2026 and this has been considered in the assessment of the above. Policy CTY 8 also require that the proposal meets with other planning and environmental requirements; this is examined below.

Building on Tradition

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' s Sustainable Design Guide for the NI Countryside is taken into account in assessing all development proposals in the countryside. Para 4.4.0 of this document advises that new development under CTY 8 *"will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form proportions and overall character"* Appropriate gap sites follow the established grain of the neighbouring buildings. It is considered that the proposal does not follow the established grain of the neighbouring buildings and does not fit in well with its neighbouring buildings.

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

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

Siting / Layout

The proposal is for a single storey detached dwelling. The application site is a relatively flat portion of land. The dwelling is to be positioned centrally within the site and will face forwards onto Seafin Road. The access arrangements are located at the front boundary of the site along the Seafin Road. The dwelling blends sufficiently with the surrounding landscape and it is not considered that the proposed dwelling would be a prominent feature in the landscape. The proposal blends with the landform, topography, existing trees, buildings and slopes and other natural features which provide a backdrop.

Design / External Appearance

The proposal is for a single storey detached dwelling with a maximum ridge height of approx. 6m made up of two linear blocks. The first block the north of the site is connected to the second block by a single storey flat roof element, set down with a ridge height of approx. 3m. The proposed building includes some traditional elements of rural design and a linear form which is in keeping with the guidance outlined within the Building on Tradition Design Guide. These features include window openings with a vertical emphasis on the front, rear and side elevations, a good solid to void ratio and the positioning of the chimney.

The department raised concerns with the applicant regarding elements of the proposed design, these included the complexity of the roof design, particularly the flat roof element and the front projections/ extensions relative to the main house form. The applicant did not submit any changes to the design of the proposed dwelling. If all other elements of the proposal were deemed acceptable then planning department would seek amendments for a design more appropriate to the rural setting to be in keeping with the local distinctiveness of the area.

Landscaping

The site can provide a suitable degree of enclosure for the building to integrate into the landscape. The dwelling will read with the surrounding development and does not rely primarily on the use of new landscaping for integration; however additional native planting is proposed along the north, east and southern boundaries. The existing vegetation has therefore been retained where practicable and supplemented with new planting around the site to help aid integration and offer a sense of enclosure. Case Officers are therefore content with the landscaping arrangements are acceptable for the rural landscape.

Impact on Residential Amenity

No 25 and No 23 Seafin Road are located north and south of the site respectively. Consideration has been given to the separation distance between the proposal and these existing dwellings and it is considered sufficient. There is also existing matured boundary hedging and trees along the northern and southern boundaries of the site and these are indicated to be retained and supplemented with additional planting. Thus, it is considered that the proposal would result in minimal impacts on the amenity of No 25 and No 23 Seafin Road.

CTY 14 – Rural Character

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

The proposed new dwelling is not considered to be unduly prominent in the landscape. It is deemed that the application site would result in the creation of ribbon development. The proposal does not respect the traditional pattern of settlement exhibited in the area, as the gap site is large enough to accommodate more than two dwellings. As the site does not qualify as an exception to the presumption against ribbon development, it fails in terms of Policy CTY 8. Where

no infill opportunity exists, the approval of another dwelling would result in a sub-urban style build up of development when viewed with existing buildings. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14.

As the Department consider that the erection of a dwelling in the application site would not respect the existing development pattern along the existing frontage in terms of siting and plot size, the principle of development cannot be established at this site. The erection of a dwelling on this site would result in a suburban style build-up of development which is unacceptable in the countryside.

CTY 16 – Development Relying on Non-mains sewage

The P1 Form indicates that foul sewage will be disposed off via a septic tank. The application complies with Policy CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to both new access and intensified use of an existing access onto existing public roads.

DFI Roads were consulted on this application and have no objections in principle to the proposal subject to conditions.

PPS 2: Natural Heritage

Policy NH 2 and NH 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

A completed NI Biodiversity Checklist and Ecological Statement were submitted as part of the application. A site survey was undertaken on the 4th of March 2026 in order to identify any major ecological constraints to the proposed development on NI Protected Species including badgers, bats, nesting birds etc.

Following receipt of these surveys NIEA refers Case Officers to the new DAERA Standing Advice – NED – Single Dwellings. Case Officers have observed the results of the survey work undertaken on the 4th of March 2026 and are satisfied that no further survey work is required, and it is not necessary to consult with NED. The proposal is not considered to harm any protected/ priority species of priority habitats.

Having reviewed the NI Biodiversity Checklist and survey submitted by the Applicant the report states that no further survey work is required. Therefore, on the basis of the report no further surveys, conditions or informatives are required.

NH 6 – Areas of Outstanding Natural Beauty

Planning permission for a new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedgerows walls, trees and gates; and local materials, design and colour.

The proposal is contrary to Policy NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB and of the particular locality. Given that the siting fails to meet the policy criteria for infill development this would result in build-up and add to a ribbon of development detrimental to the character of that area. The proposal also does not respect local architectural styles and patterns. As detailed previously in this report, the desing of the proposal is inappropriate for the local area.

The proposal is contrary to a) and c) of Policy NH 6 of PPS 2.

EIA Screening:

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

On the basis of this assessment, refusal is recommended. All information submitted has been duly considered throughout the assessment and processing of this application.

Neighbour Notification Checked

Yes/No

Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1, Development in the Countryside of Planning Policy Statement 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8, Ribbon Development of Planning Policy Statement 21 Sustainable Development in the Countryside, in that;
 - the application site does not constitute a small gap site within an otherwise substantial and continuously built-up frontage and would, if permitted, add to a ribbon development along Seafin Road;
 - the proposal does not respect the existing development pattern along the road frontage in terms of plot size;
 - the proposal does not meet other planning and environmental requirements; and does not represent an exception to policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14, Rural Character of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:
 - The proposal does not respect the traditional pattern of settlement exhibited in the area;
 - The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings; and
 - The proposal would add to a ribbon of development along Seafin Road.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6, Areas of Outstanding Natural Beauty of Planning Policy Statement 2, Natural Heritage in that;
 - the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
 - The proposal does not respect local architectural styles, patterns or design.

Case Officer Signature: K. Reid

Date: 21/07/2026

Appointed Officer Signature:A Loughan

Date:22/07/2026

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Application Reference: LA07/2025/1205/F

Applicant: Ruairi Quinn

Description: Detached dwelling on an infill site on land adjacent to No. 25 Seafin Road, Killeavy, Newry, BT35 8LA

How the application satisfies the relevant planning and environmental requirements referred to in Policy CTY 8.

