

ARDS AND NORTH DOWN BOROUGH COUNCIL

Tuesday 29 September 2026

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday, 06 October 2026** commencing at **7.00pm**.

Yours faithfully

Susie McCullough
Chief Executive

A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee 04 August 2026
4. Planning Applications

4.1	LA06/2026/0077/F	Demolition of existing dwelling and erection of a replacement dwelling with garage 80 Ward Avenue, Bangor
4.2	LA06/2024/0465/F	Agricultural shed (retrospective) Approx. 95m North of 37 Craigboy Road (Four Acres Farm), Donaghadee
4.3	LA06/2026/0073/F	Replacement NI Water Overground Control Kiosk and all associated site works Lands directly North of 107 Whiterock Road, Whiterock
4.4	LA06/2026/0103/F	Erection of a freestanding 'Street Hub' (comprising two digital 75-inch LCD display screens each side) to replace BT telephone Box On the Pavement in front of the 'Casino', 10 Quay Street, Bangor

4.5	LA062025/0903/F	Demolition of public house building and construction of mixed-use development comprising 1no. retail unit and 27no. apartments with associated access, parking and site works 25-29 Hibernia Street and former car park lands to the rear/north east, Hollywood
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Reports for Adopting/Approving

5. Street Naming – Glenlyon Gate, Hollywood (Report attached)
6. Proposed Approach to Belfast City Airport PANs (Report attached)
7. Draft response to Call for Evidence re Proposed Tree Bill (Report attached)
8. Notice of Marine Construction Licence Application Consultation (Report attached)

Reports for Noting

9. NI Water Update – Kinnegar WwTW (Report attached)
10. Ministerial-Led Engagement Forum with DFI Minister – Identified actions (Report attached)
11. Quarterly Trees Report (Report attached)
12. Update on previous Advanced Listing Notification (Report attached)
13. DFI Minister response re Infrastructure Investment (Report attached)
14. Update on Planning Appeals (Report attached)

In Confidence

Report for Approving

15. Advance Notice of Proposed Listing (Report attached)
16. Quarterly Enforcement Report (Report attached)
17. Verbal Update re Staffing

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Councillor McCollum (Chair)
Alderman Graham (Vice Chair)	Alderman McDowell
Councillor Harbinson	Alderman McIlveen
Councillor Hennessy	Councillor McKee
Councillor Kendall	Councillor Morgan
Councillor Kerr	Councillor Smart
Alderman McAlpine	Alderman Smith
Councillor McClean	Councillor Wray

ITEM 7

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ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards, on Tuesday 4 August 2026 at 7.00 pm.

PRESENT:

In the Chair: Councillor McCollum

Aldermen: Graham McIlveen
McAlpine (Zoom) Smith
McDowell

Councillors: Cathcart McClean
Harbinson (Zoom) McKee (7.18pm Zoom)
Hennessy Morgan (Zoom)
Kendall (7.07pm Zoom) Smart
Kerr (7.07pm Zoom) Wray

Officers: Director of Place and Prosperity (B Dorrian), Head of Planning and Building Control (A McCullough) and Democratic Services Officer (P Foster)

1. APOLOGIES

The Chairman (Councillor McCollum) sought apologies at this stage and noted that no apologies had been received.

NOTED.

2. DECLARATIONS OF INTEREST

The Chairman sought Declarations of Interest at this stage.

No Declarations of Interests were made but Members were reminded of their ability to declare at any time throughout the meeting.

NOTED.

3. **MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 7 JULY 2026**

PREVIOUSLY CIRCULATED:- Copy of the above.

AGREED on the proposal of Alderman Graham, seconded by Councillor Wray, that the minutes be noted.

4. **PLANNING APPLICATIONS**

4.1 **LA06/2024/0576/O – DWELLING, GARAGE AND ALL ASSOCIATED SITE WORKS** (Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor East & Donaghadee

Committee Interest: – Application called in by a member of the Planning Committee

Proposal: Dwelling, garage and all associated site works

Site Location: Land immediately to the rear of 54a High Bangor Road, Donaghadee

Recommendation: Refuse Planning Permission

The Head of Planning guided Members through her presentation to consider an application for a proposed dwelling, garage and all associated site works at land immediately to the rear of 54a High Bangor Road, Donaghadee.

This application for a dwelling was before Members as it had been called in from the delegated list at the start of July for the reason provided.

Members were shown a number of slides which depicted the overall geographical context, identified the site by a yellow circle to west of the settlement of Donaghadee, in the countryside, and off the protected route. A further ortho and map overview of the site, showing the application site submitted as including the dwelling and curtilage of no. 54a to the immediate north was also shown. A close up ortho of the site demonstrated that the topography which was quite a bit higher than the adjacent land to the west (number 56) and sloped down to the north of the site to the High Bangor Road. Members were advised that as this was an outline application to establish the principle of development, matters regarding siting, design, external appearance, access and landscaping were reserved for future consent.

By way of background Members were advised that number 56 was allowed on appeal back in 2012 under the CTY 10 policy for a dwelling on a farm, given it was previously the site of a horticultural/nursery business. That approval was amended by a further approval in 2018, and then by a further change of house type in 2019 which was what

had been constructed on site. This was to explain the elongated nature of the site as the nursery buildings appeared to have been located to the very south of the site.

The Head of Planning noted that Members would by now be very familiar with the policy context contained within PPS 21 – Sustainable Development in the Countryside. It stated that there were a range of types of development which in principle were considered to be acceptable in the countryside and that would contribute to the aims of sustainable development. The first of those was a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a. Other types of development would only be permitted where there were overriding reasons why that development was essential. Policy CTY 2a stated that Planning Permission would be granted for a dwelling at an existing cluster of development provided six criteria were met. There was no justification or amplification text to Policy CTY 2a to defined what constituted a cluster of development; however, the first three criteria gave an indication of meaning.

(Councillors Kendall and Kerr joined the meeting at this stage via Zoom – 7.07pm)

The first criterion required that the cluster of development lay outside of a farm and consisted of four or more buildings (excluding ancillary buildings) of which at least three were dwellings. This suggested that an existing cluster of development was to be formed by buildings and this was reinforced in criterion three whereby a cluster must be associated with a focal point such as a social/community building/facility if not located at a crossroads. The second criterion required that a cluster appeared as a visual entity in the local landscape. The Planning Service considered that there was a cluster of development formed by the dwellings outlined in red on the slide shown to Members. As an aside, number 65 was not a dwelling, but was previously a dwelling which was granted planning permission for a replacement dwelling which was now known as number 60 Stockbridge Road. The approval was conditioned that the original dwelling was to be demolished prior to commencement of the replacement dwelling. The agent asserted that number 56 was part of the cluster, despite the actual dwelling being located considerably further to the south, given its frontage with wall and gates to the High Bangor Road. Nevertheless, it was accepted that there was a cluster of development in line with criterion one of CTY 2a.

As stated the second criterion required the cluster to appear as a visual entity. The Planning Service disputed this element, as it was considered that the dwellings referenced read more as roadside development. Members were shown a slide which included photos of the approach from the west along High Bangor Road towards the Stockbridge Road junction, where number 60 and number 54 were apparent at the roadside, whilst number 56 was seen located on higher ground to the south. It was not considered by Planning that the Garden Centre signage, nor the wall to the front of number 56 contributed to a feeling of a visual entity. It was noted that the approach from the opposite direction, heading east from Donaghadee was considered that roadside boundaries marred the appreciation of any cluster. The approach to the junction with High Bangor Road from the Stockbridge Road, where it was considered that only number 60 Stockbridge Road on the left of the shot, and the roof of number 54a could

be seen. The Head of Planning stated that she did not consider that the boundary wall to number 56 could be considered as the actual dwelling could not be seen from this perspective.

Turning to criterion 3 which required that the identified cluster was associated with a focal point such as a social/community building/facility or was located at a crossroads. Whilst the wording of the policy did not provide an exhaustive list, it was considered that it inferred that a focal point be some sort of building or facility where the local community could meet/socialise. In line with the appeal decision 2020/A0122, issued (which was more up to date than any of the decisions cited by the agent), the Commissioner opined that to his mind 'associated with' meant that there should be a visual and or physical connection between the 'cluster' of development and the focal point.

The site was not located at a crossroads, it was located to the rear of development at a T junction, where two roads met which was not a crossroads, and more than 215m from the crossroads to the west of the site. In an appeal decision (2021/A0119) issued in May 2023, the Commissioner considered that an alleged crossroads, located at least 200-250m from the grouping of buildings, could not be considered to be located at a crossroads in line with policy requirements. Donaghadee Garden Centre was located some 360m from the boundary of no. 60 Stockbridge Road. In another more recent appeal decision 2022/A0014 issued in January 2023, the Commissioner considered a church as a valid community facility but given that there was a significant gap of around 100m between it and the nearest building in the 'cluster' it was considered not to read as part of the same visual entity as the main cluster of development. Given that there was no explicit requirement for it to be seen in the same context, the Commissioner also stated that 'in spatial terms, the church was not physically within the cluster of development. In looking up the ordinary meaning of 'associated with' and 'focal point' Members' attention was drawn to the fact that in the case of reliance upon Donaghadee Garden Centre, it was considered that it was too far removed from the 'cluster' – given the distance. As such the PAC accepted that the first three criteria of Policy CTY 2a defined what a cluster of development was, and it was therefore vital that all three criteria be met for a dwelling to be permitted. Planning contended that the proposal failed Criterion 2 and Criterion 3.

Turning to Criterion 4 which required the site 'to provide a suitable degree of enclosure, and to be bounded on at least two sides with other development in the cluster'. Members were shown photos which demonstrated the relationship of the site to number 56 which the agent contended must be considered as part of the cluster. If Planning did consider number 56 as part of the cluster, it was considered that the boundary with number 56 did not provide a suitable degree of enclosure given the lack of clear definition of a boundary and the ground level of the proposed site in the context of the adjacent land. Whilst the Case Officer Report considered that the site had existing boundaries to the west with number 56, as could be seen from the photo, it was likely it would require to be supplemented to provide a suitable degree of enclosure, certainly in the context of the next slide. Members were further advised how the relationship of the

site on the ground with number 54a, and number 56 and that Planning would contend that a dwelling, even single storey, would not be absorbed into the existing cluster (if it was considered that it were a cluster). A further slide was shown which demonstrated further that there were likely to be long range views of the dwelling, when viewed from the Kylestone Road to the south west of the site, and that was why it was considered that it would intrude into the open countryside given that there were views 'through' the site at present from this public viewpoint. Finally, it was accepted that the proposed development, subject to appropriate mitigation at any design stage, would not adversely impact on residential amenity.

Given that Planning considered the proposal to fail four out of the six criteria under CTY 2a, consideration was now given to examine it against Policy CTY 8 – Ribboning. The planning history to number 54a dating back to 1991 and 1992 showed the boundary of number 54a to consist of that immediately surrounding the dwelling. Whereas later history under X/2007/0672/F referred to approval for a single storey extension, porch, garage and increase in curtilage, which now formed the red line of this application site. In this respect Planning considered the site to form the back garden to number 54a. In terms of the exception test in Policy CTY 8, Planning did not consider that this was a 'gap site' in an otherwise substantial and continuously built up frontage for the purposes of the policy, rather development on it would constitute backland development.

The proposal was considered to comply with Policy CTY 13 but whilst the Case Officer report considered that a modest dwelling would integrate into the natural rural area, as could be seen, there would be concerns in relation to the ground levels, finished floor levels and ridge height would require to be considered carefully. Again the Case Officer Report considered that the proposal did not conflict with Policy CTY 14 on Rural Character, but as discussed any dwelling would require to be sensitively designed to overcome any potential impact from the view points identified. All consultees were content and there had been no representations submitted.

To conclude, the Head of Planning stated that whilst Planning was acutely aware of the various case law, examples cited relating to not having to slavishly apply policy, the objectives of PPS 21 were set out for Members consideration. Paragraph 5 of PPS 21 set out that the policies therein set out the main planning considerations in assessing proposals for development in the countryside and they should prevail unless there were overriding policy or material considerations that outweighed them and justified a contrary decision. Again, Policy CTY 1 set out those types of development which were considered in principle acceptable in the countryside and set out that other types of development would only be permitted where there were overriding reasons why the development was essential and could not be located in a settlement. Given that the professional planning judgement was that the proposal did not find favour in any of the policies within PPS 21, it was considered that there were no overriding reasons why the development was essential and could not be located in a settlement, and as such it was recommended that planning permission was refused.

The Chair invited questions to the Officer for clarification.

Alderman McIlveen noted that number 56 was not being considered as part of the cluster and sought further clarification on why that was the case. The Head of Planning stated the reason for that was that number 56 itself was set quite a bit back from the existing cluster. Alderman McIlveen referred to the visuals going along the High Bangor Road and noted the buildings and wall of number 56 which could be seen and noted Members were being advised to 'ignore' that as part of their considerations. The Head of Planning advised that the Policy referred to 'buildings in a cluster'. Alderman McIlveen stated that what Members were being asked to consider was whether or not there was a non countryside aspect to this in terms of unnatural assertions. He added that it was a manmade wall rather than a natural hedge. The Head of Planning stated that it had not been accepted that the type of development contributed to the cluster which consisted of buildings, three of which were dwellings. Alderman McIlveen reiterated that Members were being asked to consider visual entity and as such he was exploring what could and could not be taken into consideration. Continuing he referred to the definition of a cluster which had been included in the presentation adding that Members were being asked by the Applicant to take into account the Garden Centre as the focal point associated with this cluster. As such he asked if there was anything else Members needed to be taking into consideration given reference in the Applicant's notes on Building on Tradition. The Head of Planning stated that had been rejected given that they were not on a par and while the Garden Centre was in the vicinity it was quite a distance from the cluster of buildings.

At this stage Councillor Cathcart referred to the attached Addendum and asked if number 56 was essentially backland development. In response the Head of Planning advised that Planners would not consider that as number 56 had been developed in a very specific set of circumstances and as such had not been considered as backland development. As the proposed site sat behind an existing dwelling it was considered backland development and not a dwelling which had an extensive garden to the front of it. Councillor Cathcart commented that as it was at the rear of the other buildings it was a visual consideration. The Head of Planning stated that she did not agree with that as it was not at the rear of other buildings and instead was set back from the road with an extensive garden to the front of it. As such it was not considered backland development.

Councillor Morgan sought clarification on the distance between number 54a and number 56 and the Head of Planning estimated that to be 100 metres.

Alderman McAlpine referred to figure 11 of the Report which showed an area of hardstanding and asked if that was connected to either the farm or nursery buildings. The Head of Planning recalled that there had previously been an application for a large garage for the storage of vintage cars, and that she could only opine that it may have been originally constructed for that purpose, however that application did not proceed.

Councillor Wray sought clarification around the distance of the Garden Centre and the proposed site was 350m and referring to an Appeal mentioned in the report he asked if distance was the only rationale on which this was being refused. In response the Head

of Planning commented that she believed there were a number of contributory factors. She added that the distance referred to on the slide from the Garden Centre to number 60 (as being considered the edge of the cluster) was 359 metres and as such the distance to the proposed site would be even greater.

The Chair introduced Mr A Stephens who was speaking in support of the application.

His address to the Committee was summarised as follows.

Mr Stephens thanked Members for the opportunity to speak in support of this application, and against the recommendation of officers to refuse planning permission. He stated that the starting position on all planning applications was that there was a presumption to grant permission unless there was demonstrable harm or interests of acknowledged importance. In this circumstance harm to the countryside. Nowhere in the 16 page Committee Report before Members did officers demonstrate that the proposal caused harm to the countryside. The concern was that the proposal did not fit neatly within either Policy CTY2a or CTY8. However, that did not mean it was unacceptable and if it did not cause demonstrable harm then common sense indicated that refusal would be difficult to sustain. He suggested the Report was devoid of demonstrable harm and demonstrated why it did not meet policy criteria, rather than demonstrate how it harmed the countryside at this location.

In respect of third party objections and consultees there were no other issues in play, as there were no third party objections to the proposed single dwelling from any of the adjacent properties or those opposite (No.54,54a 56, 60, 63 & 65 High Bangor Road). Nor were there any objections from DfI Roads, NI Water, Environmental Health Department or NIEA Water Management Unit.

Continuing Mr Stephens stated that case law had repeatedly set out some well-established principles in the application of planning policy, and in exercising balanced decision making as detailed below:

Tesco Stores Ltd v Secretary of State for the Environment & Others [1995] All ER 636

Lord Hoffman states – “Provided that the planning authority has regard to all material considerations, it is at liberty to give them whatever weight the planning authority thinks or no weight at all.

Regina v Rochdale Borough Council ex parte Milne [2000] EWHC 650

“The plan is complied with as a whole even if there has been a minor technical breach of the policies contained within it”.

In the matter of an application by Belfast Chamber of Trade & Commerce, Belfast City Council & North Down Borough Council for Judicial Review [2001] NICA 6

Carswell LCJ states – “...the decision maker is not obligated to adhere to each point [of a planning policy], and is entitled to override or depart from any part it considers it justified”.

In the matter of an application by James Stewart for Judicial Review [2003] NICA 4

Carswell LCJ states – “Planning policies are not a “straight jacket” and do not have to be slavishly followed in all circumstances.....and that the determining body must have regard to policy, but need not follow it.

Lisburn Development Consortium’s application for Judicial Review [2007] BNIL 96

Kerr J states – “the nature of a planning policy is to give guidance to planners as to the general approach to be taken to regularly encountered planning problems.....The purpose of such statement is to provide general guidance; it is not designed to provide an immutable of rules”.

The overarching approach to all planning policy is the “no harm” test as per the South Lakeland DC v SoS for the Environment (1992).

Continuing Mr Stephen referred to Policy CTY2a – New Dwellings in Existing Clusters - Criterion 2 – Visual Entity.

The analysis in respect of number 56 contradicted the assessment in spatial terms (physical / visual) in the remainder of the report. It failed to pay regard to number 56’s large walls and gates along the road frontage, which clearly present a developed appearance to the road irrespective of the dwelling being set back. There was no consideration of the sequential awareness of development when travelling along the road in either direction, or that a nucleus of six dwellings would be uncharacteristic of the locality, which consists for the most of single dwellings strung out along the road frontage of High Bangor Road.

Criterion 3 – Focal point

The Committee report ignored appeal 2019/A0024, Ballygowan Road, Comber which came before the Council’s Planning Committee. It was allowed at appeal, and paragraph(s) 18 – 19 considered the correct policy interpretation that there was no requirement in Policy CTY 2a or BoT that any proposal be visually linked with any relevant focal point. With Pages 68-9 of BoT providing diagrams showing more than one focal point within a cluster with suitable sites physically distant from the community facilities/buildings but still considered acceptable.

Criterion 4 – Enclosure

The flawed analysis regarding number 56 was engaged as the site was clearly

physically contained on two sides by numbers 54a and 56 as witnessed in all the maps, aerals and figures in the report, and on the ground.

Criterion 5 – Rounding Off

It was clearly rounding off development at this location and would have no impact on the existing character or appearance of the area, given its physical relationship. The flawed assessment of number 56 had resulted in Parts 2,4 and 5 being deemed to be unacceptable. Mr Stephens stated the assessment was neither balanced nor objective and as demonstrated it could not stand up to scrutiny.

Policy CTY8 – Ribbon Development

Mr Stephens noted the report accepted that there was a substantial and continuously built-up frontage (SCBUF) at this location. The building line was staggered within the SCBUF and number 54a was located to the side of the plot. It was fundamentally wrong to suggest that the site could not have frontage and be discounted on that basis. The judgement in *Burdle v Secretary of State for the Environment* [1972] 3 ALL ER 240 and the consideration of the planning unit would engaged, as the proposed plot could be split to provide two planning units with frontage.

CTY 14 – Rural Character

In utter contradiction to the assessment on the visual entity (P.7) “very little awareness of any buildings” it was now deemed the proposed dwelling with other buildings would result in a build-up of development. Unfortunately, Mr Stephens stated officers could not argue it both ways, and this demonstrated a lack of balanced assessment in this report. The fact remained that a dwelling would be of no consequence in this landscape setting and that was apparent in the report.

