

# 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.

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**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 J Tinnelly |                   |

**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.

**(2) LA07/2025/0897/0**

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.

|                |                                                                                                                                                                      |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AGREED:</b> | <b>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.</b> |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### **(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.

|              |    |
|--------------|----|
| FOR:         | 10 |
| AGAINST:     | 0  |
| ABSTENTIONS: | 0  |

**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.

**(6) LA07/2025/1466/O**

**Location:**

### Proposal:

**Conclusion and Recommendation from Planning Official:**

**Power-point presentation:**

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.



## **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.



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.

|                |                                                                                                                                                                                                                                              |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AGREED:</b> | <b>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.</b> |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**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.

|                |                                                                                                                                                                   |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AGREED:</b> | <b>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.</b> |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **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.**