- The application is located along a section of Seafin Road which has an established continual built-up frontage of more than 3No. detached dwellings. The site forms a logical gap infill opportunity between No.23 – No.25 Seafin Road.
- While the land can accommodate a maximum of two sites, the current application seeks permission for only one of these sites.
- The proposed plot size is consistent with the prevailing pattern of dwellings along Seafin Road, which are characterised by varying plot widths and sizes and would therefore integrate naturally into the existing development pattern.
- The powerpoint presentation attached includes diagrams highlighting the varying Plot Sizes.

How the application satisfies the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14, Rural Character of Planning Policy Statement 21 Sustainable Development in the Countryside

- The proposal respects the established pattern of development along Seafin Road, where there is a clear frontage of existing dwellings. The application site occupies a gap between Nos. 23 and 25 Seafin Road and would reinforce, rather than disrupt, the existing settlement pattern.
- The proposal is for a single detached bungalow of a scale, design and form that is consistent with neighbouring properties. It does not represent suburban-style development but instead reflects the rural character as seen in the locality. Appropriate siting, landscaping and boundary treatments will ensure the dwelling integrates successfully into its surroundings.
- Furthermore, the proposal would not create an unacceptable ribbon of development. The application seeks permission for a single dwelling within an existing gap in an established roadside frontage and does not extend development into the open countryside beyond the existing pattern of buildings.

How the application satisfies the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6, Areas of Outstanding Natural Beauty of Planning Policy Statement 2, Natural Heritage

- Seafin road contains dwellings of different architectural styles and scale. This application respects the local architectural character rather than introducing an incongruous or visually intrusive form of development.
- The proposal is for a detached bungalow of a modest scale and traditional form, which reflects the architectural character of several existing dwellings located along Seafin Road.
- The building has been designed to integrate with its surroundings through its scale, proportions, traditional roof form and use of materials (Render Walls, Slate Roof) which is typical of rural residential development in the area.
- Given its location within an established roadside frontage, together with its modest scale and sympathetic design, the proposal would preserve the character and appearance of the Area of Outstanding Natural Beauty and would not adversely affect its scenic quality or character.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/0801/F	Target Date:
Proposal: Replacement building (previously destroyed by fire) for farm diversification including all associated site works	Location: Lands at 58a Downpatrick Road Crossgar
Applicant Name and Address: GB Poultry Ltd 17 Mary Street Crossgar BT30 9DG	Agent Name and Address: Saba Park 14 Balloo Avenue Bangor BT19 7QT
Date of last Neighbour Notification:	8 July 2022
Date of Press Advertisement:	26 May 2022
EIA Determination: N/A	
Consultations: See Report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report	
Site Location Plan: The site is located at lands at 58a Downpatrick Road Crossgar.	
	
Date of Site Visit: 17th June 2022	
Characteristics of the Site and Area The site is located on the SE side of Crossgar off the Downpatrick Road. The site is set back off the main road down an existing tarmac laneway defined by ranch style wood fencing and has a number of buildings on the site including stables. The building was demolished at the time of the site visit and there is a large area of hardstanding. The site is set back approx. 240m from the roadside.	
Description of Proposal Replacement building (previously destroyed by fire) for farm diversification including all associated site works	
Planning Assessment of Policy and Other Material Considerations The application site is located approximately 400m southeast of Crossgar on the south eastern side of Downpatrick Road in the rural area outwith the Settlement Development Limits of Crossgar as indicated on Map No. 3/001a of the Ards and Down Area Plan (ADAP) 2015. The following planning policies have been taken into account: - Regional Development Strategy - Strategic Planning Policy Statement for Northern Ireland (SPPS) (ed 2) - Planning Policy Statement 2 Natural Heritage	

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside;

Policy CTY 1 Development in the Countryside

Policy CTY 11 Farm Diversification

Policy CTY 12 Agricultural and Forestry Development.

Policy CTY 13 Integration and Design of Buildings in the Countryside

Policy CTY 14 Rural Character

Ards and Down Area Plan 2015

Published guidance documents will also be considered such as:-
DCAN 15

PLANNING HISTORY

Planning

Application Number: R/1990/0994

Decision: Permission Granted

Decision Date: 22 January 1991

Proposal: 11kv overhead line

Application Number: R/1990/0998

Decision: Permission Granted

Decision Date: 22 January 1991

Proposal: Extension to dwelling and new conservatory

Application Number: R/1991/1096

Decision: Permission Refused

Decision Date: 07 January 1993

Proposal: Retirement Farm Dwelling

Application Number: R/1997/0810

Decision: Permission Granted

Decision Date: 20 February 1998

Proposal: Replacement and enlargement of existing stable

Application Number: LA07/2019/1628/F Decision: Permission Refused Decision

Date: 23 June 2020

Proposal: Conversion of vacant barn buildings for residential use as a single dwelling

R/1991/1096 Refused

Retirement Farm Dwelling Adj to 58 Downpatrick Road, Crossgar

R/1997/0810 GRANTED

Replacement and enlargement of existing stable

Adj to 58 Downpatrick Road, Crossgar

Consultations:

Environmental Health – No objections

DFI Roads – No objections provided there is no intensification of the access.

NI Water – No objections

DAERA – Cat 1 but 5 year dormant

Has the farm business claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years? – No

Is the application site on land for which payments are currently being claimed by the farm business? – 'No

The proposed site is on an unmapped area beside FSN 3/111/156 field 2E. This field has not been claimed for FSTP in 2025 but was claimed for BPS in 2024 by another farm business.

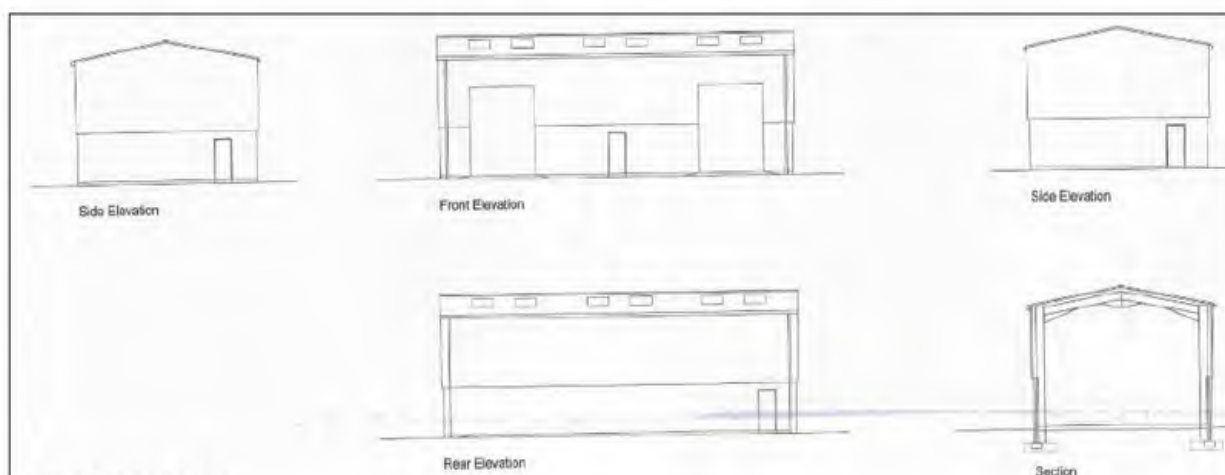
Objections & Representations

In line with statutory requirements neighbours have been notified on 24/06/2022. The application was advertised in the Down Recorder on 08-06-2022. No letters of objection have been received in relation to the proposal.

