

October 6th, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 7th October 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

Item 6 - Cllrs Devlin, Harte, Larkin, McAteer, Reilly and Young attended a site visit on Wednesday 2 September 2026.

Items 7 & 8 - Cllrs Harte, Larkin, Magennis, McAteer, S Murphy, Tinnelly & Young attended a site visit on 29 September 2026.

4.0 Minutes of Planning Committee Meeting held 2 September 2026

For Approval

Attachment: Planning Committee Minutes 2026-09-02.pdf

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

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

6.0 LA07/2025/0057/O - Approx. 28m N of 51 Derryboy Road, Crossgar, BT30 9LH - Site for dwelling with access on to Holly Park Road.

For Decision

REFUSAL

On agenda as a result of the Call-in process. Previously tabled August 2026

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

Cllrs Devlin, Harte, Larkin, McAteer, Reilly and Young attended a site visit on Wednesday 2 September 2026.

Mr Gerry Tumelty, supported by Mr & Mrs Gibson, will be available for any questions Members may have

Attachment: LA07-2025-0057-O.pdf

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7.0 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. Previously tabled September 2026

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

Cllrs Harte, Larkin, Magennis, McAteer, S Murphy, Tinnelly & Young attended a site visit on 29 September 2026.

Mr John Cole will be present to answer any questions Members may have.

Attachment: LA07-2025-0897-O.pdf

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8.0 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. Previously tabled September 2026

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

Cllrs Harte, Larkin, Magennis, McAteer, S Murphy, Tinnelly & Young attended a site visit on 29 September 2026.

Mr Colin O'Callaghan will be present to answer any questions Members may have.

Attachment: LA07-2024-0308-O.pdf

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Development Management - Planning Applications for determination

9.0 LA07/2024/0583/F - Lands to rear and NE of No.21 and N of Nos.15 & 17 Bonds Road, Silverbridge, Armagh, BT35 9PE - Retention of ground works including changes to the level of the land through inert infilling and reprofiling of land; proposed levelling with topsoil and seeding with grass for the purposes of agricultural land improvement on lands to the rear and NE of No 21 and North of Nos 15 & 17 Bonds Road; and creation of new vehicular access to Bonds Road (amended description)

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

Speaking rights have been requested in support of the application by Mr Michael Graham, supported by Mr Oliver Hearty

Attachment: LA07-2024-0583-F.pdf

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Attachment: 9. LA07-2024-0583-F.pdf

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10.0 LA07/2025/1367/O - Site 10m E. No.2 Mullaghans Road, Mullaghbawn, Newry - Dwelling within an existing cluster.

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 Colin O'Callaghan

Attachment: LA07-2025-1367-O.pdf

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Attachment: 10. LA07 2025 1367 O.pdf

Page 114

11.0 LA07/2024/1097/O - Lands between 69 & 73 Ballywillin Road, Crossgar, BT30 9LF - Proposed 2 No. dwellings and garages on infill site under Policy CTY8 of PPS 21

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 Gerry Tumelty and Mr Hugh Gabbie.

Attachment: LA07-202-1097-O.pdf

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Attachment: 13. LA07 2024 1097 O.pdf

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12.0 LA07/2024/0536/O - Adjacent to 26 Jack's Road, Killeen, BT35 8FX - Proposed rural detached infill dwelling house and detached domestic garage along with additional landscaping and associated site work.

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 Barney McKeivitt and Mr Niall McKeivitt.

Attachment: LA07-2024-0536-O.pdf

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Attachment: 11. LA07-2024-0536-O.pdf

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13.0 LA07/2021/1437/F - 30m north of No. 38 Ballyveaghbeg Road, Ballymartin - Erection of rural detached dwelling and detached garage, new landscaping and associated site works in compliance with planning policy PPS21-CTY6

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 Barney McKeivitt & Vincent & Fionnuala Rooney.

Attachment: LA07-2021-1437-F.pdf

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Exempt Information Items

13.1 Speaking rights for LA07/2021/1437/F

This item is deemed to be exempt under paragraph 2 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to any individual.

Attachment: 13. LA07-2021-1437-F.pdf

Not included

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

14.0 LDP Draft Plan Strategy - Focused Changes Consultation

For Decision

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

Attachment: PC Report for 7 October- Public Consultation on Focused Changes.pdf

Not included

Attachment: Appendix A Focused Changes Consultation Report.pdf *Not included*

Attachment: Appendix B Addendum to Sustainability Appraisal Report.pdf *Not included*

Attachment: Appendix C Addendum to draft Habitats Regulations Assessment.pdf *Not included*

Attachment: Appendix D Addendum to draft Equality Impact Screening Report.pdf *Not included*

Attachment: Appendix E Addendum to draft Rural Needs Impact Assessment.pdf *Not included*

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

15.0 Planning Enforcement Update

For Information

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

Attachment: Planning Enforcement Update Planning Committee Oct 2026.pdf *Not included*

For Noting

16.0 Public Consultation on the Review of the Classes and Thresholds to the Schedule of The Planning (Development Management) Regulations (Northern Ireland) 2015

For Information

Attachment: Planning Committee Report ConsultationThresholds.pdf *Page 154*

Attachment: consultation-review-of-the-classes-and-thresholds-to-the-planning-development-management-regulations-ni-2015.pdf *Page 158*

Attachment: Consultation response_Thresholds.pdf *Page 191*

17.0 Historic Action Sheet

For Information

Attachment: Planning Historic Tracking Sheet - 02-09-2026.pdf *Page 193*

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Ref: P/

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 2 September 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

Councillor W Clarke	Councillor L Devlin
Councillor V Harte	Councillor D McAteer
Councillor H Reilly	Councillor H Young

Committee Members in attendance via Teams:

Councillor S Murphy	Councillor M Rice
Councillor H Young	

Officials in attendance:

Mr C Mallon, Director of Economy, Regeneration & Tourism
 Mr J McGilly, Assistant Director: Regeneration
 Mrs L Jackson, Development Plan Manager & Planning Enforcement
 Mrs A McAlarney, Planning Manager
 Ms B Ferguson, Senior Planning Officer
 Mrs A Loughan, Senior Planning Officer
 Mrs P Manley, Senior Planning Officer
 Mr P Rooney, Head of Legal Administration
 Ms F Branagh, Democratic Services Officer
 Mr C Smyth, Democratic Services Officer

P/062/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor Magennis.

P/063/2026: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/064/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL-PARAGRAPH 25

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/065/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 5 AUGUST 2026

Read: Minutes of Planning Committee Meeting of Wednesday 5 August 2026. (Copy circulated)

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Harte, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 5 August 2026 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/066/2026: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 2 September 2026. (Copy circulated)

Councillor McAteer sought clarification on whether an agreement had been reached with the Planning Department and the agent regarding the application, as it had previously requested speaking rights but had since been moved to the addendum list. Mr McGilly confirmed that an agreement had been reached.

AGREED: **On the proposal of Councillor Devlin, seconded by Councillor McAteer, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 2 September 2026:**

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

DEVELOPMENT MANAGEMENT

P/067/2026: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2025/0365/F

On agenda as a result of the Operating Protocol

Location:

Lands south of William Street, located between Newry River and the Newry Canal, at Albert Basin, Newry.

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; water sports 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.

Conclusion and Recommendation from Planning Official:

Approval.

Power-point presentation:

Mrs Manley provided an overview of the application, which sought full planning permission for the development of a city park/public open space at lands south of William Street, Newry, between the Newry River and Newry Canal at Albert Basin. She advised that the proposal included walking and cycling routes, play and sports facilities, water sports amenities, community facilities, parking, biodiversity features, landscaping and associated site works.

Mrs Manley detailed the site's location and surrounding context, including its proximity to the Quays Shopping Centre, Albert Basin, Newry Canal, William Street, the Clanrye River and the mixed residential and commercial areas of Kilmorey Street and Warrenpoint Road. She outlined the relevant zoning designations within the Banbridge, Newry and Mourne Area Plan, including the Local Landscape Policy Area (NY114), disused transport routes and Development Opportunity Site NY89. She detailed the associated key site requirements for NY89, which included provision for social housing, built frontages and access arrangements and advised that while the proposal did not fully comply with all aspects of the NY89 zoning requirements, the Planning Department had considered the justification for the scheme and concluded that the significant community, recreational, tourism, health and wellbeing, environmental and regeneration benefits associated with the delivery of the city park constituted substantial material considerations in support of approval.

She outlined the proposed layout of the park, including the retention of the existing vehicular and pedestrian access from William Street, disabled parking provision, waterside walkways, biodiversity trails, urban sports facilities, a skate park, toilet and changing facilities, mixed-age and accessible play areas, open plaza spaces, water sports facilities, pontoons, access ramps, a boat launch slipway, fishing areas, storage facilities, walking paths, natural play areas and connections to the Newry-Omeath Greenway.

Mrs Manley confirmed that three letters of support had been received that highlighted the proposal as a significant investment in community infrastructure which would enhance wellbeing, social inclusion and recreational opportunities, whilst supporting the regeneration of Albert Basin and delivering long-term benefits for the wider community. She further confirmed that consultations had been undertaken with the Loughs Agency, Environmental Health, Shared Environmental Service, Northern Ireland Water, NIEA, DfI Roads, Historic Environment Division, NIE Networks, Translink, RSPB and DfI Rivers. She noted that no consultees had raised any objections or issues of concern and advised that whilst DfI Rivers had initially raised concerns regarding the site's location within the potential inundation area of Camlough Reservoir, following clarification and further correspondence a favourable response had been received, with no further issues anticipated.

Mrs Manley confirmed that the application had been assessed against the relevant planning policy framework, the Area Plan, consultation responses and all material considerations, as detailed within the planning report. She confirmed that while having regard to these considerations, the Planning Department recommended approval, subject to the planning conditions set out within the planning report and those recommended by consultees. She further advised that, as a matter of procedure, the application would be referred to the Department for Infrastructure (DfI) for final review.

Speaking rights:

In Support:

Mr Michael Graham, supported by Mr Andy Patterson, Mr Conor McGeown and Mr Stuart Anderson were present to answer questions that Members may have had.

Councillor Larkin welcomed the proposal and expressed his satisfaction that the project was nearing completion.

Councillor Harte proposed to accept the officer's recommendation, welcoming the positive outcome for Newry.

Councillor McAteer seconded the proposal and commended Mrs Manley and the Planning Officers for the work undertaken in assessing the application, particularly given the number of consultees involved and the range of conditions attached to the recommendation. He expressed the hope that no issues would arise following referral of the application to the Department for Infrastructure for final review.

Councillor Larkin acknowledged the conditions attached to the recommendation and commended the Planning Department for its thorough assessment of the application and ensuring that all conditions had been satisfactorily addressed.

In response to a query from Councillor Tinnelly regarding referral of the application to DfI, Mrs Manley confirmed that this was a procedural requirement as the Council was the applicant and the proposal was contrary to the Area Plan as outlined in her presentation.

Councillor Young noted that she had been a member of the stakeholder group for the project and acknowledged public frustration at the time taken to progress the application, also noting the complexity involved in bringing such a proposal forward.

Councillor Reilly encouraged the Council to engage with local boating interests to ensure that the boat-launching facility adequately met operational requirements and user needs.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:	On the proposal of Councillor Harte, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2025/0365/F supporting officer recommendation as contained in the Case Officer Report.
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(2) LA07/2025/0897/O

On agenda as a result of the Call in Process

Location:

Immediately N of 46 Forkhill Road, Cloghoge, Newry, BT35 8LZ

Proposal:

Infill site for two dwellings.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan outlined the application, confirming that no letters of representation had been received and that consultees, including DfI Roads, Environmental Health and NI Water, had raised no objections subject to standard advice. She explained that the site was located outside the Newtowncloghoge settlement limit as designated in the Banbridge, Newry and Mourne Area Plan 2015 and within the Ring of Gullion Area of Outstanding Natural Beauty (AONB) and had been considered against all relevant planning policies.

Mrs Loughan advised that, while Policy CTY 8 of PPS 21 permitted infill development within a small gap in an otherwise substantial and continuously built-up frontage, officers did not consider the proposal to represent a genuine infill opportunity when assessed against the established rural development pattern. She noted that the site's proximity to the settlement limit could not be relied upon to justify the proposal, as this would effectively extend the settlement boundary into the countryside and undermine the distinction between the settlement and the surrounding rural area.

Mrs Loughan confirmed that the proposal failed to comply with Policies CTY 1, CTY 8 and CTY 15 of PPS 21 with officers recommending refusal of the application.

Speaking rights:

In Support:

Mr Cole addressed the Committee in support of the application, arguing that he believed that the proposal met the requirements of Policy CTY 8 as a genuine infill opportunity within a substantial and continuously built-up frontage (SCBUF). He contended that the site formed part of an established pattern of residential and commercial development and that the proposed plots would be in keeping with the character of the area.

Mr Cole disagreed with the officer assessment that development within the settlement limit should be excluded when considering the frontage, citing previous planning decisions and appeal decisions which he considered supported his position (2017/AO17). He maintained that the proposal would not result in ribbon development, urban sprawl or harm to rural character, and noted that the Case Officer's Report acknowledged that the site somewhat read as being within the settlement limit. He stated that he believed that the proposal satisfied the criteria for infill development and should be approved.

Councillor Devlin requested clarification of where No. 46 was sited regarding the settlement limit, to which Mrs Loughan used an aerial image of the application site with the red line of the application being shown as sited outside of the settlement limit, which was outlined in blue.

Councillor Devlin further queried the weight given to policies CTY8 and CTY15 and whether CTY15 was given more weight as it referenced settlement limits to which Mrs Loughan confirmed that all policies had to be considered and taken on balance when processing the application.

Councillor McAteer noted that each case had to be considered on its own merit but queried the appeal decision referenced by the agent and how similar the application was to the appeal decision.

Mr Rooney advised that the PAC decision referenced by the applicant was not determinative and the application must be considered on its own merits, however he noted that it was relevant to the assessment being made under Policy CTY 8, noting that the applicant had made a valid argument regarding the interpretation of SCBUF.

Mr Rooney acknowledged the Planning Department's reliance on the preamble to PPS 21 and the distinction between the settlement limit and the countryside. However, he advised that Members were entitled to consider the existing built form and appearance of the area when assessing the proposal and noted that, although the site was accepted as being within the countryside, Members could take account of the surrounding development and the overall character of the locality in reaching their decision.

Councillor McAteer noted that the images utilised gave a limited view of the site and its surrounding area, a discussion ensued regarding the surrounding area and the number of dwellings, the outcome of which was it was noted that the site bordered the settlement limit and there were commercial units within the surrounding area.

Following the discussion, Councillor McAteer proposed a site visit to better see the site and its surrounding area, which was seconded by Councillor Devlin.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:	On the proposal of Councillor McAteer, seconded by Councillor Devlin, it was agreed to defer planning application LA07/2025/0897/O to allow for a site visit.
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(3) LA07/2024/1283/O

On agenda as a result of the Call in Process

Location:

Lands 95m N of No. 11 Lesh Road, Newry, BT35 6NF

Proposal:

Erection of farm dwelling and detached domestic garage, ancillary site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan presented the application for a farm dwelling and detached domestic garage at Lesh Road, Newry. She advised that no objections had been received from consultees and that the site had been assessed against the relevant countryside policies within PPS 21.

Mrs Loughan explained that the proposal failed to satisfy Policy CTY 10, as there were no buildings on the site with which the proposed dwelling could cluster or visually link, and advised that the structures identified by the applicant were not considered buildings for the purposes of the policy, a position supported by a previous PAC decisions. She further noted that the applicant's justification relating to shadow flicker from nearby wind turbines had been assessed and was not considered to merit an alternative site.

Speaking rights:

In Support:

Mr Hamill addressed the Committee on behalf of the applicant in support of the proposal, stating that there was no dispute regarding the applicant's status as an active and established farmer and noted that the proposal satisfied the relevant requirements of Policy CTY 10, with the exception of criterion C.

Mr Hamill argued that the structures on the holding should be regarded as farm buildings for the purposes of clustering under Policy CTY 10, stating that they were comparable to structures accepted in a previous planning application approved by the Committee and by similar PAC decisions (2019/AO105). He further stated that the proposal satisfied the exceptional circumstances test for an alternative site, citing the proximity of wind turbines, the presence of an overhead power line and operational farm safety considerations.

Mr Hamill argued that the proposed dwelling would not result in ribbon development or unacceptable harm to rural character and that it was premature to assess visual impacts at outline application stage. He concluded by requesting that the Committee approve the application or, alternatively, undertake a site visit before reaching a final decision.

Councillor Clarke queried the use of the structures to the farm holding to which Mr Rafferty (applicant) confirmed that they were used in the winter time to shelter cattle, but also for the treatment and isolation of cattle when needed.

Councillor McAteer queried the length of time they had been in situ given the appearance, to which Mr Rafferty confirmed they were in place since the early 1980s and were used regularly.

Following a query from Councillor McAteer regarding alternative locations for the proposal, a discussion ensued, the outcome of which was Mr Rafferty stating that the application site was considered the only suitable location due to potential shadow flicker impacts associated with nearby wind turbines erected in 2019 and subsequently expanded in 2025. Mrs Loughran advised that a shadow flicker assessment had been undertaken in respect of both wind turbines and stated that the dwelling was located outside the shadow flicker boundary of one turbine and, whilst it fell within the theoretical shadow flicker area of the second turbine, it was situated within the relevant angle of influence. She further advised that, when applying the recognised assessment distance of ten times the rotor diameter, the dwelling was located approximately 60 metres beyond the shadow flicker boundary.

Councillor McAteer queried whether his understanding was correct that the Planning Department were only disputing the alleged flicker, to which Mrs Loughran reiterated the refusal reasons and confirmed that any alleged flicker concern had only been raised after the application had been recommended for refusal, at the call in stage, and the Planning Department were not made aware of the concern prior to the refusal recommendation being made.

Councillor Reilly queried whether the current vegetation would remain in situ and that the existing entrance would be maintained, to which Mr Hamill advised that the vegetation had already been removed to allow a new fence to be erected, but the existing entrance would be maintained.

Councillor Reilly proposed a site visit to better see the situation on the ground. As there was no seconder, the proposal was lost.

Councillor McAteer proposed to overturn the recommendation to an approval, stating that having considered the information presented regarding the function, continued use and longevity of the existing sheds he believed that the structures should be recognised as valid and functional farm buildings and that, if accepted as such, the principal planning objections would be overcome. He further stated that any approval be subject to appropriate conditions to ensure satisfactory integration of the development within the surrounding area.

This was seconded by Councillor Larkin.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2024/1283/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) LA07/2024/0308/O

On agenda as a result of the Call in Process

Location:

To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW

Proposal:

Site for dwelling and carport

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson advised that as the agent was delayed, the application would be heard later in the meeting.

AGREED: It was agreed that planning application LA07/2024/0308/O would be heard later in the meeting.

(5) LA07/2025/0762/O

On agenda as a result of the Call in Process.

Location:

Lands approximately 25m south of No. 58 Newtown Road, Newtowncloghoge, Newry, BT35 8RJ

Proposal:

Infill dwelling with detached domestic garage, site access, ancillary site works and associated landscaping

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan detailed the application, advising that one letter of representation had been received and that consultees had raised no objections, subject to standard advice. She explained that the site was located within the open countryside and the Ring of Gullion AONB and had been assessed against the SPPS and PPS 21. She advised that the proposal failed to satisfy Policy CTY 8, as the site did not form part of a SCBUF as the frontage relied upon was separated by Newtown Road, resulting in two distinct road frontages rather than a single continuous frontage as required by policy.

Mrs Loughan further advised that a site inspection confirmed that Newtown Road was a public road which created a visual break between the frontages. As such, officers considered that the proposal would not qualify as an infill opportunity and would instead result in ribbon development.

Speaking rights:

In Support:

Mr Hamill argued that the proposal complied with Policies CTY 1 and CTY 8 of PPS 21 and represented a genuine infill opportunity within a SCBUF, stating that the site was located between existing development at No. 58 Newtown Road and No. 255 Dublin Road and that the proposal would respect the established pattern of development in the area. He stated that the presence of Newtown Road did not break the continuity of the frontage, noting that Policy CTY 8 focused on the pattern of buildings rather than intervening roads or junctions. He referenced a number of previous Planning Committee decisions (LA07/2020/1103/F, LA07/2022/0243/F and LA07/2023/2171/F) which, he argued, supported the view that roads and laneways did not necessarily interrupt a SCBUF.

Mr Hamill further stated that the proposal would not give rise to ribbon development, suburbanisation, or harm to rural character, and that the site was capable of integrating into the landscape through existing and proposed landscaping.

Councillor Larkin proposed to overturn the officer recommendation to an approval, referring to previous applications considered by the Committee where similar circumstances had arisen and expressed the view that, when viewed from the approach along the road frontage, the site formed part of a SCBUF and represented an appropriate infill opportunity.

This was seconded by Councillor McAteer.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2025/0762/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.

(6) LA07/2025/1466/O

On agenda as a result of the Call in Process

Location:

Adjacent & W of No.25 Derrywilligan Road, Newry, BT35 6JU

Proposal:

Dwelling & detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan outlined the application, advising that no letters of representation had been received and that consultees had raised no objections, subject to standard advice. She explained that the site was located within the open countryside and had been assessed against the SPPS and PPS 21 and that the Planning Department were of the opinion that the proposal failed to satisfy Policies CTY 2a, CTY 8 and CTY 14, as the site did not provide a suitable degree of enclosure, was bounded by development on only one side, and was separated from other development by the public road.

Mrs Loughan further advised that, due to the lack of development to the north and west, the proposal would extend development into the open countryside rather than round off or consolidate an existing cluster, and that the site was open in character and would require removal of roadside vegetation.

Speaking rights:

In Support:

Mr Starkey addressed the Committee in support of the application, noting that officers accepted the existence of a qualifying cluster of development at Derrywilligan crossroads and that the principal area of disagreement related to the enclosure and rounding-off requirements of Policy CTY 2a. He argued that the site was sufficiently enclosed by existing development, including the dwelling at No. 25 and the commercial premises opposite, and that the proposal would consolidate and round off the existing cluster rather than extend development into the open countryside.

Mr Starkey referred to previous Planning Committee decisions (LA07/2021/2005/F and LA07/2022/0751/F) and PAC decisions (2021/A0010) which, he contended, supported the view that development located opposite a site and separated by a road could be taken into account when assessing enclosure and integration under Policy CTY 2a. He further stated that the proposal would not result in ribbon development or harm to rural character but would represent a logical and limited consolidation of the established crossroads cluster. Mr Starkey concluded that there were no technical objections to the proposal and requested that the Committee grant planning permission.

Councillor Taylor also spoke in support of the application, stating that it represented an appropriate form of development within an established cluster at Derrywilligan Crossroads. He noted that the site adjoined existing development and was located opposite substantial commercial premises, which, together with existing vegetation, provided a suitable degree of enclosure.

Councillor Taylor argued that the proposal would round off and consolidate the existing cluster rather than extend development into the open countryside and stated that the development would not create or add to ribbon development, would respect the rural character of the area, and could be successfully integrated through appropriate siting, design and landscaping.

Councillor Taylor also highlighted the absence of objections from statutory consultees or third parties and expressed the view that the proposal complied with the relevant provisions of PPS 21, including Policies CTY 1, CTY 2a and CTY 8.

Councillor Devlin sought clarification regarding the PAC decision at Portglenone referenced by the agent, querying whether the scale and nature of the industrial premises opposite the site had been afforded greater weight in the assessment than would have been the case for a standard dwelling, and asked whether the legal team had reviewed the appeal decision and could comment on its relevance to the current application.

Mr Rooney advised that the nature or scale of a particular building was not the determining factor in such assessments, rather, the key consideration was whether a proposal appropriately rounded off and consolidated an existing cluster. He noted that officers had set out their rationale for refusal based on the requirements of Policy CTY 2a and had relied upon the guidance contained within *Building on Tradition*. He further advised that, while the examples and appeal decision cited by the agent were relevant considerations, they were not determinative. Each application had to be assessed on its own merits, having regard to the specific site context and surrounding development. He noted that the Planning Department's position remained that the proposal did not satisfy all of the requirements of Policy CTY 2a, particularly in relation to enclosure.

Councillor Larkin proposed to overturn the officer recommendation to an approval, stating that he believed that the development would satisfactorily round off and consolidate the existing cluster and that it complied with the requirements of Policy CTY 2a.

This was seconded by Councillor McAteer.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2025/1466/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.

(7) LA07/2025/1205/F

On agenda as a result of the Call in Process

Location:

Adjacent to No. 25 Seafin Road, Killeavy, Newry, BT35 8LA

Proposal:

Detached dwelling on an infill site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan advised that no letters of objection had been received and that consultees had raised no objections, subject to standard advice. She explained that the site was located within the open countryside and the Ring of Gullion AONB and had been assessed against the SPPS and PPS 21. She advised that the proposal failed to satisfy Policy CTY 8, as the site did not form part of a SCBUF and the gap was considered capable of accommodating more than two dwellings. She further noted that the existing hedgerow to the south represented a natural field boundary and break in development, and that the proposal did not respect the established development pattern in the area.

Mrs Loughan also advised that the proposal was contrary to Policy NH 6, as it was not considered sympathetic to the character of the AONB or the locality and that officers considered that the development would contribute to ribbon development and would be detrimental to rural character.

Speaking rights:

In Support:

Mr Ruairi Quinn spoke in support of the application, highlighting that no objections had been received from either neighbours or statutory consultees.

Mr Quinn stated that the proposal was for a modest dwelling designed to reflect the rural character of the area and that it would integrate with the range of existing house types along the road, arguing that the site represented a logical infill opportunity between existing dwellings and that the gap was capable of accommodating a maximum of two dwellings. He further stated that the proposed plot size and spacing were consistent with the established development pattern in the locality and maintained that the proposal complied with Policies CTY 8 and CTY 14 of PPS 21.

Councillor Larkin queried the assertion that the Planning Department had made with regard to the site being able to accommodate three dwellings, to which Mrs Loughan advised that the surrounding frontages had been considered, alongside that fact that the site did not extend to the field boundary which left a gap alongside the hedgerow on both sides which could be removed and used to accommodate a third dwelling.

Councillor Larkin queried whether Mr Quinn had considered the plot widths along the road, to which Mr Quinn had advised he had considered the plot widths from No. 25 all along the road to the right of the proposal site and the site could accommodate two dwellings to maintain the character of the area.

Following a query from Councillor Larkin regarding any proposed removal of the hedgerow, Mr Quinn advised that the hedge was outside the red line for this application but would be included within the application for the second dwelling and there were no definitive plans for the hedgerow as yet.

Councillor Larkin then proposed to overturn the application recommendation to an approval, stating that he believed that the site was part of a SCBUF and was an appropriate infill opportunity under CTY8 that would accommodate a maximum of two dwellings.

This was seconded by Councillor McAteer.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2025/1205/F contrary to officer recommendation as contained in the Case Officer Report.**

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

(8) LA07/2022/0801/F

On agenda as a result of the Call in Process.

Location:

Lands at 58a Downpatrick Road, Crossgar.

Proposal:

Replacement building (previously destroyed by fire) for farm diversification including all associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson presented the application for a replacement building to facilitate farm diversification at lands at 58a Downpatrick Road, Crossgar. She advised that no objections had been received and that consultees had raised no objections in principle.

Mrs Ferguson explained that officers considered the proposal contrary to Policy CTY 11, as sufficient evidence had not been provided to demonstrate an active farm business, and that the building appeared intended to support an existing commercial food processing business in Crossgar rather than a farm diversification enterprise. She also advised that the proposal would represent an extension of commercial activity into the countryside, would be detrimental to rural character, and would result in the intensification of an access onto a protected route contrary to Policy AMP 3.

Speaking rights:

In Support:

Mr Andy Stephens spoke in support of the application, stating that the family-run business had operated in Crossgar since 1983 and employed approximately 50 people, with this proposal seeking approval to replace a building destroyed by fire in November 2020, which had previously been used by the business since the lands were acquired in 2014.

Mr Stephens argued that the proposal constituted an acceptable farm diversification scheme, noting that the policy did not require diversified uses to serve agriculture exclusively. He referred to PAC decisions (2022/AO168, 2021/AO121) which, in his view, demonstrated a broad interpretation of farm diversification policy as these had permitted an embroidery workshop and a driving school.

Mr Stephens confirmed that the farm business held a Category 1 Business ID and stated that maintaining the land in good agricultural and environmental condition was sufficient to demonstrate agricultural activity. He noted that the building had been present in the landscape prior to the fire and that officers had acknowledged the proposal would not adversely affect the character of the countryside. He argued that concerns regarding road safety and intensification of access could not be sustained, highlighting the absence of objections from DFI Roads, statutory consultees or third parties.

Mr Stephens requested that, should Members consider the information provided insufficient in relation to the level of agricultural activity, that the application be deferred to allow the submission of additional supporting evidence.

Councillor Devlin queried the request for a deferral to allow for the submission of additional supporting evidence and queried whether that information was forthcoming from the applicant.

Mr Stephens confirmed that it had been difficult to get the required information from the applicant, reiterating that although the Planning Department had approached DAERA with a

request for evidence of active farming, the policy requirements had changed over time and it was no longer DAERA that decided what constituted an active farm as appeal decisions had been granted with evidence of low level agricultural maintenance of land such as fencing, grass cutting, drainage etc. He stated that it was misleading of the Planning Department to suggest that DAERA had stated that there was no active farm as the applicant was not claiming to have an active farm, while the policy only required a low level of activity of agricultural maintenance.

Councillor Devlin stated that she was content to defer the application to allow for the submission of the required evidence.

Councillor Larkin queried why the evidence had not been submitted since 2022 when the application had been submitted, to which Mr Stephens stated that the application had been submitted in 2022, however had not been actioned until more recently due to delays within the Planning Department. He thanked Members for allowing the deferral of the application in August but confirmed he had not been able to meet with the applicant to discuss further evidence requirements.

Councillor Larkin queried the Planning Department concern regarding intensification of use when DFI had raised no objections subject to there being no intensification.

Mrs Ferguson advised that the policy provided for exceptions where a proposal falls within a suitable category of development in the countryside and did not result in an intensification of use. However, she stated that the current proposal must be assessed as a new building because while a previous structure had existed on the site and was destroyed by fire, she advised that no weight could be attached to it as there had been no lawful basis established for the building or its use. She reiterated that the proposal was therefore unacceptable in principle, as it did not meet any of the policy's suitable categories for development in the countryside. She further advised that the development would result in an intensification of the existing access through additional vehicular movements, which formed a reason for refusal.