By way of summing up Mr Stephens stated that taking the matters in the round, it would not harm the countryside. Any perceived minor infringement with the letter of policy criteria should be weighed against the total lack of harm. For this reason he requested that the Committee overturned the recommendation to refuse however if Members were not comfortable with that he suggested that they undertook a site visit to see for themselves. Mr Stephens thanked Members for their time and indicated that he was happy to answer any questions.

The Chair invited questions to the speaker and Alderman McIlveen referred to the two key points he had raised with the Head of Planning around the cluster and the boundary on both sides. There was also the issue of whether or not to include the house in considerations or if it should be excluded due to the previous planning history. Alderman McIlveen sought Mr Stephens’ view on that. In response Mr Stephens commented that as alluded to under PPS 21 and CTY14 which considered Rural Character and developed appearance, he stated that number 56 had road frontage which could not counted as it was set back. His argument was that if it had road frontage along with

large scale walls out he could not see how that could be ruled out. Referring to the second point, Alderman McIlveen noted that there was not a crossroads as such and reliance was being placed upon the Garden Centre as a focal point for the cluster. Given its distance from the site he asked what the argument would be for considering it as part of this cluster. Mr Stephens referred to various appeals and their outcomes and the point he was making was that Building on Tradition was a consideration and a focal point could be physically dispersed from the cluster. He stated that the Garden Centre should be considered as a focal point particularly given its association with the property at number 56. At this stage Mr Stephens made mention of another cluster situated around number 36 Stockbridge Road. As such he suggested there had been a pattern of development based around both those clusters with the Garden Centre being used as a focal point. Alderman McIlveen raised a final point around the distances mentioned in the report around the cluster and Garden Centre and asked if he was aware of what those distances were. In response Mr Stephens advised that he would not have those figures to hand adding that everyone was aware the Garden Centre was there. Mr Stephens went on to suggest there was some confusion within the officer's report around visual entity

Mr Stephens returned to the public gallery.

The Chair invited questions to the Officer for clarification.

Councillor Hennessy sought clarification around Mr Stephens' last comments about visual entity. The Head of Planning commented that consideration had been given to the criteria around a cluster of development appearing as a visual entity in tandem with CTY14 and PPS20, which she proceeded to read out to Members. Within the Report officers did not consider that the cluster appeared as visual entity, consideration under PPS 14 confirmed that it would not integrate. She was advised that was not what was meant and following further consideration she noted that Mr Stephens' argument was that it was while it was not a visual entity the build-up was acceptable. He had made reference to a contradiction in assessment on Page 7 of the report which discussed Criteria 2. Thanking the officer for her comments Councillor Hennessy asked if that was what Members were being asked to consider the fact that there was no visual entity. She advised that Policy CTY 2a was one of the exceptions in the countryside and the PAC accepted that it had to comply with the first three to be acceptable for a dwelling. While officers believed that it met the first criteria it did not meet the second or third criteria. Further policies were considered after that.

(Councillor Kerr left the meeting at this stage – 7.43pm)

Alderman McIlveen proposed, seconded by Councillor Cathcart, that planning permission be approved.

The proposer Alderman McIlveen stated that he believed the proposal met the Criteria in Policy CTY 2a as he believed number 56 needed to be considered as part of that cluster. He added that the ornate walls already in place added to the visual impact and

as such number 56 clearly came into play. He added that the site was also bounded on two sides and given what Members had heard in respect of those buildings which were associated with the Garden Centre it should be considered as a social building under the Policy. Continuing he stated that he did not believe there was any negative impact on the countryside by granting planning approval. As such he felt it was appropriate to approve the application and give officers delegated powers to construct the appropriate conditions.

Commenting as seconder Councillor Cathcart concurred with the comments which had been made in terms of visual impact and the inclusion of number 56. He added that the reason Planning Policies were in place was to ensure there was no harm to the countryside in terms of development. Continuing Councillor Cathcart expressed the view that he did not believe this proposal would cause demonstrable harm to the countryside and as this was for Outline approval conditions could be included which would ensure that it was appropriately integrated into the countryside.

Alderman McDowell referred to the speaker's comments that it would do no demonstrable harm to the countryside stating that he did not necessarily agree with that. Rules and regulations were in place to stop the overdevelopment of the countryside and one thing which he had not heard mentioned was the matter of 'need' and for that reason he would be voting against it.

Councillor Smart acknowledged why the proposal had been made given the report which was before them but was keen to get a wider perspective from the officer on the implications of changing the recommendation. He indicated that he would be keen to know if this would create a precedent for building in the countryside and how repeatable such a development could be. Continuing he noted that tiered development was often more prevalent in urban areas and asked if there was potential for such development to occur on the right hand side of this proposed development. In response the Head of Planning indicated that she could not comment on a precedent being set as each site needed to be determined on its own merits. In terms of tiered development if approved it would need to be conditioned that the position of the dwelling would need to be where it was marked on the plan. If number 56 was being taken into consideration its front garden could potentially be opened up for development, but officers were only able to consider what was currently before them.

Councillor Hennessy referred to the focal point commenting that the distance between the Garden Centre and the cluster was getting smaller as the meeting was continuing. He was in agreement that number 56 did not form part of the cluster and therefore he agreed with the officer's recommendation to refuse planning permission.

At this stage Alderman Smith acknowledged that the two issues were the focal point and whether number 56 was included as part of the cluster. In his opinion the distance was far too great for the Garden Centre to be a focal point for this development. In terms of the cluster he commented that if number 56 was included you would double the

circumference of the cluster and as such taking all of that into consideration he would not be able to support the proposal.

By way of summing up Alderman McIlveen referred to Alderman Smith's comments around clusters and he reminded Members that a cluster was a visual test. On approach you were not just approaching the house but you also had the ornate wall. He added that what Members were being asked to take into consideration was that this application would not cause any additional harm to the countryside and because the cluster was already there bound on two sides and to add a further building to that would not cause any additional harm. Considering what was associated with the focal point the policy did not state that it had to be in the cluster but could be associated with it and that was up to Members to take into consideration.

On being put to the meeting, with 4 voting FOR, 10 voting AGAINST, 1 ABSTAINING and 1 ABSENT, the proposal was LOST.

The voting was as follows:

FOR (4)	AGAINST (10)	ABSTAINED (1)	ABSENT (1)
Aldermen	Aldermen	Councillor	Councillor
Graham	McDowell	McCollum	Kerr
McIlveen	McAlpine		
	Smith		
Councillors	Councillors		
Cathcart	Hennessy		
Wray	Harbinson		
	Morgan		
	Smart		
	McKee		
	Kendall		
	McClean		

Alderman McDowell proposed, seconded by Alderman Smith, that the recommendation be adopted and that planning permission be refused.

On being put to the meeting, with 10 voting FOR, 4 voting AGAINST, 1 ABSTAINING and 1 ABSENT, the proposal was declared CARRIED.

The voting was as follows:

FOR (10)	AGAINST (4)	ABSTAINED (1)	ABSENT (1)
Aldermen	Aldermen	Councillor	Councillor
McDowell	Graham	McCollum	Kerr
McAlpine	McIlveen		
Smith			
	Councillors		

Councillors

Hennessy
Harbinson
Morgan
Smart
McKee
Kendall
McClean

Cathcart
Wray

RESOLVED, on the proposal of Alderman McDowell, seconded by Alderman Smith, that the recommendation be adopted and that planning permission be refused.

4.2 LA06/2025/0330/F – PROPOSED ALTERATIONS TO, AND EXTENSION OF, THE EXISTING VACANT DICKSON’S HOME AND GARDEN CENTRE TO ACCOMMODATE A NEW GARDEN AND ANTIQUE CENTRE WITH ANCILLARY FARM/DELI SHOP/CAFÉ, RESTAURANT, LANDSCAPING AND CHILDREN’S PLAY AREA. DEVELOPMENT INCLUDES THE RECONFIGURATION OF THE EXISTING CAR PARK AND ALL OTHER ASSOCIATED SITE AND ACCESS WORKS(Appendix II)

PREVIOUSLY CIRCULATED:- Case Officer’s report.

DEA: Holywood & Clandeboye

Committee Interest: – Application within Major Category

Proposal: Proposed alterations to, and extension of, the existing vacant Dickson’s Home and Garden Centre to accommodate a new garden and antique centre with ancillary farm/deli shop/café, restaurant, landscaping and children’s play area. Development includes the reconfiguration of the existing car park and all other associated site and access works.

Site Location: Former Dickson’s Home and Garden Centre, 77-79 Cootehall Road, Bangor, BT19 1UP

Recommendation: Grant Planning Permission

The Head of Planning outlined the Case Officer’s Report,

She proceeded to guide Members through her Presentation stating that they would be familiar with the site at the junction of Cootehall Road, and the A2 Bangor-Belfast Road, Bangor, which was the former site of Dickson’s Garden Centre.

The site was located immediately west of and just outside the designated settlement of Bangor, on the Cootehall Road which led down to the settlement of Crawfordsburn. The A2 to the immediate south was a protected route, and the site was in the countryside. The buildings associated with the previous use still existed on site, alongside a number of buildings associated with other previous uses, such as Tobermore (decorative stone/paving), a conservatory showroom, as well as Clearly Aquatics, a pond equipment and aquatics dealer which was still operational. Members were shown a slide which consisted of orthos showing the site in 2005 when the garden centre and associated restaurant etc were operational, and more recently in 2022.

The proposal had been submitted by the owner of On The Square Emporium, currently located in the Belfast Harbour Estate, which was a successful business hosting furniture, décor, collectibles, salvage, ironmongery and much more. The intention was to move that business to this site but merge it with a Victorian garden centre theme. The proposed uses would consist of:

- An area for sale of bulky goods
- Antique and craft centre
- Area for sale of seasonal goods
- Antique centre
- Restaurant
- Coffee station
- Garden centre
- Farm shop and deli café
- Outside garden retail area
- Informal children's play area
- Ancillary storage and servicing areas
- And offices and storage at first floor level

A number of slides were then shown which demonstrated the existing layout on site alongside the proposals, and Members were asked to note that there was not a significant increase in the floor areas proposed. First floor level floor plans were shown at this stage. The existing garden centre buildings comprised a range of different materials and styles and appeared somewhat disjointed. They had a low profile with a height of c6.1m. The proposed elevation showed an increase in height in the two storey element of c3m, but due to the lower ground levels at that particular location, the eaves height tied in with the remainder of the garden centre building well.

A number of slides were then shown which detailed the elevation proposed to Cootehall Road and that proposed to Belfast Road. It was noted that the proposal involved reuse and alteration of the existing building alongside extensions and rebuilding of parts. The proposal utilised smooth render with mock Tudor detailing and hardwood windows and doors. Several existing smaller external retail sales buildings associated with the former conservatory business would be retained for reuse in their current form, for display

purposes. It was considered that the proposal introduced a more coherent and articulated built form, with varied roof heights, improves facades, and was considered in line with the SPPS's emphasis on high quality, sustainable design responding to the local context and enhancing visual amenity.

Comprehensive landscaping was proposed which would assist in softening views into the site and integrate the overall site into its setting. Some trees were to be removed from the site of the existing outdoor garden centre and would be replaced on a grassed bank along Cootehall Road side. Alongside the northern and eastern boundaries retention of existing trees with supplementary native planting would reinforce enclosure and provide further screening and encourage biodiversity. More formal, ornamental planting, to include raised planters, specimen trees and mixed shrub and herbaceous bed would provide colour, texture and seasonal interest.

A children's play area was proposed off the terrace area of the restaurant, with two Viking boats which had been used in a number of television and movie productions including Vikings, The Northman, and How to Train Your Dragon. Those would provide an additional attraction in an area which was ideally located adjacent to the restaurant area, enabling parents to avail of refreshments whilst having oversight of play area.

Turning to policy considerations and consultee responses, the officer stated that Members would have read within the Case Officer Report the relevant planning policy context for a retailing location within the countryside. Significant weight was attached to the established lawful use of the site as a garden centre, and it had not been necessary to apply the SPPS's sequential test or retail need assessment as this proposal comprised a reuse and diversification of an existing use which was inherently suited to a rural location. It was not considered to give rise to significant adverse impacts on other town centres. It aligned with the aims of the SPPS and PPS 21 which supported sustainable economic development in the countryside, in the context that it did not represent a new site or extension into the countryside. It was noted the proposal also very much aligned with the Council's Corporate Plan priority of 'increased economic growth attracting more businesses and job'. Furthermore it aligned with the Council's Integrated Regeneration Tourism and Economic Growth Strategy as it would have a particular USP with Ireland which aligned to the Strategy's visitor impact objective of 'raising awareness and standing out'. The proposal would also include a range of creative elements including direct business to Screen Tourism which was identified within the Strategy as a niche market and an audience which was recognised by Tourism NI as continuing to grow.

Additionally, the inclusion of a deli/farm shop indicated increasing the availability of local produce which supported the Council's AND Food and Drink Destination Development Action Plan. The reference to supporting 60 jobs – craftsmen and local producers in the Agri-food category also aligned with the Integrated Strategy's aim to increase jobs in the Borough. The proposal would formalise the parking layout on the site to comprise 147 parking spaces, six disabled spaces and two van spaces. No changes were proposed to the access, and further to having satisfied a request from DFI Roads, statutory

consultee had no objections. The proposal had been assessed against PPS 2 and consultations carried out with NIEA and was considered to have no likely adverse impacts on designated sites, protected or priority species, habitats or features of natural heritage importance. Further to NIW indicating network capacity issues, the proposal was amended to include a septic tank. DFI Rivers had reviewed all submitted information and was content.

In relation to residential amenity, the nearest dwelling was situated in excess of 120m away on Cootehall Road and it was considered there would be no unacceptable impact on their residential amenity in terms of privacy, noise or disturbance. No objections had been submitted in respect of the proposal, whilst 16 letters of support citing various encouragement for the proposal had been received. Subject to the conditions outlined within the Case Officer Report, full planning permission was recommended.

The Chair invited questions to the Officer for clarification and there were no questions at this stage.

The Chair introduced Mr Tom Stokes (Agent) and Mr Justin Lowry (Applicant) who was speaking in support of the application. Mr Stokes address to the Committee was summarised below.

Mr Stokes thanked the Committee for the opportunity to address them adding that also in attendance was Justin Lowry, the applicant and owner of On The Square Emporium. He stated that they would both be happy to answer any questions Members may have.

Acknowledging the Head of Planning's detailed and comprehensive overview of the proposal, they felt it would be good to highlight a few key pertinent points from their side, for this hugely exciting proposal for Bangor. Most Members would be aware that the subject site, formerly occupied by Dickson's Home and Garden Centre, had been largely vacant for over a decade since the garden centre's closure. The overall site, but particularly the main garden centre building had fallen into disrepair in the subsequent years and had resulted in a dilapidated site on the prominent Belfast Road.

The site was purchased by the applicant, Justin Lowry, in 2025. On The Square Emporium was currently located at Horon Road, Belfast and was the largest antique centre on the island of Ireland, providing a range of different services. Those comprised the retail sale of antiques, including online sales to worldwide buyers; commercial fit out and decoration of hotels, bars and museums; and prop hire for film, tv and events. The proposals represented the relocation of the existing Emporium and Justin's vision was to create a joint Antique and Garden Centre, which utilised the existing garden centre use on the site, as well as the provision of a café/restaurant and children's play area. The sale of garden centre products and antiques was complementary and was a model used in a variety of locations in mainland UK. This would be the first antique and garden centre on the island of Ireland. The proposals would build on the existing success of On the Square Emporium, whilst also renovating the existing building and bringing a vacant and underutilised site back into active use. It represented an investment of £5million

from the private sector and would create around 60 jobs once operational in addition to supporting local producers and crafts people. Overall, the proposals reduced the level of retail sales floorspace currently available within the building.

In addition, the existing vacant garden centre presented as an ad hoc collection of structures, with extensions and additions added throughout the years. The proposals would refurbish the existing buildings, and the overall design and materiality had been well considered to provide a cohesive and attractive finish that was appropriate to the location. This would include timber cladding on the parts of the extension visible from the public road and an attractive entrance plaza to the refurbished store. The proposals would formalise the existing unmarked car parking areas. An exciting highlight of the proposal, as identified in the case officer report, would be a children's play area which included two Viking ships that had been used in a number of tv and film productions. Most recently, the ships were used in Christopher Nolan's *The Odyssey*, which was currently in Cinemas.

To conclude, the proposals represented an exciting opportunity for the Ards and North Down Borough for the first Antique and Garden Centre on the island of Ireland, revitalising a vacant and dilapidated garden centre site which had been vacant for over a decade. All consultees had responded offering approval subject to conditions. There had been 16 representations to the application, all of which were letters of support. Subject to planning being granted it was hoped the store would be refurbished and trading by Spring 2027. In summing up Mr Stokes thanked the Planning officers who had processed this application diligently and collaboratively to bring the application before the Committee. He thanked Members for their time and respectfully requested that the Committee endorsed the positive officer recommendation. He added that he and Justin were happy to answer any questions.

The Chair invited questions to the speaker and as there were none, Mr Stokes and Mr Lowry were returned to the public gallery.

Alderman Graham proposed, seconded by Councillor McClean, that the recommendation be adopted and that planning permission be granted.

The proposer Alderman Graham noted that there was no shortage of enthusiasm for this application and in particular he noted there had been no objections and that he believed was due to the way the proposals had been handled from the outset. Alderman Graham agreed that it would align with the Council's plans and rejuvenate the site and he was hopeful that it would be a success.

Commenting as seconder Councillor McClean expressed his thanks to the Planning Team for getting the application through so expeditiously. The applicant had made representation to a number of Members about his proposals and had made comment that he could not fault the Planning Officers in any way for getting the application through so speedily. Continuing Councillor McClean acknowledged that the application would have a turnover of £5M per annum and create up to 65 jobs. It was noted the

application had been delayed by NIEA for over a year and that had nearly caused it to fall through. A third round of questions had been answered by the Applicant in November 2025 and been subsequently advised by the NIEA that they could probably respond by the end of July 2026. That he believed was completely unacceptable and similar delays by other statutory agencies was impacting the ability to build new homes and bring new businesses into the Borough. Continuing Councillor McClean stated that he had been delighted with the feedback which had been received about the Planning Officers who had done their best to get the application through the system.

Councillor Cathcart welcomed the significant vote of confidence shown in Bangor through this investment. He agreed that Planning Officers had been excellent in chasing up the various statutory agencies and this application would demonstrate that the Borough welcomed such schemes and investment. He added that it was really exciting and encouraging to see and he was therefore happy to support.

Rising to also welcome the proposal, Alderman McDowell stated that it was an exciting opportunity to create jobs and growth. The proposal would also see the site tidied up, made more presentable and was an ideal location for such a venture. He was therefore fully supportive of it and looked forward to seeing many more businesses coming to the Ards and North Down Borough.

At this stage the Chairman added that this was a very positive development for the Borough and a proposal which was perfectly aligned to the Council's Corporate Plan. She noted that it also dovetailed with the Council's tourism and agrifood sector ambitions and as such she wished the applicant all the best with his venture.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor McClean, that the recommendation be adopted and that the Council grants planning permission.

4.3 LA06/2026/0457/F– RETENTION OF OPEN SPACE (TWO YEAR TIME EXTENSION TO TEMPORARY PERMISSION LA06/2024/0182/F) (Appendix III)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: – Council Application

Proposal: Retention of open space (Two year time extension to temporary permission LA06/2024/0182/F).

Site Location: Land immediately east of 41 Hamilton Road, South of 1 Springfield Ave (Site of former Hamilton House and Sea Scout Hall), Bangor

Recommendation: Grant Planning Permission

The Head of Planning outlined the Case Officer's Report, explaining that Item 4.3. was for the Retention of Open Space for a further Two -year Time Extension to a Temporary Permission issued under LA06/2024/0182/F.