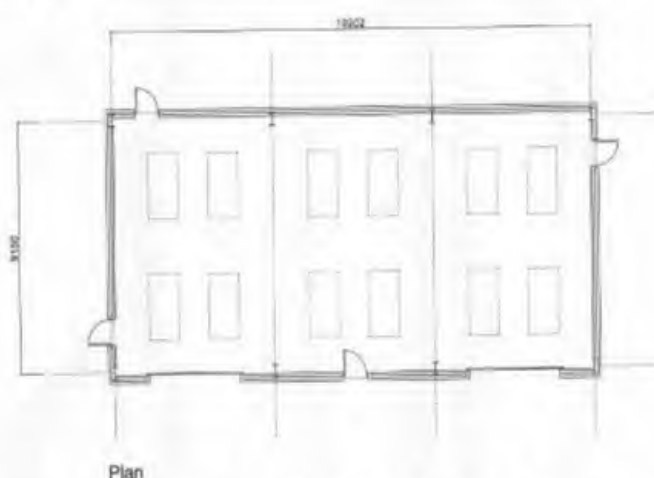
Proposal

Planning permission is sought for a replacement building (previously destroyed by fire) for farm diversification including all associated site works. The shed measures 19.2m long, 9.1m wide with a height to the eaves of 6.1m to FFL and an overall height of 7.1m to FFL with a low-pitched roof.

Shed elevations



Shed floorplan



Two roller shutter doors are proposed to the front elevation approximately 4.5m high along with 4 pedestrian doors on all elevations. The materials and finishes include Kingspan corrugated panels (olive green translucent panels) to the roof, Kingspan corrugated panels olive green rendered wall panels, dark green roller shutter doors and square profile aluminium olive green RWG.

The agent states in his supporting statement that the building will be used in conjunction with the farming enterprise, however, while clarification was sought no further information was received. As an enforcement case LA07/2019/0361/CA was opened for the alleged unauthorised shed and mobile unit and subsequently closed (Nov 2021), The agent claims that on that basis the only lawful use of the previous building was agriculture. However, there is no building on the site and in the absence of any formal certificates of lawful development on the site, then little weight can be attached to this. The agent indicates that the building will be used in conjunction with the farming enterprise and GB Poultry is an agri-foods business based in Crossgar on a physically restricted and constrained site.

Consideration and Assessment:

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

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The main considerations in the determination of this application relate to; principle of development, integration and rural character, residential amenity, access.

SPPS

The SPPS outlines provision should be made for agricultural development on an 'active and established' (for a minimum of 6 years) agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing buildings on the farm holding. An alternative site away from existing buildings will only be acceptable in exceptional circumstances. The SPPS also recognises that there are occasions where new buildings in the countryside are acceptable. Where this is the case, the policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. In addition, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

PPS 21

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is farm diversification under CTY 11 and agricultural development in accordance with PPS 21 policy CTY 12. Both policies indicates that planning permission will be granted for development on an active and established agricultural holding/ or run in conjunction with the farm where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 11 & 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established

for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. Policies CTY 13 and CTY 14 will also be considered.

Policy CTY10 advises that

-the farm business is currently active and has been established for at least 6 years;

The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

Farm Diversification

Policy CTY 11 states that proposals for farm diversification will only be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies.

Policy CTY 11 also states that farm diversification proposals must meet the following criteria:

(a) the farm or forestry business is currently active and established; DAERA have been consulted and have confirmed the farm business has been active and established for at least 6 years.

In assessing this application, the farm holding will be considered in its entirety.

In assessment of these above criteria, it is noted that the applicant has provided a DARD (DAERA) business ID. DAERA have been consulted and have confirmed that the business is a Cat 1 but 5 year dormant. The farm business has been in existence for the required 6 years however DAERA have advised that the applicant has not claimed payments in any of the last 6 years nor is the application site on land for which payments are currently being claimed by the farm business.

The most up to date DAERA response (April 2026) states:

The proposed site is on an unmapped area beside FSN 3/111/156 field 2E. This field has not been claimed for FSTP in 2025 but was claimed for BPS in 2024 by another farm business.

The agent had been requested to provide further evidence to state that the farm business was active, however, no information has been received to date (29-05-2026) to demonstrate active farming over the requisite 6 year period and furthermore the latest DAERA response indicates that the land was being claimed in 2024 by another farm

business. No further evidence was submitted following the latest DAERA response indicating that it has not been claimed for FSTP in the most recent year, namely 2025. The proposal is contrary to this element of the policy.

Notwithstanding the above and for completeness, the proposal will also be considered below under criteria (b) to (e) of policy

(b) in terms of character and scale it is appropriate to its location;

In terms of the actual physical building on the site as it is agric clad type design with olive green walls and roof cladding, it would not be out of place in this rural area. These types of agricultural sheds, while industrial in appearance are becoming more prevalent in the rural countryside.

The agent makes the case that planning permission will be granted where the proposal can be run in conjunction with the agricultural operations of the farm. The term 'run in conjunction with the agricultural operations on the farm' is not clearly defined in the policy, however, paragraph 5.47 of the Justification and Amplification provides some clarification. Paragraph 5.47 states *This policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri-tourism schemes. It is important that the countryside is not spoilt by the unfettered development of urban uses. Diversification proposals, therefore, should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape. Applications for large-scale proposals more suitable to the urban area or existing urban-based enterprises seeking relocation will not be acceptable.*

With exception to supplementing the income, the business is not tied to the applicant's farm business as active farming has not been demonstrated. Whilst the visual appearance of the development would not cause concern in respect of its impact on the character of countryside, the nature of the use in association with the GB Poultry business in Crossgar depicts a use more associated with an urban setting. The nature of which is not appropriate in the countryside. The development is an example of an unfettered urban use in this area of countryside. The proposal fails to meet the requirements of criterion (b) of Policy CTY11.

(c) it will not have an adverse impact on the natural or built heritage; and

The proposal will not have an adverse impact on the natural or built heritage.

(d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

There are no properties in close proximity to the site. Environmental Health have been consulted and have no objections to the proposal, it is therefore deemed that the proposal would not impact detrimentally on the amenity of neighbouring properties.

The proposal does not comply with CTY 11 of PPS 21.

Policy CTY12 - – Agricultural and Forestry Development

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

In assessing this application, the farm holding will be considered in its entirety.