Councillor McAteer queried the use of the old building to the farm to allow for farm diversification, to which Mr Stephens confirmed that the building had been used as a maintenance shed for the applicant's vehicles. He took the opportunity to reiterate that farm diversification did not have to be agriculture related as evidenced by his PAC decisions, but rather had to be run in conjunction with the farm business and the minimum requirement for farming evidence was low level hobby farming as stated previously.

Councillor McAteer requested clarification that the applicant was unable to provide evidence of the required low level hobby farming as stated by Mr Stephens such as hedges, fencing, gates, grass cutting, to which Mr Stephens confirmed that this was visible by observational site visits but they were unable to provide receipts, etc. as this was not their primary business.

Councillor McAteer queried the weight given to the PAC decisions referenced by Mr Stephens and queried whether the policy had moved on to allow more urban based activities as claimed.

Mr Rooney noted that the PAC decision referenced by Mr Stephens in his submission had been dismissed on the basis of urban operation within the countryside. Mr Stephens interjected to state that while on his submission, he did not reference that in his address to the Committee.

Following a query from Councillor Reilly, Mr Stephens advised that the building had been in situ from 2014 – 2020, when it was destroyed by fire and while CTY3 allowed for the replacement of a residential dwelling destroyed by fire, there was no direct policy that allowed the replacement of a non-residential dwelling such as this one. He reiterated that the business had a Category 1 business ID and CTY11 allowed for diversification for any type of use in conjunction with the farm business.

Councillor Clarke requested clarity on the farm business ID and its requirement, given that there was previously a building on site that would have been considered as part of the farm holding and while there was no Certificate of Lawful Existing Use or Development (CLEUD), had it been considered by the Planning Department.

Mrs Ferguson advised that while DAERA have confirmed that there is a farm business ID, that alone does not provide a basis for farming activity and that no evidence had been submitted as part of the application or since to demonstrate any level of farming activity as required by CTY11.

Following the discussion, Councillor Larkin proposed to accept the officer's recommendation for a refusal. This was seconded by Councillor McAteer.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

Cllr Rice was unable to vote due to technical difficulties.

The proposal was declared carried.

AGREED:	On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2022/0801/F supporting officer recommendation as contained in the Case Officer Report.
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The meeting did then recess – 12.14pm

The meeting did then resume – 12.47pm

Cllrs S Murphy and Tinnelly left the meeting at this stage – 12.22pm and 12.32pm respectively

The Chairperson advised that Item 10, application LA07/2024/0308/O would be heard at this stage:

(4) LA07/2024/0308/O

On agenda as a result of the Call in Process

Location:

To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW

Proposal:

Site for dwelling and carport

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Loughan reminded Members that the application had previously been presented to Committee in May and deferred to facilitate a site visit which did not take place due to changes in Committee membership, and in accordance with the Operating Protocol, the application was being re-presented to enable all current Members to consider and determine the proposal.

Mrs Loughan outlined the application, noting that no letters of representation had been received and that consultees had offered no objections, subject to standing advice. Referring to the policy context, Mrs Loughan advised that the site lay within the Newry Settlement Limit as designated in the Banbridge, Newry and Mourne Area Plan 2015 and that the proposal had been assessed against the SPPS, Policy QD1 of PPS 7, Policy LC1 of the Addendum to PPS 7 and PPS 6.

Mrs Loughan explained that indicative sketches had been requested to demonstrate how a dwelling could be accommodated on the site, with these indicating that a dwelling would occupy a prominent position on the site, overlooking both the applicant's property and the adjoining dwelling at No. 10. She further advised that the development would require extensive groundworks and retaining structures to facilitate both the dwelling and access arrangements.

Mrs Loughan concluded that the proposal would appear out of keeping with the established pattern of development along Hospital Road, stating that the siting of the dwelling was inappropriate for the locality and that the necessary land reshaping and prominent retaining structures would be visually intrusive and detrimental to the character and environmental quality of the residential area.

Speaking rights:

In Support:

Mr O'Callaghan thanked Members for allowing him to address the Committee at the later stage in the meeting. He stated that the site was located within the Newry Settlement Limit where there is a presumption in favour of residential development, subject to compliance with relevant planning policy and the avoidance of demonstrable harm to local character, environmental quality and residential amenity. He advised that the site was situated within an established urban area and was not located within a Conservation Area or an Area of Townscape Character, that there were no listed buildings in the immediate vicinity and that existing site boundaries and mature vegetation would be retained.

Mr O'Callaghan highlighted policy support for increased residential density within accessible urban locations and argued that the proposal represented an appropriate use of land close to Newry City Centre. He contended that the site's elevated position would not result in a visually prominent development due to the presence of existing apartment buildings on higher ground and the mature vegetation surrounding the site.

He advised that the application was submitted in outline form only, with matters relating to siting, design, appearance, access and landscaping reserved for future consideration, therefore any concerns regarding layout, scale and proportions were premature at this stage. He argued that the proposal would not adversely affect the character of the area, stating that the absence of similar development along this section of Hospital Road was due to the unique size and configuration of the site rather than any established planning constraint.

Councillor Harte queried the weight that had been given to the large apartment block visible above the site and requested clarification that as the application was an outline, any design issues would be dealt with at the reserved matters stage.

Mrs Loughan confirmed that it was an outline application and design concerns would be dealt with at the appropriate time, however she advised that the Planning Department were concerned with prominence and the impact on the wider area, given the density on the lower level of the site. She confirmed that the apartment block was accessed via a different route and while visible from the road, the proposal would appear prominent and could set a precedent with regard to backland development given the amount of degree of digging out of the land required.

Councillor Harte queried of Mr O'Callaghan how he felt the proposal respected the surrounding area, to which he stated that the split-level design with the off-centre roof allowed the architect to design a house that essentially flowed with the uphill landscape, respecting the development lower on the site. He noted that there was no threat to any existing vegetation which would help integrate the proposal into the area.

Following a query from Councillor Harte, Mr O'Callaghan advised that the development respected the pattern of the area as there were similarities with this application and another in Chapel Street, it was respectful of the scale of adjoining houses, the surrounding vegetation would assist with integration and would not appear out of character. He noted the Planning Departments concerns regarding setting a precedent but stated that this would not open the floodgates for development as the backland was almost triangular in shape with this area being the only area wide enough to accommodate a dwelling.

Councillor Harte queried the ownership of the dwelling below the proposal site, to which Mr O'Callaghan confirmed that it was in the ownership of the applicant, with the site becoming a burden to the applicant as an overgrown piece of land as it wasn't relied upon for amenity space, the existing dwelling had no rear windows to allow overlooking, and the ownership allowed additional mitigating measures to be implemented that may not have been permitted if the land was not in the applicant's ownership.

Councillor McAteer queried the Planning Departments concern with setting a precedent of development in the area, querying how any future houses would gain access to the land, unless through the existing access of No. 8, given the size and shape of the available land.

Mrs Loughan advised that while it was a concern of the Planning Department, it was a hypothetical concern but could be viable with some changes to the existing landscape, however there was always the possibility of further development.

Councillor Harte proposed a site visit to allow Members to view the site in person, which was seconded by Councillor Young.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:	On the proposal of Councillor Harte, seconded by Councillor Young, it was agreed to defer planning application LA07/2024/0308/O to allow for a site visit.
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FOR DISCUSSION / DECISION

P/068/2026: TREE PROTECTION BILL – CALL FOR EVIDENCE

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Tree Protection Bill – Call for Evidence (Copy circulated)

Mrs Jackson provided Members with an overview of the Assembly's proposed Tree Protection Bill, which had been introduced as a Private Member's Bill and was subject to a public consultation exercise. She advised that trees were currently protected through Tree Preservation Orders (TPOs), Conservation Area designations and planning conditions, and noted the Council's statutory responsibilities in relation to tree protection.

Mrs Jackson outlined the key provisions of the Bill, including the creation of new offences relating to breaches of TPOs, requirements for replacement tree planting and monitoring, expanded criteria for TPO designation based on ecosystem services, the establishment of publicly accessible tree protection records, restrictions on development near protected woodlands and the removal of certain permitted development rights. She advised that the proposed legislation would have significant staffing and financial implications for councils, particularly in relation to increased TPO management, monitoring and enforcement responsibilities.

Mrs Jackson noted that the Council did not currently employ a full-time qualified Tree Officer and that existing resources were already under considerable pressure.

Mrs Jackson acknowledged that some measures proposed within the Bill, such as a publicly accessible register of TPOs, were already in place, she expressed concerns regarding the scale of additional responsibilities that could arise, particularly in relation to the ecosystem services provisions and replacement tree inspections. She advised that a detailed response to the consultation had been prepared for Members consideration and approval, and noted that similar concerns were being raised by councils across Northern Ireland.

AGREED: **It was agreed on the proposal of Councillor McAteer, seconded by Councillor Reilly, to agree the proposed response to the call for evidence as set out in Appendix A of the officer's report.**

P/069/2026: SHAPING BETTER PLACES – POLITICIANS IN PLANNING EVENT

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Shaping Better Places – Politicians in Planning Event. (Copy circulated)

Mr McGilly advised Members of the upcoming *Shaping Better Places: Politicians in Planning* event, scheduled to take place on 15 September in Cookstown. He explained that the event was being organised by the Royal Town Planning Institute (RTPI) in association with NILGA and the Department for Infrastructure as part of ongoing engagement with elected members on planning matters.

Mr McGilly invited expressions of interest from a maximum of six Members and requested that Democratic Services be informed of any nominations.

AGREED: **It was agreed on the proposal of Councillor Larkin, seconded by Councillor Harte, that Elected Member register their interest in attending the event by Wednesday 9 September 2026.**

FOR NOTING

P/070/2026: **HISTORIC ACTION SHEET**

Read: Historic action sheet for agreement (Copy circulated)

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

There being no further business the meeting ended at 1.19pm.

Signed: _____
Cllr Larkin
Chairperson

Signed: _____
Marie Ward
Chief Executive

NB: 57% of decisions overturned.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2025/0057/O	Target Date:
Proposal: Site for dwelling with access on to Holly Park Road	Location: Approx. 28m North of 51 Derryboy Road, Crossgar, BT30 9LH
Applicant Name and Address: A and P Gibson 7 Castlerainey Rd Crossgar BT30 9DP	Agent Name and Address: David Burgess 24 Templeburn Road Crossgar
Date of last Neighbour Notification:	17.06.2025
Date of Notification Expiry:	01.07.2025
Date of Press Advertisement:	29.01.2025
Date of Press Ad Expiry:	12.02.2025
EIA Determination: AONB 0.19ha The site is within the Strangford and Lecale Area of Outstanding Natural Beauty albeit under 0.5ha in size. The Planning (Environmental Impact Assessment) Regulations (NI) 2017 are considered and the site falls within 10B of schedule 1 and as the site falls within a sensitive area being the Strangford and Lecale Area of Outstanding Natural Beauty therefore Environmental Impact Assessment screening is required.	
Consultations: DFI Roads was consulted and responded with no objections in principle subject to conditions. Environmental Health was consulted and responded with no objections.	
Representations: The application was advertised in the local press and neighbours notified as detailed above and to date there have been no representations made in relation to the application.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	
Summary of Issues: There are no outstanding issues as a result of the neighbour notification or consultation process.	

Site Visit Report
Site Location Plan:

Date of Site Visit: 01.06.2026
Characteristics of the Site and Area The site is located off the Holly Park Road on lands to the rear of 51 Derryboy Road, the site is an agricultural field that has mature, native planted hedges to eastern, southern and western boundaries with the remaining boundary not defined. The site is reasonably flat with the site dropping away slightly to the eastern side of the site. The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located in open countryside and is also within the Strangford and Lecale AoNB and is within the character assessment area described as Strangford drumlins and islands. No other constraints are noted on the site.
Description of Proposal Site for dwelling with access on to Holly Park Road
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> LA07/2021/1273/O - 227m South Of 52 Holly Park Road, Crossgar - Dwelling and garage on a farm – refusal – 31.10.2023

Consideration and Assessment

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

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

It was not evident at the outset as to which policy of PPS 21 the application was made under therefore the agent was asked to confirm under which policy the application was made and the agent confirmed that it was CTY 2A.

Policy CTY 2A – New Dwellings in Existing Clusters states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met.

- **the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.**

The site is on agricultural lands but is not adjacent to farm buildings or a farm holding, the site sits outside of a farm stead on agricultural land.

The site is located adjacent to no 51 Derryboy Road, the site shares a boundary with no 51 and 49 Derryboy Road being semi detached dwellings (one building) there are out buildings associated with both no 49 and 51 Derryboy Road however it is noted that outbuildings are excluded from consideration as set out in policy. No 55 presents onto the Derryboy Road, separated from no 51 Derryboy Road by the Holly Park Road, No 55 Derryboy Road is a single dwelling and associated out building.

Policy requires the cluster to consist of 4 or more buildings with the exclusion of ancillary buildings such as garages and outbuildings. There are two buildings located at the crossroads, 3 dwellings given one building housing a pair of dwellings with the site relying on ancillary buildings to achieve 4 buildings, policy specifically advises that ancillary buildings such as garages, outbuildings and open sided structures are excluded from the building count. This aspect of policy has not been met and it is not considered that there is a cluster of development at this location.

- **the cluster appears as a visual entity in the local landscape.**

As there are only two dwellings, one sitting either side of the Holly Park Road and both Presenting onto Derryboy Road at a crossroads there is insufficient development to be considered to be a cluster. The site sits on lands to the rear of no 51 and 49 Derryboy Road and away from the crossroads. The main view points of the site are from the Holly Park Road with limited views from other public view points, the site and the existing development would not be considered to appear 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 site sits approximately 35m from the crossroads of the roads of Derryboy Road and whilst physically there is a crossroads within close proximity to the site, the site does not sit at the crossroads. The distance from the crossroads is noted however the site is not visible from the cross roads and vice versa, there is little by way of association or visual connection between the cross road and the site and the two are not interlinked. This aspect of policy has not been met.

- **the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.**

The site is bounded on three sides by mature planting and whilst the site can achieve a suitable degree of enclosure due to the mature planting it is only physically bound on one side with other development, this aspect of policy has also not been met.

- **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.**

The development of the site would extend the development on out into open countryside, the development of the site does not represent rounding off of an existing cluster or the development of a pocket of land that is within a cluster and surrounded with other development. As already detailed earlier in the report it is not considered that a cluster exists at this location therefore this development cannot be considered to be absorbed. This aspect of policy has not been met.

• **development would not adversely impact on residential amenity.**

Taking account of the existing development and with two existing dwellings along only one boundary of the site and taking account of the size of the development it is considered a dwelling could be developed on the site without adverse impact on residential dwellings, sufficient space can be achieved between existing and proposed development therefore it is not anticipated that there would be any adverse impacts on residential amenity as a result of the works.

Consideration of 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 it is of an appropriate design. A new building will be unacceptable where:

(a) it is a prominent feature in the landscape.

The site is considered and taking account of the low lying nature of the site, its relatively flat existence and the strong mature boundaries associated with the development it is considered that the development of the site would not result in works that would be prominent in the landscape, provided a suitable scheme is put forward it is considered a dwelling could be designed and constructed that can make use of existing surrounding lands, built structures and mature planting to help the works integrate into the landscape and it is not considered that the works would be a prominent feature in the existing landscape.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

The site can make use of existing boundaries in order to provide a suitable degree of enclosure and the site has been chosen so as to as far as possible allow reliance on existing boundaries without the site having the appearance of having been carved artificially out of an existing field. It is acknowledged that some of the planting will be lost to accommodate sight splays however this would be by condition of reinstatement of the planting to the rear of visibility splays is to take place with the loss of planting being temporary.

(c) it relies primarily on the use of new landscaping for integration.

As there are existing mature boundaries in existence for three of the four site boundaries at present that offer a level of mature planting it is not considered that the site will rely on new planting for integration, it is noted that the site will lose some mature hedge row to accommodate sight splays but these can be reinstated behind the required sight visibility splays, and in any case it is not considered that the works would be in reliance of this planting to provide integration for the dwelling, this aspect of policy has not been offended.

(d) ancillary works do not integrate with their surroundings.

Permission is sought for a dwelling only under this application with no reference to a garage or other associated outbuilding, taking account of the nature of the site, the characteristics and surroundings it is considered that a dwelling and ancillary works could be accommodated on this site without having unacceptable detrimental impacts on the overall character and appearance of the wider area. Further particulars as to the overall layout of the site in terms of access, hardstanding and planting can be considered at subsequent application stages however in principle it is considered that ancillary works will not cause any detrimental impacts.

(e) the design of the building is inappropriate for the site and its locality.

As this is an outline application the overall design and appearance of the dwelling has not been presented for consideration however a dwelling designed in accordance on building on tradition would be favourable. The surrounding and adjacent development context is taken into consideration and it is considered a dwelling could be accommodated at this site that is appropriate to the locality.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

Again as this application is an outline application full consideration of the potential for impact is not possible however in reading the general context of the area and taking account of the overall topography of the surrounding area, the planting associated with the site and the wider area and the overall topography of the site and the overall landscape and taking account of the topography of the site it is considered that the development will respect the overall features in the area and can be accommodated within the landform with existing planting and natural features as a natural backdrop.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This application does not relate to a dwelling on a farm therefore this aspect of policy is not applicable.

Consideration of CTY 14 Rural Character

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. Policy states that a new building will be unacceptable where:

(a) it is unduly prominent in the landscape.

As considered under the provisions of CTY 13 it is not considered that the development will result in being unduly prominent in the landscape, subject to the layout and design of the site being agreed the site is not likely result in being prominent in the landscape.

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

Given the level of development within the surrounding area and taking account of the surrounding built development it is not considered that the development of the site would result in an overall change of character within the area to result in a suburban type build up of development when read with existing and approved buildings, it is noted that there is no planning history to support any further development on adjacent lands presently.

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

The development of the site, if justified under all relevant policy provisions would be considered to be acceptable in terms of patterns of development, the plot is of adequate size and is road side with adequate planting and screening and on a site with an acceptable topography, the development of the site would not be detrimental to the overall character of the area.

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

Consideration has been given to the potential for the site to create or add to a ribbon of development and it is noted that there is an intervening garden area that appears to be bound entirely by a wall therefore prevents no. 51 from having a frontage onto the Hollypark Road. No. 51 is a two storey semi-detached dwelling that has a two storey rear return dropping to a single storey flat roof section with all the works attached. There are out buildings on the site between the dwelling itself and the Holly Park Road but

which are in front of the dwelling. Given the arrangement with the buildings and the garden area it cannot be considered that a dwelling on the site will create ribboning, this aspect of policy has not been offended.

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

As discussed previously the ancillary works will not have unacceptable detrimental impacts on the overall character and appearance of the area.

PPS 2 Natural Heritage Consideration

The provisions of PPS 2 namely NH 2 and NH 5 are considered. The application was not accompanied with a bio diversity checklist or any further ecological reports. A Design and Access Statement was requested and submitted which references the natural screenings of the site.

The site itself is an agricultural field that on the day of the inspection had been cut for silage and slurry had been spread on the ground, indicating a quite active agricultural unit with no areas of dormant or protected grazed areas that would be species rich. It is also noted that the majority of boundaries are to be retained with only the removal of some field boundaries for the provision of sight splays required. DFI Roads have requested sight splays of 2.0m by 33m be provided and this will include the removal of some of the existing mature hedging to the front of the site. The hedge is considered and while it is a thick hedge that does provide screening it would be considered species poor with a high level of ivy present in the hedge, it is also noted that the hedge and boundary does not include any trees or aspects that appear suitable for protected species. It is noted that no bio diversity has been submitted but taking account the agricultural nature of the lands, the lack of any habitat features and taking account of the fact that the hedging will be conditioned to be reinstated to the rear of sight visibility splays it is not considered any further information or consultations are required to satisfy the provisions of NH 2 or NH 5.

It is also noted that the site is within the Strangford and Lecale Area of Outstanding Natural Beauty therefore policy NH 6 Areas of Outstanding Natural Beauty is relevant and it is considered that the site can accommodate a dwelling whilst respecting the overall character of the area and the special scenic value of the area. it is noted that there are no particular features of interest either in the surrounding built features or other man made features of importance. The overall landscape will not be impacted upon as a result of the works.

Design will be considered at subsequent application states however a dwelling designed in accordance with Building on Tradition would be required to ensure the character of the AoNB is respected. The provisions of NH 6 has not been offended.

Consideration Of PPS 3 Access, Movement And Parking

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

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

DFI Roads consider the access arrangements acceptable subject to the improvement of sight splays. it is not considered that the works will have any detrimental impacts on road safety or inconvenience the flow of traffic on Holly Park Road, splays of 2.0m by 33m are required.

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

The dwelling does not access out onto a protected route and it is not considered there will be any impact on protected routes as a result of the development.

Neighbour Notification Checked

Yes

Summary of Recommendation

The application does not meet any of the provisions set out in CTY 1 of PPS 21 therefore a recommendation of refusal is recommended.

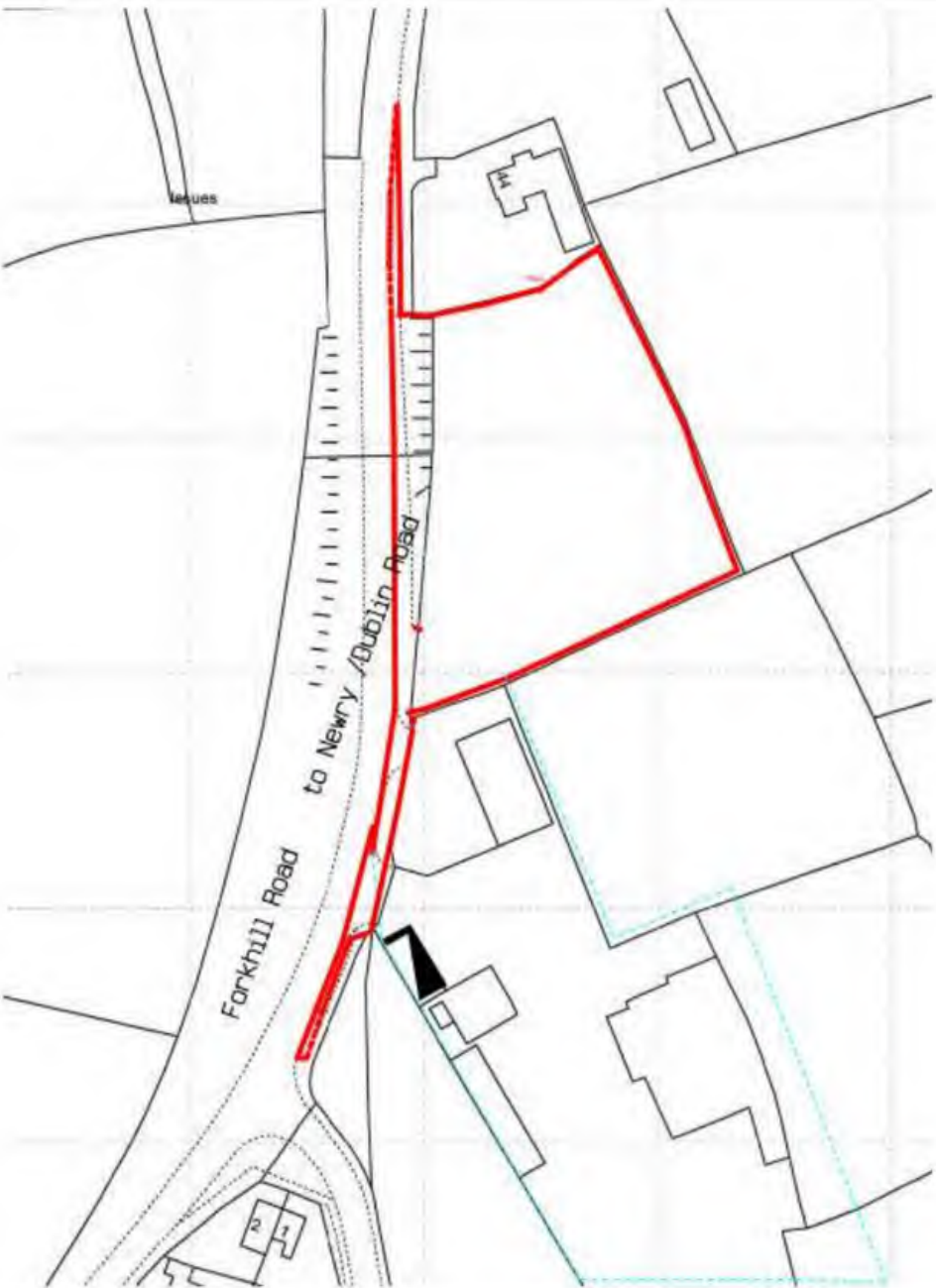
Reasons for Refusal :

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 2nd Edition 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 2nd Edition and Planning Policy Statement 21 Sustainable Development in the Countryside Policy CTY2a New Dwellings in Existing Clusters in that:
 - The proposed site is not located within an existing cluster of development consisting of four or more buildings;
 - The site is not bounded on at least two sides with other development;

- The development of the site would not appear as a visual entity in the local landscape, it cannot be absorbed through rounding off and consolidation and would visually intrude into the open countryside significantly altering the existing character; and - The site is not associated with a focal point or located at a cross roads.
Case Officer Signature: Fionnuala Murray
Date: 19th June 2026
Appointed Officer Signature: Brenda Ferguson
Date: 19th June 2026

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 diagonally from the bottom left towards the top right. A red line outlines a specific area on the eastern side of Forkhill Road. To the left of the road, there is a label 'Issues' and a dashed line. To the right of the road, there are several building footprints and a dashed green line. A label 'to Newry / Dublin Road' is written along the road. A north arrow is located near the bottom center 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

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 SPPS 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

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.

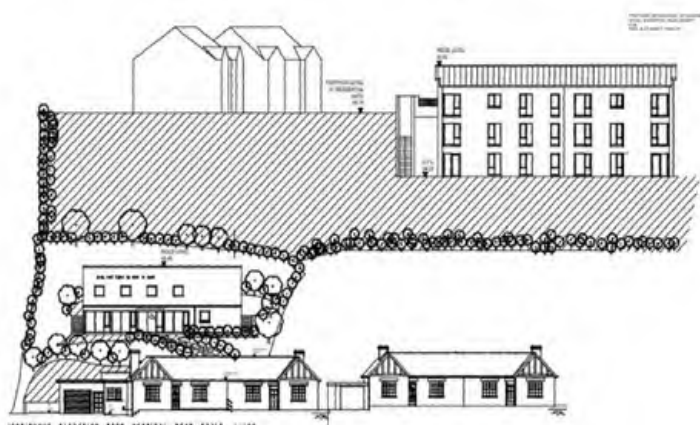


Figure 1 Contiguous Elevation from Hospital Road

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

Committee Application

Development Management Officer Report	
Application ID: LA07/2024/0583/F	Target Date:
Proposal: Retention of ground works including changes to the level of the land through inert infilling and reprofiling of land; proposed levelling with topsoil and seeding with grass for the purposes of agricultural land improvement on lands to the rear and north east of No 21 and North of Nos 15 & 17 Bonds Road, Silverbridge Armagh, BT35 9PE; and creation of new vehicular access to Bonds Road. (Amended Description)	Location: Lands to rear and North East of No.21 and North of Nos.15 & 17 Bonds Road, Silverbridge, Armagh, BT35 9PE
Applicant Name and Address: Oliver Hearty 24 Drumalt Road Dorsey Silverbridge BT35 9LQ	Agent Name and Address: Michael Graham 1 Locksley Business Park Montgomery Road Belfast BT69UP
Date of last Neighbour Notification:	4 September 2025 (re-neighbour notification)
Date of Press Advertisement:	17 September 2025 (re-advertisement)
EIA Determination: ES not requested. See details further below in the report.	
1.0 Consultations: HED Monuments (11.06.26) - HM consider that the information provided by the visual assessment and the result of the archaeological evaluation is sufficient to satisfy concerns regarding compliance with Policy CVN 2 (Area of Significant Archaeological Interest) of the Banbridge, Newry and Mourne Area Plan 2015 and acceptability under Policy BH 1 of PPS 6. NIEA Marine and Fisheries Division (23.10.25) - Assuming NIEA is content with the CEMP provided, Inland Fisheries is content for the application to proceed. Informatives provided. NIEA Water Management Unit (23.10.25) - Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions. NIEA Natural Environment Division (23.10.25) - NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other	

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

DfI Roads (05.09.25) - No objection

DfI Rivers (24.10.24)

FLD1 (Development in Fluvial and Coastal Flood Plains) –

Rivers Directorate notes that Drawing No. 006 Rev P01 proposes the removal of the existing fill at this location and regrading of the land within the 1 in 100 year strategic fluvial flood plain to pre-existing levels as determined by the 10m DTM. Provided that all this work occurs and the ground levels within the strategic fluvial flood plain are reinstated to pre-existing levels, Rivers Directorate would have no objection to the revised fill retention proposed at the above site.

Rivers Directorate would request that a new topographical survey be carried out once the removal of the fill has taken place to ensure that the new levels match the topographical survey presented in Appendix D as Drawing No. 006 Rev P01 within the applicant's own Flood Risk Assessment which was carried out by Tetra Tech dated 10th April 2024.

FLD2 (Protection of Flood Defence and Drainage Infrastructure) -

The site is bounded at the NE and E by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to Rivers Directorate as: 'Ummeracam'. 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 were considered necessary, and be provided with clear access and egress at all times.

FLD3 (Development and Surface Water) -

Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with these statements and therefore has no further comment to make regarding this proposal.

FLD4 (Artificial Modification of Watercourses) and FLD 5 (Development in Proximity to Reservoirs) – Not applicable to this site.

Flood Risk in the Climate Change Scenario

Rivers Directorate advises the Planning Authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that an area at north-east of the site lies within the 1 in 100-year strategic fluvial climate change flood plain (Q100CC).

The Planning Authority is advised to consider this as a material consideration.

Environmental Health (05.08.24) - No Environmental Health objections based on the submitted information

DAERA (Armagh) consulted 09.07.24

Last consultation response dated 22.07.24 – the application site is not on land for which payments are currently being claimed by the farm business.