Members would recall the previous application brought before the Committee in July 2024 and this Application was before them as it was a Council application

The site occupied a triangular plot of land opposite the junction of Hamilton Road and Park Avenue. Ward Park lay to the south east on the opposite side of the road, whilst Springfield Avenue, which housed several private residential properties ran parallel to the rear of the site. The site was situated within the proposed Bangor Central Area of Townscape Character (ATC).

The continuation of the site for temporary use as an area of open space, was acceptable in context of the surrounding area which was a suitable 'mean-while' use until such time as an appropriate replacement proposal was submitted.

Members may be aware that the site was for sale and a conditional offer was accepted, subject to attaining planning permission, and that the Council was dealing with the purchaser's solicitors accordingly. The Contract became binding on 5 December 2025, and the purchaser had 18 months from that date to obtain satisfactory planning permission. There was no specified date as to when they needed to have submitted plans, however there was a longstop date of 18 months for them to make the application and get approval. They also did have to use all reasonable endeavours to obtain Planning Permission as soon as possible.

A Grant of permission for a temporary period of two years was recommended.

The Chair invited questions to the Officer.

Councillor Cathcart recalled that Planning Permission had been granted to knock the buildings down given the bad repair they were in. As such he asked what the consequences would be if the Planning Permission lapsed.

In response the Head of Planning stated that was a difficult situation originally as the Policy required you to have a replacement scheme, however due to the anti-social behaviour which had been taking place on the site along with the presence of asbestos it was considered at that time to relax that requirement, albeit only on a temporary basis. She emphasised that this was not branding the area as Open Space adding that officers were awaiting receipt of the replacement scheme. By seeking the Consent Members were advised that it kept the matter in line to help ensure Planning did not elapse.

In response Councillor Cathcart asked for clarification around NIW connections to the site in relation to the sale.

The Head of Planning indicated that she was not keen to stray into the land transaction territory but suggested that any proposal submitted may be subject to whatever those conditions were, and consultation would have to be carried out accordingly.

Following on Councillor Hennessy noted this was the fourth extension in two years and asked if that could continue indefinitely.

The Head of Planning advised that the site needed to be safeguarded as essentially it remained a brownfield site within a settlement and town centre. She added that it was hoped it would not continue indefinitely.

At this stage the Chairman commented that the site had previously been on the market and had failed to find a buyer.

Councillor Cathcart proposed, seconded by Councillor McClean, that the recommendation be adopted and that Council grants planning permission.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor McClean, that the recommendation be adopted and that Council grants planning permission.

4.4 LA06/2026/0323/A– ERECTION OF 2 SIGNS - SPONSORSHIP SIGNAGE (Appendix IV)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Holywood & Clandeboye

Committee Interest: – Council Application

Proposal: Erection of 2 Signs - Sponsorship Signage

Site Location: Roadside verge between Croft Road and Bangor Road, Holywood (retrospective)

Recommendation: Grant Consent

The Head of Planning presented the Report explaining that Item 4.4.sought consent for the erection of 2 signs – Sponsorship Signage on the roadside verge between Croft Road and Bangor Road, Holywood. It was retrospective as the signs had been erected under the Parks' Department's roundabout sponsorship policy but required advertising consent.

It was noted that no representations had been received and it was recommended that Advertising Consent be granted with a condition attached that they were maintained in a clean and tidy condition. It was therefore recommended that Advertising Consent was granted.

The Chair invited questions to the Officer for clarification and no questions were raised.

RESOLVED, on the proposal of Councillor Wray, seconded by Councillor Hennessy, that the recommendation be adopted and that the Council grants consent.

5. PROPOSED CHARGES FOR BUILDING CONTROL AND PLANNING SERVICE

(Appendix V)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that the Council's Building Control Service held drawings and information relating to the construction of buildings and alterations dating back to 1973 in the legacy North Down Borough area, and to 1995 in the legacy Ards Borough area. Hard copy files were retained and information had to be physically obtained, sorted, redacted and where appropriate, reproduced and released. While this information was sought after by people for a number of reasons, Building Control files were not public domain information, and release was controlled in line with guidance. The location and consideration as to whether information could be released took up an increasing amount of the Service's resources.

Key Issues

Since the introduction of the Freedom of Information Act (FOI), requests to Building Control had increased in number and complexity over the years, with associated staff time and costs. Whilst FOI requests were still dealt with under that legislation, the including of the provision of such information on the Council's list of publications allowed Council to charge appropriate costs for this service.

The provision of Local Government Property Certificates was included within this register of charges; however, the fee had been established across the 11 Councils and in agreement with the Law Society. There was an agreement for a three yearly inflationary cost review, most recently updated in April 2026. Charges would be reviewed yearly for April amendment in line with Council's charging policy.

In relation to Planning Service, charges for copy documents/history searches had not been increased since c2018. It was proposed to apply an appropriate increase to reflect resource requirements.

Next Steps

Should Council approve this proposal, the next steps would be to publish the charging schedule, giving notice of its introduction (one month).

Once the notice period expired, the charging schedule would be applied to all the requests for the noted information.

Summary

The introduction of the proposed non statutory charges would cover the costs of the staff resource currently committed to this service.

RECOMMENDED that Council approves the attached building control and planning services.

AGREED TO RECOMMEND, on the proposal of Alderman Smith, seconded by Alderman Graham, that recommendation be adopted.

6. RTPI NI POLITICIANS IN PLANNING EVENT (Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity stating that the Head of Planning and Building Control had received the attached notification of an event to be hosted by the Royal Town Planning Institute (RTPI) as part of its Politicians in Planning theme.

The event, to be held on 15 October, 10:00 -14:00, at Burnavon Arts Centre, Cookstown, would focus on Shaping better Places and was aimed at elected members and those involved in Planning Committees. The programme was designed to explore the issues that mattered to elected members, support informed decision-making and strengthen confidence in the planning process.

Each Council had been allocated eight complimentary places for elected members and those involved in Planning Committees. Further places would be limited but could be booked for a £20 (plus vat) fee. Booking closed on Friday 9 October 2026.

RECOMMENDED that Council agrees to nominate elected members to attend and the Head of Planning and Building Control will book accordingly.

Councillor Hennessy proposed, seconded by Councillor Morgan, that the recommendation be adopted.

At this stage nominations were sought for Members to attend the event and the following nominations were made.

Councillor Morgan – Proposed by Councillor Hennessy and seconded by Alderman Graham.

Councillor McCollum – Proposed by Alderman Graham, seconded by Councillor McClean.

AGREED TO RECOMMEND, on the proposal of Councillor Hennessy, seconded by Councillor Morgan, that the recommendation be adopted and furthermore that Councillors Morgan and McCollum be nominated to attend.

7. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that in respect of Appeal Decisions, there were no decisions since date of last report.

New Appeals

1. The following appeal was lodged on 23 June 2026:

PAC Ref	2026/A0033
Council Ref	LA06/2024/0882/O
Appellant	Angus Alan
Subject of Appeal	Dwelling on a farm
Location	Land approx.. 65m south-east of 1 Dunover Road, Ballywalter

2. The following appeal was lodged on 17 June 2026:

PAC Ref	2026/E0027
Council Ref	LA06/2025/0141/CA
Appellant	Matthew McAree
Subject of Appeal	Alleged unauthorised cabin for residential and storage use
Location	Land at land approx. 40m SE of No.4 Cunningburn Road, Newtownards

Details of appeal decisions, new appeals and scheduled hearings could be viewed at www.pacni.gov.uk.

RECOMMENDED that Council notes this report.

AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Alderman Smith, that the recommendation be adopted.

8. FOLLOW UP FROM DFI MINISTER POST MEETING RE NIW

(Appendix VII)

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that at the Planning Committee meeting of 3 March 2026, the Head of Planning brought Item 5 on NIW Closed Catchments. Further to discussion it was determined to request for a cross-party delegation to meet with the DFI Minister. The Chief Executive and Head of Planning accompanied Aldermen McDowell and McIlveen and Councillors Brady and Smart to that meeting which was held on 15 June at Parliament Buildings.

There was detailed discussion held, and it was proposed to follow up with further correspondence seeking clarification on some matters – see Chief Executive’s letter dated 18 June attached.

The Minister’s response to those points of clarification was attached for Members’ attention.

Further to this letter being received, the Head of Planning had opportunity to attend an event held in Parliament Buildings on 1 July 2026, held by the Wastewater Infrastructure Group and entitled: ‘The Cost of Doing Nothing’, at which a report entitled ‘Wastewater Constraints and the cost of delay in Northern Ireland – an economy with the brakes on’ was launched. A copy of the report was attached for Members’ information, and highlighted that there could be a resultant economic opportunity gap of £10.bn in NI by 2040 if the current wastewater infrastructure deficit continued to constrain capital expenditure.

RECOMMENDED that Council notes this report and the attached letters and report.

Councillor Smart proposed an amendment, seconded by Alderman McIlveen, that the Council writes back to the Minister to object to the lack of inclusion in infrastructural investment in the 2028-33 price control period. To ask the Minister to review what opportunity exists to consider planning permissions that have been granted, but not built, and the variance between Councils in how these are considered. And furthermore to seek confirmation that the Minister will give priority to infrastructure investment to protect the future viability of our town and urban centres.

The proposer Councillor Smart commented that everyone would be aware of the meeting which had taken place which Members had welcomed, however the response received from the Minister was in his opinion deplorable. The lack of wastewater investment was impacting both the construction of new homes and bringing derelict properties back into use and could see over 6,000 new homes not built. He also noted within the Minister’s response that the South Street Wastewater Pumping station was unlikely to be upgraded and that he believed was unacceptable. Councillor Smart added that the Minister had not responded to any of the points which had been raised with her and as such he was seeking Members’ support for his amendment.

Commenting as seconder, Alderman McIlveen stated that he was happy to support the amendment, adding that he too was very disappointed with the Minister’s response. Indeed he believed at the meeting the Minister was more interested in blame and developer levies which she appeared to believe were the best way forward. In respect of the South Street Wastewater Pumping station, he was aware that there were spillages which were constantly happening with 50million litres of wastewater going into the Ards Canal on its way to Strangford Lough. Something which the Minister seemed to be content with. NIW could do some works to lessen those spillages by requesting permission from NIEA however in his opinion the Minister was in denial that it was her responsibility to get such issues resolved. Alderman McIlveen expressed his

disappointment with the response received from the Minister agreeing that she had not taken on board all of the points which had been put to her. The issues now being faced had been on the horizon for decades, compounded further by the Environment Minister who wished to withdraw SORPI which would see 80% of planning applications cease and that was not acceptable. As such Alderman McIlveen believed that a joined-up approach needed to be adopted by the Executive in tandem with the Infrastructure Minister.

Also expressing her disappointment, Alderman McAlpine noted that the contents of the Turley Report were frightening. As such she asked if a joined-up approach to tackle the matter could be undertaken by all 11 Councils in Northern Ireland given that it was stifling all forms of development currently.

At this stage the Chairman commented that she too had attended the meeting with the Minister and confirmed that all 11 Councils had been represented.

Also commenting the Director advised that SOLACE had discussed the matter and written a letter to the Minister on behalf of the Chief Executives. However it was further noted that the response received had been similar to that received by the Council.

Concurring with the comments already made, Councillor Cathcart expressed his disappointment with the comments around the South Street Wastewater Pumping station as one of the Council's key goals was to regenerate town centres. He stated that he had found it all to be in complete contrast with the Minister's photo shoot which had taken place the previous year in Newry to announce a £26M investment in wastewater infrastructure, which was her constituency. This notably was not taking place elsewhere. He asked what the Council could do given that the Minister's department had one of the largest Executive budgets.

In response the Head of Planning advised that SuDS had long been an issue as the outcome of consultation was still being awaited. It was noted that Working Groups had been established which Building Control offices along with Planning Officers were members of. She also noted that NIW was keen for developers to buy into Wastewater Impact Assessments prior to submitting planning applications. A process which could take up to 24 months. Continuing she also acknowledged the ongoing issues with negatively conditioning when solutions were unknown in respect of engineering matters and the potential impact on drainage systems. As such the Head of Planning believed the Council could not currently do anything. Members were advised that NIEA had introduced Performance Improvement Plans and managed to clear a considerable backlog and were now responding much quicker. Given the success of this, officers would be keen to see other statutory agencies undertake similar Performance Improvement Plans. Having said that she acknowledged that NIW officers were doing their best to find solutions while their hands were also tied. She indicated that she was unsure of the way forward and it would ultimately get to the stage where you could not flush your toilet or officers be able to approve any planning applications.

Alderman McDowell indicated that he too had been at the meeting held with the Minister and had found it thoroughly depressing. He believed there would be serious consequences in the future and as such he fully supported the proposal. Continuing he suggested that perhaps the Council needed to consider how it could help itself given that any potential solutions could take years to put into place. This was in his opinion one of the most serious crises being faced by the Council and the biggest issue undoubtedly was funding. He added that people would notice a difference shortly if the matter was not resolved.

Alderman Smith indicated that he wished to add his voice to the depressive discussion and referring to the Turley report and its forecast that by 2040 the economic impact of doing no more would be £10.9bn. Looking at the figures in the report he noted that while Ards and North Down was not the worst affected, by 2040 it would be affecting the economy in the Borough to the tune of hundreds of millions of pounds. While he had not been in attendance at the most recent meeting he had been in attendance at a previous meeting held at Kinnegar. The letter received and its tone was disappointing overall and it seemed to be the case that her solution was to go back to the Executive for further funding. The same Executive he noted which had failed to set a budget. He stated that what she was proposing would not meet what was required hence his support for the amended proposal.

Councillor McCollum commented that she had also attended the meeting held at Kinnegar and nothing had changed since then. Blame was apportioned to the British Government for not providing appropriate funding and everyone agreed that sticking-plaster solutions would not remedy decades of under investment in this infrastructure. She added that it was particularly frustrating as the Council's hands were effectively tied but acknowledged that the cross party approach which had been adopted was the best way forward.

In summing up Councillor Smart agreed that it was helpful the Council was speaking with one voice to take the matter forwards. One positive was that for those who did not enjoy Planning Committee there may no longer be a need for it if people were unable to build houses as a result of this. He added that any action which could be taken needed to be taken to try to move the matter forward.

AGREED TO RECOMMEND, on the proposal of Councillor Smart, seconded by Alderman McIlveen, that the Council writes back to the Minister to object to the lack of inclusion in infrastructural investment in the 2028-33 price control period. To ask the Minister to review what opportunity exists to consider planning permissions that have been granted, but not built, and the variance between Councils in how these are considered. And furthermore to seek confirmation that the Minister will give priority to infrastructure investment to protect the future viability of our town and urban centres.

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman McIlveen, seconded by Councillor Smart, that the public/press be excluded during the discussion of the undernoted item of confidential business.

9. ADVANCE NOTICE OF LISTING (Appendix VIII)

****IN CONFIDENCE****

Exemption Reason:

6a. Exemption: statutory provision

SUMMARY

This report was presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a – Information which reveals that the Council proposes to give under any statutory provision a notice by virtue of which requirements are imposed on a person.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Alderman McIlveen, seconded by Councillor Wray, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 9.00pm.

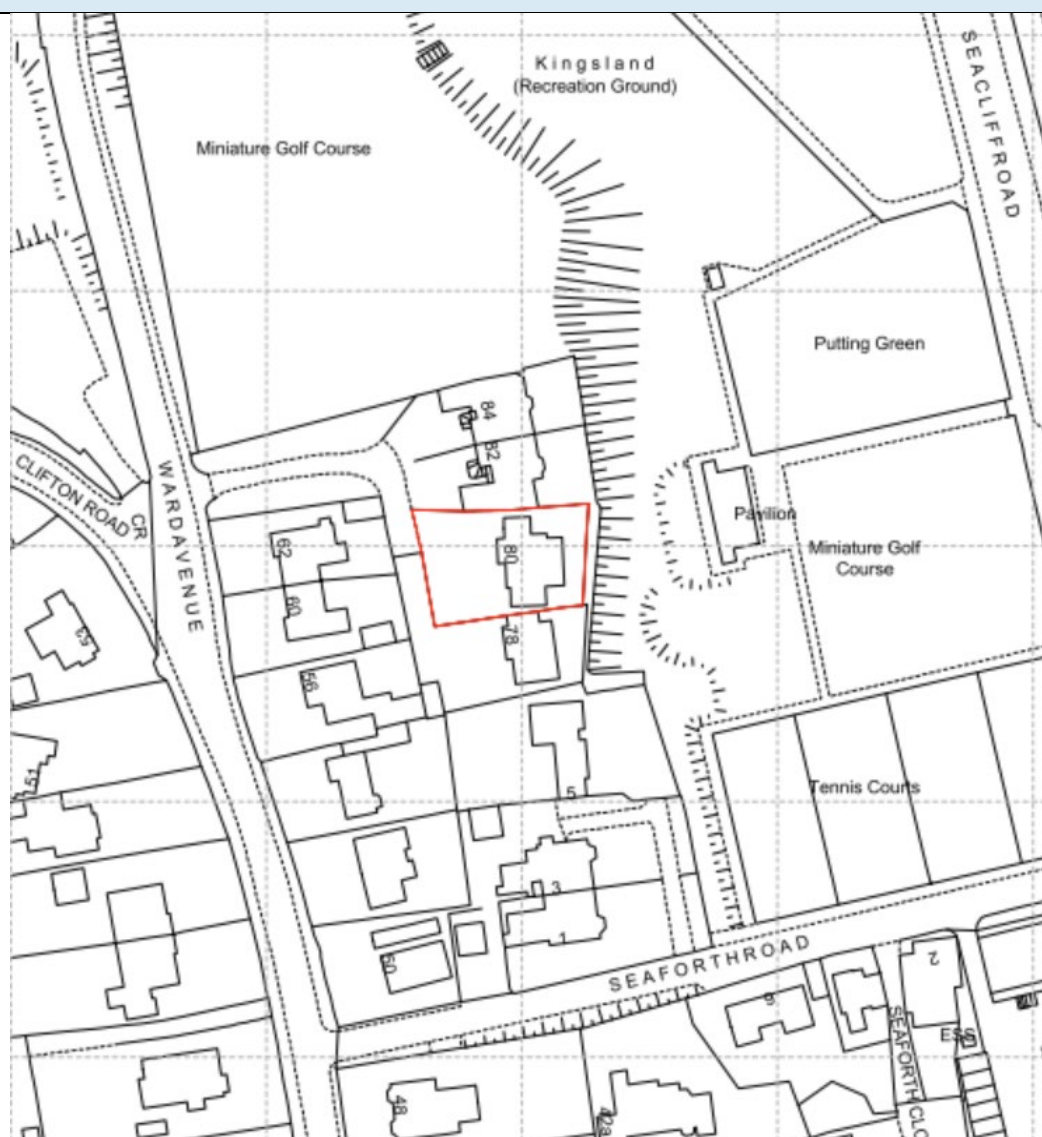
Development Management Case Officer Report  Ards and North Down Borough Council		
Reference:	LA06/2026/0077/F	DEA: Bangor Central
Proposal:	Demolition of existing dwelling and erection of a replacement dwelling with garage	
Location:	80 Ward Avenue, Bangor, BT20 5HX	
Applicant:	Richard Gillan	
Date valid:	06/02/26	EIA Screening Required: No
Date last advertised:	19/02/26	Date last neighbour notified: 03/07/26
Letters of Support: 0	Letters of Objection: 11 (from 8 separate addresses)	Petitions: 0
Consultations – synopsis of responses:		
NI Water Single Units East		No objections
DfI Roads		No objections
NIEA		No objections
Conservation Officer		No objections
Summary of main issues considered: • Principle of Development • Impact on the Character and Appearance of the Area. • Residential Amenity • Water & Sewerage • Access, Parking and Amenity • Natural Heritage & Biodiversity		
Recommendation: Grant Planning Permission		
Report Agreed by Authorised Officer		
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access		

1. Site and Surrounding Area

The application site is located at no.80 Ward Avenue, Bangor. The site is located within a residential area, on an elevated site overlooking Ballyholme Bay. The dwelling on site is a two-storey detached dwelling finished in red brick, rough render and pebble dash and dark flat roof slates. The dwelling has a hipped roof and there is a parking area to the front and small garden to the rear.