As mentioned under CTY 11, in assessment of these above criteria, it is noted that the applicant has provided a DARD (DAERA) business ID. DAERA have been consulted and have confirmed that the business is a Cat 1 but 5 year dormant. The farm business has been in existence for the required 6 years. However, DAERA have advised that the farm business has not claimed payments in any of the last 6 years nor is the application site on land for which payments are currently being claimed by the farm business.

The most up to date DAERA response (April 2026) states:

The proposed site is on an unmapped area beside FSN 3/111/156 field 2E. This field has not been claimed for FSTP in 2025 but was claimed for BPS in 2024 by another farm business.

The agent had been requested to provide further evidence to state that the farm business was active, however, that information was not forthcoming and the latest DAERA response indicates that the land is now being claimed by another farm business. No further evidence was submitted. The proposal is contrary to this element of the policy.

Notwithstanding the above and for completeness, the proposal will be considered below under criteria (a) to (e) of policy CTY12 which must also be met:

(a) It is necessary for the efficient use of the agricultural holding;

According to the DAERA maps the farm holding is 10.91 HA in size. The business includes lands at Crossgar and Magheracranmoney townlands. CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met. DAERA do not consider the farm business to be active for the required 6 years. In the absence of any other information and confirmation from DAERA that claims have been made by another farm business in 2024, whilst the proposed facility at this location may be desirable, it cannot be considered necessary for the efficient use of the agricultural holding. The proposal does not meet this criterion.

(b) In terms of character and scale it is appropriate to its location;

As mentioned previously the proposed building comprises of olive green walls and roof cladding. In this context of other stable buildings in close proximity, officers are content that these types of buildings are now becoming more common in the rural area and is therefore considered appropriate if within agricultural or forestry holdings in the rural location. However, this will not be a farm building and will not function as such nor is it in association with an active farm business and as discussed previously its use would not be appropriate in the countryside.

(c) It visually integrates into the local landscape and additional landscaping is provided as necessary;

Due to the topography of the road and the set back down an existing laneway views of the proposed shed are limited to the frontage of the site. The shed would be well screened when travelling in both directions and would present as an acceptable level of integration that the building would not read as being prominent in the landscape.

(d) It will not have an adverse impact on the natural or built heritage;

The proposal will not have an adverse impact on the natural or built heritage.

(e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

There are no properties in close proximity to the site. Environmental Health have been consulted and have no objections to the proposal, it is therefore deemed that the proposal would not impact detrimentally on the amenity of neighbouring properties.

In addition to the above criteria, policy CTY12 also requires applicants to provide sufficient information to confirm all of the following:

There are no suitable existing buildings on the holding that can be used;

The agent has not submitted any evidence to demonstrate that the proposal meets policy CTY 12. He has not indicated if there are other suitable buildings on the farm. No other details like current herd/flock numbers on the farm have been provided.

The design and materials to be used are sympathetic to the locality and adjacent buildings;

These types of buildings are now typical in the rural area. The proposed building as described above would be in keeping with the rural area would not appear out of character in this rural context.

The proposal is sited beside existing farm buildings

The agent indicates that there are other buildings sited within the red line, however no further information has been received as to why these buildings cannot be used.

Where such a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. It has not been satisfactorily demonstrated that the proposed farm building is essential for the efficient functioning of the business or that any argument has been put forward that there are demonstrable health and safety reasons for this site.

The proposal is therefore contrary to policy CTY1 and CTY12 as noted above.

PPS 21 - CTY 13 - Policy CTY 13 – Integration and Design of Buildings in the Countryside

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of appropriate design.

A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

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

The views of the shed are limited given the set back from the roadside and the screening from the roadside hedging and alignment of the road and landscape topography. The shed's appearance is not untypical of these types of sheds now in the countryside. On balance and in this context the building could integrate into the landscape.

PPS 21 - CTY 14 – Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

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

The amplification text states at Paragraph 5.78 that in assessing the cumulative impact of a building on rural character the matters taken into consideration include the inter-visibility of the proposed building with existing and approved development; the vulnerability of the landscape and its capacity to absorb further development; and the siting, scale and design of the proposed development. Given the scale and nature and use of the proposal which has deemed to be unacceptable, the proposed building would cause a detrimental change to the rural character of the area.

PPS 3 - Access, Movement and Parking

Policy AMP 2

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

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

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

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

The site is served by an established vehicular access which provides access onto the Downpatrick Road which is a Protected Route.

PPS21 Annex 1 is a Consequential amendment to Policy AMP2 of PPS3 Access, Movement and Parking. DFI Roads has no objection to the proposal provided there is no intensification of the access and it is an exception to the Protected Routes Policy. The Consequential Amendment only permits intensification of an existing access onto a Protected Route where the development meets the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. The application fails to satisfy part (d) –(Other categories of development) and therefore intensification of the existing access would be contrary to the consequential amendment to Policy AMP3.

Planning Policy Statement 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

It is noted that no biodiversity checklist accompanied the application. NIEA's Biodiversity Checklist was employed as a guide to identify any potential natural heritage issues. The checklist was referred to and did not identify a scenario where survey information may reasonably be required. Therefore, it is unlikely that this proposal will adversely affect a

priority species or their habitat which is afforded protection. The proposal would comply with policies NH 2 and 5 of PPS 2.

Summary

Officers are therefore not satisfied that the proposal constitutes farm diversification to be run in conjunction with an active and established farm business. Notwithstanding that the farm business is not active and established for the required 6 years, the information submitted indicates that the building is intended to support and operate in conjunction with an existing commercial food processing business (GB Poultry) located in Crossgar. Under para 5.47 of the J & A of CTY 11 it states; 'This policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri-tourism schemes. It is important that the countryside is not spoilt by the unfettered development of urban uses'. The proposal is therefore considered to represent an extension of an existing commercial enterprise into the countryside rather than complying with a farm diversification proposal.

Planning policy directs commercial and industrial development towards settlements, established industrial locations and appropriately zoned lands. No overriding justification has presented to demonstrate why the proposed storage activities associated with the existing business in Crossgar requires a countryside location.