SES (05.07.24) – No likely significant impact.

2.0 Representations:

As required by The Planning (General Development Procedure) Order (NI) 2015, several occupiers of adjacent buildings were notified of the proposed development on 5th June 2024 and the application was advertised in the local press on 12th June 2024. Following receipt of an amended proposal description and drawings to include the creation of a new vehicular access to Bonds Road, the occupiers of adjacent buildings were re-notified on 4th September 2025. The proposal development was also re-advertised in the local press on 17th September 2025.

Representations from two different addresses have been received to the proposed development and are considered further below in the report. The occupiers of such addresses (7 and 17 Legmoylin Road Silverbridge BT35 9LL) were also re-notified on 4 September 2025 to inform them of the revised proposal description and drawings.

Letters of Support	0
Letters of Objection	6

Summary of Issues:

Summary of Key Points of Objection

The objections raises concerns under several broad themes:

1. Significant Harm to Archaeological Heritage

- The site is located within The Dorsey Area of Significant Archaeological Interest (ASAI), within an Area of Outstanding Natural Beauty (AONB), and adjacent to the Scheduled Monument known as The Dorsey Entrenchment. The objector raises concerns that unauthorised works were carried out on one of Northern Ireland's few confirmed Iron Age landscapes without appropriate archaeological assessment or protection:
 - Archaeological remains may have been damaged or destroyed.
 - No archaeological assessment or monitoring was undertaken before works commenced.
 - Archaeological mitigation measures required by planning policy were not followed.
 - No qualified archaeologist was engaged before works commenced.
 - No archaeological programme of works was approved prior to development.
 - Potential heritage assets and artefacts may have been lost permanently.
 - Validity of archaeological assessments carried out after the works were completed
 - Concerns are raised regarding the timing of archaeological reporting, with a report reportedly prepared after the works had already been completed
- Historic Environment Division (HED) consultation responses are cited as concluding that the works:
 - Impacted surviving archaeological remains.
 - Damaged the character and significance of the ASAI.
 - Harmed the setting of the Scheduled Monument.

These concerns have been carefully considered in conjunction with the advice received from HED Historic Monuments dated 29th May 2026, the submitted Archaeological Impact Assessment, the archaeological evaluation and the accompanying visual assessment.

HED Historic Monuments initially expressed concerns regarding the potential impact of the development on the archaeological resource. However, following review of the additional information submitted, including the Impact Assessment uploaded to the planning portal on 11th May 2026, HED confirmed in its consultation response dated 29th May 2026 that its concerns had been satisfactorily addressed.

In reviewing the archaeological evaluation, HED noted that the test trenching identified that no archaeological deposits were identified within the exposed subsoil areas. The archaeological report further concluded that disturbance to the underlying subsoil had been minimal and that, should archaeological remains be present within the site, they

would have been preserved in situ beneath the deposited fill material. HED advised that the test trench layout provided sufficient coverage to adequately assess the archaeological potential and survival across the site. A site inspection was also undertaken by HED to verify the findings of the archaeological evaluation.

With regard to concerns that archaeological assessment was undertaken after the works had been completed, HED reviewed the archaeological evaluation and associated evidence and ultimately accepted the findings and conclusions reached. While the objector questions the timing of the archaeological investigations, the statutory archaeological consultee has confirmed that the information submitted is sufficient to assess the archaeological impact of the works and to inform the planning assessment.

HED also reviewed the visual assessment information contained within the Impact Assessment and agreed with the conclusion that the overall ground level within the site had not been significantly reduced during topsoil stripping nor significantly raised through the deposition of fill material. On this basis, HED concluded that the groundworks had not resulted in an adverse impact upon The Dorsey ASAI.

Having considered the archaeological evaluation findings, the visual assessment, and the consultation response from HED Historic Monuments, there is no substantive evidence before the Planning Department to demonstrate that archaeological remains have been damaged or destroyed as a consequence of the development. Furthermore, the statutory consultee with responsibility for archaeological matters is satisfied that any archaeological resource within the site has not been adversely affected and that the works have not resulted in harm to the significance or integrity of the ASAI.

Accordingly, HED Historic Monuments has confirmed that the information provided is sufficient to satisfy its concerns regarding compliance with Policy CVN 2 (Area of Significant Archaeological Interest) of the Banbridge, Newry and Mourne Area Plan 2015 and the acceptability of the development under Policy BH 1 of PPS 6. In light of this advice, it is considered that the archaeological objections have been adequately addressed and no refusal reason could be sustained on archaeological grounds.

Further assessment of this is contained below within the planning report.

2. Breach of the Local Development Plan

- The objection claims the development directly conflicts with policies in the Banbridge, Newry and Mourne Area Plan.
- The Local Development Plan contains a presumption against large-scale developments within an ASAI due to their potential impact on archaeological and landscape character.

The principle of the development is considered acceptable within the context of the BNMAP 2015. The detailed environmental, archaeological and heritage considerations have been assessed against the relevant regional planning policies and consultee responses, and these matters are addressed elsewhere within this report. Accordingly, it is not considered that the proposal gives rise to a conflict with the operational development plan.

3. Unauthorised Development and Retrospective Planning

- Substantial works were completed before planning permission was sought.
- The objection argues that retrospective applications should not legitimise developments that bypassed the planning process.
- It is alleged that approximately three hectares were altered through extensive earthworks without planning approval, archaeological monitoring, or consultation with HED.
- Newry, Mourne and Down Council and statutory consultees were aware of the works.
- Enforcement action was not taken effectively or promptly.
- The objection claims that statutory authorities failed to prevent or remedy the alleged unauthorised development.

The Planning Department acknowledges that works were undertaken on the site without the benefit of planning permission. Following receipt of a complaint in August 2022, an enforcement case was opened and investigated (which remains active).

It was concluded that the works constituted development requiring planning permission and, consequently, the applicant in regularising this position submitted a planning application.

The current application has therefore been submitted on a retrospective basis. While the retrospective nature of the proposal is recognised, and such retrospective applications are provided for within the planning system. These are nevertheless assessed on their planning merits, having regard to the Development Plan, relevant planning policy, consultation responses and all other material considerations.

The application has been subject to an extensive consultation process, including consultation with HED and other relevant statutory consultees. Concerns raised during the assessment process have been considered and additional information sought from the applicant where necessary. Notably, HED, in correspondence dated 29th May 2026, confirmed that having reviewed the further information submitted, was satisfied that its original concerns had been appropriately addressed and raised no objection to the proposal.

While objectors' express dissatisfaction regarding the timing and effectiveness of enforcement action, enforcement matters are separate from the determination of the planning application. The role of the Planning Department in assessing the current application is to consider whether the development is acceptable in planning terms based on the information before it, the relevant planning policy framework and the professional advice received from statutory consultees.

Accordingly, it is considered that the concerns relating to the retrospective nature of the application have been appropriately addressed through the planning and consultation process.

4. Failure of Enforcement by Public Authorities

- The objector alleges that:
 - Newry, Mourne and Down District Council,
 - HED,
 - DAERA,
 - NIEA, and
 - DFI were aware of the works but failed to stop them.
- Concerns are raised about the lack of enforcement action and whether statutory duties were fulfilled.
- The objection calls for an independent investigation into the handling of the case.

An enforcement investigation was commenced by the Enforcement Team in relation to the matters raised. That investigation was opened and remains ongoing. As such, it would be inappropriate for the Planning Department to comment on the details, progress, findings, or any potential outcomes of that investigation, or on any actions that may be considered by the Enforcement Team or other statutory bodies in the exercise of their respective powers and responsibilities.

The Planning Department has dealt with the application in a transparent manner throughout the assessment process. Relevant information submitted in support of the application, together with consultation responses and other documentation, has been made available through the Planning Department's public planning portal in accordance with normal procedures and statutory requirements.

The objector has also questioned whether statutory duties have been fulfilled by the relevant authorities. In this regard, the Planning Department is satisfied that the application has been processed and assessed in accordance with the relevant legislative require-

ments, established procedures, and planning policy framework. Appropriate consultations have been undertaken, representations have been considered, and all material planning considerations have been assessed as part of the determination process.

While the concerns regarding enforcement and the actions of public authorities are acknowledged, these matters are separate from the assessment of the application on its planning merits. Furthermore, concerns regarding the conduct of the Planning Department or the discharge of its statutory functions may be pursued through the Council's established complaints procedures should any party consider that the Department has failed to meet its responsibilities.

5. Lack of Transparency in the Public Consultation Process

- The objector argues that the public consultation did not accurately describe:
 - The extent of the unauthorised works.
 - The archaeological impacts.
 - The concerns raised by consultees.
- It is suggested that maps and consultation material may not have fully represented the scale of development.
- Concerns are expressed that the public were not given sufficient information to properly assess the proposal.

The concerns raised regarding the transparency and adequacy of the public consultation process are noted. Whilst it is recognised that the Planning Department was not directly involved in the Pre-Application Community Consultation (PACC) process undertaken by the applicant. However, the findings of that consultation were submitted as part of the planning application in the form of a PACC Report and have been taken into account as part of the assessment of the proposal.

The Planning Departments role is to assess the information submitted with the application and determine whether sufficient information has been provided to enable a full and informed assessment.

In this regard, the application submission, accompanying plans and supporting documentation reflect the extent of the works undertaken on site and the restoration works proposed. Following consultation responses and issues raised during the assessment process, additional information was submitted by the applicant, including archaeological information and visual impact assessments, to further inform consideration of the proposal and its potential impacts.

The Planning Department is satisfied that the plans, maps and supporting information submitted accurately represent both the development undertaken and the restoration works proposed. Furthermore, all application documentation, consultee responses and

additional supporting information were made publicly available through the Planning Portal, allowing interested parties to review the proposal and submit representations throughout the application process.

While the objector contends that information presented during the consultation process was incomplete or misleading, the Planning Department is satisfied that sufficient information has been provided to enable a full and informed assessment of the proposal.

Matters relating to archaeological impacts and heritage considerations have been subject to consultation with the relevant statutory consultees and are addressed elsewhere within this report.

Accordingly, whilst the concerns regarding transparency are acknowledged, no evidence has been presented to demonstrate that any deficiency in the consultation process has prejudiced the assessment of the application or prevented meaningful public participation in the determination process.

6. Contravention of Planning Policies

The objection alleges conflict with several planning policies, including:

PPS 2: Natural Heritage

- Failure to conserve, enhance and restore natural heritage.
- Damage to landscape character, biodiversity, hedgerows and habitat.

PPS 6: Planning, Archaeology and the Built Heritage

- No archaeological programme was undertaken before development started.
- No archaeological monitoring or excavation conditions were implemented.
- Works allegedly proceeded contrary to established archaeological safeguards.

PPS 16: Tourism

- Harm to The Dorsey Ramparts and associated tourism assets.
- Potential negative impact on heritage tourism within the area.

PPS 21: Sustainable Development in the Countryside

- Development is said to be out of character with the rural landscape.
- Incompatible with the objectives of protecting countryside character and environmental quality.

The matters raised by objectors in respect of alleged conflict with planning policy have been fully considered as part of the assessment of the application and are addressed in detail under the relevant policy considerations below.

These include the provisions of the Banbridge, Newry and Mourne Area Plan, PPS 2: Natural Heritage, PPS 6: Planning, Archaeology and the Built Heritage, PPS 16:

Tourism, SPPS AMENITY- Safeguarding Residential Environs and PPS 21: Sustainable Development in the Countryside.

In assessing the proposal, consultation was undertaken with the relevant statutory consultees, including those responsible for natural heritage, archaeology and the historic environment. No objections have been raised by consultees in respect of the proposal, subject to recommended conditions and mitigation measures.

Having regard to the consultation responses received and the policy assessment set out within this report, it is considered that the proposal complies with the relevant planning policies. The development is therefore not considered to be in conflict with policy for the reasons outlined under the policy considerations section of this report.

7. Environmental and Biodiversity Concerns

- Allegations that:
 - Hedgerows/ trees removed.
 - Works occurred during bird nesting season.
 - Biodiversity and habitats were negatively affected.
 - Impacts on the Ummercam River.
 - Air quality
 - Noise levels.
 - Waste management.
- Questions are raised regarding:
 - Environmental permission/ licences.
 - Ecological assessments.
 - Compliance with environmental legislation.
 - No adequate environmental assessment was carried out

These matters have been considered as part of the assessment of the application, with particular regard to the potential impacts on the environment and biodiversity. Furthermore, biodiversity and environmental interests were considered as part of the Environmental Impact Assessment (EIA) Screening process, which concluded that the proposal was not likely to give rise to significant environmental effects and as such an Environmental Statement was not required.

Where it is alleged that trees and hedgerows have been removed, it is noted that the vegetation in question was not subject to any statutory protection and therefore did not require planning permission for its removal. Any works carried out prior to the submis-

sion of the application are separate from the determination of the current planning proposal and do not alter the assessment of the planning merits of the development now under consideration.

Notwithstanding this, the proposed development includes restoration and landscaping measures, including the retention of existing vegetation where possible and the provision of additional tree and hedgerow planting. These measures are considered capable of enhancing the site and assisting in mitigating any potential impacts on the local landscape character and biodiversity.

In relation to concerns regarding works undertaken during the bird nesting season, compliance with wildlife legislation is the responsibility of the developer. Any alleged breaches of legislation relating to nesting birds, protected species or habitat protection are matters for the relevant regulatory bodies and may be investigated under separate legislative controls. Such matters are not determining in the assessment of the planning application before the Planning Department.

Concerns regarding environmental licences, permits and consents are also noted. However, these matters fall outside the remit of the Planning Department and are regulated under separate statutory requirements. As such, the Planning Department cannot comment on, nor determine, the requirement for any environmental licence, permit or consent which may be necessary.

The Northern Ireland Environment Agency (NIEA) and Shared Environmental Services (SES) were consulted as part of the application process and offered no objection to the proposal. The consultation responses received did not identify any unacceptable impacts on biodiversity, protected habitats, water quality, ecological interests, or the nearby Ummercam River.

Having regard to the EIA Screening determination, the information submitted, the consultation responses received, and the proposed restoration and planting measures, it is considered that the development would not result in unacceptable adverse impacts on the environment, biodiversity, or the wider ecological interests of the area.

8. Infrastructure and Amenity Impacts

- Bonds Road is described as unsuitable for the scale of construction traffic involved.
- Concerns are raised regarding:
 - Traffic congestion.

- Road Safety
- Commercial vehicle movements.
- Noise pollution.
- Dust and air quality impacts.
- Health and safety issues.
- Impact to amenity

These matters have been fully considered in the assessment of the application. In particular, impacts relating to noise, dust, air quality and residential amenity were assessed by Environmental Health, which raised no objection to the proposal in its consultation response dated 23rd September 2025.

Furthermore, DfI Roads was consulted and, in its response dated 5th September 2025, raised no objection to the proposal in respect of the local road network, traffic generation, road safety or access arrangements.

Having regard to the advice received from these technical consultees, it is considered that the proposal would not result in an unacceptable impact on residential amenity, public health, road safety or the operation of the surrounding road network.

9. Infrastructure and Traffic Impacts

- Bonds Road is described as unsuitable for the scale of construction traffic.
- Complaints include road blockages, heavy machinery movements, noise, dust and disruption

DfI Roads was consulted and, in its response dated 5th September 2025, raised no objection to the proposal.

10. Concerns Regarding an Unauthorised Roadway

- An internal roadway is alleged to have been constructed across the site.
- The objection states that this roadway was not properly addressed within the planning application or public consultation documents.

Officers have not identified the construction of any formalised internal roadway, other than an existing agricultural access. The current application includes proposals for field gates associated with this access.

The access arrangements and site layout have been subject to consultation with DfI Roads on several occasions throughout the processing of the application. DfI Roads has raised no concerns regarding the existing access arrangements, the proposed development, or refer to an alleged roadway referred to in the representation. Furthermore, any concerns relating to unauthorised works would constitute a separate planning enforcement matter and must be considered independently from the assessment of the current application. The application before the Planning Department

has been assessed on the basis of the submitted plans and supporting information, together with all relevant consultation responses.

Having regard to the information submitted and the consultation responses received, including those from DfI Roads, the Planning Department is satisfied that there are no road safety, access, or transportation issues arising from the development.

11. Loss of Landscape Character

- The objector states that agricultural land has been transformed through extensive land raising and earth moving.
- The works are described as visually intrusive and harmful to the character of the AONB and historic landscape.
- Alleges conflict with PPS 2 (Natural Heritage).

The potential impacts on landscape character, the Area of Outstanding Natural Beauty (AONB), and the significance of the designated historic environment have been fully considered within the planning report below.

This assessment has taken account of the full extent of the works already undertaken on the site, together with the proposed restoration and remediation measures. The restoration strategy was developed through engagement with the relevant statutory consultees and informed by environmental, landscape and heritage assessments. Accordingly, the effects of both the existing works and the proposed restoration have been comprehensively evaluated, including consideration of landscape character, visual amenity, natural heritage interests, the special qualities of the AONB, and the significance and setting of the designated heritage asset.

The conclusions of these assessments indicate that, subject to the implementation of the proposed restoration measures, the development will not result in unacceptable long-term harm to landscape character, the AONB designation, or the significance of the historic environment.

12. Piecemeal and Prejudicial Development

- The objection argues the development prejudices future planning of the site.
- There are concerns that archaeological evidence may have been permanently lost, making future investigation impossible.

Whilst acknowledged that works have been undertaken without the benefit of planning permission; however, the retrospective application has now been submitted to regularise the development and assess its acceptability against current planning policy.

In considering the proposal, it is noted that the use of the land is agricultural in nature. Notwithstanding the unauthorised works, the proposal does not introduce a new or incompatible land use at this location. Rather, the development facilitates the continuation of an agricultural use on the site, which is consistent with and reflective of the rural character of the surrounding area. As such, the proposal does not prejudice the objectives of the Area Plan, nor does it undermine the future planning potential of the wider area. The development remains compatible with the established land use pattern and rural setting.

Concerns have also been raised regarding the potential loss of archaeological remains. These matters have been extensively considered through the assessment of the application. The Historic Environment Division (HED) initially raised concerns; however, following further investigation and the submission of additional information, those concerns have been satisfactorily addressed. HED has confirmed that it has no outstanding objections to the proposal.

Accordingly, it is considered that the development neither constitutes unacceptable piecemeal development nor prejudices the proper planning of the area, while archaeological matters have been appropriately examined and resolved through the application process.

13. Dangerous Precedent

- A major concern is that approval would set a precedent that unauthorised works can take place on protected archaeological and heritage sites and subsequently be regularised through retrospective planning.
- The objector argues this would undermine confidence in the planning system and weaken protections for designated heritage assets.
- This is presented as undermining confidence in planning controls and heritage protection.

While these concerns are noted, each planning application, including retrospective applications, must be determined on its own individual merits and assessed against the relevant provisions of the development plan and other material planning considerations.

The existence of unauthorised works does not alter the statutory requirement to assess the acceptability of the development in planning terms. The determination of this application would not remove or diminish the protections afforded to archaeological and heritage assets, nor would it create an automatic precedent for similar developments elsewhere. Future proposals would continue to be subject to full assessment having regard to their specific circumstances, impacts and policy context.

Accordingly, while the objector's concerns regarding precedent are acknowledged, these matters are not considered to provide sufficient grounds, in themselves, to warrant refusal where the proposal is otherwise found to comply with relevant planning policy and heritage protection requirements.

14. Land Ownership

- The objector asserts a beneficial interest in the land.

Consideration has been given to the claims regarding land ownership. As part of the assessment of the application, the matter was reviewed by both the Planning Enforcement Team and the Case Officer in August 2024. This included a review of Land Registry records, and the applicant confirmed ownership of the application land through the submission of the requisite Certificate P2 (completing certificate a – noting full ownership and control of lands for this development).

Matters relating to land ownership, beneficial interests, and title disputes are private civil matters that fall outside the remit of the Planning Department. The planning system is concerned with the use and development of land and does not determine ownership rights or adjudicate on competing claims to ownership.

Furthermore, the granting of planning permission does not convey any ownership rights of any party with an interest in the land.

15. Calls for Investigation

The objection repeatedly calls for:

- Investigation into how the works were allowed to proceed.
- Examination of the actions of planning and environmental authorities.
- Review of enforcement decisions.
- Calls for investigation into the actions of the Council, DAERA, NIEA, HED, HED Planning and DFI.
- A full investigation into the handling of the site.
- Greater transparency regarding decisions made.
- Consideration of referral to the Northern Ireland Audit Office or other oversight bodies.
- Examination of potential governance and enforcement failures.

The Planning Department is aware that works were undertaken without the benefit of planning permission. These matters are the subject of a separate enforcement investigation, which remains active.

The current application is being assessed on its own merits as a retrospective planning application. In determining the application, the Planning Department has had regard to the relevant planning policy framework, consultation responses from statutory consultees, representations received from interested parties, and all information submitted in support of the application.

In relation to calls for investigations into the actions of DAERA, NIEA, HED, and DFI, these are matters for those respective organisations. The Planning Department cannot comment on or speculate regarding any investigations, reviews or internal processes being undertaken by other authorities.

The Planning Department is satisfied that the assessment of the application has been conducted in a fair, transparent and impartial manner. Relevant documentation, consultation responses and associated information have been made available on the publicly accessed Planning Portal in accordance with normal procedures.

Accordingly, the Planning Department does not accept the allegations of governance failures, lack of transparency or procedural impropriety in the handling of the application.

Should any individual consider that there has been a failure in process or service delivery by the Planning Department, established complaints procedures are available through which such concerns may be raised and considered.

The request for referral of the matter to the Northern Ireland Audit Office or other oversight bodies is noted. However, the Planning Department does not consider such referral necessary, as the application has been processed in accordance with the statutory planning process. Any concerns regarding the conduct of the Council can be pursued through the appropriate complaints and governance mechanisms. As such, these matters are not material planning considerations in the determination of the application.

16. Potential Breaches of Environmental and Other Legislation

The objector asks whether the works complied with various legislative requirements, including:

- Planning Act (Northern Ireland) 2011.
- Environmental Impact Assessment Regulations.
- Waste and Contaminated Land legislation.
- Historical Monuments and Archaeological Objects legislation.
- Environmental protection requirements.
- Wildlife and habitat protections.

The objection questions whether adequate assessments were undertaken before works commenced.

The Planning Department's assessment of this application has taken account of all relevant planning policy and legislative requirements that fall within the remit of the planning system. The proposal has been considered against the provisions of the Planning Act (Northern Ireland) 2011, relevant planning policy and all other material planning considerations.

Whilst the objector refers to a wider legislative framework, many of the matters raised fall under separate regulatory regimes and are the responsibility of other statutory bodies to administer and enforce.

As part of the assessment process, consultation was undertaken with the appropriate statutory consultees. These consultees were provided with the information before the Planning Department and given opportunity to assess the proposal within their respective areas of expertise. Having considered the submitted information, no statutory consultee has raised any objection or identified issues of concern that would warrant refusal of planning permission.

Accordingly, while the concerns raised by the objector are noted, the Planning Department is satisfied that all relevant planning policy and legislative considerations within the planning remit have been properly assessed and as considered within the planning report.

17. Countryside Policy Concerns

- Argues the development conflicts with **PPS 21 (Sustainable Development in the Countryside)**.
- States that the works are inappropriate within the rural landscape and have damaged the character of the countryside.

The proposal was considered against the relevant provisions of PPS 21, having regard to its nature, scale, siting and relationship with the use of the site. The assessment concluded that the development does not give rise to unacceptable harm to rural character, landscape quality or visual amenity.

The works are contained within an established site and must be viewed in the context of the existing development and activities already present. The Planning Officer's Report found that the visual and landscape impacts are limited and localised and that the development would not materially alter the character or appearance of the surrounding countryside.

Accordingly, this matter has been fully considered as part of the assessment process, and it was concluded that the development is acceptable having regard to the provisions and objectives of PPS 21.

18. Alleged Inconsistency and Unfair Treatment

- Alleges that the Council has treated this application differently from other planning applications.
- States that their own planning application on the same folio was not progressed despite complying with requirements such as biodiversity assessments.
- Questions the fairness and consistency of the Council's decision-making.

Each planning application is considered on its own merits, having regard to the specific site circumstances, the nature of the proposal, the information submitted, relevant planning policy, and all other material planning considerations. As such, applications cannot be directly compared solely because they relate to the same folio or geographic area.

The planning process operates in an open and transparent manner. All planning applications and supporting documentation are made available for public inspection through the Planning Departments online Planning Portal, enabling interested parties to review proposals and participate in the planning process. Applications are assessed in accordance with the relevant legislative and policy framework, consultation responses, and the evidence presented in each individual case.

While reference has been made to another application on the same folio, the progression and determination of any application depend on its own circumstances and planning merits. The submission of biodiversity assessments or other supporting information does not mean that different applications are directly comparable or should reach the same outcome.

No evidence has been provided to demonstrate that this application has received preferential treatment or that the Planning Department has departed from its standard assessment procedures. The application has been considered through the same open, transparent and policy-led process applied to all planning applications.

19. Tourism Impacts

- Concerns are raised that damage to The Dorsey landscape may undermine its value as a tourism and heritage destination.
- Reference is made to The Dorsey Ramparts being listed online as closed/ The objector notes references to the monument being closed to the public and questions the implications for future tourism initiatives.
- Concerns are raised that damage to the site may diminish its archaeological, educational and tourism significance.
- Particular concern is expressed regarding the future of the Dorsey Ramparts as a heritage attraction.

In assessing these concerns, regard has been had to the nature, scale and location of the proposed development and its relationship with tourism and heritage assets in the area. HED was consulted and has offered no objection to the proposal, advising that the

development would not adversely affect the significance, setting or character of any heritage asset within its remit.

While the concerns of the objector are acknowledged, no substantive evidence has been provided to demonstrate that the proposal would result in harm to the archaeological, educational or tourism value of the Dorsey Ramparts or any associated heritage asset. The reference to the monument being closed to the public appears to relate to existing site management arrangements and does not indicate that the proposed development would prejudice future public access, interpretation or tourism opportunities associated with the site.

Having regard to HED's advice, it is not considered that the proposal would adversely affect the attractiveness, appreciation, setting or visitor experience of the Dorsey Ramparts or any other tourism asset in the locality. Furthermore, there is no evidence that the development, either individually or cumulatively with other existing or approved development, would significantly diminish the tourism value or heritage appeal of the area.

The proposal is therefore considered to comply with the relevant tourism policy requirements. Consideration is set out below within the planning report.

Site Visit Report

3.0 Site Location Plan:



4.0 Characteristics of the Site and Area:

The application site comprises approximately 3.6 hectares of land situated to the rear and NE of No. 21 Bonds Road and to the N of Nos. 15 and 17 Bonds Road, Silverbridge.

The site is located outside the defined Settlement Development Limits of the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) and is therefore designated as countryside. The site adjoins the Cullywater Site of Local Nature Conservation Importance (SLNCI) although outside the designated boundary. The site is within The Dorsey Area of Significant Archaeological Interest (ASAI) and the Ring of Gullion Area of Outstanding Natural Beauty (AONB).

The surrounding area is predominantly rural in nature, characterised by agricultural land interspersed with farm holdings and individual residential properties. The site is bounded to the N and E by the Ummeracam River and adjoining agricultural lands. Existing residential dwellings and agricultural fields lie to the south, while Bonds Road and further agricultural lands form the western boundary.

The topography of the site has been influenced by previous infilling works, resulting in variations in ground levels across the site, with the land generally sloping towards the Ummeracam River along the south-eastern edge of the site.

5.0 Description of Proposal:

Retention of ground works including changes to the level of the land through inert infilling and reprofiling of land; proposed levelling with topsoil and seeding with grass for the purposes of agricultural land improvement

6.0 Planning Assessment of Policy and Other Material Considerations

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS 2nd Edition)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- PPS2 - Natural Heritage
- PPS3 - Access, Movement and Parking
- PPS6 - Planning, Archaeology and the Built Heritage
- PPS11 - Planning and Waste Management
- PPS15 (Revised) - Planning and Flood Risk
- PPS 16 - Tourism
- PPS 21 - Sustainable Development in the Countryside
- DCAN 10 (Revised) Environmental Impact Assessment
- DCAN 15 - Vehicular Access Standards

7.0 PLANNING HISTORY

LA07/2023/3128/PAN - Retention of ground works including changes to the levels of the land through inert infilling and reprofiling of land and proposed levelling with topsoil and seeding with grass for the purposes of agricultural land improvement. (PAN Acceptable)

LA07/2022/0257/CA - Alleged unauthorised groundworks and infilling (Application site)

LA07/2022/1369/F - Replacement dwelling and detached garage. Refused 24.04.26 (Adj and NW of site)

8.0 Consideration and Assessment:

The applicant seeks retrospective planning permission for groundworks involving the infilling, reprofiling and regrading of agricultural land, together with the proposed placement of topsoil and seeding of the site with grass to facilitate improved agricultural use.

The application site has historically been used as agricultural land and will remain in agricultural use following completion of the works.

The applicant advises that the land was previously of poor agricultural quality, characterised by uneven topography, low-lying areas and rocky outcrops, which limited its suitability for grazing, silage production and crop cultivation. The works are intended to

create a more level and productive field capable of supporting more efficient farming practices. The proposal does not therefore result in a change of land use but instead seeks to improve the quality, productivity and management of the existing agricultural holding.

The applicant further states that the uneven nature of the site created operational and safety difficulties for agricultural machinery, including tractors and equipment used for fertiliser spreading and harvesting. It is argued that the reprofiling works will provide a safer and more manageable landform, reducing the risk of machinery overturning and improving operational efficiency.

It is stated that no waste material has been imported to the site. The material used for the infilling works comprises quarried stone, rock fill, drainage stone and crusher run, sourced from established local quarries. The applicant advises that approximately 225 tonnes of material were purchased from Swan Rock Quarries, approximately 300 tonnes from TH Moore Quarries, and approximately 120 tonnes from Loughran Quarries, giving a total of approximately 645 tonnes of imported quarry material.

In addition to the material already deposited, the proposal includes the placement of a further 250mm layer of inert clay fill and 150mm layer of topsoil across the site as part of the restoration works. The applicant indicates that this will comprise approximately 13,600m³ of material, which is considered necessary to achieve a suitable land level and provide a good quality agricultural field capable of supporting grazing, silage production and crop growing.