There is a dwelling to the south, which is recently renovated and modernised; to the north are three domestic units nos.82, 82a and 84. No.82 has had a dormer window approved and constructed. The site is located within the settlement limit of Bangor and also within the proposed Bangor East Area of Townscape Character as per the Draft BMAP 2015.

2. Site Location Plan



3. Relevant Planning History

Reference: LA06/2020/0157/F

Proposal: Replacement of existing duo pitch roof with partially glazed roof terrace and observatory with 1.8m obscured glass balustrade

Address: 78 Ward Avenue Bangor BT20 5HX

Decision: Planning Permission Granted

Reference: LA06/2021/1451/F

Proposal: Attic conversion to incorporate new dormer window

Address: 82 Ward Avenue Bangor BT20 5HX

Decision: Planning Permission Granted at Appeal (2022/A0123)

The planning history shows that planning permission has been granted on the site to the south for renovation of a modern design. To the north, an attic conversion including a large dormer window was granted permission and this has been constructed on site.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- North Down and Ards Area Plan 1984 -1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- Strategic Planning Policy Statement for Northern Ireland Edition 2 (SPPS2)
- Planning Policy Statement 2: Natural Heritage (PPS2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS3)
- Planning Policy Statement 7: Quality Residential Environments (PPS7)
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements (PPS12)
- Planning Policy Statement 15: Planning and Flood Risk (PPS15)

Planning Guidance:

- Creating Places
- Development Control Advice Note 8 Housing in Existing Urban Areas (DCAN8)
- DCAN 15 Vehicular Access Standards

Principle of Development

Compliance with the Development Plan

The Planning Act (Northern Ireland) 2011 ('the Act') is the primary legislation, and Section 45 (1) of the Act requires that in dealing with a planning application regard is to be had to the Development Plan, so far as material to the application and to any other material considerations.

Section 6 (4) of the Act states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Until the new Development Plan Strategy is adopted, the North Down and Ards Area Plan 1984-1995 is the statutory Development Plan for the legacy North Down area, with draft Belfast Metropolitan Area Plan remaining a material consideration. The site is shown as within the Settlement Limit. Within Settlement Limits in principle residential development is looked on favourably, subject to complying with relevant planning policy. Further, there is an existing house on the site so again the use is acceptable in principle – it is consideration of the detailed aspects of the proposal that is subject of this report.

Strategic Planning Policy Statement 2 (SPPS 2)

Regional planning policies of relevance are set out in the Strategic Planning Policy Statement and other retained policies, specifically PPS7. The guiding principle of the SPPS2 in determining planning applications is that sustainable development should be permitted having regard to the Development Plan and all other material considerations, unless the proposed development will cause harm to interests of acknowledged importance.

The SPPS2 also promotes good design and, in preference to development in open countryside, seeks to make more efficient use of land within settlements without town cramming and unsympathetic development.

The SPPS 2 states that during the transitional period existing policy within the Planning Policy Statements that have not been cancelled will apply. Within this context PPS 2, PPS 3, PPS 7, PPS 7A and PPS 12 are retained and are of relevance to this assessment.

As the proposal is for a replacement dwelling within an existing settlement, the principle of development is acceptable subject to the acceptability of the demolition of the existing dwelling within the proposed Area of Townscape Character (ATC) which will be considered in detail below.

Impact on the character and appearance of the area and the proposed ATC

Prior to assessing the impact of the proposed replacement dwelling on the character and appearance of the Established Residential Area (ERA), it is necessary to first of all consider whether or not the proposed demolition of the existing dwelling is acceptable within the context of the proposed ATC. Paragraph 6.22 of the SPPS2 states that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

Policy ATC 1 of the Addendum to PPS 6 (APPS 6) Areas of Townscape Character also states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character and the demolition of an unlisted building in an Area of Townscape Character will only be

permitted where the building makes no material contribution to the distinctive character of the area.

The policies within the Addendum to PPS 6 and the related provisions of the SPPS 2 refer to ATCs. No reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. In a number of recent planning appeal decisions, the Planning Appeals Commission has confirmed that Policies ATC 1 and ATC 2 of the Addendum to PPS 6 and the aforementioned provisions of the SPPS 2, are not applicable to the consideration of developments within proposed ATCs. However, notwithstanding this, the impact of the proposal on the overall appearance of the proposed ATC remains a material consideration and can be assessed.

With regard to the proposed demolition of the existing dwelling, the Planning Service consulted with the Council's Conservation Area Officer. The dwelling to be replaced is an Interwar two storey red brick detached dwelling. A number of unsympathetic extensions have been added to it over the years, including a two storey side extension and a single storey glazed sunroom. The row of dwellings is of mixed design – nos. 82 and 84 are the oldest of the group and date from the Victorian period; others are more contemporary, particularly no. 78, which is a very modern replacement dwelling.

The key buildings within draft Bangor East ATC are Victorian and Edwardian. The neighbouring pair of semi-detached dwellings at 82-84 Ward Avenue dates from this period and was the first building constructed in this row. No. 80 appears on the fourth Edition OSNI Map, meaning it was constructed during the interwar period 1919-1926. Whilst the dwelling does have some architectural detailing such as corbelled eaves, a pitched and hipped slate roof and robust chimneys on the ridgeline, it is not one of the best examples of buildings from this era in the area and would not be considered a key building in the proposed ATC. Furthermore, the dwelling has been extended to the front, side and rear in an unsympathetic way, further lessening the contribution that it makes to the proposed ATC. Taking all of these factors into account, the Conservation Area Officer concluded that the existing building does not make a material contribution to the proposed ATC and therefore demolition can be permitted subject to the replacement with an appropriately designed replacement dwelling.

Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. The first step of this assessment is to consider any impact the proposed development will have on the established residential area the site is located within. All proposals for residential development will be expected to conform to all of the following criteria:



Fig 1- Aerial view of site and surrounding area

(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;

As outlined above, the principle of the development of a replacement dwelling is acceptable. The proposed Bangor East ATC covers a large area. Within this area there is a wide variety of built form. Draft BMAP does not divide the proposed ATC into separate character areas, therefore it is the impact on the proposed ATC as a whole which must be considered.



Fig 2 – View of site from Seacliff Road

The most public view of the site is from the Seacliff Road (see Fig 2 above) with the existing dwelling situated within a well-established row of dwellings of varying design, height, scale and materials. To the right of No. 80 in the image above is Nos. 82-84 with the large dormer roof extension visible which was approved by the PAC (see figure 3 below). To the left of No. 80 is the very contemporary design of the replacement dwelling at No. 78 (see figure 4 below). Further along Seacliff Road and also intervisible with the dwelling on the application site, are the modern apartments at the corner of Seaforth Road (see figure 5 below). It is within this context of very mixed architectural styles and variation of building heights and massing that the current proposal must be considered.



Fig 3 – Large dormer extension to No. 82



Fig 4 – Contemporary design of renovated dwelling at No. 78



Fig 5 – Existing apartments at corner of Seaforth Road

Looking first of all at the height and overall scale and massing of the proposed replacement dwelling, the height of 10.6m at the front elevation and 11.9m at the rear elevation of the proposed dwelling is similar to the height of the renovated dwelling at No. 78 and lower than the height of Nos. 82-84 (as demonstrated in the contextual elevation in figure 6 below). It therefore could not be argued that the overall height of the replacement dwelling is in any way prominent or out of keeping with the established built form.

The overall width of the proposed dwelling at 16.9m taken from gable wall to gable wall is no greater than the width of the existing dwelling. The length of 18.9m taken from the front projection to the rear return are the same as the existing dwelling.

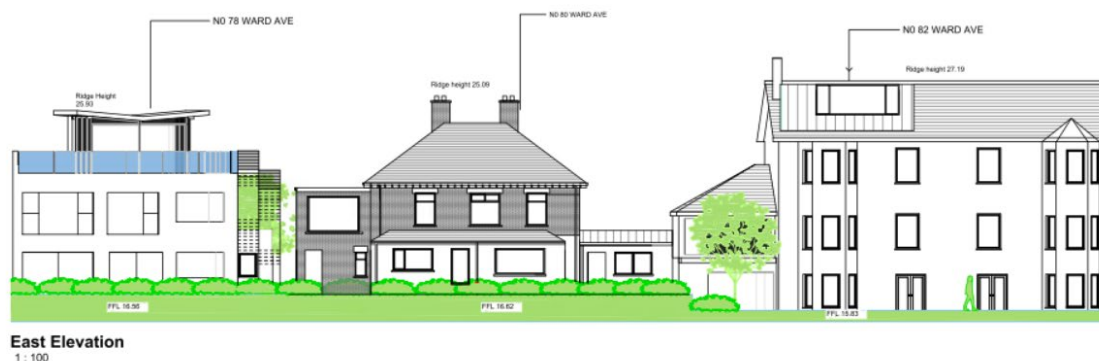


Fig 6 – Existing contextual eastern elevation



Fig 7 - Proposed contextual eastern elevation

Having regard to the agent's contextual drawings, it is my planning judgment that the proposed replacement dwelling is of a scale and massing that reflects the character of the surrounding residential development. The grouping of dwellings at Nos. 82, 82A and 84 creates a significant built presence within the locality, and the proposed dwelling, when viewed against this backdrop, would not appear excessive, dominant or out of keeping. Consequently, the proposal is considered to integrate appropriately with the established character of the area.

With regard to design, there are no prominent characteristics of the area that would warrant being replicated in this proposal. In my planning judgement, the design of the proposed dwelling is compatible with the contemporary appearance of the modernised dwelling at No. 78 and would not appear out of keeping with the established character of the locality.

The materials the dwelling will be finished in will be render with a zinc cladding roof, and these materials are found in the dwellings north and south of the site. A large amount of glazing is proposed which will dominate the eastern elevation facing the Seacliff Road however there are already other examples of buildings with similar large areas of glazing within the immediate vicinity of the site and therefore I do not consider that it could be argued that this design approach would be out of character with the established built form.



Fig 8 - Proposed eastern rear elevation of dwelling facing Seacliff Rd (artist's impression)



Fig 9 – Existing buildings in immediate vicinity with large areas of glazing

While not as visually prominent, there will also be intermittent views of the dwelling from Ward Avenue and from Clifton Road (see figures 10 and 11 below). The western elevation of the dwelling which will face Ward Avenue has been designed to incorporate a small pitched roof element in dark coloured zinc to help the flat roof design of the dwelling blend more sympathetically with the pitched roofs of the more traditional dwellings in the immediate area (see figures 12 and 13 below). As there is a mix of finishes within the area the proposed render and zinc cladding finishes are considered to be acceptable.



Fig 10 – Views of existing dwelling from Ward Avenue



Fig 11 – View of existing dwelling from Clifton Road

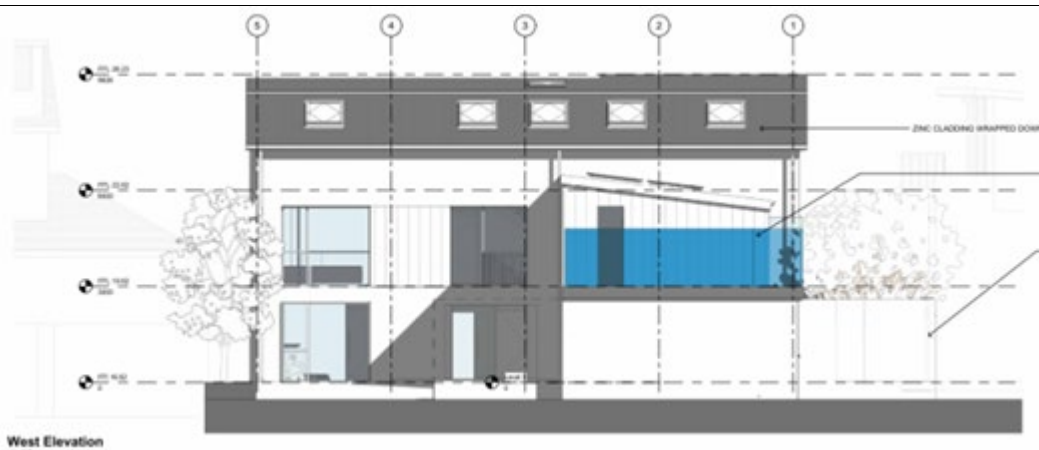


Fig 12 – Western elevation of proposed dwelling facing Ward Avenue



Fig 13 – Northern (side) elevation

The layout of the replacement dwelling includes a parking area and garden to the west accessed via Ward Avenue in a similar layout to the dwelling it will replace. The proposed dwelling will have a garage to the front (west) in a similar design to the both the dwelling to the south of the site and that to the north (see figure 14 below).

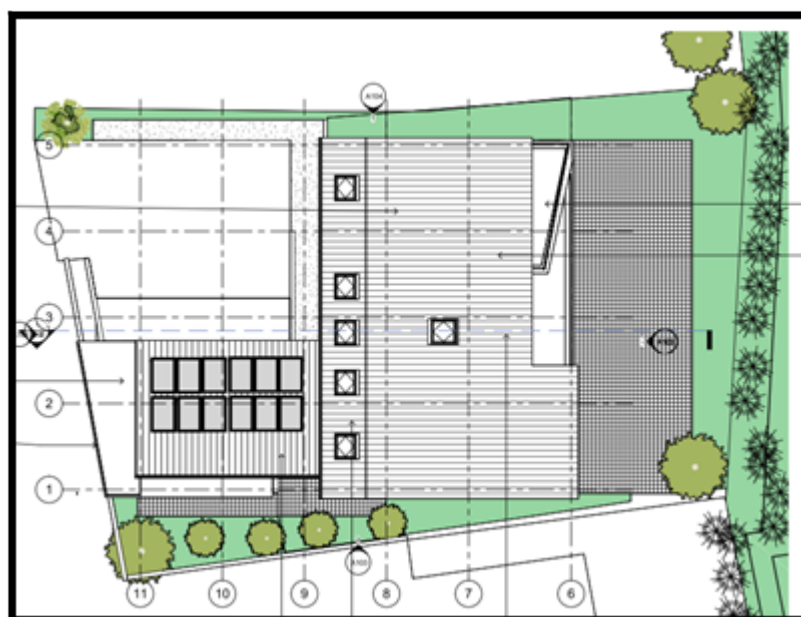


Fig 14 – Proposed Site Layout

The overall layout, density, scale, massing, materials, and details of the proposed dwelling therefore respect the character of the wider area, in accordance with policy requirements including of criteria (a – respecting context) and (g – drawing on the best local traditions of form, materials and detailing) of Policy QD1 of PPS7.

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

There are no archaeological, built heritage or landscape features to be considered. The site is located within a proposed ATC. Paragraph 4.26 of the SPPS2 states that design is an important material consideration in the assessment of all proposals. It goes on to state that particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, including ATCs. Paragraph 6.21 of the SPPS2 states that in managing development within ATCs designated through the LDP process the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form

As already outlined above, the policies within APPS6 and the related provisions of the SPPS2 refer to ATCs. No reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. In the appeal (2022/A0123) for the dormer window at no.82, north of the site, the commissioner was therefore not persuaded that Policy ATC2 of APPS6 and the aforementioned provisions of the SPPS were therefore applicable to the consideration of the appeal development. Notwithstanding this, the impact of the proposal on the overall appearance of the proposed ATC remains a material consideration and has been assessed under criterion (a) above. The proposal is for a replacement dwelling and as outlined above, the design of the dwelling and its scale and massing are considered to be acceptable and it is my planning judgment that there will be no adverse significant impact on the proposed ATC as a whole.

There is vegetation within the front of the site none of which is protected by the Area Plan designations or by a Tree Preservation Order (TPO). I do not consider that the removal of any vegetation will be detrimental to the character of the area.

(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;

There are no TPOs on the site. The site layout drawing shows proposed hard and soft landscaping, which includes areas of hedging and grass in accordance with criterion (c) of QD1.

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

N/A

(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 proposal is for a single dwelling, set within an approved residential area, the details regarding movement pattern etc. will not be changed from that previously in place.

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

There is provision within the site for the parking of two vehicles within the curtilage and a further two within the proposed garage and DFI Roads was consulted and has no objection.

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

The proposed dwelling is of high quality in design and draws upon the features of the dwelling to the south as discussed.

(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;

The proposed dwelling is three storey, with a balcony to the rear and will have first floor and second floor windows to the rear and side elevations. As the proposal is for a replacement dwelling it is important to note the windows of the existing dwelling.

Overlooking Assessment

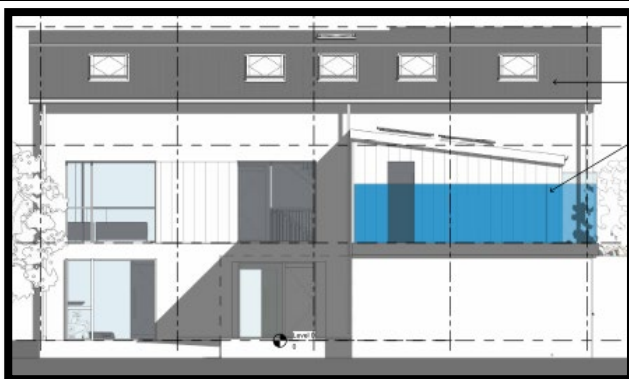


The rear elevation has no windows which will overlook adjacent dwellings as there are no dwellings to the east of the site.

Any view from the balcony at 2nd floor will be over the rear garden of the dwelling to the north which is already overlooked by the existing dwelling.



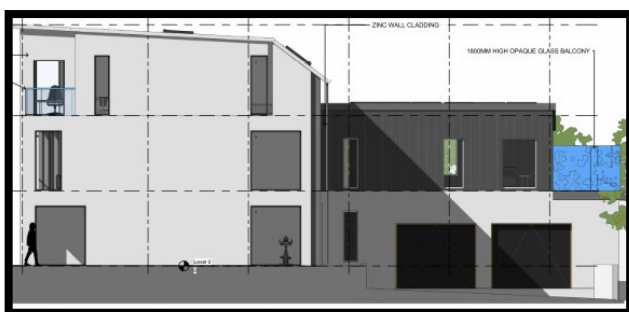
The proposed south elevation has windows at ground, first and second floors. The existing elevation has first floor windows which have a view over the garden and windows at first floor level. The dwelling to the south of the site has a roof top balcony which overlooks the site.



The existing north facing elevation has windows at first floor level which overlook the rear garden of no. 82 and into adjacent windows.

The proposed elevation will have windows at ground, first and second floor with balcony view from second floor.

The existing rear elevation has first floor windows and a balcony. The proposed rear elevation has two first floor windows and raised terrace area above the proposed garage. The raised terraced area is to have obscured balustrade to prevent overlooking.



I undertook a comprehensive site inspection in respect of this application, including an assessment from within the application site, both externally within the curtilage and internally from the existing windows of the dwelling proposed for replacement. In addition, I assessed the proposal from the neighbouring properties at Nos. 82 and 62, whose occupants had raised objections to the development and facilitated site visits from their respective properties.



View of existing north elevation.



View from window of no.82.



View from window of existing dwelling.



View from window of existing dwelling.



View from existing first floor windows rear.



View from no.62 garden.



View from first floor of no.62.



View from ground floor no.62.



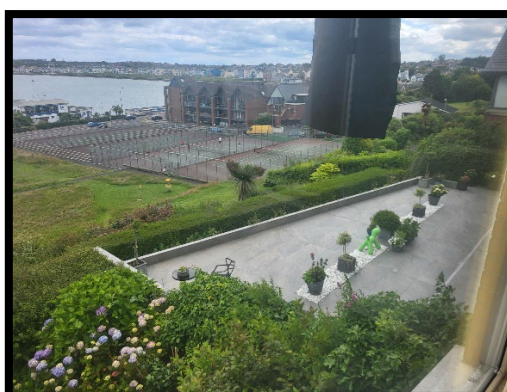
Existing south elevation of dwelling.