Conclusion

Based on careful consideration of all the relevant material planning considerations and consultee responses, it is contended that the application does not meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for NI (para 6.73), Policy CTY 1, CTY 11 and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, there are no overriding reasons why the development is essential at this location.
2. The proposal is contrary to The Strategic Planning Policy Statement for NI (para 6.73), and Policy CTY 11 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. Nor has it been

demonstrated that (a) the farm or forestry business is currently active and established;	
3. The proposal is contrary to The Strategic Planning Policy Statement for NI (para 6.73), and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: - -it has not been demonstrated that the shed is necessary for the efficient use of the agricultural holding;	
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 11(b) and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that character and scale of the proposal is inappropriate to its location and will result in a detrimental impact on the rural character of the area.	
5. The proposal is contrary to Planning Policy Statement 3, Access Movement and Parking Policy AMP3 Access to Protected Routes 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.	
Neighbour Notification Checked	Yes
Summary of Recommendation – Refusal	
Case Officer Signature: C Moane	Date: 29 May 2026
Appointed Officer Signature: B.Ferguson	Date: 18/06/2026

Ref – LA07/2022/0801/F – Replacement building (previously destroyed by fire) for farm diversification - Lands at 58a Downpatrick Road Crossgar

Reason for Refusal 1 – Policy CTY1

If the proposal complies with CTY11, then it complies with CTY1, the inclusion of CTY12 is erroneous as the applicant has not sought an agricultural building.

It is clear from the description of development as validated, advertised, notified and processed that this is for farm diversification under CTY11.

The SPPS does not introduce more stringent policy tests, so the retained policies in PPS21 are determining in this matter. The inclusion of the SPPS does not accord with paragraph

Reason for Refusal 2 – Policy CTY 11

The officers do not dispute that a building previously existed at this location. The replacement building sits on the same footprint in the same location, set back (240m) from the Downpatrick Road where there is no critical public views of the proposed development, as accepted in the officer's report.

The building is to operate in conjunction with GB Poultry a long-established agri-foods business (1983) located approx.1.3kms away on a restricted site in Crossgar for 43years.

The term 'run in conjunction with the agricultural operations on the farm' is not clearly defined in the policy. Policy does not say that farm diversification schemes must complement the farm business or that a certain proportion of the business must be related to the farm (Appeal 2014/A0142, paragraph 8). Nor does it say they have to be in receipt of farm subsidies.

It is accepted by officers and DAERA that a Cat 1 farm business ID - 660890 is established on 10.91hectares for more than 6years – 24/09/2015. The contention is that the farm business is not active.

For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition.

The Planning Appeals Commission has repeatedly stated that Policy sets a low threshold in respect of demonstrating agricultural activity; Policy does not require a high or specified level of agricultural activity,

Policy does not indicate ANY STANDARDS for how evidence of agricultural activity is demonstrated, they type or variety of evidence or the frequency of the activities undertaken to support the evidence. It does not indicate how agricultural activity is to be demonstrated or the type of evidence to be considered and sets a low threshold in respect of demonstrating agricultural activity



Reason for Refusal 3 – Policy CTY 12

The applicant has clearly submitted the application under Policy CTY11 – Farm Diversification as it is not being claimed to be an agricultural buildings but used in conjunction with a farm business. Officers have incorrectly considered under Policy CTY12.

Reason for Refusal 4 – Policy CTY 11(b) and CTY 14

Officers accept that the visual appearance of the development would not cause concern in respect of its impact on the character of the countryside.

They also accept that these type of buildings are prevalent in the countryside, and that views of the shed are limited given the set back from the roadside and screening.

The analysis entirely contradicts the reason for refusal. Notwithstanding that a shed previously existed at this location in the landscape before the fire destroyed it.

Reason for Refusal 5 – Planning Policy Statement (PPS) 3 – Policy AMP3

When considering the shed was previously being used prior to it being destroyed by fire, and there is no history of road traffic accidents. There is no evidence of intensification >5% as per paragraph 1.2 of DCAN15. **The statutory consultee – DfI Roads offers no objection.**

There is no wider public interest as there are no 3rd party objections and no objections from any of the statutory agencies.

Unfortunately, as is commonly witnessed by planning officers in this Council, there is a duplication of reasons for refusal, to try and present the application as so deplorable it could never be supported.

Unfortunately, there is a duty on officers enshrined in the legislation to sustain reasons for refusal showing reasoned analysis of the policies implications for the development under consideration.

The only concern in this matter is that the applicant hasn't provided further information of their active farming. The rest of the reasons are either erroneous or cannot be sustained.



Report to:	Planning Committee
Date of Meeting:	2 September 2026
Subject:	Northern Ireland Tree Protection Bill – Call for Evidence
Reporting Officer and Job Title:	Jonathan McGilly (Assistant Director: Regeneration)
Contact Officer and Job Title:	Lois Jackson (Development Plan Manager and Planning Enforcement)

Purpose of Report:

For Decision

1.0	Purpose and Background
1.1	The purpose of this report is to provide Members with a brief overview of the Committee for Infrastructure's call for evidence on the Assembly's Tree Protection Bill and outline the Council's proposed response.
1.2	Currently, there are three main Planning mechanisms which afford protection to trees in Northern Ireland: Tree Preservation Orders (TPOs), Conservation Area designation and planning conditions.
1.3	The Council has a specific duty in relation to trees under the Planning (Trees) Regulations (Northern Ireland) 2015. The Order makes it a direct criminal offence under Section 126 of the Planning Act (Northern Ireland) to remove or carry out tree works to a protected tree.
1.4	The Tree Protection Bill (Bill 41/22-27) was introduced to the Northern Ireland Assembly as a Private Member's Bill on the 29 June 2026. It seeks to amend primary legislation (Planning Act (Northern Ireland) 2011) and subordinate legislation (Planning (Trees) Regulations Northern Ireland 2015) to provide enhanced legal protection for Northern Ireland's oldest and most significant trees and woodlands.
1.5	The bill has passed the first stage and is currently awaiting second stage while the Assembly's Committee for Infrastructure runs a public call for evidence. A formal call for evidence was launched on the 9 July 2026, with the public consultation window closing on 16 September 2026.
2.0	Key Issues
2.1	The main provisions of the Tree Protection Bill are as follows: 1. The Bill seeks to make it an offence to knowingly cause or permit a breach of a Tree Preservation Order (TPO); 2. The Bill requires heavier-standard replacement trees following TPO breaches, with councils responsible for monitoring their establishment for five years and powers to recover planting costs where necessary; 3. The Bill seeks to address the role trees play in climate resilience and public health. It adds a new category of 'ecosystem services' as an additional attribute for making a TPO, meaning that TPOs could be made to safeguard trees based on a wider range of benefits; 4. The Bill proposes a publicly accessible digital Tree Protection Map containing TPO records and Conservation Areas;