The applicant contends that the quantity of material imported and proposed is the minimum required to facilitate the agricultural improvement of the land and that the final restoration levels will broadly reflect the existing topography and landform of the surrounding area.

The development has not adversely affected the character of the surrounding countryside and that the change in ground levels has not resulted in the site becoming visually prominent. Native species hedgerow planting is also proposed along site boundaries, along with retention of existing vegetation, stock proof fencing and new field access gate.

8.1 HRA Screening

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 05/07/2024. This found that the project would not be likely to have a significant effect

on any European site. However, this is subject to condition relating to use of inert materials only for infilling of land.

8.2 EIA Determination

Application has been screened under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 concluding matters relating to environmental effects can be adequately dealt with through the normal application process and regulated through the imposition of conditions were necessary.

8.3 Development Management Regulations:

The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 within Part 9 (All other development) of the regulations as the area of the site exceeds 1 hectare (3.6 ha) and therefore requires the submission of a Proposal of Application Notice (PAN) which was submitted under (LA07/2023/3128/PAN).

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

The agent submitted Pre-Application Notice to the Planning Department on the 2nd August 2023 which was subsequently agreed in writing on the 22nd January 2024. A 'Public Consultation Event' was undertaken in the locality, at Silverbridge Football Club, Silverbridge on Tuesday 29th August 2023, with physical information display remaining at the site from 30th August 2023 to the 15th September 2023, the agent carried out public consultation by way of corresponding with Cllrs/ MLAs and elected representatives, notification of neighbours as well as a public notice in both locally circulating newspapers the Newry Report and Newry Democrat.

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 16th April 2024 and appendices).

8.4 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.

8.5 Banbridge/ Newry and Mourne Area Plan 2015:

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 open countryside within

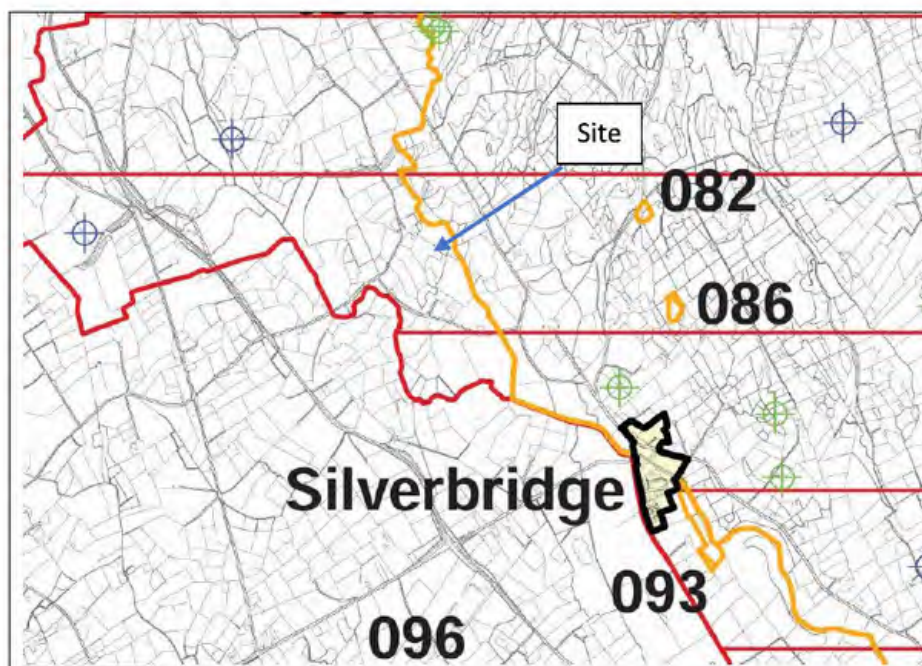
the AONB. The site abuts and is immediately W of the Site of Local Nature Conservation Importance (SLNCI).

With regard to the adjacent Cullywater SLNCI, Policy CVN 1 (Sites of Local Nature Conservation Importance) of the BNMAP states that planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI.

The Cullywater SLNCI designation relates solely to the Cullywater/Ummeracam River and does not encompass the application site, which lies outside the designated area.

The remaining works required to complete the restoration of the site are not considered likely to give rise to any adverse effects on the nature conservation interests of the SLNCI (See also consultation responses from NIEA). Accordingly, the proposal is not considered to conflict with Policy CVN 1 of the BNMAP.

Notwithstanding this, due regard is given to the protection of natural heritage interests and the water environment, and these matters are considered further below in the context of Planning Policy Statement 2 (PPS 2): Natural Heritage.



Area Plan



Site Location Plan

The proposal is acceptable in principle to the BNMAP 2015 however the detailed scheme must also meet prevailing policy requirements as considered below.

8.6 SPPS (2nd Ed.) and PPS2 - Natural Heritage (NH2 - Species Protected by Law, NH 4 - Sites of Nature Conservation Importance – Local, NH 5 - Habitats, Species or Features of Natural Heritage Importance and NH 6 - Areas of Outstanding Natural Beauty)

NED in comments dated 23rd October 2025 having considered the impacts of the proposal on designated sites and other natural heritage interests have no issues of concern.

Policy NH 2 - Species Protected by Law

Planning permission will only be granted where it is demonstrated that a development proposal is not likely to harm European Protected Species, nationally protected species, or their habitats.

A Retrospective Preliminary Ecological Appraisal (PEA) and Bat Roost Potential (BRP) Report were submitted with assessment of the ecological implications of the unauthorised works.

The PEA concludes that, although there was potential for the works undertaken to date to have affected protected species, no evidence of any impacts has been identified. Furthermore, the remaining restoration works, comprising minor levelling, placement of topsoil and grass seeding, are not considered likely to result in adverse effects on any European or nationally protected species.

The BRP Report identifies two trees (Trees 14 and 15) as having moderate bat roost potential. Should their removal be proposed in the future, further bat emergence and re-entry surveys would be required. However, no removal of these trees is proposed as part of the development, and they will be retained as part of the restoration works.

In consultation comments dated 23rd October 2025, NIEA Natural Heritage raised no objection to the proposal and offered no concerns regarding the submitted ecological information, subject to the implementation of recommended conditions.

Having regard to the findings of the submitted ecological assessments and the consultation response from NIEA Natural Heritage, the proposal is not considered likely to adversely affect any protected species or their habitats and therefore complies with Policy NH 2 of PPS 2: Natural Heritage.

Policy NH 4 - Sites of Nature Conservation Importance – Local

Policy NH4 seeks to ensure that development proposals do not result in a significant adverse impact on sites of local nature conservation importance, including Local Nature Reserves and Wildlife Refuges.

Where a proposal could give rise to a significant adverse impact on a site of local importance, planning permission will only be granted where the benefits of the development outweigh the value of the site, and appropriate mitigation and/or compensatory measures are secured.

In this instance, the development site lies outside the boundary of the designated Site of Local Nature Conservation Importance (SLNCI), which relates to the Cully-water/Ummeracam River. Having regard to the nature, scale and location of the development, and the separation from the designated site, no significant adverse impact on the ecological interest, integrity or conservation value of the SLNCI is anticipated.

This conclusion is supported by the consultation response received from the Northern Ireland Environment Agency (NIEA), dated 23rd October 2025, which raised no objections or issues of concern, subject to the imposition of conditions.

Accordingly, the proposal is considered to comply with the requirements of Policy NH4 of PPS 2: Natural Heritage.

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

Policy NH 5 of PPS 2 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, priority habitats, priority species, wetlands (including river corridors), or other natural heritage features worthy of protection. Where adverse impacts are identified, development may only be permitted where the benefits of the proposal outweigh the value of the habitat, species or feature affected, and appropriate mitigation and/or compensatory measures are secured.

In assessing the proposal against Policy NH 5, regard has been given to the submitted Preliminary Ecological Appraisal (PEA dated 16.04.24), which concludes that the habitats affected by the unauthorised works do not comprise Northern Ireland Priority Habitats. The assessment identifies the Ummeracam River as the only Priority Habitat in the vicinity and concludes that this habitat was protected from sediment mobilisation through the presence of a continuous embankment along the river edge.

The PEA further concludes that the completion of the development would not result in an unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage importance. To address habitat loss arising from the works undertaken, the report recommends restoration measures including the use of low-fertility topsoil and the establishment of a more ecologically valuable grassland sward through an ap-

appropriate seed mix. These measures are intended to compensate for the loss of species-poor gorse scrub identified within the assessment and provide an ecological enhancement of the restored area.

In addition, NIEA Natural Environment Division, in consultation comments dated 23rd October 2025, raised no objection to the proposal subject to the imposition of planning conditions to secure the recommended mitigation and habitat restoration measures.

Having regard to the findings of the PEA, the proposed mitigation and compensatory measures, and the consultation response from NIEA, it is considered that the development would not result in an unacceptable adverse impact on habitats, species or features of natural heritage importance. ***Subject to the recommended conditions, the proposal is therefore considered to comply with Policy NH 5 of PPS 2 – Natural Heritage.***

Policy NH 6 - Areas of Outstanding Natural Beauty

The proposal has been assessed against Policy NH 6 of PPS 2. The policy requires that development within an AONB is of an appropriate design, size and scale for the locality and that it is sympathetic to the special character of the area, conserves feature important to the landscape, and respects local character and traditional boundary treatments.

The application seeks retrospective permission for groundworks associated with agricultural land improvement, comprising inert infilling, reprofiling and levelling of the land, followed by the placement of topsoil and seeding with grass. The site has historically been in agricultural use and will remain as such following completion of the restoration works. The proposal does not introduce a new or incompatible land use into the AONB but rather facilitates the continued agricultural use.

In relation to criterion (a) of Policy NH 6, the works are limited to the improvement of an existing agricultural field and are sympathetic to the rural character of the locality. The completed landform integrates with the surrounding agricultural landscape and does not appear visually intrusive within the wider AONB. The changes in land levels have not altered the essential character of the site or resulted in any significant landscape or visual impacts.

The findings of the submitted visual assessment (Impact Assessment 11.05.26) support this conclusion and demonstrate that the development can be accommodated within the landscape without causing unacceptable harm to the character or appearance of the AONB.

With regard to criterion (b), having regard to the visual assessment, the proposal does not adversely affect any features of landscape, or visual importance. Impact to heritage

features contributing to the character or appearance of the AONB have been considered by HED (Monuments).

Furthermore, restoration measures proposed will enhance the site's integration within the surrounding landscape.

NIEA Natural Environment Division, in consultation comments dated 23rd October 2025, raise no objection subject to conditions, indicating that the proposal would not have an unacceptable impact on the landscape qualities of the AONB.

In respect of criterion (c), native species hedgerow planting is proposed along the northern boundary and through the site to reinforce traditional field patterns and boundary treatments characteristic of the local countryside. These measures will strengthen the landscape structure, provide biodiversity benefits and enhance the site's visual integration within the AONB, thereby respecting local landscape character and traditional boundary features.

The proposal has also been assessed in relation to the historic environment. Historic Environment Division (HED) Monuments, in consultation comments dated 29th May 2026, advised that the information submitted, including the Impact Assessment and the results of the archaeological evaluation, was sufficient to address its concerns. HED raised no outstanding archaeological objections, confirming that the proposal would not result in unacceptable impacts on archaeological interests or heritage assets.

Overall, the development respects the special character and appearance of the Ring of Gullion AONB, retains the site's agricultural use, preserves the landscape and heritage interests of the area, and incorporates appropriate restoration and enhancement measures. Having regard to the consultation responses from NIEA and HED, it is considered that the proposal satisfies the requirements of Policy NH 6 of PPS 2 and will not result in any significant adverse impact on the AONB, its landscape setting, or the historic environment.

Subject to the implementation of planning conditions and on the basis of information provided NED are content with the proposals against PPS2 requirements. Proposals meet the requirements of the SPPS and PPS2 for the reasons set out above.

8.7 SPPS (2nd Ed.) and PPS3 – Access, Movement and Parking, Parking Standards and DCAN 15 – Vehicular Access Standards

The application relates solely to the provision of a field gate for agricultural access. While a stone hardstanding area has been established within the field, a site inspection did not identify any evidence of a new road being formed, notwithstanding the claims raised by the objector.

DfI Roads were consulted taking account relevant planning policy. In their consultation response dated 5th September 2025, confirmed that they have no concerns regarding the proposal and offer no objection.

Proposals meet the SPPS and PPS3.

8.8 SPPS (2nd Ed.) and PPS6 – Planning, Archaeology and the Built Heirtage (Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings) and Policy CVN 2 (Area of Significant Archaeological Interest) of the Banbridge, Newry and Mourne Area Plan 2015

Policy BH 1 of PPS 6 and Policy CVN 2 of the Banbridge, Newry and Mourne Area Plan 2015 seek to safeguard archaeological remains and the historic landscape.

Policy BH 1 establishes a presumption in favour of the physical preservation *in situ* of archaeological remains of regional importance and their settings, including scheduled monuments, monuments in State Care and other important archaeological sites which would merit scheduling.

Policy CVN 2 states that within Areas of Significant Archaeological Interest, planning permission will not be granted for large-scale development unless it can be demonstrated that there would be no significant impact upon the character and appearance of the distinctive historic landscape.

Therefore, in assessing the proposal, it is necessary to consider whether the unauthorised works have adversely affected any archaeological remains of regional importance or their setting, and whether they have resulted in any significant impact on the character and appearance of the Dorsey Area of Significant Archaeological Interest.

HED Historic Monuments, in its consultation response dated 29th May 2026, refers to its previous responses issued on 23rd June 2025, 9th October 2025, 18th October 2025 and 9th December 2025, wherein concerns were raised regarding the archaeological implications of the unauthorised works and the potential impact on the Dorsey Area of Significant Archaeological Interest (ASAI).

In response to these concerns, an Impact Assessment was submitted and uploaded to the Planning Portal on 11th May 2026. HED reviewed the archaeological evaluation and visual assessment contained therein. The archaeological evaluation identified relic topsoil within Trenches 1 and 9-12 and subsoil with occasional patches of relic topsoil within Trenches 2-8 and 13. No archaeological deposits were identified within the exposed subsoil areas. The report concludes that disturbance to the subsoil has been

minimal and that any archaeological remains that may be present within the site are likely to have been preserved *in situ* beneath the imported fill material.

HED confirmed that the test trench layout provided sufficient coverage to adequately assess the archaeological potential and survival of remains within the site. Furthermore, a site inspection was undertaken by HED to verify the results of the archaeological evaluation and, having considered the findings of the evaluation, visual assessment and site inspection, advised that the matters raised within its previous consultation responses had been satisfactorily addressed.

HED agreed with its conclusion of the visual assessment that the overall ground levels within the site had not been significantly reduced through the removal of topsoil nor significantly raised through the deposition of infill material. As such, HED accepted that the groundworks had not resulted in an adverse impact upon the Dorsey ASAI.

Having regard to the results of the archaeological evaluation, the visual assessment, the verification site inspection undertaken by HED and the absence of evidence demonstrating adverse impacts on archaeological remains or the Dorsey ASAI, it is considered that any potential archaeological artefact has been preserved in situ and that the works have not adversely affected archaeological remains of regional importance or the integrity of their setting. The concerns previously identified by HED have therefore been satisfactorily addressed through the submission of further information.

Accordingly, HED concluded that the information submitted is sufficient to demonstrate compliance with Policy CVN 2 (Area of Significant Archaeological Interest) of the Banbridge, Newry and Mourne Area Plan 2015 and Policy BH 1 of PPS 6. In its consultation response dated 11th June 2026, advised that it has no further objection to the proposal on archaeological grounds. ***Proposals meet the requirement of the BH1 and CVN 2 for the reasons set out above.***

8.9 SPPS (2nd Ed.) and PPS11 (WM 4 - Land Improvement)

The disposal of inert waste by deposition on land will only be permitted where it is demonstrated that it will result in land improvement and where a number of criteria is met.

It is noted that the Planning Statement dated 5th June 2024 states that the development seeks the retention of groundworks, including changes to land levels through infilling and reprofiling, together with the proposed levelling of the site with topsoil and seeding with grass for the purposes of agricultural land improvement to facilitate the applicant's farming activities.

The Planning Statement further advises that no waste material has been used in the infilling of the site. It states that material used comprised stone/rock and blinding materials (fine crusher run, drainage stone and rock fill) purchased from Swan Rock Quarries (circa 225 tonnes), TH Moore Quarries (circa 300 tonnes) and Loughran Quarries (circa 120 tonnes).

Whilst the policy allows for land improvement proposals to which the applicant adheres, approval will only be granted where the proposal also meets the criteria of WM4 as set out below:

- it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures

Environmental impacts have been considered through consultation with NIEA Water Management Unit (29.02.24), NIEA Regulation Unit (29.02.24), NIEA Natural Environment Division (06.02.25) and Shared Environmental Service (23.04.24). No objections or issues of concern were raised by consultees, subject to the imposition of appropriate planning conditions and informatives. Furthermore, NIEA, in its final consultation response dated 23rd October 2025, confirmed that it had no objection to the proposal and raised no further concerns regarding the works undertaken at the site. This response is afforded significant weight in the assessment of the environmental impacts associated with the development

- there is a local need for the development and it can be demonstrated that it is the BPEO;

There is a clear and demonstrable local need for the proposed development. The applicant has demonstrated that the imported material is required to improve an area of low-lying agricultural land that is currently of poor quality and limited agricultural productivity (4.3 Planning Statement).

The development will facilitate the restoration and improvement of the land, enabling more efficient and sustainable farming practices as part of the overall farm business. Furthermore, it has been demonstrated that the proposal represents the Best Practicable Environmental Option (BPEO), as it provides a beneficial use for suitable inert material while delivering a tangible agricultural improvement at a local level. Accordingly, the proposal accords with the requirements of Policy WM4 in that it addresses an identified local need and adheres to BPEO

- only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited;

The Planning Statement further advises that no waste material has been used in the infilling of the site. Instead, the deposited material comprises stone, rock and blinding

materials, including fine crusher run, drainage stone and rock fill, sourced from commercial quarry operators. Specifically, approximately 225 tonnes were obtained from Swan Rock Quarries, approximately 300 tonnes from TH Moore Quarries and approximately 120 tonnes from Loughran Quarries. The Planning Statement (4.7) states that the quantity of material deposited to date, together with that required to complete the development, including final levelling with topsoil, represents the minimum quantity of fill necessary to improve the land to a level suitable for grazing, silage production and crop cultivation. On this basis, it is contended that the proposal satisfies this criterion, which requires that only the minimum quantity of fill necessary to achieve the proposed land improvement is deposited.

- detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance biodiversity

In respect of the restoration of the site, the proposed approach, as recommended within the Preliminary Ecological Appraisal (PEA), will facilitate the restoration of the area which will be seeded with an appropriate grassland mix designed to establish a more ecologically valuable grassland.

Given the site's long-established use as agricultural land, the proposal does not result in any discernible change in land use and remains wholly appropriate within the AONB. Following levelling and seeding, the site will continue to be used for agricultural purposes, providing an improved farm field suitable for grazing, silage production and crop cultivation. The change in site levels arising from the infilling operations has not rendered the site any more visually intrusive than the pre-existing situation.

Furthermore, native species hedgerows are proposed along the northern boundary and through the centre of the site. These will reinstate traditional field boundaries as part of the restoration scheme while delivering enhanced biodiversity benefits. Consequently, it is considered that the development has not resulted in, and will not result in, any significant adverse effects on the landscape character or special qualities of the AONB.

Having regard to the information submitted, including the Planning Statement dated 29th May 2024, and the consultation responses received, including NIEA's final response dated 23rd October 2025 confirming no objection. ***The proposal complies with Policy WM4 of PPS 11 and the relevant provisions of the SPPS and, subject to appropriate planning conditions, is acceptable in principle.***

9.0 SPPS (2nd Ed.) and PPS15 – Planning and Flood Risk

FLD1 (Development in Fluvial and Coastal Flood Plains)

Policy FLD1 states that development will not be permitted within the 1 in 100-year fluvial floodplain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Where development is accepted under the Exceptions Test, a Flood Risk Assessment (FRA) must demonstrate that all sources of flood risk to and from the development have been identified and that adequate measures are in place to manage and mitigate any increase in flood risk arising from the proposal.

It is acknowledged by the applicant within paragraph 5.47 of the Planning Statement that the proposal does not meet any of the Exceptions Tests set out under Policy FLD1. The applicant has therefore proposed the removal of all fill material deposited within the area of the site that lies within the 1 in 100-year floodplain, thereby restoring the floodplain to its former condition and ensuring that Policy FLD1 is not offended.

In light of this, Tetra Tech submitted a Flood Risk Assessment which Rivers Agency have now reviewed and notes that Drawing No. 006 Rev P01 proposes the removal of the existing infill and the regrading of land within the 1 in 100-year strategic fluvial floodplain to pre-existing levels.

Rivers Directorate in their consultation response dated 24th October 2025 that, provided all infill within the strategic fluvial floodplain is removed and ground levels are reinstated to their original levels, it would have no objection to the proposed development. Rivers Directorate has also requested that a post-remediation topographical survey be undertaken to confirm that the reinstated levels accord with those shown on Drawing No. 006 Rev P01 (Appendix D of the Flood Risk Assessment dated 10 April 2024). This can be dealt with by way of a planning condition.

Having regard to the submitted Flood Risk Assessment, the comments of Rivers Directorate, and the applicant's commitment to remove the deposited fill and reinstate the land to its original levels, it is considered that the proposal would not result in the loss of floodplain storage capacity, increase flood risk on or off the site, and would accord with the objectives of Policy FLD1, this subject to verification of the reinstated levels through the submission of a satisfactory topographical survey which will be conditional in the event that planning permission is permitted. ***FLD 1 is satisfied – subject to condition.***

FLD2 (Protection of Flood Defence and Drainage Infrastructure)

Policy FLD 2 states that planning permission will not be granted for development that would adversely affect the functioning of such infrastructure or restrict access to enable its maintenance.

Paragraph 6.32 of PPS 15 further requires the retention of an adjacent working strip to facilitate maintenance by Rivers Directorate, other statutory undertakers, or riparian

landowners. A minimum unobstructed working strip of 5 metres from the top of the bank must be retained, with provision for up to 10 metres where considered necessary, together with clear access and egress at all times.

Having regard to the above, and subject to the retention and safeguarding of the required maintenance strip, the proposal is considered to comply with the requirements of Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure.

FLD3 (Development and Surface Water)

Policy FLD 3 requires the submission of a Drainage Assessment (DA) for development proposals that meets relevant thresholds.

As the application site exceeds 1 hectare, a Drainage Assessment is required to demonstrate compliance with Policy FLD 3. A combined Flood Risk Assessment (FRA) and Drainage Assessment (DA), prepared by Tetra Tech, has been submitted in support of the application.

Rivers Directorate has reviewed the Drainage Assessment and notes the findings contained within Section 4.4.6, which state that the site is currently a greenfield site that is 100% permeable and that, following development, the permeable area and associated runoff rates will remain unchanged. Consequently, surface water runoff will continue to discharge to the Ummeracam River at the natural greenfield runoff rate.

The Drainage Assessment further confirms that the existing surface water drainage arrangements will be retained, including the pre-existing formal stormwater drainage network, which discharges to existing NI Water infrastructure adjacent to the site. As no increase in impermeable area or runoff rates is proposed, and existing drainage systems are to be maintained, the development is not expected to increase pluvial flood risk either within the site or elsewhere.

While Rivers Directorate have advised that whilst they are not responsible for the preparation of the Drainage Assessment, it accepts the assessment's methodology and conclusions and has raised no objections to the proposal.

Having regard to the submitted FRA/DA and the consultation response from Rivers Directorate, it is considered that the proposed development will not cause an increase in surface water flood risk on or off site. ***The proposal therefore complies with the requirements of Policy FLD 3.***

FLD4 (Artificial Modification of Watercourses) and FLD5 (Development in Proximity to Reservoirs) - Not applicable to this site.

Flood Risk in the Climate Change Scenario

The Rivers Directorate has advised the Planning Department that, based on the most up-to-date flood modelling available, the Department's climate change flood maps indicate that an area within the north-eastern part of the site lies within the 1 in 100 year strategic fluvial climate change floodplain (Q100CC).

Applying the precautionary principle, the Rivers Directorate considers that part of the proposed development may be susceptible to flooding under the climate change scenario. It advises that, unless the proposal satisfies the exception test set out in Policy FLD 1, the development would be contrary to the aims of regional strategic planning policy, which seeks to prevent inappropriate development in areas at risk of flooding and to avoid increasing flood risk elsewhere. The Planning Department is advised to regard this matter as a material consideration in the assessment of the application.

While it is acknowledged that the proposal would not ordinarily meet the exceptions test contained within Policy FLD 1, significant weight has been given to the applicant's commitment to restore the affected area to its pre-existing ground levels (this is supported by the Rivers Agency position in relation to FLD1 in their consultation response dated 24th October 2024). As a result, the development would not introduce built development, raise ground levels, displace floodwater storage, or increase flood risk either within the site or elsewhere.

In these circumstances, it is considered that the proposal accords with the objectives and requirements of Policy FLD 1. Given the nature of the development and the proposed mitigation measures, the development would not be vulnerable to flooding nor would it adversely affect flood risk.

10.0 SPPS (2nd Ed.) and Policy 16 – Tourism (TSM 8 -Safeguarding of Tourism Assets)

The policy seeks to safeguard tourism assets from development which, either individually or cumulatively with existing and approved development in the locality, would have an adverse impact that would significantly compromise their tourism value.

In this case, the site is located within the Area of Significant Archaeological Interest (ASAI) as designated.

As a recognised archaeological resource and tourism asset, careful consideration has been given to the potential impact of the proposal on the significance, setting and tourism value of this designation.

Consultation was undertaken with relevant statutory consultees, including the Historic Environment Division (HED). While concerns were initially raised regarding the original proposal, following assessment of revised details and the submission of additional information, HED confirmed in its consultation response dated 29th May 2026 that it had no further concerns.

The proposal relates to restoration works and does not introduce development that would adversely affect the character, setting, enjoyment or appreciation of designated area. On the contrary, the works will facilitate the restoration of the site and improve an area that currently detracts from the visual amenity of the locality. The proposal is therefore considered to enhance the appearance of the site rather than diminish its archaeological or tourism value.

Having regard to the nature and scale of the development, and taking account of the consultation responses received, it is not considered that the proposal would, either by itself or in combination with existing or approved development in the locality, have an adverse impact on the designated area such as to significantly compromise its tourism value. The ***proposal is therefore considered to comply with Policy TSM8.***

10.0 SPSS (2nd Ed.) and PPS21 (CTY1 – Development in the Countryside and CTY 12- Agricultural and Forestry Development)

CTY1 – Development in the Countryside

Whilst the proposal is not one of the listed types of non-residential development set out within CTY1. The policy nevertheless sets out a range of other types of non-residential development that may be acceptable in principle however this must be in accord with existing published planning policies which is further considered below.

CTY 12- Agricultural and Forestry Development

Policy CTY 12 of PPS 21 supports development on an active and established agricultural or forestry holding where it can be demonstrated that a number of criteria is met, this is considered further below. The policy further advises that an active and established agricultural business is one that has been operational for a minimum of six years, in accordance with the criteria set out under Policy CTY 10.

The application site forms part of the applicant's wider agricultural holding. The applicant holds a valid farm business number and herd number, and the farm business has been established and operating for in excess of six years (See section 1.7-1.9, 5.59, Appendix 1, Appendix 2 and Appendix 3). Although the lands subject to this application are currently being formally incorporated into the farm business holding, they are al-

ready farmed by the applicant and form part of the overall agricultural unit. ***Accordingly, the proposal satisfies the requirement for development to be located on an active and established agricultural holding.***

Necessity for the Efficient Use of the Holding

The proposal seeks retention of land reprofiling works undertaken through inert infilling, together with the completion of restoration works involving topsoiling and grass seeding. The objective of these works is to improve the agricultural quality and usability of the land.

Prior to the works, the site comprised low-quality agricultural land with uneven topography and rocky outcrops, limiting its suitability for grazing, silage production and crop cultivation. The completed and proposed land improvement works will provide a more productive and manageable agricultural field capable of supporting a wider range of farming activities.

The works also deliver health and safety benefits by creating a more even surface for agricultural machinery, thereby reducing operational risks associated with working on uneven ground. ***The proposal is therefore considered necessary for the efficient and safe operation of the agricultural holding.***

Character and Scale

The volume of imported inert material, together with the proposed final layer of clay and topsoil, represents the minimum works required to achieve a usable agricultural field. The restoration levels broadly reflect the surrounding landform and are consistent with the character of the area.

The proposal is therefore considered appropriate in both scale and character for its rural setting.

Landscaping

The site has historically been used for agricultural purposes and will remain in agricultural use following completion of the restoration works. The change in ground levels has not resulted in any unacceptable visual impact and the restored field will integrate with the surrounding agricultural landscape.

Additional landscaping is proposed through the planting of native species hedgerows along the northern boundary and within the site, further enhancing integration and biodiversity. ***The proposal is therefore considered to integrate satisfactorily into the local landscape.***

Impact on Natural and Built Heritage

The Preliminary Ecological Appraisal concludes that there is no evidence that the works undertaken have adversely affected protected species or habitats and that the completion of the development will not result in significant ecological impacts and comments from NIEA (23rd October 2025) support this position.

The Archaeological Impact Assessment concludes that the works have not adversely affected archaeological remains or heritage assets. Any potential sub-surface archaeological deposits remain preserved beneath the deposited material and the proposed topsoiling and grass seeding will not disturb such features. The assessment further confirms that there will be no significant impact on the character or setting of nearby heritage assets.

The proposal is therefore not considered to have any adverse impact on natural or built heritage interests.

Residential Amenity (Also considered under SPPS 2nd edition 4.11 and 4.12)

The proposal relates to agricultural land improvement and once completed, the site will operate as a normal agricultural field. All major infilling works have already been undertaken, and the remaining works are limited to the spreading of topsoil and grass seeding.

The development will not give rise to significant noise, odour, dust or pollution beyond that typically associated with normal agricultural practices in a rural area. EH Have raised no issues of concern in comments dated 23rd September 2024. There are no unacceptable impacts on the amenity of neighbouring residential properties are anticipated.