View from windows of existing dwelling.



View from windows of existing dwelling.



View from windows of existing dwelling.

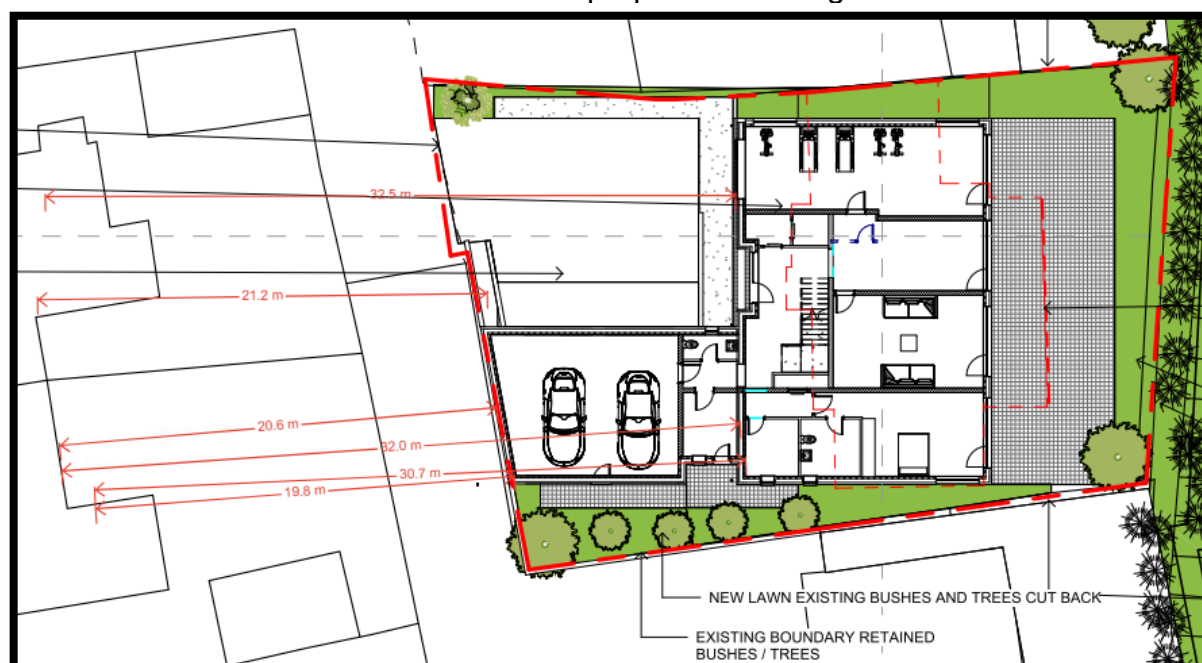


Existing windows and balcony on rear elevation.

The front elevation will have first floor windows and there is to be a terraced area above the proposed garage. The proposed rear first floor windows will overlook Ballyholme Bay, there are no dwellings beyond the boundary and so there will be no overlooking.

Supplementary planning guidance in the form of Creating Places states in para 7.15 of page 64 – “On green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable.” With this in mind I have considered the proposed relationship of the dwellings to the west of the site and the first-floor window and raised terrace relationship. No.62 will be 21m from the raised terrace which will not be directly “back-to-back” and over 30m back-to-back with first floor windows of the

proposed dwelling. No.60 will be approximately 20m back-to-back with the raised terrace over 30m to the first-floor windows of the proposed dwelling.



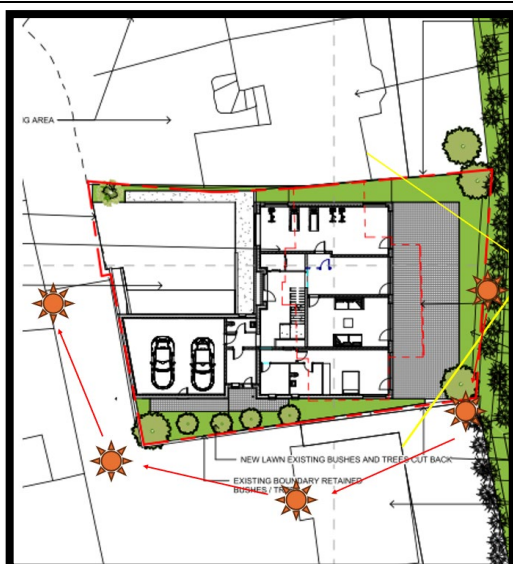
Proposed site layout and measurements of separation distance to dwellings west.

It is noted that there is vegetation which can be seen in the photo from first floor of no.62 which screens views. This vegetation while dense in the photo is sparse in winter and based on the layout it will be removed in order to construct the garage. It would be my planning judgment that given the separation distances proposed there will be no detrimental overlooking. The raised terrace area will have an obscured balustrade which will reduce overlooking, but it is also noted that this area is to be approximately 20m from the rear elevation of the dwellings to the west.

In reaching my conclusion, I have carefully considered the relationship between the existing and proposed dwellings, including their respective positions within the site, the existing pattern of intervisibility, and the likely views that would arise from the proposed development. Having regard to all of these factors, it is my professional planning judgement that the proposal would not result in a level of overlooking or loss of privacy that would be considered unacceptable or unreasonable. Accordingly, the development is not considered to give rise to any significant adverse impact on residential amenity in this regard. I am therefore satisfied that **no greater degree of overlooking will be created.**

Overshadowing Assessment

The dwelling proposed on site will face west as the dwelling it will replace did. There are dwellings to the north, south and west of the site. The path of the sun rises in the east, travels through south and rests in the west.



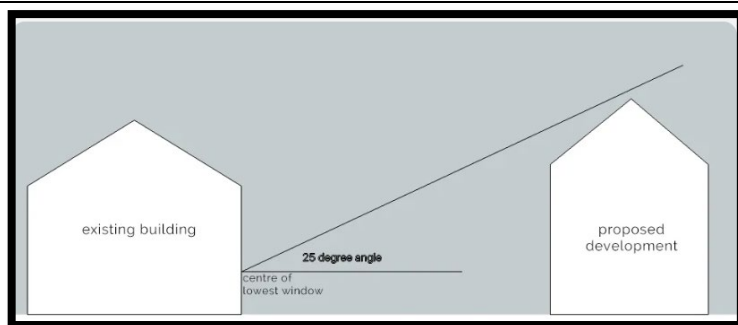
The dwelling to the north has the potential to be overshadowed by the proposed dwelling given its relationship to the site. The drawing shows the approximate path of the sun and the 45-degree light test from the centre of the openings on the dwelling to the north and south, the light test passes.

It is also noted that the proposed dwelling is set back into the site more than the existing dwelling and the rooms adjacent to the site on both properties have more than one source of light to the rooms.

PPS7 Quality Residential Environments states that the design and layout should not create conflict with adjacent land uses . In this application it would be my planning judgement that there will only be two dwellings which would have any potential overshadowing, nos.82 and 78. I have assessed these and determined that there will be no unreasonable overshadowing given all material planning considerations. A light test within APPS7 Residential extensions and alterations provides guidance on potential overshadowing. A 45 degree line is taken from adjacent windows for development over single storey and if that line is broken the light test fails. I have taken a 45 degree line from adjacent windows on the properties north and south of the site and the light test passes (diagram above).

The dwellings to the west (nos.60 & 62) of the site have submitted objections to the proposed development in regard to overshadowing and loss of light. I have discussed the separation distances of the dwellings to the west from the proposed dwelling at around 33m for no.62 and 30m for no.60. based on the separation distances and the justification within the relevant planning policy it would be my planning judgment that the dwellings to the west will not be overshadowed or lose any sun light. While not in NI planning policy, the BRE Daylight and Sunlight Guide (BR 209) is the UK's primary good-practice document for assessing daylight, sunlight, and solar access in building design, covering metrics like Vertical Sky Component, No-Sky Line, and sunlight to windows and amenity spaces. It is published by the Building Research Establishment and most recently updated in the 2022 edition.

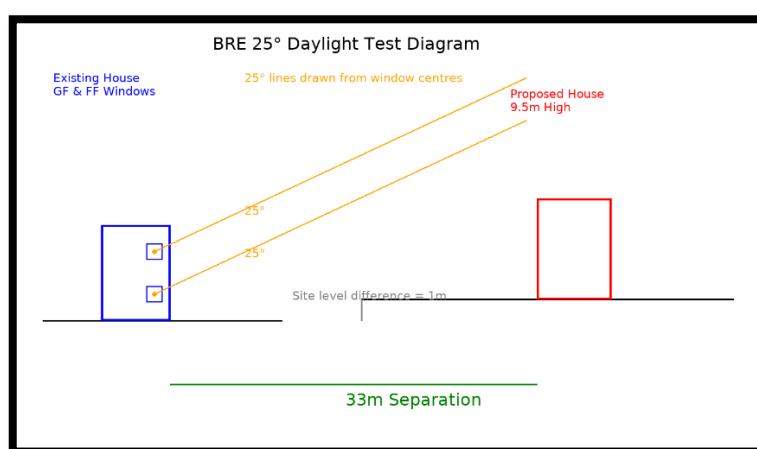
This test is to establish the effect a proposed building will have on existing properties with regards to obstructing daylight to existing windows/rooms. This test is carried out when the proposed building is opposite the existing building.



A reference line is taken at 2m on the existing building. This is the assumed position of the top of windows in the existing building. A 25 degree line is then drawn towards the proposed building.

If the whole proposed development falls underneath the line drawn at 25 degrees, there is unlikely to be a detrimental effect to daylight on the adjacent property.

I have assessed the relationship of the proposed dwelling to those dwellings to the west with the vertical sky light building regulation in mind and the proposal passes the test.



Approximate relationship of dwellings to west and proposed dwelling.

No unreasonable loss of light or overshadowing will be created by the proposed development.

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

The dwelling is orientated so that both ground and first floor windows overlook the access ensuring surveillance. The rear garden area will be fully enclosed.

Amenity Space

The site will have an area of private amenity space of around 160sqm which is more than the dwelling it will replace, given the relocation of the dwelling within the site. It is deemed to be acceptable amount of amenity space and it is also noted that the site is located in an area in very close proximity to where there is generous public amenity space.

It is my planning judgment that the proposal meets all the criteria of this policy.

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

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

The proposal is for a replacement dwelling, as such the proposed dwelling would not increase the density found in this ERA.

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

As discussed under PPS7 the pattern of development is in keeping with the overall character of the ERA by replacing one dwelling for another over the existing footprint.

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

The proposed dwelling is in keeping with the measurements suggested under annex A for 8-Person / 4-Bedroom dwelling.

It is my planning judgment that the proposal meets all the criteria of this policy.

Planning Policy Statement 3: Access, Movement and Parking states under Policy AMP 2 that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where it meets two criteria.

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The proposed development is acknowledged as having no detrimental impact upon vehicle or pedestrian safety. Ward Avenue is not a protected route. DFI Roads was consulted and has no objection.

It is my planning judgment that the proposal meets all the criteria of this policy.

Planning Policy Statement 2: Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

Policy NH1 of PPS2 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in

combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

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

Policy NH2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. In terms of protected and priority species, the NI Biodiversity Checklist has been considered and no further investigations area required.

Policy NH5 of PPS2 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 known: • priority habitats; • priority species; • active peatland; • ancient and long-established woodland; • features of earth science conservation importance; • features of the landscape which are of major importance for wild flora and fauna; • rare or threatened native species; • wetlands (includes river corridors); or • other natural heritage features worthy of protection.

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. The proposed development is for a replacement dwelling and the criteria of PPS2 have been considered through the submission of an NI Biodiversity checklist.

It is therefore considered that the proposal is not likely to adversely impact protected or priority species or habitats and the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

It is my planning judgment that the proposal meets all the relevant criteria of this policy.

Drainage and Sewerage Infrastructure

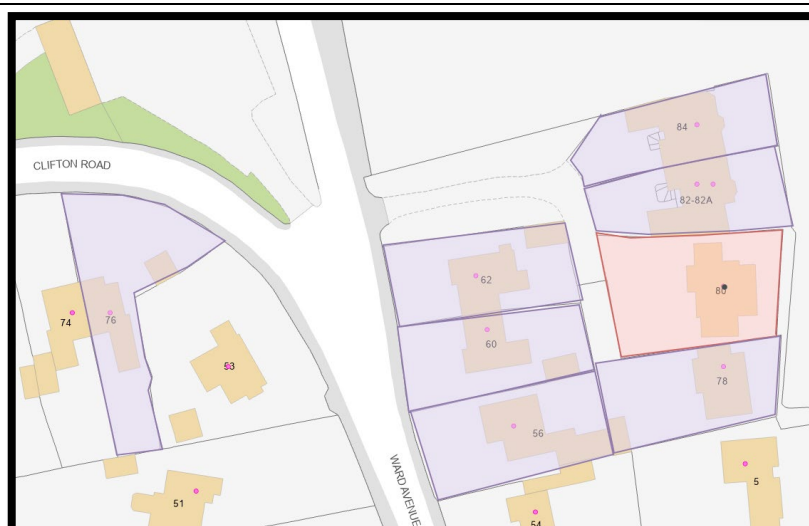
The applicant has indicated on the submitted P1 form that surface water and foul sewage will be disposed of via public mains as the dwelling to be replaced used.

Boundaries

Existing boundaries are to be retained along with electric gates to the entrance.

5. Representations

11 letters of objection have been received from eight different addresses.



Site and objectors

The objections received raise the following planning issues:

1. Scale, Height, Massing and Design

- The proposed dwelling is considered significantly larger than the existing dwelling in terms of footprint, floorspace, height and overall massing.
- Concerns that the dwelling would appear excessive, dominant, visually intrusive and overdeveloped.
- Criticism of the proposed flat roof design and overall building form as being out of keeping with surrounding development.

This has been discussed within the planning report.

2. Impact on Character of the Area and Bangor East Area of Townscape Character

- The proposal is alleged to fail to respect, maintain or enhance the character of the area and the Bangor East ATC.
- Concerns that the scale, siting, proportions, massing and design are inconsistent with the established built form and pattern of development.
- It is argued that the proposal would appear incongruous and visually prominent within the locality.

This has been discussed within the planning report.

3. Overlooking and Loss of Privacy

- Objections to the proposed balcony, roof terrace and elevated first-floor windows.
- Concerns that these features would permit direct views into neighbouring dwellings, bedrooms, conservatories, gardens and private amenity areas.
- Claims that the proposal would result in an unacceptable loss of privacy and residential amenity.

This has been discussed within the planning report.

4. Overshadowing, Loss of Light and Overbearing Impact

- Concerns that the height, scale, massing and siting of the proposed dwelling would reduce daylight and sunlight to neighbouring properties and gardens.
- Allegations of overshadowing, increased enclosure, dominance and an overbearing impact on neighbouring residential properties.

This has been discussed within the planning report.

5. Impact on Residential Amenity

- General concerns regarding adverse effects on neighbouring residential amenity arising from the cumulative impacts of overlooking, loss of privacy, loss of light, overshadowing, dominance, noise and visual intrusion.

This has been discussed within the planning report.

6. Building Line and Relationship to Surrounding Development

- Concern that the dwelling would be positioned forward of the established building line and would not respect the prevailing streetscape or pattern of development.

This was resolved by amended drawings.

7. Private Amenity Space and Landscaping

- Concerns regarding the amount, quality and usability of private amenity space within the site.
- Allegations that the proposal provides insufficient landscaped and private outdoor space relative to the size of the dwelling.
- Concerns regarding the absence of detailed landscaping proposals.

This has been discussed within the planning report. The existing site does not rely on a high degree of landscaping. Given the site's prominence from the east and set back from the road to the west, it is my planning judgment that further planting is not required to facilitate further integration.

8. Noise Impacts

- Concerns that the proposed balcony and roof terrace could give rise to increased noise and disturbance for neighbouring residents.

Balconies and raised terrace areas are an existing feature of dwellings north and south of the site. The dwelling to be replaced also has a balcony. Given that a precedence has already been established for this feature both on the site and in the immediate area, it is not considered the proposal will have a detrimental impact on the noise of the area. The Council regulates noise nuisance through its Environmental Health Service.

9. Adequacy of Information Submitted

- Concerns that the application lacks sufficient information to properly understand and assess the proposal.
- Particular reference is made to the absence of existing plans, comparative drawings, supporting analysis and sufficient information accompanying amended plans.

- Questions raised regarding the validity of the application and the ability of neighbours to meaningfully engage in the planning process.

This has been resolved through additional information submitted and amended drawings.

10. Precedent

- Concerns that approval of the proposal could establish an undesirable precedent for larger scale redevelopment within the area.

Each planning application will be considered on its own merits.

11. Alleged Conflict with Planning Policy

- Objectors contend that the proposal is contrary to the SPPS, PPS 7, PPS 6 (including the ATC Addendum), Creating Places and relevant development plan policies due to its impact on character and residential amenity.

All the relevant planning policies have been considered within the planning report.

12. Concerns Regarding the Planning Process

- Objections relating to the handling of amended plans, public consultation and the administration of the planning process.
- Allegations that the planning process has not been sufficiently transparent or fair

All planning issues raised by letter of objection have been considered within the planning report, amended drawings have been uploaded and neighbours re-notified of their submission. The planning report explains in detail the assessment of the proposal in regard to the planning policy and as the case officer I have met with neighbours who requested, discussed issues raised on site with them and made note of concerns raised. Any allegations of maladministration can be raised through the Council's Complaints Procedure.

Concerns have been raised regarding the manner in which the application has been processed. These matters relate to the administration of the planning process and do not in themselves constitute material planning considerations. The planning assessment must be based on the development plan, relevant planning policy and all material planning considerations.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The first-floor windows shaded green on drawing LA06/2026/0077/07a and LA06/2026/0077/08a shall be fitted with obscure glazing prior to occupation of the dwelling hereby approved and this obscure glazing shall be permanently retained thereafter.

Reason: To protect the privacy and amenity of neighbouring residents.

3. All hard and soft landscape works shall be carried out in accordance with Drawing No LA06/2026/0077/02a. The works shall be carried out during the first available planting season after the occupation of the replacement dwelling hereby approved.