2.2	5. Under the provisions of the Bill planning permission would generally have to be refused where development would destroy or damage ancient or long-established woodland, when development occurs within 15 metres of such woodland; and 6. The Bill also amends the schedule of permitted developments in the Planning (General Permitted Development) Order (Northern Ireland) 2015 to include ancient and long-established woodlands, as well as any legally protected trees, in the list of criteria where permitted developments are not allowed. Appendix A sets out the Committee's call for evidence consultation questions alongside the Council's proposed responses to these questions.
3.0	<u>Recommendations</u>
3.1	It is recommended that the Committee agrees the proposed response to the call for evidence as set out in Appendix A of this report.
4.0	<u>Resource Implications</u>
4.1	There are financial and staffing implications for the Council's Planning Department. The Department currently has no qualified arboriculturists within its staffing complement, and implementation of the Bill's provisions is likely to require significantly greater input from appropriately qualified arboriculture specialists. Nor does the Council have a full-time Tree Officer. This work is undertaken by one member of staff in LDP with other policy officer duties and obligations.
4.2	The increase in the level of TPO designation, management, monitoring and review will require additional planning officer resources to be provided to manage the increased workload within the Planning Department.
5.0	<u>Due Regard to equality of opportunity and regard to good relations</u>
5.1	General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes ☐ It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations ☐
5.2	Does the proposal relate to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision? ☐ No ☐ If yes, please select one of the following: ☐ Choose an item. ☐
5.3	Proposal initiating consultation The consultation seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves

	Please select the consultation period: ⏪ Choose an item. ⏩ Rationale:
6.0	<u>Due regard to Rural Needs</u>
6.1	Does the proposal relate to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service. ⏪ No – The policy / strategy / plan / public service is not influenced by rural needs ⏩
7.0	<u>Appendices</u>
7.1	Appendix A: Northern Ireland Tree Protection Bill – Council Response to the Call for Evidence
8.0	<u>Background Documents</u>
8.1	NI Assembly Tree Protection Bill homepage: https://www.niassembly.gov.uk/assembly-business/committees/2022-2027/infrastructure/legislation/bills-primary-legislation/tree-protection-bill/

Appendix A: Northern Ireland Tree Protection Bill - Council Response to the Call for Evidence

Explanatory And Financial Memorandum

Paragraph 8 states "*The NIPSO report highlights that during the three-year period between 2019 and 2021, out of 369 tree protection breaches reported to councils, only one resulted in formal enforcement action being taken and no cases were brought to court. This contrasts with numerous documented cases in England and Wales where breaches of TPOs have been successfully prosecuted in the courts.*"

Response

The Council considers paragraph 8 is selective in its reference to the content of the NIPSO report and this is open to misinterpretation. The Council considers the wording fails to highlight the full extent of work undertaken by Councils in investigating tree protection/TPO breaches. This paragraph should be revised and set out in full to accurately reflect the content of the NIPSO report. Contravention of a Tree Preservation Order (TPO) is a criminal offence. Tree protection/TPO cases are, for all Councils in Northern Ireland, a Priority 1 case. This recognises their significance and swift action is taken in order to ensure breaches are dealt with immediately which often results in stopping the breach from occurring. A breakdown of tree protection (TPO) cases opened by councils could be provided as part of the Council's ongoing internal monitoring of enforcement cases.

Clause 1 - Tree preservation orders: councils

Clause 1 broadens the rules for tree preservation orders (TPOs) under the Planning Act (Northern Ireland) 2011 by allowing councils to make orders not only for amenity reasons but also for ecosystem services, meaning the benefits ecosystems provide to human well-being. It also strengthens TPO protections by making it an offence to knowingly permit any prohibited act, such as cutting, damaging, or destroying a tree.

A new set of subsections creates special protection for ancient trees: councils may designate them without needing to meet amenity or ecosystem tests, must commission an arboriculturist's assessment when their status is uncertain, and must issue a TPO if the tree is confirmed as ancient unless it is dead. If a council chooses not to commission an assessment, it must give written reasons.

Finally, Clause 1 changes when a TPO takes effect, allowing it to become operative either on confirmation by the council or automatically when deemed confirmed under section 123 of the 2011 Act.

Do you agree with Clause 1 of the Bill?

- Yes
- No
- Unsure

Response

There is a lack of clarity around what level of ecosystem services will be considered appropriate. All trees contribute to ecosystem services to some degree. In order for this to be a workable provision there is a need to indicate how this will be assessed.

This clause introduces an additional financial burden on Council's due to the resource requirement for an arboriculturist's assessment. What additional central government funding will be provided to assist Councils with the additional costs?

Regulations (secondary legislation) would be required to set out the level of procedures and processes that are to be used in practice. Planning policy, advice and guidance are insufficient when it relates to Planning Enforcement.

Clause 2 - Provisional tree preservation orders

Clause 2 updates section 123 of the 2011 Act by changing how provisional tree preservation orders (TPOs) become confirmed. While provisional TPOs still take effect immediately and normally lapse after six months unless formally confirmed, the amendment provides that they will now be deemed confirmed at the six-month point if the council has received no objections or representations and has not issued a decision to revoke the order. This effectively streamlines confirmation where there is no opposition, ensuring smoother protection for affected trees.

Do you agree with Clause 2 of the Bill?

- Yes
- **No**
- Unsure

Response

The Council acknowledges the potential benefits from the proposed clause which ensures provisional TPOs are confirmed and not overlooked due to administrative backlogs or missed deadlines. However the current 'Provisional' TPO process ensures trees are protected whilst being considered and the council have the scope to confirm with/without modifications or decide not to proceed based on a subsequent health and conditions survey. The update to Section 123 of the 2011 Act does not take account of any modifications that may be required to the provisional TPO.

An automatic confirmation also removes inbuilt checks within the process and could result in administrative mistakes or poorly defined boundaries going unnoticed which could ultimately result in an invalid TPO.

Clause 3 - Penalties for contravention of tree preservation orders

Clause 3 strengthens section 126 of the 2011 Act by expanding the range of conduct that constitutes an offence. While the law already makes it illegal to cut down, uproot, damage, destroy, top, or lop a tree in breach of a tree preservation order (TPO), the amendment adds that anyone who knowingly causes or permits any of these prohibited acts is also guilty of an offence. This mirrors the broader protective approach introduced in Clause 1 and ensures accountability not only for direct actions but also for deliberate facilitation or allowance of TPO violations.

Do you agree with Clause 3 of the Bill?

- Yes
- **No**
- Unsure

Response

It would appear that the insertion of wording "cause, or permit" is to broaden the circumstances under which it would be an offence, however in practice the legislation already enables the Council to pursue the landowner(s) and operator(s) who wilfully carry out unlawful works to a protected tree without consent provided. there is a robust and sound evidence (S126 states in respect of protected trees, 'if any person...cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it, that person shall be guilty of an offence...'). It is unclear as to what difference the additional wording will make in practice.

There is ambiguity and uncertainty around the use of "permits", the Council considers that it would be difficult to prove what constitutes a landowner permitting the prohibited acts. Should the 2011 Act be revised as proposed this will result in inconsistent approaches to enforcement as vague terminology will likely lead to unpredictable court rulings and uneven enforcement response across 11 different councils.