Having regard to the above assessment, the proposal is considered to satisfy all of the requirements of Policy CTY 12. The development facilitates the efficient operation of an established agricultural holding, is appropriate in scale and character, integrates successfully into the rural landscape, protects heritage and environmental interests, and does not adversely affect residential amenity. ***The proposal is therefore consistent with the provisions of PPS 21.***

11.0 Recommendation: Approval

12.0 Neighbour Notification Checked	Yes
13.0 Summary of Recommendation The proposal has been considered under the SPPS, BNMAP 2015 and all relevant planning policies, it is concluded that the retrospective agricultural land improvement works are acceptable in principle and in detail, subject to appropriate planning conditions. In reaching this recommendation, full consideration has been given to all representations received. The matters raised by objectors, including concerns relating to the nature and extent of the works, environmental impacts, flood risk, archaeology, landscape effects, road access, tourism, the source and deposition of materials, have been carefully examined as part of the assessment process. These issues have been considered taking account of the submitted supporting information and consultation responses from the relevant statutory consultees. Following this detailed assessment, it is not considered that the objections identify any material planning concerns that would justify refusal of planning permission. The proposal has been comprehensively assessed in respect of natural heritage, archaeology, landscape impact, tourism, flood risk, access arrangements and agricultural use. Statutory consultees, including NIEA Natural Environment Division, DfI Roads, Rivers Directorate, Environmental Health and HED Historic Monuments, have raised no objections subject to conditions. The submitted ecological assessments, Flood Risk Assessment and Drainage Assessment, Impact Assessment, Planning Statement and Archaeological Evaluation satisfactorily demonstrate that the development will not result in unacceptable adverse impacts on protected species, habitats, the Ring of Gullion AONB, the Dorsey Area of Significant Archaeological Interest, archaeological remains, residential amenity, road safety, drainage infrastructure or flood risk. The proposal represents an agricultural land improvement scheme on an active and established farm holding, facilitating the more efficient and productive use of the land while retaining its agricultural function. Restoration measures, including habitat enhancement, grassland establishment, native hedgerow planting and the reinstatement of floodplain areas to original levels, will ensure appropriate environmental mitigation and deliver biodiversity and landscape benefits. It is therefore considered that the development complies with the requirements of the SPPS, PPS2, PPS3, PPS6, PPS11, PPS15, PPS 16 and PPS21, together with the rel-	

evant requirements of the Banbridge, Newry and Mourne Area Plan 2015. Furthermore, it has been demonstrated that the proposal would not result in any unacceptable adverse environmental, archaeological, landscape, flooding, amenity or road safety impacts.

Having taken full account of all representations received, the application is recommended for approval subject to conditions.

14.0 Draft Conditions

1. The approved restoration scheme shall be implemented in accordance with the agreed details.

Reason: In the interest of visual amenity.

2. The vehicular access, including visibility splays of 2.0m x 33m and any forward sight distance, shall be provided in accordance with Drawing No. 011 REV P)1 (Site Layout) published 29th August 2025, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be clearer to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. A working strip with a minimum width of 5m shall be provided along the watercourse, this shall provide clear access and egress at all times.

Reason: To facilitate future maintenance by Rivers Agency or relevant personnel.

5. Within 28 days following the removal of the approved infill material, a detailed topographical survey of the site shall be undertaken. The survey shall demonstrate that the post-removal ground levels across the site accord with those shown on Drawing No. 006 Rev P01 contained within Appendix D the Flood Risk Assessment prepared by Tetra Tech and dated 10 April 2024. Any discrepancies identified shall be rectified and a verification report by a suitably qualified person shall be

submitted to and agreed in writing by the Planning Department to the satisfaction of Rivers Agency prior to the development becoming operational and shall be retained thereafter.

Reason: To ensure that site levels are restored in accordance with the approved Flood Risk Assessment and to safeguard against unacceptable flood risk.

6. Only inert materials shall be used for the infilling of the land.

Reason: To ensure the project is not likely to have a significant effect on any European site by ensuring it proceeds as assessed.

7. Within 6 months of the completion of the works as indicated on the approved plans, 250mm clay and 150mm of, topsoil shall be placed on the site, the land sown in grass seed and reinstated as agricultural land.

Reason: In the interests of visual amenity and to ensure the restoration of the site.

8. Prior to works commencing on site, all existing trees as shown on drawing No. 010 REV P02 (Proposed Landscaping Plan published 29.08.25) as being retained and shall be protected by appropriate fencing in accordance with British Standard 5937:2012 Trees in relation to design, demolition and construction – recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spreads nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval from the Planning Department.

Reason: To protect the biodiversity value of the site, including protected species.

9. During the first available planting season after the operational use, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the Proposed Landscaping Plan (Drawing No L0-01 Rev D date stamp received 19th May 2021) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

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

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

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Introduction

- Chair, Members of the Planning Committee, thank you for affording us the opportunity to address you. I am Michael Graham, a Chartered Town Planner and Director of **Tetra Tech**.
- I represent the applicant, **Mr Oliver Hearty**, who accompanies me today.
- We are very pleased that Council's Planning Department has recommended approval and would like to thank Council's planning officers for their efforts in progressing this to a positive recommendation.

Proposed Development

- This full planning application seeks the retention of ground works including changes to the levels of the land through inert infilling and reprofiling of land and proposed levelling with topsoil and seeding with grass for the purposes of agricultural land improvement to facilitate the farming activities of the applicant at Bonds Road.
- The site is located on lands to rear and Northeast of No.21 and North of Nos.15 & 17 Bonds Road, Silverbridge.
- No waste material has been used to infill the site. The material that has been used for infilling comprised stone/rock and blinding (fine crusher run, drainage stone, rock fill).
- There is a clear and demonstrable need for the development. It is required to improve the quality of the land for future efficient farming practices, as part of the applicant's farm business. The site in question was an area of low-lying agricultural land of poor quality.
- The quantity of material deposited to date and that proposed to complete the development is the minimum necessary to improve the land to a level that it will be suitable for grazing, silage and crop growing.
- A small part of the site, along its eastern boundary, sits within the 1 in 100-year flood plain of the Ummeracam River in which some infilling has taken place. As part of the proposals this will be removed and regraded to previous levels, thereby removing any development from the floodplain.
- Rivers Agency has agreed to this approach and has proposed an appropriately worded condition to secure this element.
- Following levelling with topsoil, the land will be sown with grass to complete the development, along with providing native species hedging along the site's northern boundary and in the centre of the site helping to enhance biodiversity.
- All potential impacts from the development have been thoroughly assessed through detailed technical information and assessments and deemed acceptable by consultees.
- There will be no adverse environmental, visual, or amenity impacts.
- The nature of the works and the proposed restoration measures will also ensure there are no adverse landscape impacts upon the wider Ring of Gullion Area of Outstanding Natural Beauty.
- Similarly, there are no archaeological heritage impacts upon the Dorsey Area of Significant Archaeological Interest.

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- All consultees are content offering no objections subject to conditions, where relevant, and we r Council's Planning Department is content that all third-party concerns raised during the processing of the application have been fully considered and addressed.

Conclusion

- The works are the minimum necessary to improve and assist the efficiency of farming activities by the applicant.
- It is in keeping with the established character of the surrounding area and is acceptable in land use terms.
- Section 6(4) of the Planning Act (Northern Ireland) 2011 Act states that where regard is to be had to the Local Development Plan, the determination must be made in accordance with it, unless material considerations indicate otherwise. There are no material considerations that indicate otherwise.
- The proposed development is consistent with the relevant policy considerations, including the aims and objectives, of the Banbridge, Newry and Mourne Area Plan 2015 and all other relevant regional planning policies, guidance, and advice.
- In light of the above, we welcome Council Planning Department's recommendation and that full planning permission be granted.
- We take this opportunity to thank the Planning Committee for the opportunity to speak, and we trust the Elected Members agree that Full Planning Permission ought to be granted.
- I am accompanied by the applicant, and we would be happy to answer any questions.

Thank you.

Tetra Tech
7th October 2026

Application

Development Management Officer Report	
Case Officer: Joseph McKee	
Application ID: LA07/2025/1367/O	Target Date:
Proposal: Dwelling within an existing cluster	Location: Site 10m E. No2 Mullaghans Road, Mullaghbawn, Newry
Applicant Name and Address: Majella Gollogly 27 Newry Road, Forkhill, Newry, BT35 9RN	Agent Name and Address: Majella Gollogly 27 Newry Road, Forkhill, Newry, BT35 9RN
Date of last Neighbour Notification:	12 May 2026
Date of Press Advertisement:	12 November 2025
EIA Determination: EIA Screening undertaken. No EIA required.	
Consultations: NI Water (05.05.26): No objection subject to conditions DfI Roads (01.06.26): No objection subject to conditions Environmental Health (25.06.26): No objection subject to conditions	
Representations: In response to consultation exercises undertaken, no representations in support of the proposal were received and 4no. representations objecting to the proposal, were received; as summarised below: - Proposed residential development represents an inappropriate and unsustainable juxtaposition of land uses that will severely prejudice the continued, lawful operation of nearby established, full-time agricultural business (approximately 75 north of application site); - Adverse impact on the viability of nearby farm; - Represents visual intrusion resulting in loss of public amenity and would fail to conserve and enhance the special character of Slieve Gullion Area of Outstanding Natural Beauty; - Site is prominent location. Construction of a new house, regardless of design, will erode the scenic, undeveloped, and rural character of the Slieve Gullion landscape; - Approval of non-essential dwelling would set an undesirable precedent for further harmful encroachment into this highly valued, protected landscape; and	

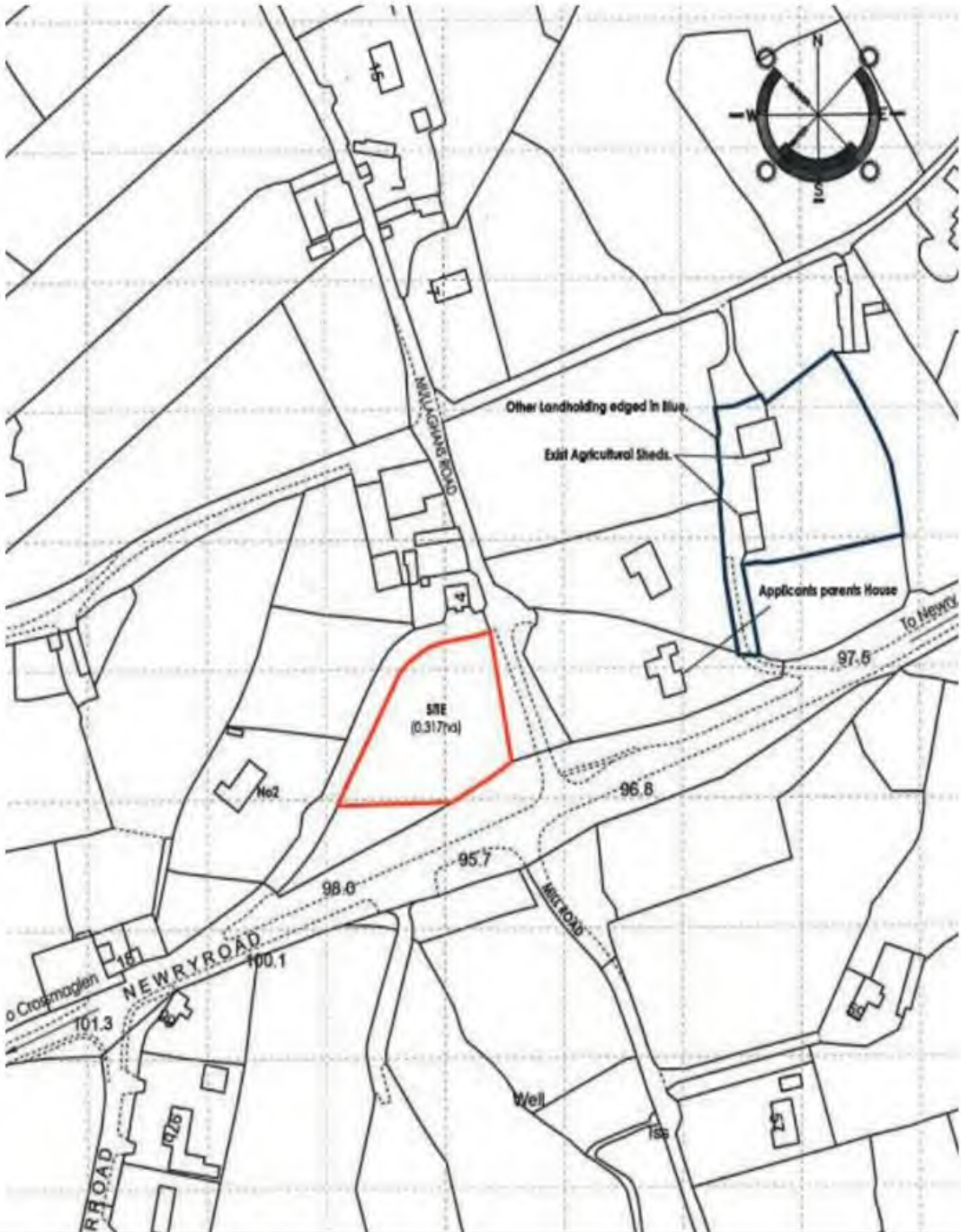
- Adverse highways safety and capacity issues; noting in particular proximity of nearby agricultural business.

Officer comment in response to representations received:

- There is no evidence to suggest that the proposed land-use of the site; residential, or the intensification of the development within the locality, would prejudice neighbouring agricultural enterprise. DfL Roads were consulted on this application and concluded no objection to the development subject to submission of detailed plans at reserved matters stage; and
- Assessment of extent of any of visual impact, and the impact to the designated AONB of the proposed development are assessed within the body of this report.

The applicant provided a supporting statement dated 23.07.26, in response to officer engagement. Officers have considered the statement, and the opinion of Group remains.

Letters of Support	0.0
Letters of Objection	4
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: The extent to which the proposed development accords with the relevant policy framework	

Site Visit Report
Site Location Plan:
 The map shows a site (0.3177a) outlined in red, situated between Mullaghans Road to the north and Newry Road to the south. To the east of the site is an area labeled 'Other Landholding edged in blue' containing 'Exit Agricultural Sheds' and the 'Applicant's parents House'. A road labeled 'To Newry' runs east from the site. Elevation points are marked at 95.7, 96.8, 97.6, 98.0, 100.1, and 101.3. A compass rose is located in the top right corner of the map area.
Date of Site Visit: 29.05.26
Characteristics of the Site and Area The site is surrounded on three sides with roads; Newry/Crossmaglen Road bounds the site to the south, with Mullaghans road both flanking the eastern and northern boundaries of the site. The western boundary; for the most part, outside of the site boundary and indeed part of the southern part of the site are defined by mature trees

and thick hedgerow with mature sycamore and hawthorn trees on the southern boundary. The site is largely open and defined by long grassland and thicker vegetation including trees and shrubbery.

No.4 Mullaghans Road; an existing dwelling is located north of the site; separated from the site, by Mullaghans Road. North of no.4 is an agricultural barn and associated development. Similarly, no. 2 Mullaghans Road is located west of the site, also separated by Mullaghans Road. No's 1 & 3 Mullaghans Road front the eastern side of Mullaghans Road; east of the application site and are approximately 48m & 60m from the application site.

The site is located outside of any settlement boundary limit within the open countryside; as designated by the Banbridge, Newry and Mourne Area Plan 2015. The site is located within the designated Ring of Gullion Area of Outstanding Natural Beauty.

Description of Proposal

This application proposes the development of the site to deliver 1no. dwelling and associated works.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

NA

EVALUATION

Planning Policy & Other Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement, Edition 2, 2025
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and Built Heritage - Building on Tradition Design Guide
- PPS 21: Sustainable Development in the Countryside
- The Banbridge, Newry and Mourne Area Plan 2015

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 within the open countryside outside of any defined settlement limit as prescribed within the area plan. In this case the relevant plan context is that of the SPPS (2nd Ed) and PPS21, this will be further considered below.

Strategic Planning Policy Statement (SPPS) (Edition 2)

Paragraph 1.10 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 sets out that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS 21 states that planning permission will be granted for a dwelling at an existing cluster of development according to Policy CTY 2a. .

Policy CTY 2a – New Dwellings in Existing Clusters

Policy CTY 2a outlines that planning permission will be granted for a dwelling at an existing cluster of development provided that the criteria set out within the policy are met. The six-criterion set out within the policy are listed below and will be assessed as such.

‘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 policy directs that the cluster of development lies outside the farm consisting of four or more buildings of which three are dwellings. Taking this into account, there is an existing agricultural enterprise located approximately 60m north of the application site. The application site is not connected to the agricultural enterprise; or any other..



Annotated map showing nearest buildings to application site

There are four buildings which are within relative proximity to the application site; (as highlighted on the above illustrative satellite image).

All four buildings; which are all dwellings, are separated from the application site, by a road; Mullaghans Road. These dwellings are not closely grouped or clustered; with each other or the application site. From the application site, no. 2 Mullaghan Rd is approximately 39m, no. 4 approx. 12.5m and no's 1 and 3 are approximately 48 and 61m. These buildings have a dispersed arrangement and the buildings do not visually read as a cluster in their own right when viewed from the public road from any perspective. In consideration of the policy an existing cluster arrangement simply does not exist on the ground, for proposals to cluster with and thus fails the first test of CTY2a.

'the cluster appears as a visual entity in the local landscape;'

Taking account of the significant distances between the four existing dwellings and the context of the area; including separation by roads, the existing built development in this wider area is sporadic and dispersed in nature, sited along parts of each of these roads, whereby it is considered the existing development does not present or appear as a

coherent or recognisable visual entity within the local landscape. It can be considered that the proposal is not compliant with this criterion of CTY2a.

‘the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads’

As outlined, there is no existing cluster of development as existing for the reasons set out above. In addition, it is noted that there is no focal point such as a social / community building/facility in which to cluster.

It is acknowledged that the site sits to the NW of a staggered junction between Mullaghan, Mill Rd and Newry Rd which may give the appearance of a crossroads. However an actual crossroad is one in which two or more roads physically cross, this is not the case at this location. Therefore, there is no crossroads in place to which the development can associate.

Proposals also fail this policy test.

‘the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;’

The site has a vegetation boundary along its western and in part, its southern boundaries. The site is bounded by a roads to the north east and; despite a set-back, the south. Notwithstanding any retention of any vegetation, this exposure and inability to provide a suitable degree of enclosure is evident when viewed on approach from the east and south.

The site is unable to provide any suitable degree of enclosure owing to the very exposed nature of the plot.

‘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’

There is no existing cluster in which to round off or provide consolidation of development, given the site’s location and relationship to surrounding development. Rather than being absorbed into a cluster, the proposal would extend the building form within a site that lacks vegetative boundaries and enclosure this which would be unable to integrate into the wider countryside. It is also considered that the application site serves as an important visual break in the existing environment. Accordingly, the proposal is not considered to comply with this criterion of CTY2a.

‘development would not adversely impact on residential amenity.’

It is not considered that the development will adversely impact on the existing residential amenity. The closest occupied dwelling to the proposal is No 4 Mullaghans Road to the

north. The application site is large enough to accommodate the dwelling, private amenity space, parking and turning area without having a detrimental effect on this closest neighbouring dwelling. It is noted that this is only an outline planning application and matters relating to design and siting would be submitted in further detail at that stage. Based on the information available it is considered the proposal is compliant with this criterion of Policy CTY2a.

Taking into consideration the above assessment, the development as proposed does not fully comply with all of the criterion of Policy CTY2a therefore failing, when assessed against provisions of policy CTY2a.

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. It specifies several instances where a new building will be unacceptable;

a) it is a prominent feature in the landscape;

As set out, the proposal would extend the building form within a site that lacks vegetative boundaries and enclosure; from approaching the site from the south or east. The site is quite exposed and represents a visual break in the immediate context; and the developing of the site, would result in a prominent feature in the landscape.

b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

As outlined, the site is unable to provide any suitable degree of enclosure owing to the very exposed nature of the plot; particularly from the south and east. This exposure results in the proposed development being unable to be suitable enclosed, or be able to integrate into the landscape.

c) it relies primarily on the use of new landscaping for integration;

Limited proposed landscaping detail accompanies this application notwithstanding, it is not understood any proposed landscaping, could adequately integrate the proposed dwelling without unacceptably adversely affecting the site's character.

d) ancillary works do not integrate with their surroundings;

This is an outline application. If the application was supported, detailed drawings regards the proposed development, including ancillary works would be required to support any subsequent reserved matters application. However, the development of the site inclusive of any ancillary works, would appear as a prominent and intrusive feature in the landscape, eroding the rural character of this part of the countryside. It would result in a suburban style build-up of development when viewed from the south. The impact of any

development on this site and ancillary works would damage the rural character of the area.

e) the design of the building is inappropriate for the site and its locality;

As outlined, this is an outline application. Detailed design drawings would be required to support any subsequent reserved matters application. Notwithstanding, the principle of the development of this site, to deliver 1no. dwelling, is unable to be supported, owing to the assessment of the relevant policy framework.

f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

Officers are unable to make a determination as to the extent of compliance with this policy test, on the basis that this is a high-level, outline application. Notwithstanding, as outlined, the development of the site, to deliver 1no. dwelling, is concluded to not be in accordance with the site context, noting the site circumstances; notably, this is an undeveloped open site which represents a visual break, particularly when viewed from the south and east. Any development of the site would not be concluded to be capable of blending with the landform.

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.

NA

CTY 14 – Rural Character

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

a) it is unduly prominent in the landscape;

As set out, the proposal would extend the building form within a site that lacks vegetative boundaries and enclosure; from approaching the site from the south or east. The site is quite exposed and represents a visual break in the immediate context; and the developing of the site, would result in a prominent feature in the landscape.

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

The site as existing, is undeveloped and as set-out, represents a visual break in the immediate context. When viewed from the south, noting the existing dwelling to the north, with the agricultural enterprise, further north; the development of the site, to deliver 1no. dwelling would represent an intensification of development within this rural context.

The developing of the application site, would further erode the rural character of the immediate area and result in a suburban style build-up of development when viewed, from the south.

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

The immediate context does not possess any strong uniform traditional pattern. In some instances, namely, no.2 Mullaghans Road and to an extent; when viewed from the south, no.4 Mullaghans Road, the surrounding existing dwellings are defined as isolated rural dwellings. No's 1 & 3, east of the site, are accessed by neighbouring driveways. Viewing solely these access points; from the west; exhibits a somewhat less isolated character. The overall character of the area however, remains a rural setting. Any development of the application site, would result in the further erosion of the rural nature of the immediate context.

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

It is noted that a road separates the application site from no.4; to the north and no's 1 & 3, to the east. This, to an extent, would to an extent break-up any ribboning effect of the developing of the site. However, particularly when viewed from the south, along the junction of Newry Road, the development of the site, to deliver a dwelling; of any scale, would be visually linked with no. 4 to the north, and the agricultural enterprise beyond, further north. To this end, the development would create a ribbon of development; when viewed from the south.

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

The development of the site inclusive of any ancillary works, would appear as a prominent and intrusive feature in the landscape, eroding the rural character of this part of the countryside. It would result in a suburban style build-up of development when viewed from the south. The impact of any development on this site and ancillary works would damage the rural character of the area

CTY 16 – Development Relying on Non-Mains Sewage

If the application was supported, a condition would be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development, to ensure accordance with Policy CTY 16.

Planning Policy Statement 2: Natural Heritage

Policies NH 2 and NH 5 of PPS 2 stipulate that planning permission will only be granted where a proposal is unlikely to result in unacceptable adverse impacts on, or damage to, habitats, species, or features of natural heritage importance, including legally

protected species. As such is the case for the application site, a biodiversity checklist and associated ecological statement are required due to the applications location within an AONB. Both have been submitted; prepared by Rymont Ecological Consultancy; dated May 2026.

The survey sets out that the mature sycamore and hawthorn trees on the southern boundary may offer bat roosting potential, however, are being retained at present and not covered under the scope of this survey. To ensure retention and protection of existing vegetation where it may offer habitat for protected species, it is appropriate to apply a condition; requiring, in the event, if it was proposed, these trees were removed, for survey work to accompany any subsequent reserved matters application.

The survey sets out that there were signs of badger activity on the site, however there were no setts discovered within or 30m beyond the site's boundary. There appears to be a single well-worn badger trail that runs from the southern boundary, through the centre of the site onto the northern boundary. The trail leads further north into a neighbouring field beyond the 30m from the site's boundary. The site likely contributes as a commuting space, as there were no obvious foraging/snuffle signs on site.

The statement sets out there are no areas of standing water or suitable newt habitats within the proximity to the site and that the scrub vegetation / mature treeline could be suitable for a range of species of nesting birds.

If this application were approved, subject to conditions being secured related to tree works and habitat protection, the proposal could in effect comply and is considered to accord on-balance with Policies NH 2 and NH 5 of PPS 2.

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015

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.

Policy NH 6 – Areas of Outstanding Natural Beauty

As the site is located within a designated Area of Outstanding Natural Beauty. Policy NH 6 requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality and provided additional criteria is met. The siting of a potential dwelling within the lands in red are considered unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. As set-out within this report, the application would erode the rural character of the site; and the surrounding context, by reason of the site's exposed and open character. Due to the site's circumstances, the development of the site would result in a

prominent addition, which would fail to be able to be integrated into the landscape; resulting in a development, at odds with the rural character and appearance of the site and its surrounding context; contrary to Policy NH 6.

Planning Policy Statement 3 – Access, Movement and Parking

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.

Neighbour Notification Checked	Yes
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Summary of Recommendation

For reasons set-out within this report, the application fails to accord with PPS 21 Policies CTY 2a, CTY 13 and CTY 14.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (2nd Ed) 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 (2nd Ed) and Policy CTY2a New Dwellings in Existing Clusters, of Planning Policy Statement 21 Sustainable Development in the Countryside, in that;
 - the proposed site is not located within an existing cluster of development, nor is it a visual entity or associated with a focal point;
 - it doesn't provide a suitable degree of enclosure and is not bounded on at least two sides with other development in a cluster; and
 - development of the site cannot be absorbed into the existing cluster through rounding off and consolidation as it will significantly alter the existing character of the open countryside.
3. The proposal is contrary to the Strategic Planning Policy Statement (2nd Ed.) 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 nor would the development be able to provide a suitable degree of enclosure for the building to integrate into the landscape; • it would primarily on the use of new landscaping for integration; • ancillary works would not integrate with their surroundings; and • The development of the site would fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14, Rural Character of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed dwelling would be: • unduly prominent in the landscape; • it would result in a suburban style build-up of development when viewed particularly from the south; • it would create or add to a ribbon of development; and • the impact of ancillary works (with the exception of necessary visibility splays) would result in a detrimental impact on the rural character of the area. 5. 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 would be unsympathetic to the special character of the AONB in general and of the particular locality; noting the site context and circumstances and the development of the site nor would the proposed development respect or conserve features of importance to the character or appearance of the landscape within the AONB.
Case Officer Signature: J McKee
Date: 24 July 2026
Appointed Officer Signature: A Loughan
Date: 21 August 2026

- Planning permission is sought for a new house at an existing cluster of development in the countryside. This is facilitated by Policy CTY 2a of PPS 21. As it complies with this Policy, it complies also with Policy CTY 1.
- Officers argue the site is not located within an existing cluster of development. However, it does not have to be WITHIN the cluster: it simply has to be AT the cluster or focal point. That point is virtually moot, given the site's central location.
- Officers do not accept that a staggered junction fits within CTY 2a's provisions yet they concede that the junction has the "appearance of a crossroads". That should have been sufficient to meet the policy's initial requirement.
- This is emphatically a focal point, as defined by Policy CTY 2a of PPS 21. Officers appear not to have accepted that, despite previously granting permissions at Commons Hall and Shinn Road in Newry, with countless other staggered crossroads being accepted, both by officers and the PAC.
- The purpose of the policy is to allow rounding off and consolidation, at the edges or within clusters, which this application does.
- It has been argued this site has inadequate enclosure. However, views inwards are angular, fleeting, filtered, and are captured when travelling from Newry to Crossmaglen, at some speed.
- When travelling from Newry, the site has two substantial boundaries in situ. It also has a mountain in its backdrop, and the sense of enclosure is heightened by the presence of buildings surrounding the site – opposite, behind and to the rear. Not only does this heightened sense of build-up fulfil the requirements of the clustering policy, but it also ensures this dwelling would not be conspicuous.
- On the ground, there is a considerable accumulation of buildings around Tierney's junction, leading from the Newry Road onto Maphoner Road. Even if the view is taken that this part of the cluster is detached from the Tierney's Junction part of the cluster, it qualifies as a cluster in its own right owing to its position at the cross roads between Mill Road / Mullaghans Road and Newry Road.
- The planning department acknowledges that the site is surrounded by roads on three sides. With these roads almost hemming the site into a triangular wedge, it is impossible for this proposal to extend outwards into the open countryside.
- The Newry Road represents a definitive boundary to this part of the cluster. It appears irrational to deny this opportunity at the inner part of a major road junction and to argue that it is encroaching outwards into open countryside.
- It has been argued that this site is not bounded on at least two sides by other development in the cluster. We argue, consistent with the approach of the courts, that this policy requirement was