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

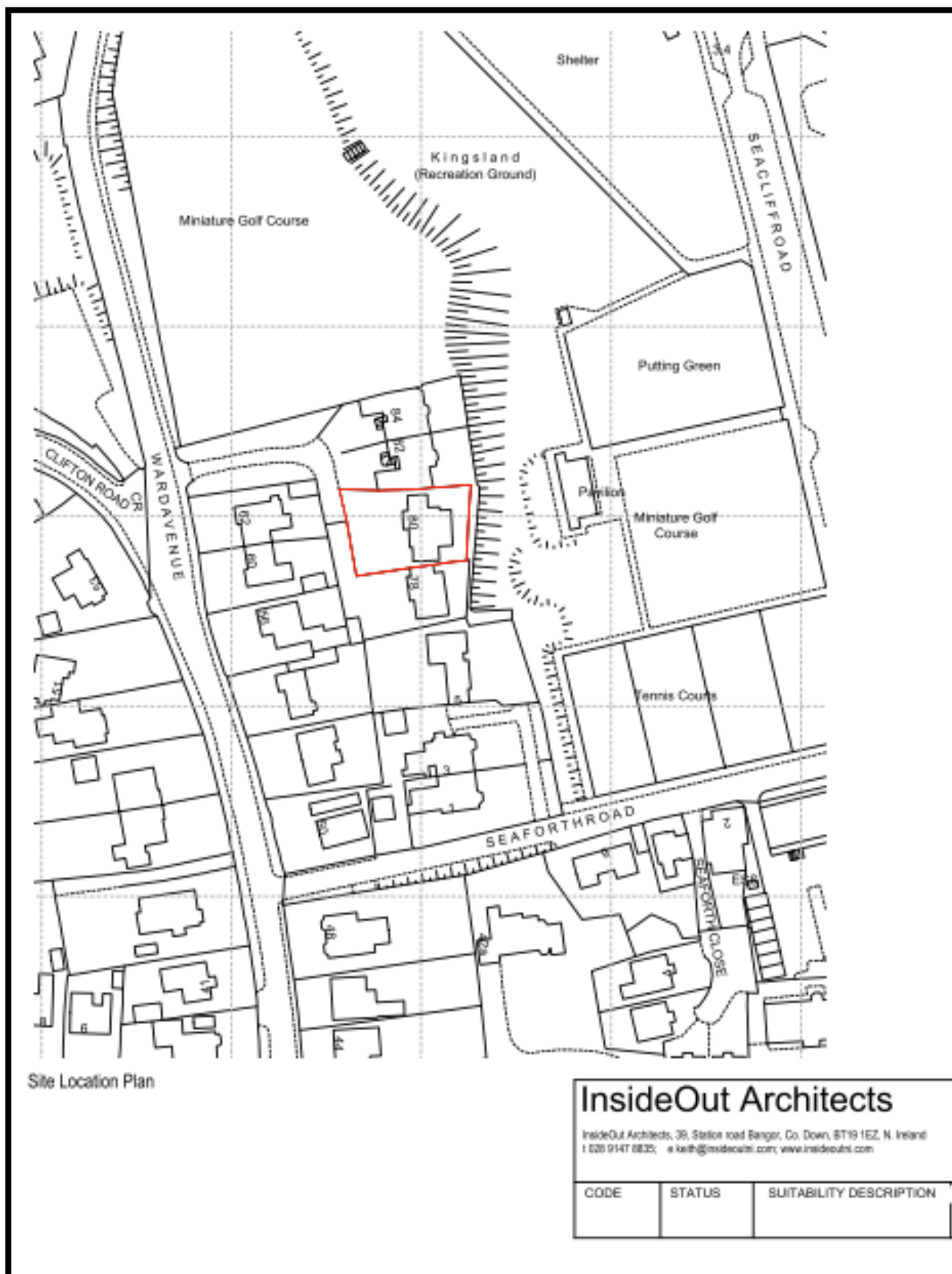
4. The obscured balustrade shaded blue on drawing LA06/2027/0077/08a shall be kept at a height of no less than 1.8m and fitted with obscure glazing as shown on the drawing hereby approved, prior to occupation of the dwelling hereby approved and this obscure glazing shall be permanently retained thereafter.

Reason: To protect the privacy and amenity of neighbouring residents.

5. Informative

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other Conditions, Informatives, Advice or Guidance provided by consultees, where relevant, on the Portal.

Site Location Plan





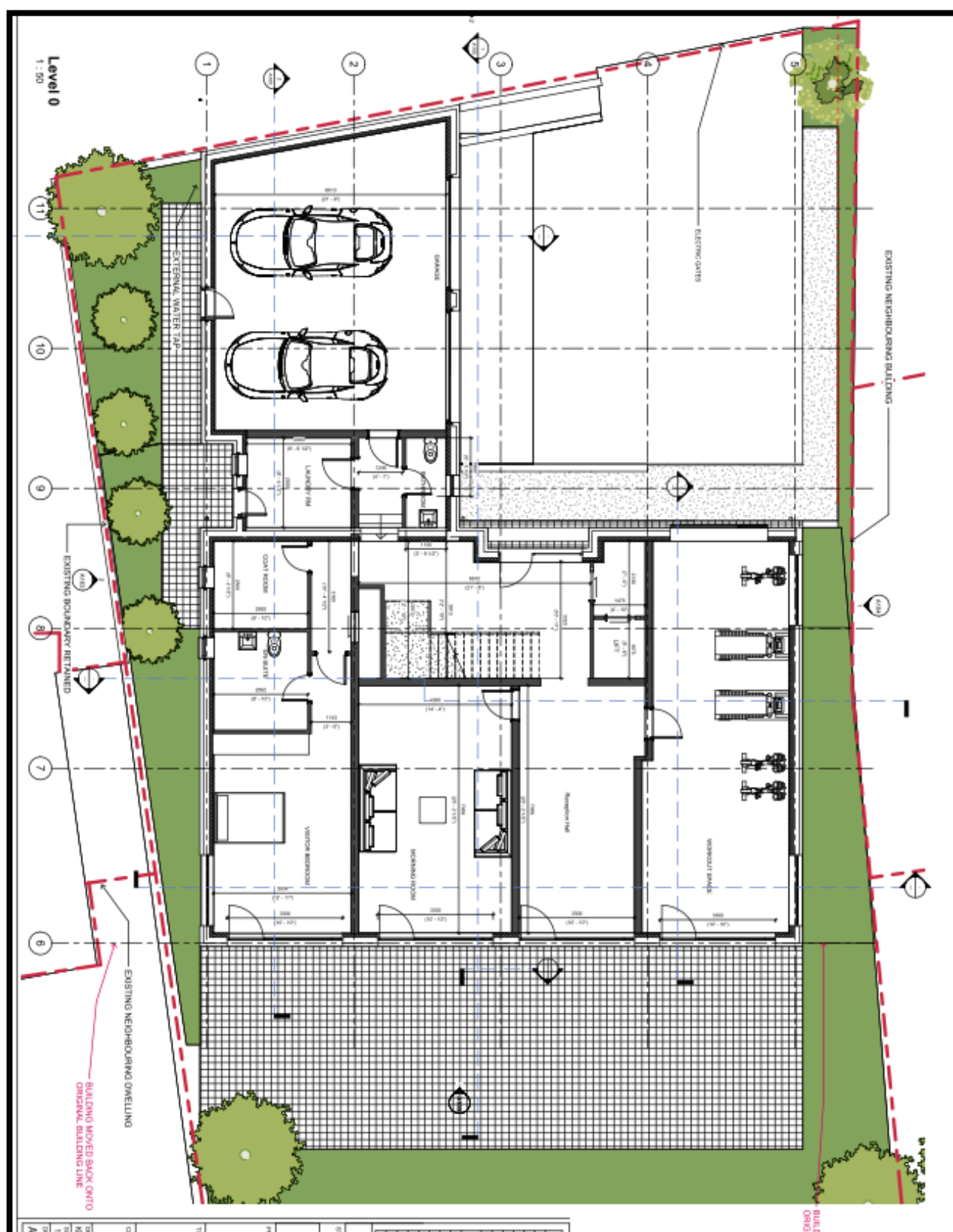
Elevations



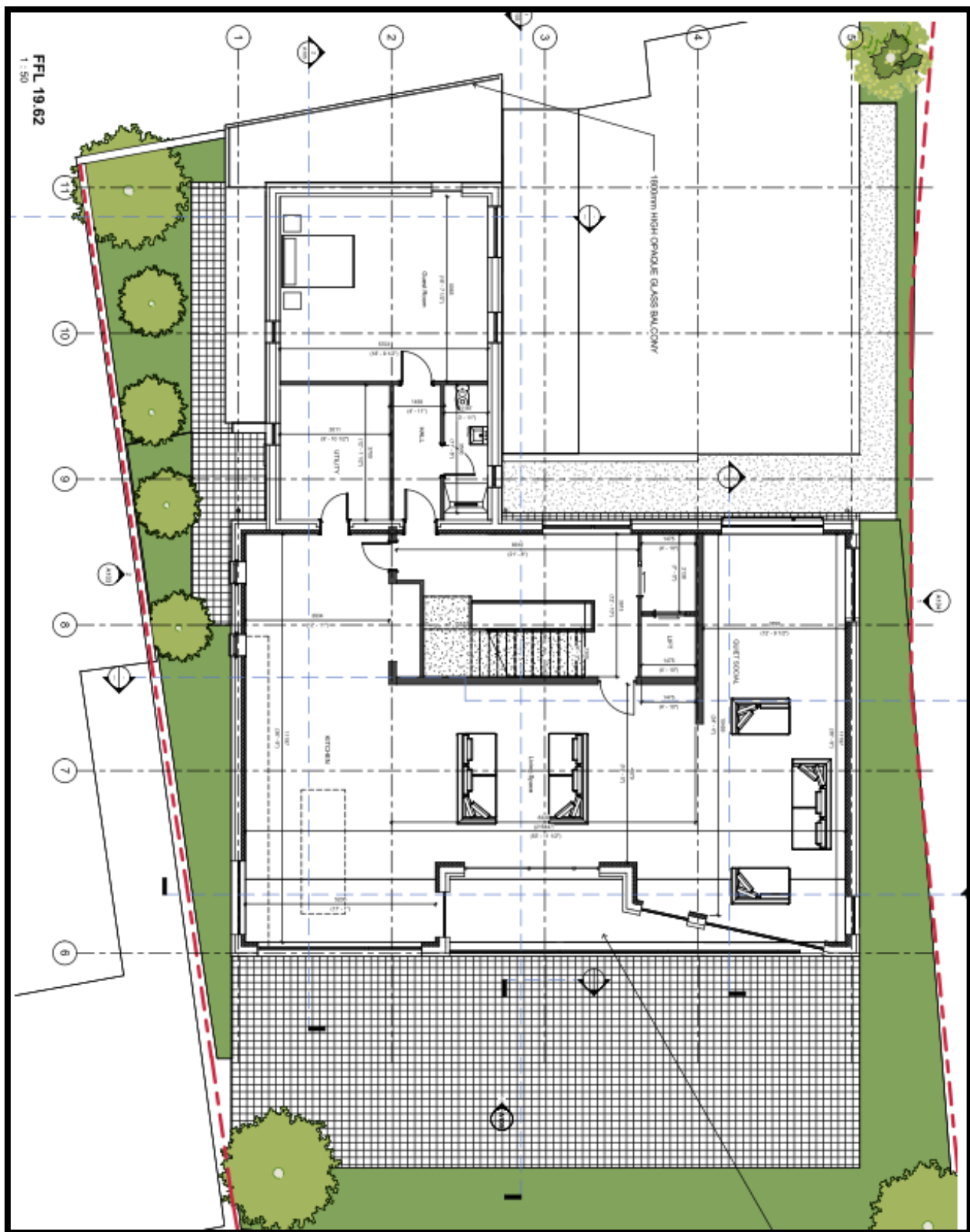
Elevations



Floor Plans



Floor Plans



Floor plans



Context





Photos



View of existing north elevation.



View from window of no.82.



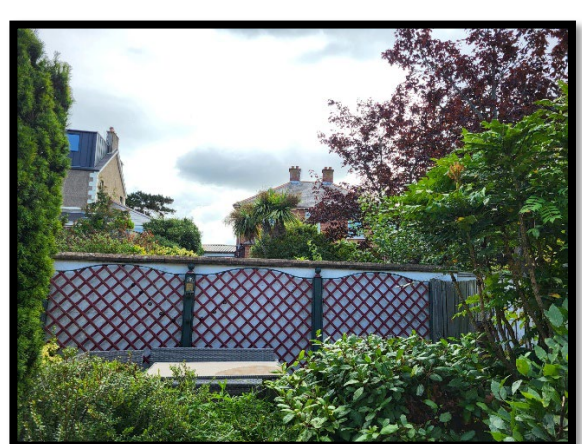
View from window of existing dwelling.



View from window of existing dwelling.



View from existing first floor windows rear.



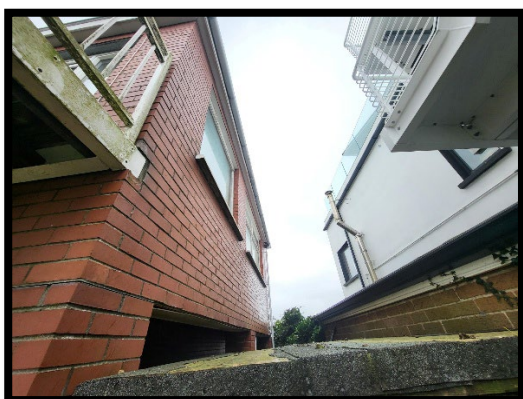
View from no.62 garden.



View from first floor of no.62.



View from ground floor no.62.



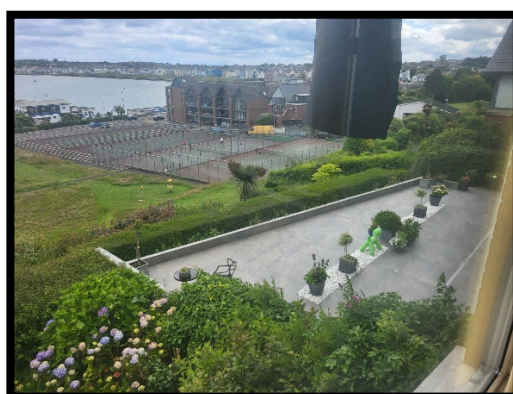
Existing south elevation of dwelling.



View from windows of existing dwelling.



View from windows of existing dwelling.



View from windows of existing dwelling.



Existing windows and balcony on rear elevation.



View from Seacliff Road.

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2024/0465/F	DEA: Ards Peninsula		
Proposal:	Retrospective Agricultural shed			
Location:	Approx. 95m North of 37 Craigboy Road (Four Acres Farm), Donaghadee			
Applicant:	Kyle McBride, Trevor McBride & Matthew McBride			
Date valid:	01/07/2024	EIA Screening Required:	No	
Date last advertised:	04/06/2026	Date last neighbour notified:	27/05/2026	
Letters of Support: 3		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
DAERA		Content (Farm business active – claims made from 2021-present)		
NIE		No Objection		
SES		No Objection subject to condition		
NIEA: NED		No Objection subject to condition		
DFI Roads		No objections		
Env Health		No objections		
NI Water		No objections		
Summary of main issues considered: • Principle of development • Visual Amenity • Impact of the proposal on the character of the countryside • Impact on Biodiversity • Access & Road Safety				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal				

1. Site and Surrounding Area

The application site is located at Approx. 95m North of 37 Craigboy Road, accessed via Craigboy Road, Donaghadee. The site currently comprises a gravelled farmyard which contains two agricultural sheds (including the retrospective shed subject to the application). It should be noted that the shed had not been constructed when the application was initially submitted, nor at the time of the first site visit in July 2024 or the second site visit in December 2024. Based on aerial imagery, the shed appears to have been erected around May 2025 without the benefit of planning permission. Its construction was subsequently confirmed during a site visit in July 2026.

The farmyard is enclosed by a combination of post-and-wire fencing and gated access points. The topography of the site is generally flat. The southern boundary is defined by established hedgerows interspersed with mature trees. The surrounding area is predominantly rural in character, consisting largely of agricultural land scattered with farmsteads and individual dwellings.





2. Site Location Plan



3. Relevant Planning History

LA06/2021/0320/LDP: 68m North of 37 Craigboy Road Donaghadee BT21 0LP: New Agricultural Shed (For Storage of Agricultural Equipment, Feeds Fertiliser): Permitted Development

LA06/2022/1108/F: 350m NE from 37 Craigboy Road: Farm shop and café: Live application

LA06/2023/1643/O: Approximately 120m NE of 37 Craigboy Road: Proposal: Dwelling & garage on farm (Amended Plan): Live application

LA06/2023/1648/CLOPUD: Approximately 140m North of 37 Craigboy Road: Farm shed for machinery/storage (no livestock): Application Withdrawn: 15 August 2024

The above applications are all associated with the same Business ID.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards & Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland – Edition 2
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
- A Planning Strategy for Rural Northern Ireland

Planning Guidance:

- Building on Tradition: A Sustainable Design Guide for the NI Countryside (BoT)

Principle of Development

ADAP currently acts as the LDP for this area. The site described above is in the countryside as designated in the Ards and Down Area Plan 2015.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria. In determining what is an active and established business, paragraph 5.56 of PPS21 refers to criteria set out in CTY 10, i.e. the farm business is currently active and has been established for at least 6 years.

The applicant has provided their farm business number and associated farm maps. Confirmation from the Department of Agriculture, Environment and Rural Affairs (DAERA) indicates that the farm business referenced on the P1C form has been in existence since 15/08/2018. DAERA further confirmed that the site is located within field 3/014/057/2/A and was claimed for Basic Payment Scheme (BPS) and Farm Sustainability Payment (FSTP) by the business named in the application for the years 2021 to 2026. Therefore the farm business is currently active and has been established for at least 6 years in accordance with policy.

To meet the policy requirement of six years of established and active farming, the agent was asked to provide evidence of agricultural activity prior to 2021. Under CTY10 of PPS21, the applicant must demonstrate that the farm business is currently active and has been established for at least six years. Paragraph 5.39 of PPS21 defines 'agricultural activity' as including the production, rearing or growing of agricultural products, harvesting, milking, breeding animals, keeping animals for farming purposes, or maintaining land in good agricultural and environmental condition. The policy does not require a high or specified level of activity; rather, given the low threshold set out, it is sufficient to show that the land is being maintained in good agricultural and environmental condition. When first submitted, the applicant did not have the 6 years of active farming therefore was asked to provide receipts and submitted the below:

- **Bell & Son Ltd** – Building supplies (field gate, gate hanger) – 09/04/19 & 10/04/19
- **M. Adams** – Digger hire and land levelling – 17/03/17 – 04/04/17
- **Jubilee Vet** – Bull rings – 02/05/19
- **Eric McBlain (Plant & Agricultural)** – Works undertaken – 10/10/19 – 14/01/20
- **NI Water** – Water connection – 19/07/17
- **Northstone Materials** – Materials supplied (details not specified) – 30/03/17

These receipts, combined with DAERA confirmation of BPS/FSTP claims from 2021 to 2026, provide evidence of agricultural activity spanning the required six-year period.

Policy CTY12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that it is **necessary** for the efficient use of the agricultural holding or forestry enterprise (my emphasis)

The applicant has stated that the retrospective shed is required for the secure, weather-protected storage of crops and feed, together with the housing of livestock. The farm business is active, with sheep movement records submitted in support of the application and sheep observed grazing on the holding during site inspections. The applicant has advised that pedigree sheep are kept on the farm and that the building has been used for lambing and the housing of sheep. Between 6-10 sheep have been viewed on the farm on subsequent site visits.

Additional information submitted during the assessment explains that the holding operates a pedigree sheep enterprise, with ewes capable of lambing at various times throughout the year. The applicant has advised that ewes require monitoring in the weeks preceding lambing, together with ongoing supervision following birth and during periods of illness or veterinary intervention. The retrospective shed provides a sheltered

and controlled environment for this purpose and has been fitted with CCTV to facilitate continuous monitoring. The applicant has advised that, since the shed became available for this purpose, no lambs or ewes have been lost, highlighting the practical benefits of the facility to the operation of the farm.



Image 1: Sheep in field (December 2024 Site Visit)



Image 2: Sheep in Pen in retrospective shed (May 2026 Site Visit)



Image 3: Evidence of Lambing submitted by applicant

Additional photographic evidence (Images 6 & 7) has been submitted purporting to demonstrate the storage of potatoes within the retrospective shed, including bulk storage using temporary dividers and the storage of boxed potatoes. However, the photographs submitted are undated and no supporting information has been provided to verify when the images were taken or whether the potatoes shown were grown on the application business holding. As such, limited weight can be attached to this evidence.

Furthermore, the photographs appear inconsistent with observations made during site inspections. In particular, the image showing potato storage includes a concrete plinth and internal arrangement which does not correspond with the appearance of the building as observed on site. The Council is therefore unable to verify that the photographs accurately depict the retrospective shed subject to this application.

In addition, no evidence has been submitted to demonstrate that potatoes form any component of the agricultural enterprise. A review of available aerial imagery over a number of years indicates that the holding has predominantly been managed as grassland, with fields appearing to be cut for silage or hay production, together with limited areas of tree planting. No obvious evidence of potato cultivation was identified. Furthermore, the supporting letter submitted by the Ulster Farmers' Union in 2024 describes the business as being limited to a silage-based enterprise and makes no reference to potato production.