Clause 4 - Replacement of trees

Clause 4 strengthens section 125 of the 2011 Act by tightening requirements for replacing trees removed or damaged in breach of a TPO. It would mandate that any replacement must be a heavy standard tree of an appropriate species, and landowners must notify the council once it is planted. If that replacement dies, is damaged, diseased, or removed within five years, it must be replaced again. New rules also shift responsibility: where someone other than the landowner caused the TPO breach, that person must carry out the replacement duties, though the owner may step in if they fail to act within 18 months and can recover reasonable costs.

Do you agree with Clause 4 of the Bill?

- Yes
- No
- Unsure

Response

The Council would question whether requiring a 'heavy standard' replacement is the appropriate requirement. It is possible that, in some cases, the tree that has been removed may not have been of an appropriate size for its location. The amendment of this wording in legislation is too prescriptive in this instance, and a degree of flexibility is required.

The monitoring requirement significantly increases resource commitment on the council, firstly in respect of the 18-month limit for planting, then each year up to five years, and repeating for each tree that is replaced. The Council would not currently have the resources to undertake this level of monitoring.

The Council would question whether it is reasonable to require the owner to deal with the person who has caused the breach and ensure a suitable replacement is planted or to take to court to recover costs.

Clause 5 - Council to inspect replacement trees

Clause 5 introduces section 125A, creating a new duty for councils to actively monitor trees planted as replacements under section 125. For five years after planting, councils must carry out annual inspections—either through site visits or by reviewing evidence provided by the landowner—to identify trees needing extra care or further replacement and to inform the landowner of required actions. When remedial work is needed, the council must notify both the landowner and, where known, the person responsible for the original TPO breach. That person is required to carry out the remedial action unless the landowner chooses to do so; if they fail to act within the specified period, the landowner must complete the work and may recover reasonable costs from the person responsible for the breach.

Do you agree with Clause 5 of the Bill?

- Yes
- No
- Unsure

Response

The monitoring requirement significantly increases resource commitment on the council, firstly in respect of the 18-month limit for planting, then each year up to five years, and repeating for each tree as replaced. The Council would not currently have the resources to undertake this level of monitoring.

Clause 6 - Enforcement of duties as to replacement of trees

Clause 6 updates section 164 of the 2011 Act by strengthening how councils enforce tree-replacement duties. It first aligns enforcement notices with earlier reforms by requiring that any ordered replacement must be a heavy standard tree, matching the standard introduced in Clause 4. It then adds new powers allowing councils to enter land and plant the required tree themselves if the person responsible for the TPO breach fails to comply, with the council able to recover costs from that person. If the responsible individual cannot be identified, is insolvent or cannot be found, the council may recover costs from the landowner, who in turn retains a right to reclaim those costs from the person who committed the breach.

Do you agree with Clause 6 of the Bill?

- Yes
- **No**
- Unsure

Response

There are resource implications for the council in terms of the procurement of the replacement tree(s), and subsequent replanting. If the tree(s) do not establish successfully, it is unclear who is then responsible, i.e. is it the responsibility of the council or the landowner.

The Council consider it too impractical and unreasonable to recover costs from the landowner if they are not responsible for the TPO breach or had no prior knowledge of the contravention.

Clause 7 - Tree Protection Map

Clause 7 adds new sections 128A–128D to the 2011 Act, creating a digital, publicly accessible system for tree-preservation information across Northern Ireland. Section 128A requires the Department to provide an online map showing all active TPOs, conservation-area boundaries, and council-level statistics on TPO applications. Section 128B places duties on councils to upload their existing records within an initial upload period and then update the map at least every three months. Section 128C allows the Department to make regulations governing how Tree Protection Map information is made available and clarifies that, aside from personal-data protections, processing this information does not breach confidentiality. Section 128D reinforces that none of these duties permit processing personal data in violation of data-protection legislation.

Do you agree with Clause 7 of the Bill?

- Yes
- No
- Unsure

Response

The proposed requirement for the Department to provide an online map showing all active TPOs, conservation-area boundaries, and council-level statistics on TPO applications appears to be reverting to a centralised planning system. Newry, Mourne and Down District Council already hosts an interactive map with this detail. The Council already place TPO records in the public domain and consider the proposed legislative requirement onerous and unnecessary.

<https://experience.arcgis.com/experience/f6ef4625666b46788706abc4d6d02538>

TPO data can be provided to the Department subject to a data sharing agreement. Legislation should not place a duty on Councils to upload their data, this is considered to be excessive.

Clause 8 - Determination of planning applications

Clause 8 adds a new section 45(1A) to the 2011 Act, requiring councils to refuse planning permission where a proposed development would cause the loss or deterioration of ancient or long-established woodland, involve building within 15 metres of such woodland, or harm an ancient tree protected by a TPO, unless the applicant can demonstrate wholly exceptional circumstances. This creates a strong presumption against development that threatens Northern Ireland's most ecologically significant trees and woodlands.

Do you agree with Clause 8 of the Bill?

- Yes
- **No**
- Unsure

Response

This is considered too prescriptive to be included in legislation. Rather this should be included in planning policy with further detail on requirements contained in Supplementary Planning Guidance (SPG).

The council is unclear how "deterioration" will be assessed and over what period of time.

Clause 9 - Permitted Development

Clause 9 tightens permitted development rules under the Planning (General Permitted Development) Order (Northern Ireland) 2015 by removing automatic permission for any development that would harm ancient or long-established woodland. A new paragraph (5A) in Article 3 makes clear that permitted development rights no longer apply where a project would cause the loss or deterioration of such woodland or involve development within 15 metres of it.

Do you agree with Clause 9 of the Bill?

- Yes
- No
- Unsure

Response

Applying this change to legislation goes further than provision in England, Wales and Scotland. Unlike the proposed strict blanket ban in Northern Ireland, England's General Permitted Development Order (GPDO) does not automatically strip away a homeowner's or farmer's minor PD rights just for being within 15 metres of a woodland boundary. Scotland relies heavily on NatureScot guidance, which allows local planning officers to adjust the buffer size based on the specific type of development. A low-impact, non-invasive rural project might be allowed closer than 15 metres if it poses no ecological threat. Northern Ireland's Clause 9 establishes a hard legal boundary that triggers a mandatory full planning application, regardless of the project's actual impact.

The Council consider that provision of an ancient or long established woodland dataset would be necessary to support this legislative change. This would require an appropriate NI Government department with the necessary expertise to be identified by the Tree Protection Bill. Whilst Tree Officers working within Planning departments in England are qualified arboriculturists, planning officers in Northern Ireland are not. Councils do not possess the necessary expertise for identifying, reviewing or updating data records.

An Ancient Woodland dataset should therefore be provided for the whole region. There should be clear accountability and governance arrangements set out in the Tree Protection Bill identifying the responsible government authority (such as DAERA) for managing and monitoring the dataset.

If the expectation is that Councils will be responsible for formulating, monitoring and reviewing such a dataset then this will result in the need for additional expertise and resourcing which should be provided by central government.