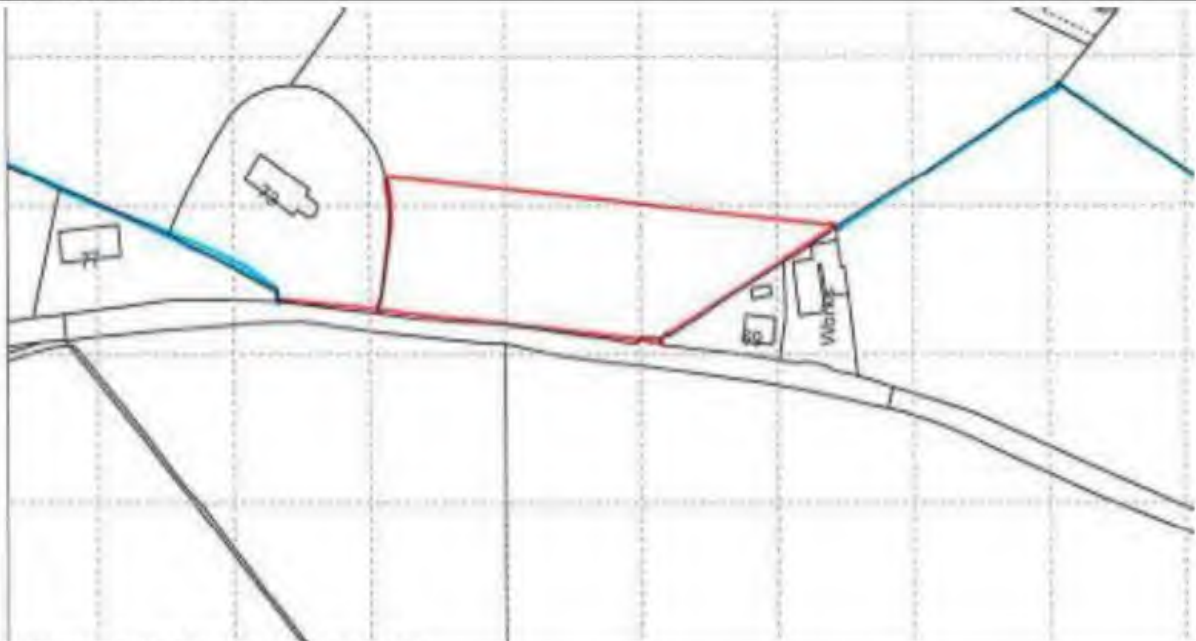
not intended to be applied slavishly or literally. We have identified a number of comparables, but these examples were not commented on by officers in their planning report, and there has been no justification for their disregarding (e.g. **LA07/2021/2005/F**; **LA07/2016/1156/F**; **LA11/2020/0903/O** (*Derry & Strabane – for comparison*); **LA11/2019/0807/O** (*Derry & Strabane – for comparison*))

- We have provided PAC decisions, based on this Policy, where not all of the criteria within Policy CTY 2a were met yet approval was granted because the proposals were consistent with the thrust of the Policy. There has been no justification offered for the failure to take these PAC decisions into account (**2014/A0245**; **2021/A0010**; **2017/A0222**; **2010/A0202**).
- The applicant is aggrieved at the chronology to this application: a supporting representation was lodged one day before the case officer report was prepared. This submission raised multiple positive factors. It is believed that there was insufficient time available for the planning department to have truly or fully considered that supporting submission. Initially, it was reported in the assessment that no supporting representations were made, when there was a substantial planning submission presented; and to compound this, the matters raised in the supporting submission have not been robustly appraised in the professional assessment.
- Officers argue the site is not immediately bounded on at least two sides by other development within the cluster. We have cited case law on this subject: Court of Appeal case (*R on the Application of Corbett v Cornwall Council [2022]*), wherein the judiciary determined that "immediately adjoining" does not inevitably mean contiguous, coterminous, or physically touching". We would argue that a similar approach should apply to the term "bounded by". Officers have not set out a contrary position, allowing Members to accept our analysis.
- Officers take a very narrow approach to all attendant issues arising in this case: arguing that the site is a visual break when it is surrounded by development; and arguing suburbanization when that is precisely what is permissible when consolidating at clusters.
- The question of whether a local feature serves as a community anchor is a subjective judgement best evaluated by elected local representatives, not a desktop officer – according to an NI Assembly report. For that reason, members are free to apply their own judgement and to exercise their own discretion when deciding the simple question of whether this proposal consolidates development at an existing cluster of buildings that have already spread out from a focal point / cross roads.
- We are happy to take any questions you might have.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/1097/O	Target Date:
Proposal: Proposed 2 no. dwellings and garages on infill site under Policy CTY8 of PPS 21	Location: Lands between 69 & 73 Ballywillin Road, Ballywillin, Crossgar BT30 9LF
Applicant Name and Address: Mr Hugh Gabbie 73 Ballywillin Road, Ballywillin, Crossgar BT30 9LF	Agent Name and Address: Tumelty Planning Services 11 Ballyalton Park, Downpatrick, BT30 7BT
Date of last Neighbour Notification:	11 November 2025
Date of Notification Expiry:	25 November 2025
Date of Press Advertisement:	9 October 2024
Date of Press Ad Expiry:	23 October 2024
EIA Determination: The Planning (Environmental Impact Assessment) Regulations (NI) 2017 are considered and the site falls within 10B of schedule 1 the site does not exceed the threshold of 0.5ha and is not located within a sensitive area therefore an EIA determination is not required.	
Consultations: NI Water was consulted and responded with no objections subject to conditions. DFI Roads was consulted and responded with no objections subject to conditions with sight visibility splays of 2.0m by 60m. Environmental Health was consulted and responded with no objections in principle.	
Representations: The application was advertised in the local press and neighbours notified as detailed above and to date there have been no representations received in relation to the proposal.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	
Summary of Issues: There are no outstanding issues as a result of the neighbour notification and publicity process.	

Site Visit Report
Site Location Plan:

Date of Site Visit: 12.11.2025
Characteristics of the Site and Area The site in question is a portion of agricultural land located along the roadside of the Ballywillan Road, Crossgar. The site in question is a steep sloping site that is currently overgrown in planting and vegetation with a natural field hedge along the roadside of the site and a post and wire fence separating the site from additional agricultural lands beyond the site on higher ground. The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the within open countryside with a drumlin type topography surrounding. No specific site constraints have been identified on the lands in question.
Description of Proposal Proposed 2 no. dwellings and garages on infill site under Policy CTY8 of PPS 21

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/1996/1013/O - Near 77 Ballywillin Road Crossgar - Replacement dwelling – approval – 12.03.1997

R/1999/1120/RO - 77 Ballywillan Road, Crossgar, Co Down – Dwelling – approval 22.02.2000

SUPPORTING DOCUMENTS

Design and Access Statement
NI Bio Diversity Checklist and Ecological Appraisal

CONSIDERATION AND ASSESSMENT

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

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement for NI Ireland (SPPS) 2nd Edition is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of

sustainable development – CTY 8 of PPS 21 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage (SCBUF) and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site is located along the Ballywillin Road, between the properties known as 69 and 73 Ballywillan Road, there are three frontages along the Ballywillin Road being no's 69, 73 and 77. The first part of the policy is thus met and a SCBUF is present.

No 69 Ballywillin Road consists of a dwelling house and large outbuilding adjacent to the dwelling and while the outbuilding is separated from the main dwelling by a low block wall and is accessed via a separate access the dwelling and outbuilding does appear as one entity and for the purposes of this policy this property is considered to have one frontage onto the Ballywillin Road which is measured at approx. 73m with the plot size being approx. 0.18ha. No 69 is a single storey dwelling that sits level with the roadside.

No 73 sits north of the site in question, the frontage of the site is approx. 37.5m in length with an overall site size (including access) of 0.4ha. The dwelling is again a single storey dwelling that sits on elevated lands, much higher than the level of the road, the site is configured in such a way that it does not directly overlooking the road, set at an angle away from the public road. There are large retaining walls at the point of the access and some sloping ground away from the site. The curtilage of the dwelling has been fenced off resulting in a large portion of the ground not running directly to the road however it appears that this fence has been placed here for safety reasons with the area immediately adjacent to the road remaining to be seen as being associated with no 73's curtilage.

No 77 Ballywillin Road has a frontage measuring approx. 91m along the road, the site area is approx. 0.2ha. Again, the dwelling is a single storey dwelling with a hipped roof design and sits elevated to the road.

The site as presented has a frontage of approx. 104m with a site layout plan showing it split into two plots with frontages of 51m and 53m respectively.

While this assessment is not down to a mathematical calculation it does aid in demonstrating how proposals fulfil policy requirements.

The average frontage of the existing development is approx. 67m.

The assessment of whether a site is suitable for infill development is not simply a mathematical exercise based on achieving plot widths or sizes comparable to those in the area. Whether or not a gap site is suitable for infill development is a matter of

planning judgment, taking into account what one ascertains on the ground. To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than one or two houses but must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements.

The building-to-building separation distance is approx. 161m. Guidance suggests that where a gap is more than twice the length of the average plot width this is often unsuitable for infill for two news plots. However, taking the SCBUF into account No.69 has a frontage of 73m, No.73 has a frontage of 37.5 and No.77 has a frontage of 91m. The gap to be filled measures 161, notionally accommodating 2 plots of 80m, thus capable of accommodating 2 dwellings whilst falling within the min and max frontages.

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

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

(a) it is a prominent feature in the landscape.

The development is roadside along the Ballywillin Road, and the topography of the site is noted as being of a steep incline and sitting higher and somewhat dominating onto the road. Extensive cut and fill of sites to create large platforms should be avoided. The extensive cut and fill required to facilitate the dwellings within the site could be avoided in any other given circumstance however given the steep incline these works are an unnecessary and inevitable consequence of the site's visual prominence within the landscape. The dwellings will not be read as roadside infill dwellings due to the topography and will be dominant and intrusive features within the landscape with large retaining structures needed and regrading works having to be undertaken.

(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.

While the site is currently overgrown the level of screening planting available to the site is somewhat limited, the vegetation to the front of the site will be lost as it will require removal for the provision of sight splays and access works to accommodate two dwellings. Taking account of the lack of screening of the elevated sloping site and also the requirement to remove existing roadside vegetation it is not considered that the site does benefit from long established natural boundaries leaving future development exposed to the open countryside.

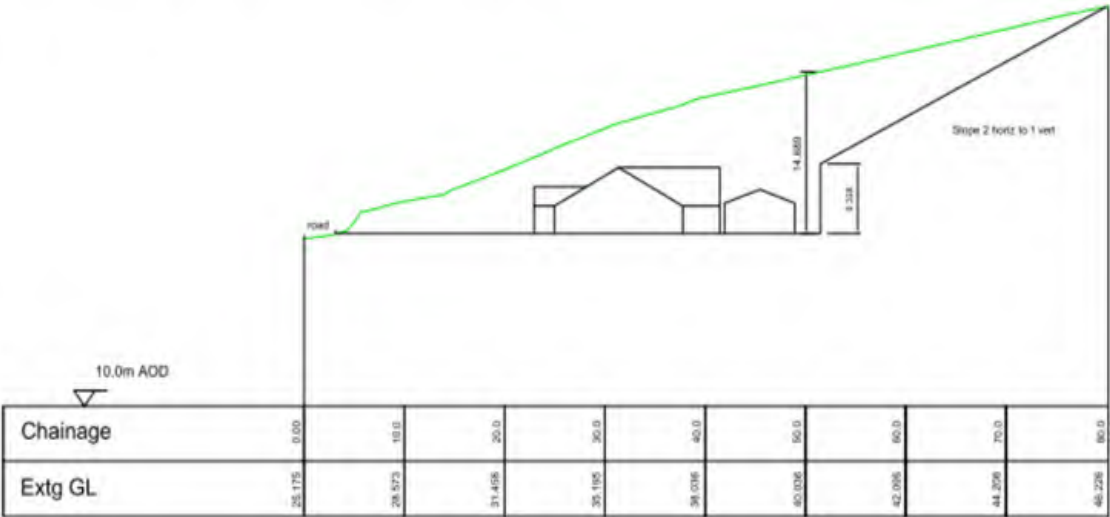
(c) it relies primarily on the use of new landscaping for integration.

The site will rely on new planting in the form of a newly planted boundary to the rear of the development and along the roadside to help soften the development and allow it to integrate into the landscape. A significant level of cutting into the site is required in order for the dwellings to be accommodated and to allow a level of integration, these works will require additional planting to help screen the development. The retaining wall currently present along the roadside adjacent to the site is not a feature of the rural area that should be repeated and further retaining walls, albeit to the rear of the dwellings, will only further impact on rural character. The site requires an unacceptable level of intervention with a permanent visual impact to accommodate the dwellings in question.

(d) ancillary works do not integrate with their surroundings.

As discussed previously, the site will require unacceptable levels of cutting into the site and retaining walls to accommodate the development. Due to the topography of the land sections were requested to allow for further assessment and consider if the dwellings could be accommodated without requiring an unacceptable level of intervention. The sections below show the level of excavation required and resulting area to the rear of the site requiring retaining structures.

This is an outline application and the full particulars of the workings of the site are not required however considering the topography of the site and the proposed development it is evident that the ancillary works will not integrate with the surroundings and will appear incongruous within the rural landscape.



The dwelling adjacent to the site in question known as no 73 Ballywillan Road was developed on grounds of similar heights and while it is not fully like for like the retaining walls etc are indicative of what is required to be developed at the site subject to this application to allow two dwellings to be developed. This level of intervention and engineering is not typical of development within the rural area will harm the rural character of the area. It is noted that the development at no 73 Ballywillan Road is not

recent development with the planning history (detailed earlier in the report) dating between 1996 and 1999.



Above is an image from google street view showing the site in 2008. Below is the same image taken from google earth in 2025 which shows additional retaining walls, an altered level of cut and fencing for which no planning history exists. The works are not typical of what is found or acceptable within rural areas under current policy.



The overall development and ancillary structures at the adjacent site are long standing structures and notwithstanding this the works should not be replicated on the site due to the intrusive impact within the rural area.

(e) the design of the building is inappropriate for the site and its locality.

Again, as this is an outline application the design and overall layout of the development have not been provided. An indicative layout has been provided along with site sections that show single storey development proposed. The dwellings either side of the development are noted to be single storey in design and appearance.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

Given the excavation of the site required and the disruption to the existing landform and the natural lay of the land it is not considered that the development will blend sufficiently with the landform. The extent of cutting in and retaining structures required to accommodate the development is not respectful of the site's existing natural contours.

The level of excavation required is indicative of the sites inability to accommodate two dwellings whilst blending in with the landform.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This development is not in relation to a dwelling on a farm sought under CTY 10 therefore this aspect of development is not applicable.

Consideration of CTY 14 Rural Character

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

(a) it is unduly prominent in the landscape.

The development will read as being unduly prominent in the landscape as a result of the excavation required to facilitate the dwellings, the retaining structures and regraded banks to the rear and the inability to work with the existing contours due to the steep slope. Valid concerns remain as to the level of cutting into the site which is proposed in order to enable the development to integrate to some degree and without the cutting into the site the works would have to rest on the existing landform which would result in visual prominence. Either way, the impact will be visually intrusive and detrimental to the rural character.

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

Consideration is given to the development of the site, it is noted that no 73 Ballywillin Road is seen to be visually obtrusive in the rural landscape due to the topography of the site and the extent of the built form along the frontage including large retaining walls. This development will also require considerable excavation works resulting in the requirement of retaining structures and the change to the natural topography along this section of road will be very visually intrusive and will detract from the rural character. The development of this site will change the overall character of the area leading to a more suburban style build-up of development within a rural setting.

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

While this is an outline application it is noted that an indicative site layout plan has been provided showing a shared access, this too is not typical of the character of rural areas and is suburban in nature.

Sites that require extensive land works to accommodate dwellings are not considered to respect the natural settlement patterns of rural areas whereby sites are chosen for their ability to be accommodated whilst making use of existing natural features and integrate into the landscape.

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

CTY 8 has already been considered and it was concluded that it met the CTY 8 requirements.

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

As discussed previously within the report it is considered that the extent and nature of any ancillary works including retaining structures are likely to have an adverse impact on the overall rural character of the area.

Consideration of CTY 16 Development Relying on Non Mains Sewerage

CTY 16 states that planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The P1 form indicates that the sewage will be dealt with via bio discs for each site. Environmental Health has been consulted in relation to the application and consider there to be no objections subject to the submission of additional information at reserved matters stages. This aspect of policy has not been offended.

Consideration of PPS 2 Natural Heritage

The provisions of NH2 and NH 5 have been considered as part of this application and taking account of the characteristics of the site and the level of growth on the site a bio diversity checklist was requested and was completed and in addition to this an extended ecological statement was submitted. Taking account of the outcomes of the ecological statement it is not considered that there will be any unacceptable impacts on protected species or habitat and the policy considerations of NH2 and NH 5 will not be offended.

Neighbour Notification Checked

Yes

Summary of Recommendation

Having considered the proposal and the relevant policy provisions the application is not considered to meet policy requirements and as such a recommendation of refusal is made for the reasons outlined below.

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- It is 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 and relies primarily on the use of new landscaping for integrating;
- Ancillary works do not integrate with their surroundings; and
- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- It is unduly prominent in the landscape;
- the development would result in a suburban style build-up of development when viewed with existing and approved buildings;
- the development does not respect the traditional pattern of settlement exhibited in that area; and
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Case Officer Signature: Fionnuala Murray

Date: 31 July 2026

Appointed Officer Signature: Brenda Ferguson

Date: 20th August 2026

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Committee Schedule of 7th October 2026

Planning reference: **LA07/2024/1097/O**

Proposal: **Proposed 2 No Dwellings and garages in infill site under Policy CTY8 of PPS21**

Applicant: **Hugh Gabbie**

Recommendation: **Refusal**

Refusal Reasons:

1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- It is 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 and relies primarily on the use of new landscaping for integrating;
- Ancillary works do not integrate with their surroundings; and
- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 2nd Edition and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- It is unduly prominent in the landscape;
- the development would result in a suburban style build-up of development when viewed with existing and approved buildings;
- the development does not respect the traditional pattern of settlement exhibited in that area; and
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Site context and surrounding area.

The application site is located between No69 and 73 Ballywillin Road on an infill opportunity located between existing developments. The site is a gently sloping site bounded by mature hedging and undergrowth along the roadside, the site currently form part of an agricultural field located between existing built development of dwellings and a workshop.

The application site is located outside any settlement limits as defined in the Ards & Down Area Plan 2015. The surrounding countryside can be defined as drumlin area and is set in typical drumlin topography characteristic of the local area.

Refusal Reason 1.

The Planning Department in their officers report accept that the site is located in an acceptable gap site between existing built development with plot frontages of some 80m per dwelling which is similar to the dwellings that exist adjacent and the Department accept that the gap site capable of accommodation 2No dwelling exists at this location.

The Planning Department consider the proposals against Policy CTY13 stating that the proposed dwellings will be a prominent feature in the landscape while it is argued that the proposed dwellings will be located on an area slightly above the road level and due to the cut in the slope the proposed dwellings will have a natural back drop as shown on the sections which accompanied the submission and retaining structures should they be required will be hidden behind the dwelling which will sit with the backdrop of the land rising to the rear thus allowing integration, the removal of the shrub hedging along the road frontage will allow for new planting with native hedging thus establishing a new and healthy ecology which will assist wildlife and only hedging required to provide the necessary access will be removed and the introduction of hawthorn hedging and native species trees will augment the existing vegetation and retaining structures if required will be located to the rear of the new build thus it will allow for integration of the development.

Contrary to the officers report the ancillary works will integrate and will allow this accepted gap site to develop within the rural setting and thus be compliant with Policy CTY13.

Refusal Reason 2

Consideration against Policy CTY14 as stated in consideration of Policy CTY13 the application site is not prominent as shown in the levelling submitted with the proposal thus the site will be slightly above road level and will have no retaining walls or features along the roadside and if required will be a feature hidden from view by the dwellings themselves, contrary to the officers report the site does not result in suburban style build up rather it avails of the infill opportunity which the planning report accepts exist at this location and by virtue the proposal meets with and respects the traditional pattern of settlement which is acceptable in the area and only ancillary works that are necessary to meet the requirements of DfI Roads will be undertaken .

Other Agencies-- The proposed site meets with other considerations by other consultees and agencies

DFI Roads response-- No Objections subject to Condition.

Environmental Health – No Objections.

NI Water No objections.

No objections from neighbours or the publicity process.

Consideration against Policy CTY16 are met by the provision of bio-disc as treatment works.

The consideration against Policy PPS2 were dealt with by way of extended ecological statement supplied with the submission.

Conclusion

The site as chosen complies with the requirements of Policy CTY8 and the site is accepted by Planning Department Officers as been compliant with the requirements of the Policy thus the site is acceptable as an infill opportunity and considerations against Policies CTY13 and 14 are addressed and rebutted in this statement at Refusal Reasons 1 & 2 above

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval for the applied development as the site is capable of housing 2 dwellings and garages in accordance the policy.

Delegated Application

Development Management Officer Report	
Case Officer: Matthew Hunniford	
Application ID: LA07/2024/0536/O	Target Date:
Proposal: Proposed Rural Detached Infill Dwelling House and Detached Domestic Garage Along with Additional Landscaping and Associated Site Work	Location: Adjacent to 26 Jacks Road, Killeen, BT35 8FX
Applicant Name and Address: Niall McKevitt 26 Jacks Road Killeen Newry BT35 8FX	Agent Name and Address: Barney Mc Kevitt Mourne House 3 Downshire Court Newry BT35 8FX
Date of last Neighbour Notification:	7 February 2025
Date of Press Advertisement:	29 May 2024
EIA Determination: The proposal falls within the threshold of Category 10 (b) – Urban Development 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.	
Consultations: - NI Water - Approved with Standard Planning Conditions following submission of Odour Assessment. - DfI Roads - DfI Roads has no objections in principle to this proposal subject to submission of detailed plans at reserved matters stage. - NIEA - Water Management Unit refer the Planning Authority to DAERA Standing Advice - Single Dwellings - NED - on the basis of the information provided, has no concerns subject to recommended conditions	
Representations: 5 neighbours within close proximity of the site were notified on 24/01/2025. This application was advertised in the local press on 28/05/2024 and 29/05/2024. No objections or representations have been received to date.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0

Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report
Site Location Plan:
 The map shows a residential area with Jacks Road running diagonally. Dwellings are numbered 24, 25, 26, 27, 28, 7, 8, 9, and 12. O'Reilly Park is located to the southeast. A blue line outlines a larger area, and a red line outlines a smaller, specific site located between dwellings 26 and 28, adjacent to Jacks Road.
Date of Site Visit: 14/02/2025
Characteristics of the Site and Area The red line boundary comprises a small portion of land located between the dwellings of Nos.26 and 28 Jacks Road. The site is generally flat and has a field gate to the roadside boundary of Jacks Road.



Figure 1. View of the proposed site from Jack's Road

The site is located within the rural countryside and is outside any settlement development limits as defined under the Banbridge, Newry and Mourne Area Plan 2015. The site is not zoned and lies within a designated Area of Outstanding Natural Beauty (AONB).

Description of Proposal

Proposed Rural Detached Infill Dwelling House and Detached Domestic Garage Along with Additional Landscaping and Associated Site Work

Planning Assessment of Policy and Other Material Considerations

- SPPS - Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- PPS 21 - Sustainable Development in the Countryside
 - CTY 1 - Development in the Countryside
 - CTY 8 - Ribbon Development
 - CTY 13 - Integration and Design of Buildings in the Countryside; and
 - CTY 14 - Rural Character
 - CTY 16 – Development relying on non-mains sewerage

- PPS 3 - Access, Movement and Parking
- PPS 2 - Natural Heritage Natural Heritage
- Building on Tradition – A sustainable design guide for the Northern Ireland Countryside

Planning History

Application Number: P/1999/1172/O

Decision: Permission Granted

Decision Date: 02 August 1999

Proposal: Site for dwelling

Application Number: P/2000/1666/O

Decision: Permission Granted

Decision Date: 19 January 2001

Proposal: Site for replacement dwelling

Application Number: P/2000/1857/O

Decision: Permission Refused

Decision Date: 19 January 2001

Proposal: Site for dwelling

Application Number: P/2004/0021/O

Decision: Permission Granted

Decision Date: 10 March 2004

Proposal: Site for replacement dwelling (renewal of O.P.P P/2000/1666/O)

Application Number: P/2003/1106/O

Decision: Permission Granted

Decision Date: 19 January 2005

Proposal: Site for dwelling

Application Number: P/2007/0326/RM

Decision: Permission Granted

Decision Date: 19 November 2007

Proposal: Erection of replacement dwelling

Application Number: P/2008/0093/F

Decision: Permission Granted

Decision Date: 15 January 2009

Proposal: Erection of dwelling as per outline permission.

Consideration and Assessment:

The application submitted is seeking outline planning permission for the erection of a dwelling and detached garage in the countryside. 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. Section 6 (4) of the Act requires that the determination of the application must be made in accordance with the development plan unless material considerations indicate otherwise. 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 of settlement limits, as defined by the Banbridge, Newry and Mourne Area Plan 2015 and is situated in open countryside. There are no specific policies in the Plan that are directly relevant to the determination of the application, and it directs the decision-maker to the operational policies of the SPPS and PPS21. The SPPS along with PPS 21 provide the relevant planning context for determining this application.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for a dwelling on a gap site following the publication of the SPPS and it is arguably less prescriptive, the retained policy of 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 of PPS 21 identifies a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. The proposed development will therefore be required to satisfy the following policies in PPS 21:

1. CTY 1 - Development in the Countryside
2. CTY 8 - Ribbon Development
3. CTY 13 - Integration and Design of Buildings in the Countryside
4. CTY 14 – Rural Character
5. CTY 16 – Development Relying on Non-Mains Sewerage

Policy CTY 8

Policy CTY 8 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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 a substantially and continuously built up frontage. This policy requires four specific elements to be met, the gap site must be within a substantially and continuously built up frontage, the gap must be small, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met. The policy defines a substantial and built up

frontage as a line of three or more buildings along a road frontage without accompanying development to the rear.

The subject site fronts onto Jacks Road in a row, for the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required. The agent contents that there are at least 3 buildings with frontage, with 4 buildings highlighted to the Council. No.26 Jacks Road constitutes one of the buildings with an adjacent detached timber shed (the second building) with No.28 Jacks Road constituting the third building with an adjacent detached garage (the fourth building). Case officers accept that both dwellings No.26 and No.28 have frontage to Jacks Road. In assessing the fourth building, the garage associated with No.28 Jacks Road, Case Officers accept that visually it has frontage, however, have discounted the building from the assessment as it does not have planning permission and does not benefit from a certificate of lawfulness. On review of Google Street View images, it is clear that the building was constructed sometime after July 2023 therefore would not be immune from enforcement. Case Officers have noted recent appeal 2021/A0155 which stated *“even if the constructed building were within the parameters allowed by The General (Permitted Development) Order (NI) 2015, there is no jurisdiction in this case to determine that the building is lawful for the purposes of considering this appeal. In the absence of a LDC to demonstrate that the building is lawful, it cannot be weighed into the consideration of the above policy requirement”*. Likewise, the Council in making an assessment of this application require the building to benefit from a certificate of lawfulness prior to including it in any assessment for an infill opportunity. There is currently a enforcement case ongoing in relation to the alleged erection of a shed at No.28.



Figure 2. View of site between domestic shed at No. 26 and dwelling No. 28.



Figure 3. View existing site access to dwelling at No. 26.

The second building, a small timber shed, has the classic appearance of a domestic garden shed. It appears from Google Street View images that the portion of garden on which the shed appears is an extension to the original granted curtilage of dwelling

No.26. Google street view shows the curtilage clearly in place from May 2019. The application was received 04/04/2024 and made valid on 16/05/2024. It is visible from aerials on 21 April 2018 that the curtilage has been enlarged therefore the curtilage appears to benefit from falling outside the timeframe for enforcement action. The shed building associated to No. 26 is not considered by the Council to have the appearance of a permanent building for the purpose of interpreting CTY 8 and whilst it does appear to be placed on a concrete base it reads as a domestic garden shed that could be easily moved.



Figure 4. View of domestic shed at No. 26.

In determining whether an infill opportunity exists Case Officers must determine if the gap site is sufficient only to accommodate up to a maximum of two houses. In policy terms the critical issue is the size of the gap between the buildings. Given that Case Officers do not accept the shed associated with No.26 can be considered a building for the purposes of CTY8 the distance between the dwelling at No.26 and No.28 Jacks is the critical calculation in relation to determining gap size. Frontages along this laneway off the Jacks Road vary slightly with the average plot size equating to approximately 46.92m which means the proposed gap (building to building 62.57m) site can accommodate 1.3 buildings and is sufficient to accommodate a dwelling in line with Policy CTY 8 which states that a small gap site be sufficient only to accommodate up to a maximum of two houses. Case Officers note recent Planning Appeal 2021/A0106 which outlines that the assessment of the gap site is not solely a mathematical or academic exercise but is also based on a visual assessment of the existing pattern of

development. In assessing this proposal Case Officers have made an assessment of the site through a site visit and visual assessment both on the ground and through a desktop review of maps. Case Officers have determined that whilst the gap is considered small in line with Policy CTY8 that the site does not meet the Policy criteria in relation to having a substantial and built-up frontage that includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Case Officers contend that the proposed site does not meet the policy requirement in relation to PPS21 policy CTY8.

Policy CTY13 - 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 it is of an appropriate design. Whilst there would have to be some ancillary works, there would be sufficient opportunity for a dwelling of an appropriate elevation to fit in with a similar pattern of development along the road. The proposal would comply with Policy CTY 13 subject to suitable conditions.

Policy CTY14 - Rural Character

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As discussed above Case Officers are satisfied that with an appropriate ridge height a dwelling can be provided on the site which is not unduly prominent in the landscape. The proposed development would not result in a suburban style build-up of development and would respect the traditional pattern of development exhibited in the area. The proposed development will create a ribbon of development along the Jacks Road the site is not considered to comply with the gap site exception and therefore is contrary to policy CTY 8. It is unlikely that ancillary works would damage the rural character. Overall Case Officers are of the opinion that the proposed development fails to meet the requirements of Policy CTY 14 and therefore would cause a detrimental change to the rural character in this area.

Policy CTY16 - Development Relying on Non-Mains Sewerage

CTY16 ensures that new developments will not create or add to a pollution problem. A package treatment tank is proposed, and NIEA Water Management Unit referred Case Officers to DAERA Standing Advice - Single Dwellings. The document states NIEA recommends that no development should take place on-site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted. Should Planners be minded to approve the development then copy of 'Consent

to Discharge' must be submitted to the Planning Department prior to the commencement of 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 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 the sightlines that will be applied to a new access onto a public road. DfI Roads were consulted as part of the assessment of this application. In a response dated 18/03/2025, DfI Roads have no objections to the proposal with regard to the above policy criteria subject to submission of detailed plans at reserved matters stage.

PPS 2 - Natural Heritage

The proposal has been considered in respect of Planning Policy Statement 2 in terms of priority habitats and species. The agent has provided a Biodiversity Checklist with an extended ecological statement. NIEA (NED) were consulted on the basis of the findings of the report and have returned to state that they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions. NED have recommended that trees to the southern boundary that are planned to be removed for site access and to facilitate visibility splays and qualify as PRFI are to be soft felled under the supervision of an Ecological Clerk of Works (ECoW) to ensure no roost have been disturbed. NED also stated that hedgerows are priority habitat and any removed should be replaced with like for like compensatory planting comprising a range of native shrub and tree species. NED are content with the proposal and have recommended conditions to be included with any approval.