The applicant also indicated during the site visit that hay is produced from the holding. However, no evidence of hay storage was observed within either the retrospective shed or the existing lawful agricultural building during site inspections, and no documentary evidence has been submitted to demonstrate a requirement for additional storage capacity associated with hay production. In the absence of such evidence, the Council is not satisfied that the retrospective shed is reasonably required for hay storage purposes.



Images 4 & 7: Potatoes and boxed potatoes shown in shed (applicant images)

During the processing of the application, it was established that the existing agricultural shed approved under planning reference LA06/2021/0320/LDP was not constructed in the precise location approved. The applicant subsequently provided time-stamped photographs and supplier receipts demonstrating that the building was erected in May 2021. Whilst it would ordinarily be expected that a Certificate of Lawful Use or Development (CLUED) be obtained to formally establish lawfulness, given that the building is located only approximately 2m from the approved position, this is not considered to constitute a material difference in siting and the evidence provided demonstrates that it is immune from enforcement action, it is accepted for the purposes of this assessment as the first agricultural building on the holding.

Inspections of the existing agricultural shed approved under planning reference LA06/2021/0320/LDP confirmed that it is currently used for the storage of agricultural machinery, trailers, quads and some farm-related equipment (see images 4 and 5 below). While the applicant has stated that the retrospective shed is required for livestock management and crop storage, observations during site visits indicated that the existing agricultural building is not being utilised to its full capacity and retains available floor space capable of accommodating crop and feed storage associated with the holding.



Image 5: Larger shed interior (Site Visit December 2024)



Image 6: Larger Shed Interior (May 2026)

The information submitted demonstrates that the retrospective shed has been used to house a limited number of sheep, principally in connection with lambing and animal welfare requirements. While the Council accepts that some form of covered accommodation may be beneficial for the management of pedigree sheep during

lambing periods and periods of illness or veterinary treatment, the scale of the retrospective building is not considered to be proportionate to this identified need. Site inspections confirmed that only a relatively small area of the building is currently utilised for the containment and management of livestock, with the majority of the floorspace remaining available for other uses.

Furthermore, given the available capacity within the existing agricultural building, it has not been satisfactorily demonstrated that crop and feed storage could not be accommodated within that structure. The applicant has therefore failed to demonstrate that there are no suitable existing buildings on the holding capable of serving the operational requirements of the farm business.

Having regard to the scale of the agricultural enterprise, the limited number of livestock present on the holding, the under-utilisation of the existing agricultural building, and the absence of compelling evidence demonstrating a need for a second building of this size, the Council is not satisfied that the retrospective shed is reasonably necessary for the efficient operation of the agricultural holding.

The policy goes on to state that in cases where a new building is proposed such as this, applicants will also need to provide sufficient information to confirm all of the following:

- **there are no suitable existing buildings on the holding or enterprise that can be used;**

The only structure currently present on the holding is the existing original agricultural shed located adjacent to the application site and approved under the CLOPUD application. As outlined above, this building is primarily used for the storage of agricultural machinery and equipment. During site inspections, the building was observed to contain a tractor, mower, post driver, trailers, quads and other items associated with the operation of the farm. No other buildings associated with the farm business were identified on the farm map or during the site visit.

The applicant has advised that the existing shed is not suitable for housing livestock due to its design and the absence of appropriate ventilation and facilities required to support animal welfare, particularly during lambing periods. Additional information submitted explains that pedigree ewes require close monitoring before and after lambing and that the retrospective shed provides a sheltered environment capable of accommodating CCTV equipment to facilitate continuous monitoring.

The original, first shed on the site is clearly underutilised being used only for the storage of some farm machinery etc. which is not considered to be essential for the operation of the farm. I also do not accept that sufficient evidence has been provided to demonstrate that either of the buildings are required for the storage of crops or hay produced on the farm. Only a very small area of the second shed which is the subject of this application is used to hold sheep on a temporary basis which I also do not consider to be essential and see no reason why this temporary housing could not be accommodated within a section of the first building with some minor adjustments to

provide additional ventilation. While the temporary holding of some sheep during lambing or veterinary visits may be helpful, this is not considered to be necessary.

- **The design and materials to be used are sympathetic to the locality and adjacent buildings**

The retrospective shed measures approximately 13.9m by 7.3m with a maximum height of 3.9m. External finishes comprise vertical timber boarding, concrete blockwork, a profiled metal sheet roof and black uPVC rainwater goods. The building reflects the appearance of a traditional agricultural structure and incorporates materials commonly found within the rural area. The scale, form and design are sympathetic with the existing agricultural shed located immediately adjacent to the site and the building reads as part of a coherent farm group.

- **The proposal is sited beside existing farm or forestry buildings**

The applicant's grandfather, who resides at 37 Craigboy Road, remains listed on the farm business. A group of agricultural buildings and a yard are located adjacent to this dwelling, as outlined in blue on Image 6 below. These buildings are understood to be in the ownership of another family member and historically formed part of a separate farming enterprise. It appears that these buildings are no longer used for active agricultural purposes and may instead be utilised for storage and other commercial or industrial activities. No planning permissions evidencing any change of use have been identified. As the buildings are not within the applicant's ownership or control, they could not reasonably be relied upon to meet the operational requirements of the applicant's agricultural enterprise.



Image 7: Buildings owned by other family member (Uncle of applicant)

The retrospective shed has been constructed adjacent to a single existing agricultural building on the holding. However, the policy requires new agricultural buildings to be sited beside **existing farm or forestry buildings**. While the Council acknowledges that the dwelling at No. 37 Craigboy Road is associated with the wider farm holding, given that its occupier remains listed on the farm business, this is a residential property and not a farm or forestry building as required by the policy. Therefore the agricultural building which is the subject of this application, is sited beside only one farm building and therefore fails to comply with this aspect of policy CTY12.

Integration and Impact on Rural Character

As previously stated, the shed measures approximately 13.9m by 7.3m with a maximum height of approximately 3.9m. External finishes comprise vertical timber boarding, concrete blockwork, a profiled metal sheet roof and black uPVC rainwater goods. Please see Figure 1 which shows the positioning of the shed and Figure 2 which show the elevations of the shed.

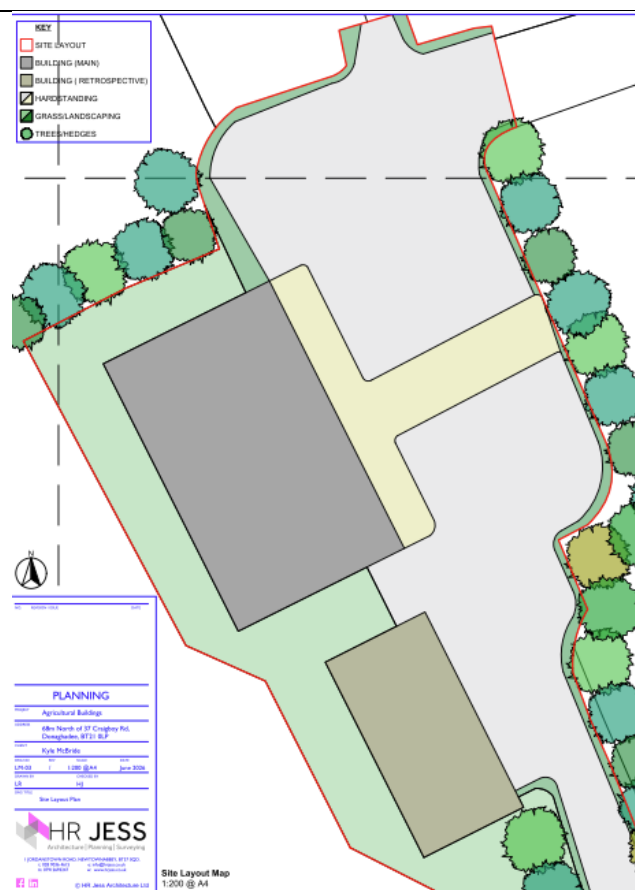


Figure 1: Block Plan

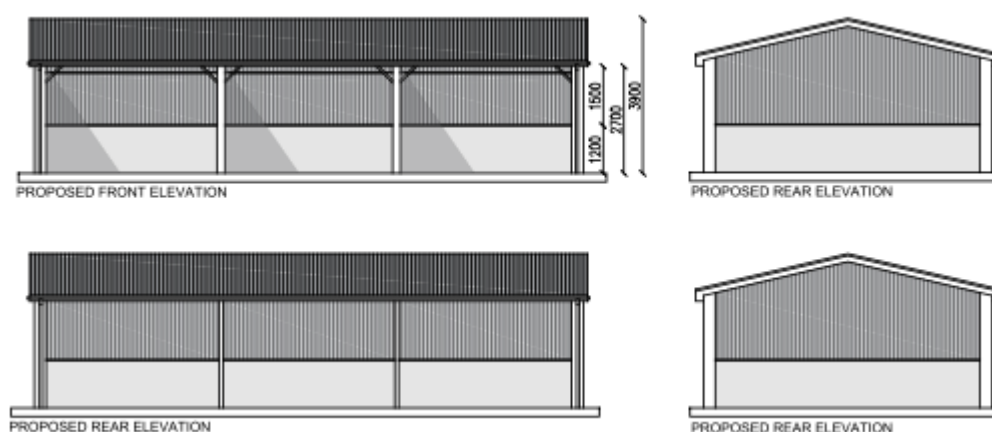


Figure 2: Elevations of Farm Shed

The proposed shed is located on flat land immediately adjacent to the existing farm building, thereby forming a compact group of agricultural development within the holding. The site is set back over 120m from Craigboy Road, ensuring the building does not appear visually prominent in the wider rural landscape. Views of the shed are limited primarily to the eastern approach along Craigboy Road. The boundaries of the site are partly defined by mature hedging, which further assists in integrating the development into its surroundings. A gravelled area already exists to the front of the current shed and extends to the proposed building, meaning no additional ancillary works or hardstanding are required.

The design, scale, and choice of materials are considered appropriate to the rural context, reflecting the traditional form and finishes commonly associated with agricultural buildings in the area. The development does not result in a suburban build-up or contribute to ribbon development along the road. In conclusion, the proposed shed is visually acceptable in this location and is considered to comply with the relevant design and integration criteria set out in Policies CTY 13 and CTY 14 of PPS 21.

Residential Amenity

The shed is not considered to unduly affect the privacy or amenity of neighbouring residents. The closest neighbouring property would be No. 41 Craigboy Road, which is located approximately 82m from the proposed shed. Environmental Health was consulted on the proposal and offered no objections.

Access and Roads Safety

Access to the proposed shed is via an existing access on the Craigboy Road which services the existing farmyard. DFI Roads was consulted and offered no objections to this application.

Designated Sites and Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. As the proposed shed will house sheep, both NIEA: NED and SES were consulted on the proposal.

NED reviewed the proposal and associated environmental information. Following a SCAIL (Simple Calculation of Atmospheric Impact Limits) screening assessment, NED concluded that the proposed agricultural shed, intended for minor livestock use, presents a low risk of air pollution impacts on nearby designated sites.

The site lies within 7.5 km of several nationally, European, and internationally designated sites, including Strangford Lough and Outer Ards Ramsar sites, Strangford Lough SAC/SPA, and associated ASSIs and MCZs. NED determined that, given the scale, nature, and distance of the development, it is unlikely to have a significant effect on the qualifying features of these protected areas, either alone or in combination with other projects.

NED recommended the following conditions be attached to any approval:

1. The number of livestock housed within the facility shall not exceed that specified in the "Kyle McBride email from SES" (dated 09/06/2025).
2. The agricultural shed shall be used only for the temporary housing of sheep, as outlined in the same correspondence.

Overall, NED is content that the proposal will not significantly impact nearby designated sites from aerial emissions or other natural heritage considerations, subject to compliance with the above conditions.

SES concluded that the proposal would not be likely to have a significant effect on any European site, either alone or in combination with other plans or projects. This conclusion is based on the limited use of the shed, which will accommodate no more than 5 or 6 pedigree sheep during lambing and/or adverse weather conditions and is not considered capable of giving rise to significant ammonia emissions affecting European sites within 7.5km. No impacts are anticipated during the construction phase. SES advised that, if planning permission is granted, a condition should be imposed to restrict stocking levels within the shed to those assessed, in order to ensure continued compliance with the Habitats Regulations. In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.
5. Representations
3 letters of support were received from two addresses.
6. Recommendation
Refuse Planning Permission
7. Refusal Reasons
1. The retrospective proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Edition 2 (SPPS2) and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that insufficient information has been provided to demonstrate that the building is necessary for the efficient use of the agricultural holding, the proposal is not sited beside existing farm or forestry buildings and it has not been demonstrated there are no suitable existing buildings on the holding or enterprise that can be used. 2. The retrospective proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland, Edition 2 (SPPS2) 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.
Informative
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Case Officer Signature:		Date:	
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Item 4.2a

LA06/2024/0465/F

Retrospective Agricultural Shed

Approximately 95m North of 37 Craigboy Road, Four Acres Farm, Donaghadee

Addendum to Case Officer Report

This addendum has been prepared following the applicant's submission of a document titled "Planning Committee Representation / Appeal Submission" on 16 September 2026. It is noted that the original Case Officer Report for this application was included on the Delegated List, week beginning 17 August 2026, and was subsequently called in to be heard at a future Planning Committee meeting.

Upon emailing Kyle McBride, the applicant, on 16 September 2026, to query whether the document was intended to serve as speaking notes for a future Committee meeting, Mr McBride advised that this was not the case, and the intent is for the document to be viewed and referenced prior to any Committee meeting.

The document raised the following points to contest the determination contained within the Case Officer Report:

- The principal issue identified by the Council is not whether the building is visually appropriate or harmful to the countryside, but whether the scale of the building is justified by the operational requirements of the agricultural holding.
- The number of animals observed inside the building during individual site inspections should not, in isolation, be treated as a measure of the building's necessary capacity.
- The principle of development is acceptable as the agricultural holding is active and established.
- The Case Officer Report accepts that the shed has been used to house sheep, and that since the shed became available for this purpose, no lambs or ewes have been lost, demonstrating a practical benefit to the farming operation. The Council therefore accepts the underlying agricultural purpose of the shed, and the disagreement is principally over its capacity.
- The Officer's report identifies the scale of the proposal as a concern, in considering whether the building is proportionate to the agricultural enterprise. This conclusion places too much reliance on the number of sheep observed inside the building during site inspections.

- The size of the building is not excessive in visual or landscape terms – as per the Case Officer Report, the proposal is compliant with Policies CTY 13 and 14 of PPS 21. The issue raised is that it is considered too large in the context of the adjacent shed.
- The Case Officer Report identifies the adjacent shed as having available floorspace. However this shed houses a variety of other agricultural equipment, and its design is not suitable for housing livestock. Adapting / converting to use for livestock would compromise its existing agricultural function.
- No concerns raised by DFI Roads, Environmental Health, NIEA or SES. There is therefore no substantive evidence that the building creates an unacceptable impact upon neighbours, highways, biodiversity or the wider environment.
- The siting of the shed is appropriate, immediately beside an existing agricultural building to form a compact farmyard holding.

Response:

As per the Case Officer Report, the Planning Office is content that the proposal is within an active and established farm. The issue lies with the necessity of the proposal.

From the Case Officer's site inspections, it was apparent that the adjacent shed, which currently stores machinery, etc, was not being used to its full capacity, and retains available space for accommodating crop and feed storage associated with the holding. As such, while it is accepted that accommodation may be needed during periods such as lambing or when veterinary treatment is required, site inspections identified that only a small portion of the building subject to this application is in use for livestock, and therefore the overall scale of the shed is not seen as necessary, failing CTY 12. It has also not been sufficiently demonstrated that crop and feed storage could not be stored within the adjacent building, which appears under-utilised, further evidencing that the shed subject to this application would not be deemed necessary under CTY 12.

Insufficient evidence was provided to override the above points, and the statement submitted on 16 September 2026 does not outweigh the original determination either.

The proposal also fails to comply with CTY 12 in that the group of agricultural buildings (notably, "buildings", plural) adjacent to no.37 Craigboy Road form part of a different farm enterprise. While the dwelling at no.37 is resided in by the applicant's grandfather, who remains listed on the farm business, this is ultimately a residential building, not a farm building, and the proposal therefore is not sited with a group of farm buildings. The statement submitted on 16 September 2026 does not alter the Planning Office's opinion in this regard.

The Planning Office therefore sustains both refusal reasons stated in the Case Officer Report, and does not hold the opinion that the supporting statement received on 16 September 2026 is sufficient to override the determination to refuse retrospective planning permission.

16 September 2026

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2026/0073/F	DEA: Comber		
Proposal:	Replacement NI Water Overground Control Kiosk and all associated site works.			
Location:	Lands directly north of 107 Whiterock Road, Whiterock, Killinchy			
Applicant:	Sean Milligan			
Date valid:	03/02/2026	EIA Screening Required:	N/A	
Date last advertised:	16/04/2026	Date last neighbour notified:	03/04/2026	
Letters of Support: 0		Letters of Objection: 15 (from 9 addresses)		Petitions: 0
Consultations – synopsis of responses:				
DFI Roads		Content		
NIEA - NED		Content		
NIEA – WCU		Content		
NIEA – Marine & Fisheries		Content		
DFI Rivers		Content with findings of FRA		
Shared Environmental Service		Content, subject to condition		
Environmental Health		Content, subject to conditions		
NI Water – Strategic Applications		Consulted in error		
NI Water – Windfarms		No longer applicable following removal of telemetry aerial.		
PSNI Information and Communications Services		Content		
The Joint Radio Company		No longer applicable following removal of telemetry aerial.		
Summary of main issues considered:				
• Principle of Development • Visual impact; • Impact on residential amenity; • Impact on local biodiversity				

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal

1. Site and Surrounding Area

The application site is located to the north of the apartment building at 107 Whiterock Road, within the settlement of Whiterock. It sits directly adjacent to the entrance of Braddock Reach, and alongside a 2m tall (approx.) timber fence associated with no.1 Braddock Reach. The site is largely flat, consisting of tarmac (in poor condition), with 3no. chevron road signs, due to the site's proximity to a sharp corner on the Whiterock Road. The road slopes steeply upward to the south of the site, where the existing control kiosk is located in a roadside hedge.



Figure 1 – view of site from west



Figure 2 – view of site from south



Figure 3 – existing control kiosk



Figure 4 – view towards site from existing kiosk

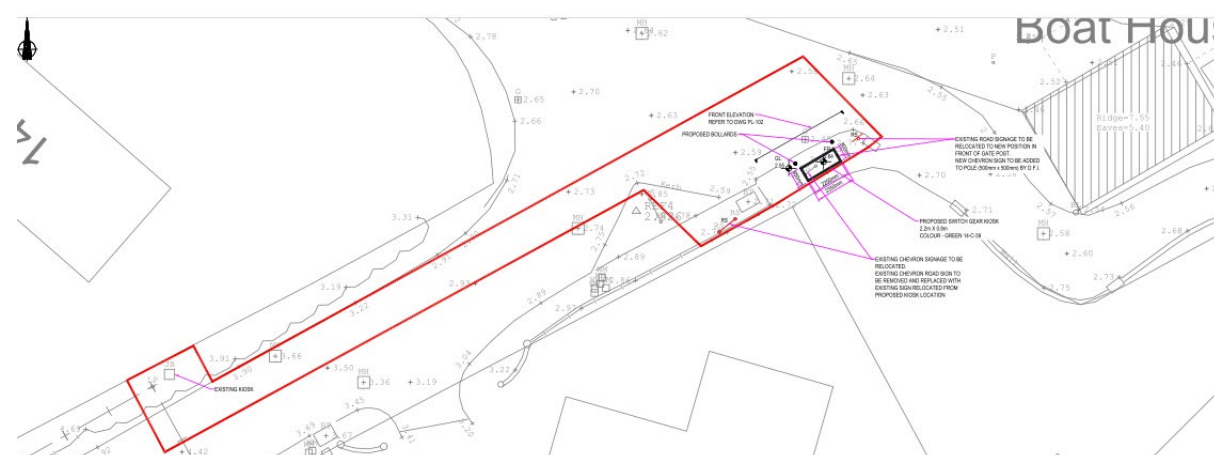
The surrounding area is largely residential in character, with a variety of house types and designs. It is noted that the site is in very close proximity to both the public Whiterock Road and the coastline of Strangford Lough, as well as being located within the Strangford and Lecale AONB.