Clause 10 - Ecosystem services

Clause 10 introduces a new Schedule 1A that defines the ecosystem services which can justify issuing a TPO. The Schedule groups these services into three categories—cultural, regulating, and supporting—and provides examples of the types of benefits each category covers. This gives councils a clearer, more structured basis for protecting trees on ecological and societal grounds beyond traditional amenity considerations.

Do you agree with Clause 10 of the Bill?

- Yes
- No
- Unsure

Response

The inclusion of "ecosystem services" would qualify all trees as eligible for protection. This would potentially widen the scope and could result in high numbers of TPOs across the district. Rather than strengthening the protection, this has the potential to undermine the purpose of TPOs.

To legally justify a TPO based on "regulating services" (like carbon sequestration, microclimate regulation, or flood mitigation), the Council will require more input from specialized ecologists and arboriculturists.

Processing, verifying, and defending TPOs under these new criteria will increase pressure on Council resources, which will impact delivery of the Council's planning functions.

Clause 11 - Interpretation: 2011 Act

Clause 11 adds several new definitions to section 250(1) of the 2011 Act: an “ancient tree” is defined using criteria set by the Ancient Tree Forum and Woodland Trust (or similar bodies, or as prescribed by regulations); “ancient woodland” refers to land continuously wooded since at least 1600 AD, including both semi-natural woodland and planted sites on ancient woodland; a “heavy standard tree” meets the specification in British Standard 8545:2014 (or any successor or prescribed standard); and “long-established woodland” means land continuously wooded since the 1830–1844 Ordnance Survey maps but without evidence of woodland cover before 1600.

Do you agree with Clause 11 of the Bill?

- Yes
- No
- Unsure

Response

Whilst the Council agrees in principle with the introduction of clear, standardised definitions for ancient trees, heavy standard trees, and historical woodlands it does, as previously highlighted, consider that there are will be resource implications and legal burdens placed on councils as a consequence of the proposed measures within the Bill.

See response to Clause 9 in respect of the need for an ancient or long established woodland dataset.

Clause 12 - Interpretation: 2015 Order

Clause 12 adds definitions of “ancient woodland” and “long-established woodland” to Article 2 of the 2015 Order, using the same wording and meaning as those introduced into the 2011 Act by clause 11.

Do you agree with Clause 12 of the Bill?

- Yes
- No
- Unsure

Response

No response considered necessary.

Clause 13 - Interpretation: general

Clause 13 sets out general interpretation provisions for the Act, defining the “2011 Act” as the Planning Act (Northern Ireland) 2011 and the “2015 Order” as the Planning (General Permitted Development) Order (Northern Ireland) 2015, and clarifying that references to Parts, numbered sections, and Schedules refer to the 2011 Act unless otherwise specified.

Do you agree with Clause 13 of the Bill?

- Yes
- No
- Unsure

Response

No response considered necessary.

Clause 14 - Commencement

Clause 14 provides that the Act comes into operation twelve months after the day on which it receives Royal Assent.

Do you agree with Clause 14 of the Bill?

- Yes
- No
- Unsure

Response

No response considered necessary.

Report to:	Planning Committee
Date of Meeting:	Wednesday 2 nd September 2026
Subject:	Shaping better Places – Politicians in Planning event
Reporting Officer and Job Title:	Jonathan McGilly, assistant Director, Regeneration
Contact Officer and Job Title:	Margaret Rodgers, Business Support Manager

Purpose of Report:

☒ For Decision ☐

1.0	Purpose and Background
1.1	Royal Town Planning Institute (RTPI) are hosting a Politicians in Planning event on 15th October 2026 in Cookstown. The event will focus on shaping better places and is aimed at elected members and those involved in planning committees. The programme is designed to explore the issues that matter to elected members, support informed decision-making and strengthen confidence in the planning process. See link for more information: Politicians in Planning: Shaping better places The purpose is to seek attendance from elected members and those involved in planning committees.
2.0	Key Issues
2.1	Where: Burnavon Arts Centre, Burn Road, Cookstown, BT80 8DN When: Tuesday 15th October 2026 Time: 10:00 – 14:00 Spaces: 6 Complimentary spaces remain as 2 Officers will also be attending
3.0	Recommendations
3.1	The committee agree Elected member attendance to a maximum of 6 places. Interested parties are to register their interest to attend the event by emailing Democratic Services by Wednesday 9th September 2026.
4.0	Resource Implications
4.1	n/a
5.0	Due Regard to equality of opportunity and regard to good relations
5.1	General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes ☒ It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations ☐
5.2	Does the proposal relate to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision ☒ No ☐

	If yes, please select one of the following: ⏪ Choose an item. ⏩
5.3	Proposal initiating consultation The consultation seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves Please select the consultation period: ⏪ Choose an item. ⏩ Rationale:
6.0	Due regard to Rural Needs
6.1	Does the proposal relate to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service. ⏪ No – The policy / strategy / plan / public service is not influenced by rural needs ⏩
7.0	Appendices
7.1	None
8.0	Background Documents
8.1	None

Minute Ref	Subject	Decision	Lead Officer	Actions taken / progress to date	Remove from Action Sheet? Y/N
Planning Committee Meeting 20 August 2025					
LA07/2023/2331/F	66 Moss Road, Glassdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	Withdrawn by the Planning Department	B Ferguson	Deferred for further consideration	N
Planning Committee Meeting 25 March 2026					
LA07/2022/0939/F	180m northwest of 22 Ringhaddy Road, Killinchy - Replacement boat house ancillary to existing camping tourism development to facilitate water sports	Deferred at request of planning department to allow for further consideration.	B Ferguson	Additional info to be submitted from agent	N
Planning Committee Meeting 22 April 2026					
LA07/2024/0749/O	Land adjacent and to the west of Sacred Heart Grammar School, 10 Ashgrove Avenue, Newry, BT34 1PR - Section 54 application for non-compliance with condition No. 9, Social Housing Provision, of Planning Approval LA07/2021/2131/F	Deferred to allow for further consideration.	P Manley		N
LA07/2024/0547/F	Lands opposite No 1 Ashgrove Avenue, Carneyhough, Newry, BT34 1PR - Proposed social residential development consisting of 20no. dwellings and 4 no. apartments with associated landscaping and car parking	Deferred to allow for further consideration.	P Manley		N

Planning Committee Meeting 1 July 2026					
LA07/2023/ 2585/F	Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle - Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.	Deferred at request of planning department to allow for further consideration.	B Ferguson		N
Planning Committee Meeting 5 August 2026					
LA07/2025/ 0057/O	Approx. 28m N of 51 Derryboy Road, Crossgar, BT30 9LH - Site for dwelling with access on to Holly Park Road.	Deferred to allow for a site visit	B Ferguson	Site Visit to be arranged	N