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6 - AONB requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality. The siting of a dwelling and garage within the lands on the Jacks Road would not be considered to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality given it would create a ribbon of development in the countryside contrary to Policy CTY 8. The design will be further assessed on submission of detailed design plans at reserved matters and will also be subject to compliance with Policy CTY 16.

Other Considerations

NI Water following consultation returned with a recommendation for refusal, subject to the applicant engaging with NI Water, in which case NI Water may reconsider its

recommendation. NI Water stated that the proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works. Before NI Water would be prepared to recommend approval of this application confirmation that the requirements of Planning Policy Strategy PPS11, particularly Policy WM5, can be satisfied. As the site is located wholly or partially within the Wastewater Treatment Work's odour consultation zone boundary an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. An application for an Odour Assessment to NI Water is required to commence the odour assessment procedure, prior to any independent modelling. Upon completion of this process and subject to re-consultation, NI Water may reconsider its recommendation.

The applicant subsequently submitted a letter from NI Water confirming engagement with NI Water to resolve the issue. Within the letter NI Water confirmed that their refusal reason no longer stood. In subsequent consultation response NI Water confirmed approval of the proposed development.

Additional information submitted by the agent 13/08/2026 has been considered.

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 PPS 21 Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8, 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 ribbon development along the Jacks Road, and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14, Rural Character 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 Jacks Road.

Case Officer Signature: Matthew Hunniford
Date: 20/08/2026
Appointed Officer Signature: A Loughan
Date: 21/08/2026

Submission on behalf of the Applicant

Response to the Case Officer's recommendation to refuse outline planning permission

Application	LA07/2024/0536/O (Outline)
Proposal	Rural infill dwelling and detached domestic garage
Site	Lands adjacent to No. 26 Jacks Road, Killeen, Newry, BT35 8FX
Applicant	Mr Niall McKeivitt
Recommendation	Refusal (Reasons 1–3: Policies CTY 1, CTY 8 and CTY 14)

1. SUMMARY

1. The Case Officer's Report (signed 20/21 August 2026) recommends refusal for three reasons, yet accepts almost every element of the proposal. All three reasons rest on a single proposition: that the permanent timber outbuilding within the curtilage of No. 26 is not a "building" for the purposes of Policy CTY 8.
2. That proposition is wrong in law and in fact. If it falls, all three reasons for refusal fall with it. Consistent with the Council's position, no reliance is placed on the detached garage at No. 28.

2. MATTERS ACCEPTED IN THE CASE OFFICER'S REPORT

Issue	Finding in the Report
Gap size (CTY 8)	Accepted as a small gap of 62.57m building-to-building (1.3 plots), sufficient for one dwelling only.
Frontage	Both dwellings at Nos. 26 and 28 have frontage to Jacks Road.
Integration and design (CTY 13)	Complies, subject to conditions.
Rural character (CTY 14)	Not unduly prominent; no suburban build-up; respects the traditional pattern of development; ancillary works acceptable.
Consultees and representations	No objection from DfI Roads; NI Water approves; NED content subject to conditions; no third-party representations received.

3. REFUSAL REASON 2 – POLICY CTY 8 (RIBBON DEVELOPMENT)

3. **The policy wording.** CTY 8 defines a substantial and continuously built-up frontage as "a line of 3 or more buildings along a road frontage without accompanying development to the rear". The policy refers to buildings, not dwellings, and contains no exclusion for domestic outbuildings. The Report applies a test that does not appear in the policy.
4. **The statutory definition.** Section 250(1) of the Planning Act (Northern Ireland) 2011 defines "building" as including "any structure or erection", excluding only plant or machinery. The report identifies no other category into which the structure could fall. This question, raised in our correspondence of 2 September 2025 and 13 August 2026, remains unanswered.
5. **The case law.** The courts assess whether a structure is a building by reference to size, permanence and physical attachment (*Cardiff Rating Authority v Guest Keen Baldwin's* [1949]; *Skerritts of Nottingham Ltd v SSETR* [2000], in which even a seasonal marquee was held to be a building). The outbuilding at No. 26 satisfies every limb. It is a walk-in timber outbuilding with a pitched roof in full storage use. It is permanently fixed to a cast concrete base and cannot be moved without being dismantled; the Report's conclusion that it "could be easily moved" is therefore factually incorrect. It is served by an armoured supply cable and has its own consumer unit, sockets, lighting and a plumbed water tap.
6. **Appeal 2021/E0013.** The Planning Appeals Commission allowed an appeal against this council's decision and certified a timber store of only 1.2m x 1.8m, shiplap-clad on a concrete base, as lawful development under Part 7, Class A of the GPDO 2015 – a class that applies only to the erection of a building. The commission criticised the council for focusing on size rather than function (para. 11).

The outbuilding at No. 26 is of the same construction, but larger, pitched-roofed and fully serviced. If that store is a building, this structure must be one too.

7. **Appeal 2021/A0162.** The commission counted a shed within the curtilage of a dwelling as part of a line of three buildings, noting that CTY 8 may not differentiate between main and ancillary buildings (para. 10). The outbuilding at No. 26 is the same arrangement. The decision relied upon in respect of the garage at No. 28 (2021/A0155) has no bearing on it.
8. **Lawfulness.** Lawfulness is not in issue. The report accepts that the enlarged curtilage of No. 26 has existed since at least April 2018, and the structure, in place for over five years, is immune from enforcement under section 132 of the 2011 Act.
9. **Visibility from the road.** Google Street View images from Jacks Road (May 2019, August 2021 and April 2026; presentation slide 8) show the outbuilding clearly visible above the roadside boundary, in the same fixed position in every capture, and seen in a single view with the dwellings at Nos. 26 and 28, as shown in Figure 2 of the Report. On the visual assessment relied upon in the Report (Appeal 2021/A0106), it reads as a permanent building and contributes to a substantial and continuously built-up frontage.
10. **Application of the policy.** Correctly applied, the frontage contains a line of three buildings – the dwelling at No. 26, its outbuilding, and the dwelling at No. 28 (Buildings 1 to 3 on Drawing PL-02, dated 14.02.2025) – with no development to the rear. The gap plot has a frontage of only 29m against an average of 47m, and an area of 1,412m² against an average of 1,590.5m². It is smaller than either neighbouring plot, can accommodate one dwelling only and respects the existing pattern of development. All four elements of CTY 8 are met.

4. REFUSAL REASON 1 – POLICY CTY 1 (DEVELOPMENT IN THE COUNTRYSIDE)

11. CTY 1 expressly lists a small gap site in accordance with CTY 8 as acceptable in principle. The test of “overriding reasons why the development is essential” applies only to proposals outside the listed categories. Reason 1 is wholly consequential on Reason 2 and falls with it.

5. REFUSAL REASON 3 – POLICY CTY 14 (RURAL CHARACTER)

12. The Report finds that the dwelling would not be unduly prominent, would not result in a suburban build-up and would respect the traditional pattern of development. The only criterion said to be breached is ribbon development, which cross-refers directly to CTY 8. A proposal meeting the CTY 8 exception does not create a ribbon in policy terms, so Reason 3 also falls with Reason 2. The AONB comments under Policy NH 6 do not form a reason for refusal.

6. CONCLUSION AND REQUEST TO THE COMMITTEE

13. The recommendation turns on a single, incorrect proposition: that this permanent, serviced outbuilding is not a building.
14. That is contrary to the 2011 Act, the case law, appeals 2021/E0013 and 2021/A0162, and the wording of CTY 8. Once corrected, Policies CTY 1, CTY 8, CTY 13 and CTY 14 are all satisfied.
15. We therefore respectfully request that the Committee overturn the recommendation and grant outline planning permission, subject to the conditions recommended by NED, NI Water and DfI Roads, together with conditions on ridge height, landscaping and consent to discharge.

Delegated Application

Development Management Officer Report	
Case Officer: Mark Keane	
Application ID: LA07/2021/1437/F	Target Date:
Proposal: Proposed erection of rural detached dwelling house and detached garage, new landscaping and associated site works in compliance with planning policy PPS21-CTY6	Location: Located upon lands adjacent to and approximately 30 metres north of No. 38 Ballyveaghbeg Road Ballyveagh Beg Ballymartin Co. Down BT34 4XJ
Applicant Name and Address: Mrs Fionnuala & Megan Rooney 48A Stewarts Road Annalong Kilkeel BT34 4UE	Agent Name and Address: Mourne House 41-43 Downshire Road Newry BT34 1EE
Date of last Neighbour Notification:	7 October 2021
Date of Press Advertisement:	23 August 2021
EIA Determination: NA	
Consultations: NI Water- Generic response DfI Roads- No objections, subject to conditions NIEA- Content, subject to conditions	
Representations: nil	
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: 
Characteristics of the Site and Area The application site is located in the countryside, outside any settlement development limits as designated within Banbridge, Newry and Mourne Area Plan 2015. The site is located within an Area of Outstanding Natural Beauty (AONB). The application site is located along the Ballyveaghbeg Road and forms a rectangular shaped plot. The topography of the land is generally flat and is currently used for agricultural purposes. The boundaries of the site are defined by a mix of dry-stone and concrete walls. The site bounds No.38 to the South.
Description of Proposal Proposed erection of rural detached dwelling house and detached garage, new landscaping and associated site works in compliance with planning policy PPS21-CTY6
Planning Assessment of Policy and Other Material Considerations Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

Banbridge, Newry and Mourne Area Plan 2015
 PPS 2- Natural Heritage
 PPS 3- Access, Movement and Parking
 PPS 21- Sustainable Development in the Countryside
 Building on Tradition, a Sustainable Design Guide for the Northern Ireland Countryside

PLANNING HISTORY

Planning

Application Number: P/1979/0896 Decision: Permission Granted Decision Date: 01 October 1979

Proposal: SITE FOR DWELLING

Application Number: P/1987/1146 Decision: Permission Granted Decision Date: 12 November 1987

Proposal: Site for dwelling

Application Number: P/1990/1109 Decision: Permission Granted Decision Date: 28 January 1991

Proposal: Site for dwelling(renewal of outline planning permission

Application Number: P/1990/1146 Decision: Withdrawal Decision Date: 30 October 1991

Proposal: Site for housing development

Application Number: P/1994/0435 Decision: Permission Refused Decision Date: 19 September 1994

Proposal: Erection of dwelling

Application Number: P/2006/0062/F Decision: Permission Refused Decision Date: 06 July 2007

Proposal: Erection of storey and a half dwelling with detached garage

SUPPORTING DOCUMENTS

DAS

CONSULTATIONS

NI Water- Generic response

DfI Roads- No objections, subject to conditions

NIEA- Content, subject to conditions

REPRESENTATIONS

nil

EVALUATION

The proposal seeks full planning permission for the erection of a single storey detached dwelling house and detached garage under Policy CTY 6 of PPS21 (Personal and Domestic Circumstances).

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside settlement limits in open countryside. 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 & SPPS 2nd edition and PPS21.

Supplementary guidance on the assessment of infill sites is contained in Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

The SPPS is material to all decisions on individual planning 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. As no conflict arises between the policy provisions of the SPPS and the retained policy of PPS21, the latter applies.

Policy CTY1 of PPS21 states that there are a range of types of development which, in principle, are acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a dwelling based on special personal or domestic circumstances in accordance with Policy CTY6.

The policy allows for a dwelling in the countryside for the long term needs of the applicant, where there is compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances subject to two criteria.

Criterion (a) requires that the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case, and that genuine hardship would be caused if planning permission were refused.

Criterion (b) requires that there are no alternative solutions to meet the particular circumstances of the case.

The policy goes on to say that all permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

The Council has assessed all of the submitted information and consider that it does not fulfil the requirements of Policy CTY6. An opportunity was provided in January 2025 to the agent to submit further information to demonstrate how the application met the requirements of Policy CTY6. The agent stated in correspondence dated May 2025 that there had been no change in the applicant's circumstances since the original submission of information in 2021 and that the applicant still resides in rented accommodation with their parents. The agent acknowledges in correspondence received 28 February 2022 that "these personal circumstances are not site specific".

Information submitted details that the applicant suffers from a number of medical conditions, the applicant is not in receipt of a dedicated care package and requires 24/7 supervision, this is

provided for in the main by the applicant's parents as main carers. Support is also provided by the wider family unit who reside in an area approximately 0.25 mile from the application site. The current rented accommodation is located at 48a Stewarts Road is located approximately 2.2 miles or 5 minute's drive from the application site. Whilst having friends close by to help with instances where assistance is required would provide peace of mind, I am not persuaded that this represents a site-specific need for the proposed dwelling and garage. Other properties in the area would also bring the same advantages. Travel distances between all three sites are minimal and it is considered that the current accommodation allows the applicant to receive care as has been the case since 2011 and that the refusal of planning permission would not result in genuine hardship for the applicant.

The supporting information states that the applicant has resided in rented accommodation at 48a Stewarts Road since July 2011 with their parents being the primary carers. The information further states the family unit requires permanent residence to provide a more secure living arrangement. The alternatives have therefore been ruled out by the agent on this basis. I am in agreement that given the rented nature of the accommodation that an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances would be inappropriate.

The agent states he has explored other opportunities for purchase or rental. It is not clear from the information provided in May 2025 the geographical extent of the search or the criteria applied, however a very cursory search by the Planning Department have since identified a number of 3 / 4 bed properties available for sale in the nearby settlements of Kilkeel, Ballymartin and Annalong. The agent states that no properties were found which were suitable in terms of location, size, or functionality, this is however only illustrative of one snapshot in time in May 2025, with the property market a fluid and ever-changing environment.

The policy outlines the circumstances in which there are site specific reasons for the proposed development related to the applicant's personal or domestic circumstances. The application fails to demonstrate how the proposal is site specific and the need cannot be met within a nearby settlement. While it is accepted through the agent's supporting information that the current dwelling cannot be extended or altered as it is rental accommodation, the only other supporting information submitted relating to site specific reasoning is land ownership and a letter from an estate agent stating no 3-bedroom rental accommodation was available. The Planning Department do not deem this sufficient reasoning, and given the close proximity of the applicants current rented accommodation to the application site, it is not considered that genuine hardship would be caused if planning permission was refused.

Even though the application site is in family ownership and available to the applicants, I am not persuaded that these matters demonstrate a site-specific need for the development in line with the policy requirements. To my mind, the application site represents land owned by the Applicants which would provide a more economic means of acquiring a dwelling, rather than being a necessary response to the particular circumstances of the case.

When taken as a whole, the evidence presented does not establish a compelling, site-specific need for a dwelling for the applicant in the countryside which meets Policy CTY6. The appellant has medical needs which are currently being met by both parents as carers in their current rented accommodation with the addition of family support close by. I do not consider that a further dwelling is a necessary response to the stated circumstances and that genuine

hardship would be caused if permission was refused. In addition, no verifiable evidence has been provided to demonstrate that no alternative solutions exist in terms of available properties to buy in the nearby settlements. For these reasons Policy CTY6 of PPS21 and the related provisions of the SPPS are not met.

CTY 13

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The application site comprises a roadside plot and which is adjoined by the residential property of no.38 to the south.

The proposals include a detached bungalow with detached garage to the rear and central access point. The design of the dwelling is relatively simple with well proportioned openings, subordinate returns and appropriate finishes.

It is considered that the development proposed could be accommodated within the site without appearing unduly prominent within the landscape due to the low lying nature of the site, modest size and design of the dwelling, existing built form adjacent and the existing natural dry stone boundaries that currently exist.

Any visual impact created by the proposal will largely be restricted to the immediate area and short distant views.

CTY 14

Policy CTY14 (a-e) permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

It is considered that approval of a dwelling on the application site would have common frontage to the Ballyveaghbeg Road and would be visually linked with the existing development at No.36 and No.38 Ballyveaghbeg Road will create ribbon development resulting in a suburban style build-up of development.

The proposal is therefore contrary to CTY14 (Rural character) and CTY8.

CTY 16

A septic tank has been outlined on the P1 form as the means of effluent disposal. A Consent to Discharge condition will be attached to any approval to ensure that CTY 16 is complied with and to protect the environment. There are sufficient lands within the red line and blue lands in the control/ownership of the applicant to achieve suitable separation distances between any such tank, soak-aways and any new or existing dwelling.

PPS 2 Natural Heritage

The site is located within the Ballymartin Moriane SLNCI and is also located in an AONB. It is also noted a watercourse runs along the rear (west) boundary.

A bio-diversity checklist and Preliminary ecological Assessment were submitted.

NIEA (NED) were consulted as part of the application who are content the proposed development is unlikely to significantly impact protected or priority species. NED also noted that in the future, should any works be required to the mature ash tree or any tree with bat roosting potential, bat survey must be carried out. This tree is out with the redline of the application site.

NED also noted that no works are shown within the 5 metre buffer of the watercourse as recommended by the ecologist. NED is content with the proposed development subject to condition.

The Planning Dept have noted the supporting information submitted and comment from NIEA. No buildings or mature trees are to be removed. No roadside hedgerow requires removal to facilitate splays. A portion of the roadside dry stone wall and grass verge will require removal to provide splays. Having account of the above, it is considered the proposed development is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.

Accordingly the proposal is not considered to offend policies NH2-5.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DfI Roads were consulted and provided their final response on 10.12.2021 with no objections to the proposal, subject to conditions. The proposals include a new vehicular access point which will be centrally located with visibility splays of 2m by 45m to be provided. The proposal therefore meets this policy.

Impact on Amenity

No. 38 to the south is the nearest neighbouring property. It is considered there is sufficient separation distance as well as the intervening garden areas to prevent any unacceptable impact on the amenity of No. 38 in terms of overlooking, overshadowing and loss of light from the modest dwelling proposed.

Conclusion:

The Planning Department, having assessed the application against the relevant planning policies and material considerations, consider the proposal unacceptable and therefore recommend it for refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long-term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of the case.

3. The proposal is contrary to the SPPS and Policy CTY14 & CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted further erode the character of the area due to a build-up of development and create a ribbon of development.	
Case Officer Signature: Mark Keane	Date: 10 July 2026
Appointed Officer Signature: A.McAlarney	Date: 10th July 2026

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

Group decision:

D.M. Group Signatures

Date _____

Report to:	Planning Committee
Date of Meeting:	07 October 2026
Subject:	Review of the Classes and Thresholds to the Schedule of The Planning (Development Management) Regulations (Northern Ireland) 2015
Reporting Officer and Job Title:	Annette McAlarney Planning Manager Development Management.
Contact Officer and Job Title:	Annette McAlarney Planning Manager Development Management.

Purpose of Report:

For Noting

1.0	Purpose and Background
1.1	The purpose of the report is to provide members with a brief overview of the DFI public consultation on proposed changes to the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015. The 2022 Review Report on the implementation of the Planning Act (NI) 2011 included several actions in relation to the above Regulations, namely a review of categories and thresholds for development contained in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015. These actions now form part of the Planning Improvement Programme (PIP) being brought forward by the DFI, working closely with local government and partners, to improve current processes and the performance and delivery of the planning system. The consultation focuses on a review of the existing classes of development and the thresholds used to determine whether development is classified as local, major or regionally significant. Section 25 of the Planning Act (Northern Ireland) (the 2011 Act) introduced a hierarchy of development within the planning system, establishing development as one of two categories, major or local. The Planning (Development Management) Regulations (Northern Ireland) 2015 (the Development Management Regulations) sets out nine classes of development and relevant thresholds or criterion for each of these categories in a Schedule. The procedures for submitting and handling planning applications for the different categories of development vary, as does the extent of supporting information required. The purpose of the review is to explore and determine the need for revisions to the categories, classes of development and the corresponding thresholds and criterion within the Development Management Regulations. The aim is to ensure that the current classes and thresholds remain relevant, fit for purpose and take account of future development requirements. This consultation proposes changes to classes of development to ensure they remain relevant to current and emerging technologies, future development trends

	and evolving forms of infrastructure, particularly within the energy sector. The proposals also seek to ensure that the thresholds provide a balanced and proportionate
2.0	Key Issues
2.1	The aim of this policy revision is to review and amend, if appropriate, the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015 in respect of: Hierarchy for Development – classes & thresholds - The aim is to ensure that the classes of development and associated thresholds remain relevant, proportionate and capable of accommodating existing and emerging forms of development. This includes proposed revisions to Energy Infrastructure classifications, revised thresholds for certain forms of development, the introduction of new categories relating to geothermal energy and carbon capture infrastructure, and other changes intended to improve clarity, consistency and future resilience of the development hierarchy. Changes proposed to the following classes within the Schedule Class 2 - Energy Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015. Class 3 - Transport Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015. Class 4 - Waste Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015. Class 5 - Extractive Industry in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015. Class 8 - Business, Industry, Storage and Distribution in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015. Class 9 - Any Other Development in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.
3.0	Recommendations
3.1	That the Committee notes the response to the DFI consultation as attached.
4.0	Resource Implications
4.1	Impacts are expected to be procedural and administrative rather than financial.
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 A Public Consultation Document B Consultation response to DFI
7.1	
8.0	Background Documents
8.1	

PUBLIC CONSULTATION

Review of the Classes and Thresholds Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015

August 2026



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1 Responding to this consultation document

The Department for Infrastructure would like to invite views and contributions from partners and stakeholders on this targeted consultation on potential changes to the **Classes and Thresholds in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015** (the Development Management Regulations), as set out in this document.

1.1 Consultation Period

The targeted consultation will run for 8 weeks from **14 August to the 9 October 2026**.

1.2 How to Respond

The preferred way to respond to this targeted consultation is **online** via the **NI Direct - Citizen Space** website using the link below:

<https://consultations2.nidirect.gov.uk/dfi-1/review-of-the-classes-and-thresholds>

Copies in other languages and formats (including Braille, large print etc.), can be made available on request. If it would assist you to access this document in an alternative format or language other than English, please contact us using the Email or postal address below or by calling 0300 200 7830.

Written responses should reflect the structure of the consultation document as far as possible with references to question numbers where relevant. Where these cannot be submitted via Citizen Space, they can be sent to us by:

1. **Email:**

Legislation.Planning@infrastructure-ni.gov.uk

2. **Post:**

Public Consultation
Review of the Classes and Thresholds in the Schedule to The Planning
(Development Management) Regulations (NI) 2015
Regional Planning Governance and Legislation
Department for Infrastructure
3rd Floor, James House
2 - 4 Cromac Avenue, The Gas Works
Belfast BT7 2JA

The Department welcomes submissions up to 5.00pm Friday 9 October 2026; unfortunately, responses received after this date will not be considered.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or Email address above.

1.3 Freedom of Information Act 2000 - Confidentiality of responses

The Department may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the DfI website (in a redacted form). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) give the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication, including information about your identity, should be made public or treated as confidential. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

The information you provide in your response, excluding personal information, may be published, or disclosed in accordance with FOIA or EIR. Any personal information you provide will be handled in accordance with the UK-GDPR and will not be published. If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA or EIR, we cannot guarantee confidentiality.

For information regarding your personal data, please refer to the DfI Privacy Notice at www.infrastructure-ni.gov.uk/dfi-privacy.

For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

1.4 Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screenings and a Preliminary Regulatory Impact Assessment have been undertaken and are available to view or download from the Citizen Space web link or the Department's [website](#).

The Department has determined that there would be no differential impact in rural areas or on rural communities. It also determined that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

2 Introduction

- 2.1 This targeted consultation invites views from partners and stakeholders on potential changes to the Classes and Thresholds in the Schedule to **The Planning (Development Management) Regulations (Northern Ireland) 2015** ('the Development Management Regulations'). These potential changes focus on the following aspects of the Development Management Regulations:

- regulation 2 (Hierarchy of developments);

- regulation 3 (Department's jurisdiction in relation to developments of regional significance); and
- Schedule (Major development thresholds).

- 2.2 Changes to the Development Management Regulations are part of a wider package of measures delivering change through the **Planning Improvement Programme**¹ ('PIP'), brought forward by the **Department for Infrastructure** ('the Department'), local government and other stakeholders. This is one of many measures being brought forward that aim to create an efficient, effective and equitable planning system, trusted to deliver high quality, sustainable inclusive and healthy places.
- 2.3 The PIP includes actions and measures recommended through the review of the implementation of the **Planning Act (Northern Ireland) 2011** ('the 2011 Act'), which was required under section 228 of the 2011 Act. The recommendations emerged from numerous proposals, suggested revisions and recommendations for change or improvement submitted following the Call for Evidence.
- 2.4 In relation to the Development Management Regulations, the Department confirmed in its Review Report² that it would undertake a review of the classes of development, existing thresholds and categories of development to determine the need for revisions.
- 2.5 In December 2023 the Department issued an initial consultation paper on the review of the Development Management Regulations. The consultation was designed to obtain views and comments on a number of aspects including Pre-Application Community Consultation (PACC), Pre-Determination Hearings (PDHs) and various classes and thresholds for determining the hierarchy of development proposals in Northern Ireland. The review was separated into two phases, phase one which covered legislative amendments to the Development Management Regulations, PACC and PDH's provisions and procedures came into operation on the 1 August 2025. This targeted consultation represents the second phase of the review of the Development Management Regulations and specifically relates to the classes and thresholds schedule.

¹ <https://www.infrastructure-ni.gov.uk/topics/planning/planning-improvement-programme>

² <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

- 2.6 Following the initial public consultation in December 2023, the Department hosted two workshops in Autumn 2025 to discuss the responses and the proposed changes. As a result of this process and having considered the very helpful, knowledgeable and informative input from all stakeholders, the Department has drafted the proposed amendments to the Schedule.
- 2.7 While some amendments are minor and reflect simple changes to the descriptions, thresholds or metrics, the responses received have resulted in other more fundamental amendments. Conscious these somewhat more significant changes will be unexpected and will represent a shift from the previous format, the Department has decided to hold a further 8-week targeted consultation period to obtain views on the proposed changes.
- 2.8 The classifications and thresholds set out in the Schedule form part of a screening framework. Their purpose is to determine whether a proposed development falls within the category of major, or regionally significant development, and therefore the procedural route it will follow within the planning system. They do not in themselves determine whether a proposal is acceptable in planning terms, nor do they assess the merits of an application or the extent to which any impacts may be mitigated. The acceptability of any development, including its environmental, social and economic effects, will continue to be assessed in full through the planning application process, in accordance with relevant policy, legislation and consultation requirements.
- 2.9 While the classifications aim to provide clarity and provide for future technologies, through broad and consistent categories, it is recognised that no system can capture every scenario precisely. Accordingly, safeguards remain in place. The Department retains the ability to call in applications where appropriate, and proposals falling to be screened by the Department may still be screened out and returned for determination by the councils. This ensures that the system remains flexible, proportionate, and capable of responding to the particular circumstances of individual developments.

3 Structure of the consultation

- 3.1 This targeted consultation sets out the aims and various amendment proposals to the Classes and Thresholds in the Schedule to the Development Management Regulations and seeks views and feedback on the proposed changes.

- 3.2 Section 4 of this consultation document explores the aims and key issues supporting regulations 2 and 3 relating to the hierarchy of development, which provide the thresholds and criteria for the category of major development, and developments prescribed for the purpose of section 26(1) of the 2011 Act. The consultation outlines a series of questions relating to proposals to amend the classes of development and their thresholds and criterion as set out in the *Major Development Thresholds* Schedule. The aim is to ensure they are relevant, fit for purpose and take account of future development trends.

Details of the Respondent

Q.1: Respondent Information:

Are you responding as an individual or an organisation?

Individual

☐

Organisation

☐

Please provide your organisation's name:

4 Regulations 2 and 3, and the Schedule (Major Development Thresholds) to The Planning (Development Management) Regulations (Northern Ireland) 2015

Introduction

- 4.1 Section 25 of the 2011 Act introduced a hierarchy of development within the planning system, establishing development as one of two categories, major or local. The aim of the hierarchy is to encourage a more proportionate and responsive approach to processing planning applications, with resources and decision-taking mechanisms tailored according to the scale and complexity of the proposed development³.
- 4.2 Proposals for major development, which tend to be more economically, environmentally and socially significant, are likely to require considerably more assessment and processing

³ Para 5.40 Strategic Planning Policy Statement (SPPS)

resources than local developments which, by comparison, are less complex and, on the whole, are likely to raise fewer public interest issues.

- 4.3 The Development Management Regulations set out the categories of development and the relevant thresholds or criteria for each class. The Schedule provides clarity for prospective applicants and planning authorities about which process a proposed development should follow and which developments require consultation with the community during the pre-application phase.
- 4.4 In the Development Management Regulations, there are nine classes of development identified in Column 1 of the table in the Schedule (Major Development Thresholds), each with a threshold or criterion to establish major development. They also identify thresholds or criteria for major development which may be considered regionally significant under section 26(1).

Major development

- 4.5 Major developments have important economic, social, and environmental implications for a council area. With potential to deliver important benefits for the local community, planning applications for major development will be given appropriate resources to avoid undue delay and risk to investment decisions⁴.
- 4.6 Regulation 2 of the Development Management Regulations confirms that major development is the relevant class of development which meets or exceeds the threshold or criterion outlined in Column 2 of the table in the Schedule. Planning applications for major development are submitted to the appropriate council, however they can also be called-in for determination by the Department under section 29 of the 2011 Act.
- 4.7 All major development is subject to section 27 of the 2011 Act and PACC must be undertaken prior to the submission of the planning application. In defining the classes and thresholds for major development, the aim is to achieve a balanced approach to the types of application that would most affect the community without over-burdening users of the system or the public by over-consultation.

⁴ Para 5.45 Strategic Planning Policy Statement (SPPS)

4.8 Community consultation is an essential part of an effective and inclusive planning system. The aim of PACC is to inform local communities about forthcoming development proposals, allowing them the opportunity to view and comment on the emerging design proposals, and for the developer to take any comments into consideration, before a formal planning application is submitted. The intention is to add value and improve the quality of the proposed development, by addressing community issues, improving understanding, and mitigating potential negative impacts, where possible⁵. The process aims to encourage trust and more open, positive working relationships from the earliest stages in the development management process. The Department has brought forward legislative change to the Development Management Regulations PACC provisions and procedures, which came into operation on the 1 August 2025, to allow for a dual approach to PACC which now involves:

- A statutory requirement to hold at least one in-person public community consultation event, ensuring that those who prefer or need face-to-face engagement are not excluded.
- Developers being required to provide a dedicated website to display draft proposals and collect feedback at pre-application stage.

4.9 We appreciate that not everyone has easy access to the internet, and this approach ensures that no one is left out, retaining accessibility for all, while also embracing digital tools that can broaden participation and accessibility to information to make the process more transparent and inclusive. It also brings Northern Ireland into line with other jurisdictions, such as Scotland and Wales, where digital engagement is now a core part of pre-application consultation, helping to modernise planning practice and reach a wider audience.

Major development of regional significance

4.10 Regionally significant developments form the top tier of development proposals which have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which potentially have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan (LDP)⁶.

⁵ Development Management Practice Note 10 - <https://www.infrastructure-ni.gov.uk/publications/development-management-practice-notes>

⁶ Para 5.44 Strategic Planning Policy Statement (SPPS)

4.11 Regulation 3 of the Development Management Regulations confirms that development prescribed for the purposes of section 26(1) is major development which meets or exceeds the threshold or criterion outlined in Column 3 of the relevant class of development within the Schedule to the Development Management Regulations. Where the thresholds are met or exceeded it does not automatically equate to the application being considered regionally significant, it is a prompt to enter into consultations with the Department and follow the procedures outlined in section 26 of the 2011 Act.

4.12 Planning applications for major development deemed regionally significant⁷ are submitted to and determined by the Department. They are also subject to section 27 of the 2011 Act and require PACC.

Local development

4.13 Local developments comprise all other developments (other than permitted development⁸) that do not fall within the category of major development. The vast majority of local development proposals are for residential and minor commercial applications and are determined by councils.

Potential changes

4.14 The objective of bringing forward the proposed changes is to ensure that the classes of development and the corresponding thresholds in the Schedule remain fit for purpose and relevant for current and future development trends. The questions focus on specific proposals to amend the classes and thresholds as set out in the Development Management Regulations based on a previous public consultation and a number of tailored workshops and stakeholder events carried out by the Department.

Schedule classes and thresholds

4.15 In addition, since the Development Management Regulations were introduced in 2015, new technologies and types of development have been emerging which do not fall clearly into the current classes of development. Similarly, it is timely to evaluate whether the current thresholds are reasonable and proportionate to enable local communities to engage on

⁷ Confirmed by a notice issued under section 26(4) of the Planning Act (NI) 2011

⁸ <https://www.legislation.gov.uk/nisr/2015/70/contents/made>

complex development proposals which may impact them, whilst ensuring there is a balanced approach to timely decision-making.

- 4.16 When considering the amendments to the Schedule, and in particular the *Energy Infrastructure* class, the Department was very conscious of the speed at which technology, specifically in the renewable energy sector, has been changing. This prompted us to think about how future technologies would be captured by the present schedule. To avoid constant future amendments to accommodate new or novel technologies, it was important that the classes and descriptions were broad enough but also that they remain relevant. This also offered the opportunity to make the schedule easier to understand, require less interpretation around development types and make the screening process more transparent.

The Planning (Development Management) Regulations (Northern Ireland) 2015 Classes and Thresholds Proposed Amendments

5 **Class 2 - Energy Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.**

- 5.1 The class of *Energy Infrastructure* has been largely redesigned in a move away from individually described developments and towards the fundamental purpose of the technology in question. The class includes *generation*, *storage* and *transmission*, and the types of development within that class include *heat* or *electricity generation*, and *thermal*, *electrical*, *mechanical*, or *chemical storage*. These elementary groupings are designed to ensure that whatever the development, now or in the future, it can be accommodated by the Schedule.
- 5.2 The thresholds have been considered with regard to their potential environmental, land use, safety and energy system impacts. Single, capacity-based thresholds have been used for each type of development, rather than multiple or hybrid metrics to provide consistency and in keeping with the aim of simplification.
- 5.3 The following sets out the rationale behind the proposed classifications and thresholds for energy-related development. The system is intended to:

- Provide clarity and proportionality in how energy projects are assessed;
- Ensure communities and stakeholders are appropriately consulted on developments of varying scale; and
- Create a robust, future-proof framework capable of accommodating existing and emerging renewable energy technologies.

5.4 The energy sector is undergoing rapid technological change, the proposed revised Class 2 - *Energy Infrastructure* table has been deliberately designed to be broad, flexible, and sector-agnostic, ensuring that technologies not yet widely deployed, such as next-generation batteries, advanced hydrogen systems, long-duration thermal storage, or novel renewable generation technologies, can nevertheless fit within the framework without future legislative overhaul.

5.5 *Energy infrastructure* currently incorporates several types of development including electricity generating stations, electrical power lines, storage, extraction, and pipelines. Each type of development has a different threshold for both major development and consideration as regionally significant development under section 26(1).

5.6 Whilst the growth in traditional renewable energy technologies, such as wind and solar, is likely to continue, new viable energy technologies and solutions may emerge in the coming years which merit new or adapted energy infrastructure descriptions. In tandem, it is likely that new electricity support technologies and infrastructure may also be required to support a flexible and resilient renewables-based electricity network.

5.7 The thresholds are intended to ensure that developments are classified in a way that reflects their scale, likely impacts and strategic importance, so that projects with the greatest potential impacts are subject to the appropriate level of planning scrutiny. They are primarily based on energy storage capacity Mega-watt hour ('MWh') or Giga-watt hour ('GWh'), as this provides a consistent and comparable measure of the size and contribution of different technologies, and generally correlates with physical infrastructure, land use and environmental effects. The levels have been set to strike a balance between capturing genuinely significant infrastructure as major development, while avoiding disproportionate regulation of smaller or emerging projects, and cognisant of scale in a Northern Ireland context. The approach also maintains broad consistency across different technology types, so that similar-scale developments are treated in a comparable way, while allowing for

proportionate variation where impacts arise differently, such as between above-ground and below-ground forms. It is recognised that applying a single framework across a wide and evolving range of technologies is inherently challenging, and the thresholds therefore represent a pragmatic, high-level structure designed to accommodate diverse proposals within a limited number of clear and workable categories.

Revised Classes and Thresholds - Generation

- 5.8 The first revised development type relates to *Generation* and covers any technology that produces electricity or heat, regardless of fuel source. By defining *generation* by functional output rather than technology type, the framework ensures that established technologies (wind, solar, biomass, gas and combined heat power) are captured and that emerging technologies (advanced geothermal, marine energy, hybrid renewable parks, or future net-zero fuels) are automatically included.
- 5.9 The Department proposes introducing a new description under *Generation for the construction of an onshore heat generating station*, with the proposed threshold being set at 10 Mega-watt ('MW') for Major Development and 30MW for the purpose of section 26(1) Major Development proposals.
- 5.10 The Department proposes changing the current threshold for *the construction of an onshore electricity generating station* from 5MW to 10MW for Major Development and from 30MW to 75MW for Major Developments prescribed for the purpose of section 26(1), this would include but is not limited to development related to solar PV, wind farms and geothermal.
- 5.11 For *onshore development associated with offshore electricity generating stations*, it is proposed that all such development falls within the Major Development category, with a 75MW threshold applied for classification as Major Developments prescribed for the purpose of section 26(1).
- 5.12 Using output-based definitions (e.g. "electricity-generating station" and "heat-generating station") ensures that *generation* is categorised by its functional output rather than specific technology. This means both today's technologies and tomorrow's (e.g. floating offshore wind landfall substations, new bioenergy systems, solar-thermal concentrators) are naturally included.

- 5.13 After considering the various responses to this question in the initial public consultation, the Department will not be bringing forward any proposals to establish a separate wind farm description under *Generation*. The Department considers the newly proposed categorisation of the development types and updated threshold parameters for *the construction of an onshore electricity generating station* will give appropriate coverage for wind farms and other development proposals.

Revised Classes and Thresholds - Energy storage

- 5.14 The second revised development type is *Energy storage*, and the Department proposes 4 distinct types within this description which will appropriately cater for new technologies now and in the future. The 4 proposed new energy storage types as set out below will include *thermal, electrical, mechanical and chemical*.
- 5.15 *Energy storage* is essential to renewable integration and is rapidly diversifying into thermal, electrical, mechanical, and chemical solutions. By defining storage functionally rather than technologically, the class accommodates current systems (battery energy storage, pumped heat storage, mechanical flywheels) and future innovations (including long-duration technologies such as compressed CO₂ energy storage).

Thresholds and Metrics for *Energy storage*

- 5.16 GWh and MWh are the preferred metrics for energy storage because they directly measure the total amount of usable energy a system can deliver, rather than its instantaneous power output. These metrics are considered to scale proportionately with the environmental and operational impacts of storage installation, such as land take, infrastructure size and safety requirements, and they also reflect the contribution the facility can make to the wider energy system in terms of duration, resilience, and flexibility. Using stored energy metrics ensures consistent comparison across different technologies, present and future, and provides a clear indicator of the strategic value of a storage project.
- 5.17 We propose introducing a *Thermal energy storage* description for *the development of a facility for the storage of energy in thermal form above and below ground* - this will include hot water tanks and district heat systems. Part of the rationale for this development type was to establish a meaningful measurement for the threshold. We therefore propose introducing a MWh/GWh measurement for this activity and setting a 200MWh threshold for

Major Development and a 1GWh threshold for Major Developments prescribed for the purpose of section 26(1), for above and below ground thermal energy storage facilities.

- 5.18 Under the development type of *Electricity storage* we propose introducing a description '*the development of an electricity storage facility which consists of battery energy storage*'. This threshold will also be measured in MWh/GWh and we propose a threshold of 200MWh for Major Development and a 1GWh threshold for Major Developments prescribed for the purposes of section 26(1) development proposals.
- 5.19 To be certain that all aspects of *Energy storage* are covered appropriately we propose introducing a development type *Mechanical energy storage* to cover '*development of a facility for the storage of energy in mechanical form*' which would include development for flywheels, pumped hydro and compressed air energy storage, again we propose measuring the threshold in MWh/GWh and the Major Development threshold will be set at 200MWh with the Major Developments prescribed for the purposes of section 26(1) threshold being set at 1GWh.
- 5.20 We also propose introducing a *Chemical energy storage* description '*installations for the above and below ground storage of energy in chemical form*'. The proposal is to be measured in stored energy capacity with the threshold in MWh/GWh. The threshold for **above ground** major development will be set at a stored energy capacity of 1GWh for Major Development and 5GWh for Major Developments prescribed for the purposes of section 26(1) development proposals, while **underground** chemically stored energy capacity will be set at 500MWh for Major Development and 2GWh for Major Developments prescribed for the purposes of section 26(1). Lower thresholds for underground storage reflect the additional geotechnical, groundwater and long-term containment considerations associated with subsurface development, which may give rise to significant planning impacts at comparatively smaller scales.
- 5.21 Energy storage descriptions (*thermal, electrical, mechanical, and chemical*) are internationally recognised classifications. Treating energy storage in this way ensures the framework remains relevant as new storage chemistries and long-duration solutions become commercially viable.

Revised Classes and Thresholds – Transmission and distribution

- 5.22 Under the *Energy infrastructure* class we will also propose maintaining the development type ‘electrical power lines and pipelines’, but with a new heading under *Transmission and distribution* with no proposed changes to the current thresholds or descriptions.

Additional information

- 5.23 Part of the overall proposals includes the transfer of the *Extractive* development classification from Class 2 *Energy Infrastructure* to the Class 5 *Extractive Industry*; this matter will be covered as part of question 5.
- 5.24 In arriving at these proposals the Department has carefully considered all the responses to the initial public consultation, along with other information gathering exercises and specific discussions with key stakeholders.
- 5.25 Table 1 below sets out the proposed changes to the Major Development Thresholds for Class 2 Energy Infrastructure.

Table 1.

SCHEDULE

Major Development Thresholds - Class 2 Energy Infrastructure

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
2. Energy Infrastructure - Generation		
Heat generating stations The construction of an on-shore heat generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 30 megawatts.
Electricity generating stations The construction of an on-shore electricity generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 75 megawatts.
Onshore development associated with the construction of an off-shore electricity generating station	All proposals.	Where its capacity is or exceeds 75 megawatts.
Energy Infrastructure - Storage		
Thermal Energy Storage The development of a facility for the storage of energy in thermal form above or below ground	Where its capacity is or exceeds 200 megawatt-hours.	Where the total maximum stored thermal energy capacity exceeds 1 gigawatt-hour.
Electricity Storage* The development of an electricity storage facility which consists of Battery Energy Storage	Where its capacity is or exceeds 200 megawatt-hours.	Where the rated energy storage capacity exceeds 1 gigawatt-hour.
Mechanical Energy Storage The development of a facility for the storage of energy in mechanical form	Where its capacity is or exceeds 200 megawatt-hours.	Where the maximum stored mechanical energy capacity exceeds 1 gigawatt-hour.
Chemical Energy Storage Installations for the above ground storage of energy in chemical form (Excluding Battery Energy Storage)	Where its stored energy capacity is or exceeds 1 gigawatt-hour.	Where the total maximum energy content of stored materials exceeds 5 gigawatt-hours.
Installations for the below ground storage of energy in chemical form (Excluding Battery Energy Storage)	Where its stored energy capacity is or exceeds 500 megawatt-hours.	Where the total maximum energy content of stored substances exceeds 2 gigawatt-hours.
Energy Infrastructure - Transmission / distribution		
Pipelines Pipelines for the transport of gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations	With a diameter of more than 400 millimetres or a length of more than 20 kilometres.	With a diameter of more than 800 millimetres or a length of more than 40 kilometres.
Electrical power lines The installation of an electrical power line.	Where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	Where the voltage: -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

* Definition in the regulations to be finalised.

Q.2: Do you agree with the amendment proposals outlined in Class 2 - Energy Infrastructure to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

6 Class 3 - Transport Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 6.1 The *Transport infrastructure* class covers the construction of new or replacement railway lines, airport runways, port and harbour installations, waterways and transit ways. There have been no proposed changes to the current thresholds for Major Development or Major Developments prescribed for the purpose of section 26(1) for this class. However, we have taken the opportunity to separate the various sub-classes and change the format, setting out the unique thresholds to the various descriptions under this class.
- 6.2 Table 2 below sets out the proposed changes to the Major Development Thresholds for Class 3 Transport Infrastructure.

Table 2.

SCHEDULE

Major Development Thresholds – Class 3 Transport Infrastructure

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
3. Transport infrastructure. Construction of new or replacement:		
a) Railway Lines	The area of works is or exceeds 1 kilometre in length or 1 hectare.	a) Lines for long-distance railway traffic
b) Airport Runways	The area of works is or exceeds 1 kilometre in length or 1 hectare	b) the runway length is or exceeds 2100 metres
c) Port and Harbour Installations	The area of works is or exceeds 1 kilometre in length or 1 hectare	c) trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.
d) Waterways and transit ways	The area of works is or exceeds 1 kilometre in length or 1 hectare	d) Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.

Q.3: Do you agree with the amendment proposals outlined in Class 3 - Transport Infrastructure to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

7 **Class 4 - Waste Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.**

- 7.1 Class 4 of the Schedule to the Development Management Regulations covers development and construction of facilities related to waste infrastructure for the purpose of waste management, treatment or disposal and also waste water treatment plants.
- 7.2 The Development Management Regulations prescribe a Major Development threshold for installations for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of more than 25,000 tonnes. The Department proposes removing this threshold and instead requiring consultation with the Department for all development proposals within this class. However, the Department proposes no change to the separate threshold for Major Development prescribed for the purposes of section 26(1), under which an installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 100,000 tonnes is treated as a development of regional significance.
- 7.3 The Development Management Regulations prescribe a Major Development threshold for waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day. The Regulations also prescribe for the purposes of section 26(1), a threshold for waste disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity for an annual intake exceeding 100,000 tonnes. The Department proposes changing the Major Development threshold from 100 tonnes per day to a capacity for an annual intake exceeding 25,000 tonnes. No change is proposed to the threshold prescribed for the purposes of section 26(1). The Department also proposes changing the description of the class to include landfill of non-hazardous waste.
- 7.4 Table 3 below sets out the proposed changes to the Major Development Thresholds for Class 4 Waste Infrastructure.

Table 3.

SCHEDULE

Major Development Threshold – Class 4 Waste Infrastructure

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
4. Waste infrastructure.		
Construction of facilities for use for the purpose of waste management, disposal, recovery, or treatment.	Any proposal for hazardous waste.	Where the annual intake capacity of hazardous waste exceeds 100,000 tonnes per annum.
Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9(5)) or landfill of non-hazardous waste (as defined in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005).	Where the annual intake capacity of non-hazardous waste exceeds 25,000 tonnes per annum.	Where the annual intake capacity of non-hazardous waste exceeds 100,000 tonnes per annum.
Waste water treatment plants	With a capacity exceeding 50,000 population equivalent.	With a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).

Q.4: Do you agree with the amendment proposals outlined in Class 4 - Waste Infrastructure to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

8 Class 5 - Extractive Industry in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

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- 8.1 The Department proposes re-formatting this Class by firstly changing the Class title from *Minerals* to *Extractive Industry*, along with reformatting the layout and descriptions. The proposals also include the introduction of a new subclass of *Exploration or extraction of geothermal energy* as well as the transfer of the *Extraction* subclass from Class 2 *Energy Infrastructure* to the newly titled Class 5 *Extractive Industry*.
- 8.2 While the layout of the subclasses for *Quarries and Open Cast Mining*, *Peat Extraction* and *Underground Mining* has been updated the Department proposes no changes to the thresholds for either Major Development or Major Development prescribed for section 26(1).
- 8.3 The Department proposes adding an additional subclass for the *Exploration and extraction of geothermal energy* to Class 5 *Extractive Industry*, and establishing a Major Development threshold for drilling of 200m and setting the threshold at 500m for Major Developments prescribed for section 26(1) development proposals.
- 8.4 The Department also proposes transferring the *Extraction* subclass from Class 2 *Energy Infrastructure* to the Class 5 *Extractive Industry* class under the heading *Petroleum and Natural Gas*. Both Major Development and section 26(1) development proposals will be categorised as any proposal relating to the exploration or extraction of hydrocarbons, with the Department being consulted on all development proposals under this class, this is considered a more appropriate fit for this type of development.
- 8.5 Table 4 below sets out the proposed changes to the Major Development Thresholds for Class 5 *Extractive Industry*.

Table 4.

SCHEDULE

Major Development Thresholds - Class 5 Extractive Industry

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
5. Extractive Industry		
Quarries and Open Cast Mining	The area of the site is or exceeds 2 hectares.	The area of the site exceeds 25 hectares.
Peat Extraction	The area of the site is or exceeds 2 hectares.	The area of the site exceeds 150 hectares.
Underground Mining	The area of the site is or exceeds 2 hectares.	The area of the site is or exceeds 2 hectares.
Exploration or extraction of Geothermal Energy	Where the drilling is or exceeds 200m	Where the drilling is or exceeds 500m
Petroleum and natural gas	Any proposal relating to the exploration or extraction of hydrocarbons.	Any proposal relating to the exploration or extraction of hydrocarbons.

Q.5: Do you agree with the amendment proposals outlined in Class 5 - Extractive Industry to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

9 Class 8 - Business, Industry, Storage and Distribution in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 9.1 We propose introducing a sub-class to Class 8 Business, Industry, Storage and Distribution for carbon capture installations as these installations are often associated with industrial activities. Carbon capture and storage (CCS) is a process by which carbon dioxide (CO₂) from industrial installations and other large-scale emission sources is separated before it is released into the atmosphere, then transported to a long-term storage location. The CO₂ is captured from a large point source, such as power stations, cement or steel plants, or natural gas processing facilities and is typically stored in a deep geological formation. Where the captured CO₂ is used, for example in enhanced oil recovery, the process is more accurately described as carbon capture, utilisation and storage (CCUS), which is a broader term that encompasses CCS and the utilisation of captured CO₂.
- 9.2 Table 5 below sets out the proposed changes to the Major Development Thresholds for Class 8 Business, Industry, Storage and Distribution.

Table 5.

SCHEDULE

Major Development Thresholds - Class 8 Business, Industry, Storage and Distribution

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
8. Business, Industry (Light and General), Storage and Distribution		
According to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare.	
Carbon Capture Installations	Any proposals related to the underground storage / sequestration of carbon.	Any proposals related to the underground storage / sequestration of carbon.

Q.6: Do you agree with the amendment proposals outlined in Class 8 - Business, Industry, Storage and Distribution to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

10 **Class 9 - Any Other Development in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.**

10.1 The Department proposes the following amendment to the Class 9 *All other development* narrative as follows – ‘*Development not falling within any class or sub-class of development described in Parts 1 – 8 above*’. This removes the words “wholly” and “single” from the class description to clarify the requirement and the threshold.

10.2 Table 6 below sets out the proposed changes to the Major Development Thresholds for Class 9 All other Development.

Table 6.

SCHEDULE

Major Development Thresholds - Class 9 All Other Development

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
9. All other development.		
Development not falling within any class or sub-class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare.	

Q.7: Do you agree with the amendment proposals outlined in Class 9 - All Other Development to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

11 Draft Statutory Rule amending The Planning (Development Management) Regulations (Northern Ireland) 2015

STATUTORY RULES OF NORTHERN IRELAND

2026 No.

PLANNING

The Planning (Development Management) (Amendments) Regulations (Northern Ireland) 2026

Made - - - - - ***

Coming into Operation - - - - - ***

The Department for Infrastructure, in exercise of the powers conferred by sections 25(2), and 247(1) and (6) of the Planning Act (Northern Ireland) 2011⁽⁹⁾ makes the following Regulations.

Citation, commencement

1.—(1) These Regulations may be cited as the Planning (Development Management) (Amendments) Regulations (Northern Ireland) 2026 and come into operation on *****.

Amendment to the Planning (Development Management) Regulations (Northern Ireland) 2015

2. — (1) In regulation 3(b) after “5” insert “and 8”.

(2) Substitute the Schedule (Major Development Thresholds) to the Planning (Development Management) Regulations (Northern Ireland) 2015 as set out in these regulations.

Sealed with the Official Seal of the Department for Infrastructure on XXXX



Rosemary Daly
A senior officer of the
Department for Infrastructure

⁽⁹⁾ 2011 c.25 (NI)

SCHEDULE

Regulation 2

SUBSTITUTION OF THE SCHEDULE TO THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015

“SCHEDULE

Regulations 2 and 3

Major Development Thresholds

1. In the Table below –

“airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14)⁽¹⁰⁾,

“area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“floorspace” means floorspace in a building or buildings,

“electricity storage” means a facility that stores electricity within electrochemical battery systems for subsequent discharge as electricity.

2. The Table below sets out the classes of development belonging to the category of major development.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
1. EIA development.	Development of a description in paragraph; 1, 3, 4, 5, 6, 11, 12, 15, 17, 18, 19, 22, 23, and 24; mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.	Development of a description in paragraph 1, 3, 22, 23 and 24 mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
2. Energy infrastructure.		
Generation:		
<u>Heat generating stations</u> The construction of an on-shore heat generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 30 megawatts.
<u>Electricity generating stations</u> The construction of an on-shore electricity generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 75 megawatts

S.I. 1994/426 (N.I.1).

Onshore development associated with the construction of an off-shore electricity generating station.	All proposals.	Where its capacity is or exceeds 75 megawatts.
Energy Storage:		
<u>Thermal Energy Storage</u> The development of a facility for the storage of energy in thermal form above or below ground.	Where its capacity is or exceeds 200 megawatt-hours.	Where the total maximum stored thermal energy capacity exceeds 1 gigawatt-hour.
<u>Electricity Storage</u> The development of an electricity storage facility which consists of Battery Energy Storage.	Where its capacity is or exceeds 200 megawatt-hours.	Where the rated energy storage capacity exceeds 1 gigawatt-hour.
<u>Mechanical Energy Storage</u> The development of a facility for the storage of energy in mechanical form.	Where its capacity is or exceeds 200 megawatt-hours.	Where the maximum stored mechanical energy capacity exceeds 1 gigawatt-hour.
<u>Chemical Energy Storage</u> Installations for the above ground storage of energy in chemical form (Excluding Battery Energy Storage).	Where its stored energy capacity is or exceeds 1 gigawatt-hour.	Where the total maximum energy content of stored materials exceeds 5 gigawatt-hours.
Installations for the below ground storage of energy in chemical form (Excluding Battery Energy Storage).	Where its stored energy capacity is or exceeds 500 megawatt-hours.	Where the total maximum energy content of stored substances exceeds 2 gigawatt-hours.
Transmission / distribution:		
<u>Pipelines</u>		
Pipelines for the transport of gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.	With a diameter of more than 400 millimetres or a length of more than 20 kilometres.	With a diameter of more than 800 millimetres or a length of more than 40 kilometres.
<u>Electrical power lines</u>		
The installation of an electrical power line.	Where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	Where the voltage: -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

3. Transport infrastructure. <u>Construction of new or replacement:</u> a) Railway Lines b) Airport Runways c) Port and Harbour Installations d) Waterways and Transit Ways	The area of works is or exceeds 1 kilometre in length or 1 hectare. The area of works is or exceeds 1 kilometre in length or 1 hectare. The area of works is or exceeds 1 kilometre in length or 1 hectare. The area of works is or exceeds 1 kilometre in length or 1 hectare.	Lines for long-distance railway traffic. Runway length is or exceeds 2,100 metres. Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes. Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.
4. Waste infrastructure. <u>Waste Management Facilities</u> Construction of facilities for use for the purpose of waste management, recovery, treatment or disposal. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC), of the European Parliament and of the Council on waste and repealing certain directives under heading D9) or landfill of non-hazardous waste (as defined in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005). <u>Waste Water</u>	Any proposal for hazardous waste. Where the annual intake capacity of non- hazardous waste exceeds 25,000 tonnes per annum. Waste water treatment plants with a capacity exceeding 50,000 population equivalent.	Where the annual intake capacity of hazardous waste exceeds 100,000 tonnes per annum. Where the annual intake capacity of non- hazardous waste exceeds 100,000 tonnes per annum. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).
5. Extraction Industry. a) Quarries and Open Cast Mining.	The area of the site is or exceeds 2 hectares.	The surface of the site exceeds 25 hectares.

b) Peat Extraction.	The area of the site is or exceeds 2 hectares.	The surface of the site exceeds 150 hectares.
c) Underground Mining.	The area of the site is or exceeds 2 hectares.	The surface of the site is or exceeds 2 hectares.
d) Exploration or extraction of Geothermal Energy.	Where the drilling is or exceeds 200m.	Where the drilling is or exceeds 500m.
e) Petroleum and natural gas.	Any proposal relating to the exploration or extraction of hydrocarbons.	Any proposal relating to the exploration or extraction of hydrocarbons.
6. Housing. Construction of buildings, structures or erections for use as residential accommodation; includes private schemes.	a) development that comprises 50 units or more; or b) the area of the site is or exceeds 2 hectares.	
7. Retailing, Community, Recreation and Culture. (according to Parts A and D of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015). Including cultural and community facilities, retail, leisure and entertainment development.	a) development that comprises 1,000 sq metres or more gross floorspace outside town centres; or b) the area of the site is or exceeds 1 hectare.	
8. Business, Industry (Light and General), Storage and Distribution. (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015). Carbon Capture Installations	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare. Any proposals related to the underground storage / sequestration of carbon.	Any proposals related to the underground storage / sequestration of carbon.
9. All other development. Development not falling within any class or sub-class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare.	

Response ID ANON-5T7J-3D4H-W

Submitted to Review of the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (NI) 2015
Submitted on 2026-09-02 13:50:14

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Agreement with the amendment proposals (Class 2)

1 Do you agree with the amendment proposals outlined in Class 2 - Energy Infrastructure to the Schedule of the Development Management Regulations?

Yes

2 If no, please outline suggestions for change and explain your reasoning.

Outline suggestions for change and explain your reasoning:

Agreement with the amendment proposals (Class 3)

3 Do you agree with the amendment proposals outlined in Class 3 - Transport Infrastructure to the Schedule of the Development Management Regulations?

Yes

4 If no, please outline suggestions for change and explain your reasoning.

Outline suggestions for change and explain your reasoning:

Agreement with the amendment proposals (Class 4)

5 Do you agree with the amendment proposals outlined in Class 4 - Waste Infrastructure to the Schedule of the Development Management Regulations?

Yes

6 If no, please outline suggestions for change and explain your reasoning.

If no, please outline suggestions for change and explain your reasoning.:

Agreement with the amendment proposals (Class 5)

7 Do you agree with the amendment proposals outlined in Class 5 - Extractive Industry to the Schedule of the Development Management Regulations?

Yes

8 If no, please outline suggestions for change and explain your reasoning.

If no, please outline suggestions for change and explain your reasoning.:

Agree with the amendment proposals (Class 8)

9 Do you agree with the amendment proposals outlined in Class 8 - Business, Industry, Storage and Distribution to the Schedule of the Development Management Regulations?

Yes

10 If no, please outline suggestions for change and explain your reasoning.

If no, please outline suggestions for change and explain your reasoning.:

Agreement with the amendment proposals (Class 9)

11 Do you agree with the amendment proposals outlined in Class 9 - All Other Development to the Schedule of the Development Management Regulations?

Yes

12 If no, please outline suggestions for change and explain your reasoning.

If no, please outline suggestions for change and explain your reasoning.:

Respondent Information:

13 Are you responding as an individual or an organisation?

Organisation

Name of organisation

14 If you are representing an organisation, can you please provide the name of that organisation?

Organisation name:
Newry Mourne and Down Council

Organisation / Type of Organisation

15 Please select your organisation or the type of organisation that you are part of: - NB this question is optional - may wish to consider response options

Public Sector & Government

Please specify name of organisation / type of organisation below:

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 attended 02/09/2026. To be tabled at October Committee.	Y
Planning Committee Meeting 2 September 2026					
LA07/2025/0897/O	Immediately N of 46 Forkhill Road, Cloghoge, Newry, BT35 8LZ - Infill site for two dwellings.	Deferred to allow for a site visit	A Loughan	Site visit scheduled for 29/09/2026. To be tabled at October Committee.	Y
LA07/2024/0308/O	To the rear of 8 Hospital Road, Carnagat, Newry, BT35 8PW - Site for dwelling and carport	Deferred to allow for a site visit	A Loughan	Site visit scheduled for 29/09/2026. To be tabled at October Committee.	Y