2. Site Location Plan
 The map shows a residential area with streets including Whitehead Road, Whitehead Lane, and Whitehead Drive. A proposed site location is highlighted in red on Whitehead Road. The map also shows surrounding residential buildings, a river, and a bridge.
3. Relevant Planning History
No relevant planning history.
4. Planning Assessment
The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows: • Ards and Down Area Plan 2015 (ADAP) • The Strategic Planning Policy Statement for Northern Ireland Edition 2 (SPPS 2) • Planning Policy Statement 2: Natural Heritage (PPS 2) • Planning Policy Statement 3: Access, Movement and Parking (PPS 3) • Planning Policy Statement 15: Planning and Flood Risk (PPS 15)
Principle of Development Development Plan

ADAP currently acts as the LDP for this area. While the site is located within the Strangford and Lecale AONB, due to the size of the site and scale of the proposed works, a Design and Access Statement is not necessary in this instance. There are no further material provisions in the Plan that are pertinent to the proposal and therefore the determination will be based on other material considerations.

The SPPS 2 states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The proposal involves the replacement / relocation of an NI Water overground control kiosk, which incorporates bollards and amended positioning of existing road signs to facilitate this. It is of note that the proposal originally included a telemetry aerial, which would have required assessment under PPS 10. However, following strong levels of objection from neighbouring residents, the applicant made the decision to remove the aerial from the proposal. It now consists only of the kiosk and site works described above.



Proposed Layout



Visual Impact

The supporting statement provided with the application indicates that the location of the existing kiosk makes it unsafe for maintenance works (considering its roadside location, close to a sharp corner), hence the proposal seeks to re-site the kiosk close to the entrance of Braddock Reach, off the roadside. The supporting statement also indicates that the dimensions and colour (green) of the proposal mean it will not be prominent and therefore not have any adverse impacts upon the surrounding AONB.

6

scale or significance that it would detract from the character and appearance of the surrounding AONB, and as such is compliant with Policy NH 6 in this regard.



Photograph showing green shed at entrance to Braddock Reach

Residential Impact

The proposal is located in close proximity to the neighbouring dwelling at 1 Braddock Reach as well as apartments at 107 Whiterock Road. It is noted that, due to the nature of the proposed development, issues surrounding overlooking, loss of light, overshadowing and dominance are not perceived.

In terms of potential noise impacts, Environmental Health was consulted on the application, and advised that it is satisfied with the Outline Construction Environmental Management Plan (CEMP) submitted alongside the application in relation to the mitigation of the effects of dust and noise / vibration associated with the development phase, subject to a condition.

I am therefore satisfied overall that the proposal would not have an unacceptable impact on the amenity of neighbouring residents.

Environmental Impact

Due to the proposal's proximity to the coastline of Strangford Lough, and associated designations / protected species, NIEA NED, WCU and Marine and Fisheries, and SES were consulted.

All NIEA divisions advised that they are content with the proposal, subject to recommended conditions (seen in Section 7 of this report), and subject to the relevant statutory permissions being obtained outside of the planning process. SES also advised that it is content with the proposal, subject to a condition requiring a suitable 10m buffer for refuelling areas, concrete mixing / washing areas and storage areas away from the foreshore of Strangford Lough.

On the basis of these responses, I am content that the proposal will not result in an adverse environmental impact, and is satisfactory in relation to Policies NH 1, 2 and 5 of PPS 2.

Impact on Road Safety

Due to the proposal involving the relocation of existing chevron road signs on the sharp bend in the Whiterock Road, DFI Roads was consulted for comment. Its response indicates that it has no concerns with this aspect of the proposal, and I am therefore satisfied that this alteration will not result in a road safety issue.

Flood Risk Considerations

The application site is located within the undefended 1 in 200 year coastal flood plain. Under Policy FLD 1 of PPS 15, I consider the proposal to be an exception, as it consists of utilities infrastructure. As such, a Flood Risk Assessment was provided, which DFI Rivers provided comment on. It advised that it disagrees with the proposal being an exception under FLD 1, but it is content with the logic and findings of the Flood Risk Assessment. No reasoning was provided for its disagreement with the classification of the proposal as an exception, but, considering the onus for this determination falls with the Council, I am still satisfied that the proposal can be considered as an exception. As DFI Rivers is content with the FRA, I am satisfied that the proposal is acceptable under FLD 1 of PPS 15.

Further information was provided by the applicant to justify the positioning of the proposal within the floodplain, namely in that it allows a clear line of sight to the Wastewater Pumping Station, and allows for workers to operate safely away from the public road.

The Planning Service queried the below site with the agent, as it would fall outside of the floodplain:



The agent highlighted that this site would potentially impede the vehicular access to the apartments at The Moorings. While the kiosk could be sited to prevent this issue, having measured the footpath, I am of the opinion that this site would not be feasible anyway, as the footpath is only approx. 1.3m wide (the kiosk and associated plinth would be 1m deep, only allowing approx. 0.3m of space for pedestrians on a dangerous corner).

As such, with the siting constraints acknowledged, I am satisfied that the only option in this instance would be to site the proposal within the floodplain, and it is therefore acceptable in relation to PPS 15.

Designated Sites and Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and, upon receipt of a biodiversity checklist, HRA and outline CEMP, NIEA NED, WMU and Marine and Fisheries advised that they are content with the proposal, subject to conditions and the acquisition of the relevant statutory permissions outside of the planning process.

5. Representations

15 letters of objection have been received, from 9 separate addresses. The main points of objection (which still hold relevance after the removal of the proposed telemetry aerial) are summarised as follows:

- Expense / disruption of re-routing of cables
- Supporting statement details issues of safety with current location of kiosk, but no details of how frequently this is worked on
- Unacceptable visual impact in AONB location – failure to comply with Policy NH 6 of PPS 2
- Proposal located within the floodplain – failure to comply with Policy FLD 1 of PPS 15
- Lack of notice served to landowners
- Lack of information to evidence that an alternative location / existing infrastructure could not have been used
- Precedent for further infrastructure in the AONB
- This is not a replacement installation, but rather a brand new installation of a greater scale
- Road safety concerns due to repositioning chevron signs
- Proposal interferes with ability to improve flood defences of The Moorings
- Negative impact on tourism assets
- Additional costs to NI Water customers
- Disruption during construction / ongoing operational noise from fans and electrical equipment within kiosk

Response:

Financial interests are not a material consideration in the determination of a planning application. As with any development, there may be minor disruption during the construction phases of development. A CEMP has been provided, which has satisfied the requirements of statutory consultees.

I am satisfied with the safety issues highlighted by the supporting statement. It is clear that the current kiosk location not only presents a risk to NIW workers, but also to road users navigating around workers close to a sharp, blind corner.

As detailed in Section 4 of this report, I am satisfied that the proposal meets the criteria of Policy NH 6 in relation to its visual impact in this AONB location.

Following numerous objections surrounding a lack of notice to landowners, the applicant provided Certificate C to show that all affected properties had been served sufficient notice.

In relation to precedent, it must be noted that all planning applications are assessed on a case-by-case basis, against all material considerations and site-specific conditions. No previous planning decisions can provide a direct precedent for future decisions.

The term “replacement” is considered sufficient to describe the proposal, as the existing kiosk is clearly shown on the plans to be removed, and will be conditioned as such as part of an approval.

DFI Roads advised that it has no concerns in relation to road safety.

No planning application has been submitted for any potential flood defences at The Moorings. The letter of objection advises residents are “currently considering” improving their flood defences. Without any details of this, the prospective improvements cannot be deemed a material consideration in the determination of this planning application.

I am not of the opinion that the proposal is of such scale or prominence that it would have a clear adverse impact on the intrinsic interest of Whiterock Bay. It is sited to group with existing development, and is of a very minor scale. It is further noted that there is already a control kiosk nearby, and the proposal seeks for a relocation, which further reduces any potential adverse impact on the character of Whiterock Bay. I therefore do not consider this proposal to contradict Policy TSM 8 of PPS 16.

In relation to PPS 15, DFI Rivers was consulted and, upon receipt of a Flood Risk Assessment, advised that it is content with the proposal in relation to Policy FLD 1.

Considering Environmental Health’s satisfaction with the proposal, and the right to a view not being considered as a material consideration in the determination of a planning application, I am satisfied that the proposal does not have an unacceptable impact on residential amenity.

Private financial interests, such as a financial burden to NI Water’s customers, nor delays associated with the purchase of land are not material considerations in the determination of a planning application.

Disruption from construction works is to be expected from any development project and will only be a temporary issue. Developers are expected to apply best practice when carrying out any works to minimise disruption.
6. Recommendation
Grant Planning Permission
7. Conditions
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The existing kiosk, as highlighted in BLUE on DRG 02A, shall be removed prior to the commencement of the development hereby approved. Reason: In the interest of visual amenity. 3. The development hereby permitted shall be carried out in accordance with the submitted Outline Construction Environmental Management Plan (Whiterocks WwPS Kiosk. Prepared by MURPHY DAWSON-WAM. Project Reference C3234. Dated 9 March 2026 (Issue No. 03)). Development shall be undertaken in strict accordance with the Outline Construction Environmental Management Plan, specifically in relation to the noise and dust mitigation measures, unless otherwise agreed in writing by the Ards and North Down Borough Council Planning Service. Reason: In order to protect residential amenity during the construction phase. 4. Prior to the commencement of any construction works and for the duration of the construction phase, a clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the foreshore of Strangford Lough. Reason: To ensure the project will not have an adverse effect on the integrity of any European site.
Informative
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or

any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Annex A – Proposed Plans

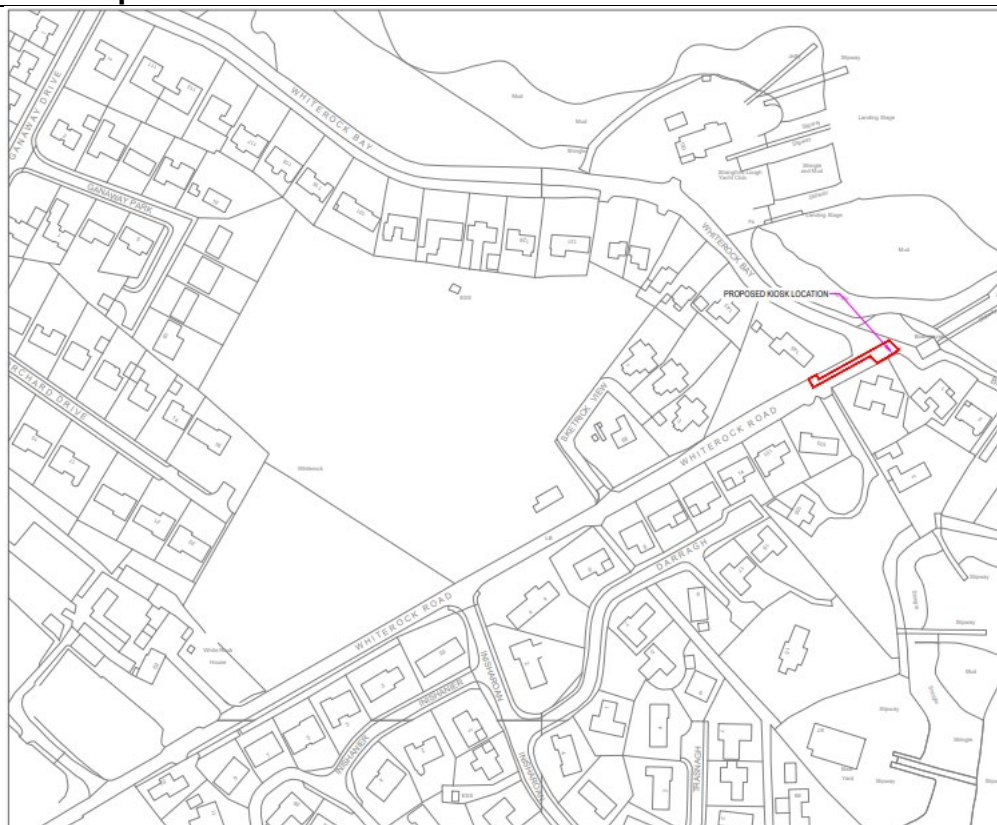


Figure A1 – Site Location Plan

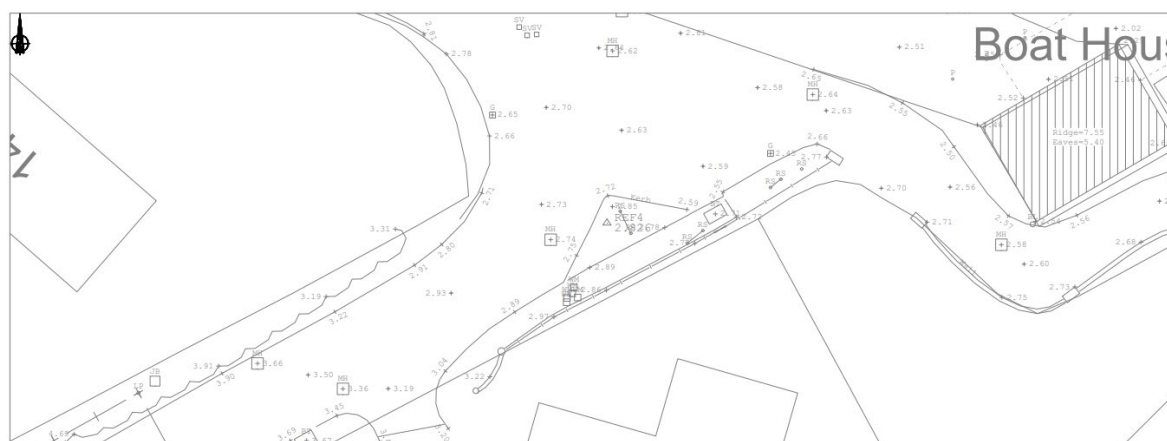


Figure A2 – Existing Site Layout

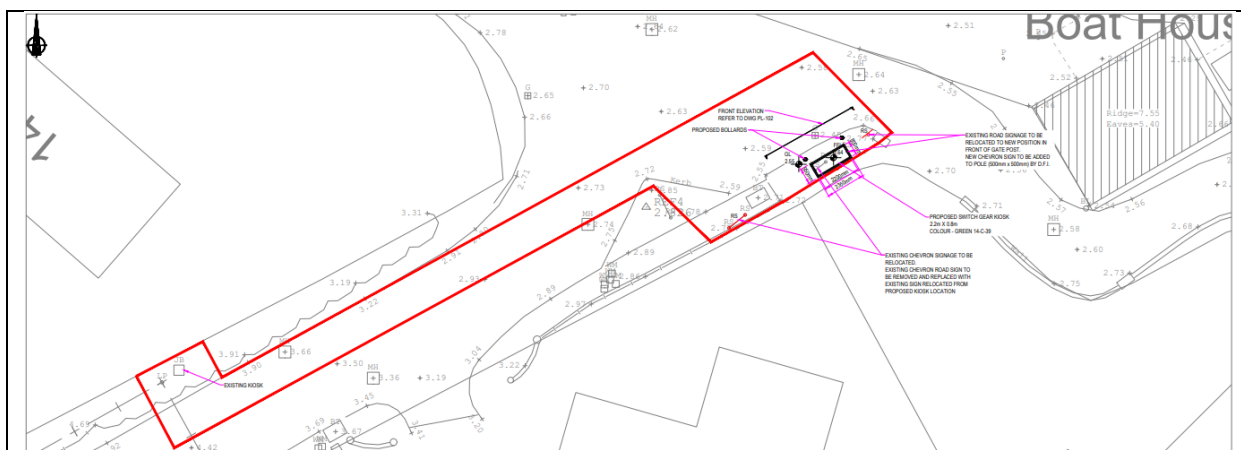


Figure A3 – Proposed Site Layout

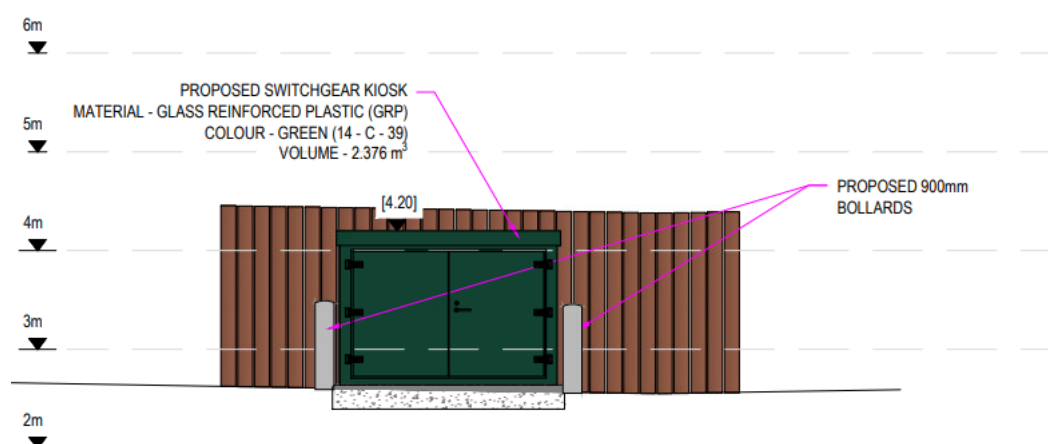


Figure A5 – Proposed Front Elevation

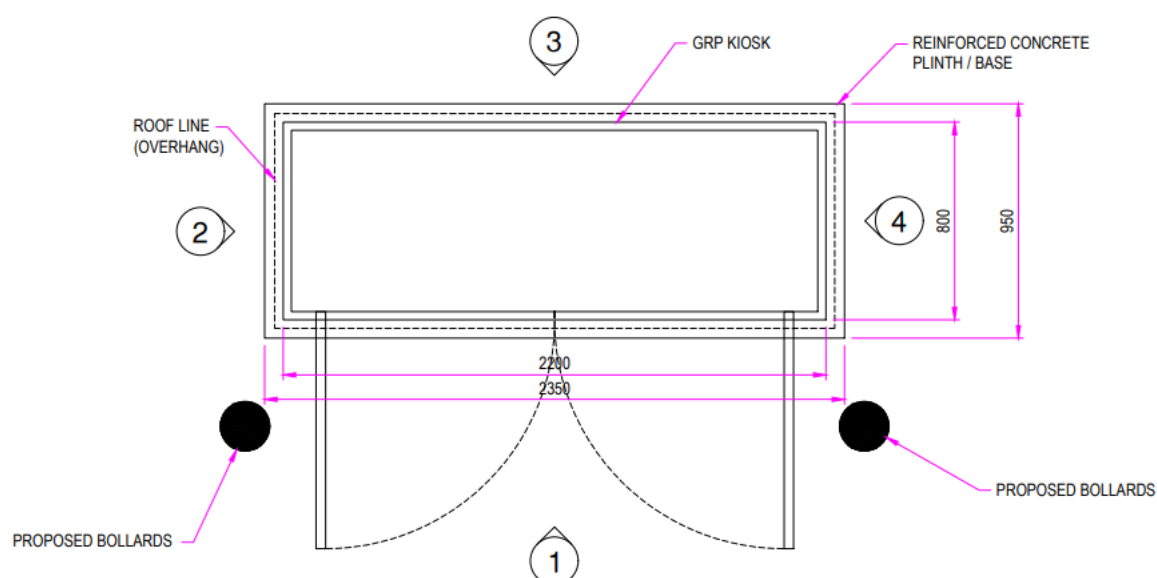


Figure A6 – Proposed Plan View of Kiosk

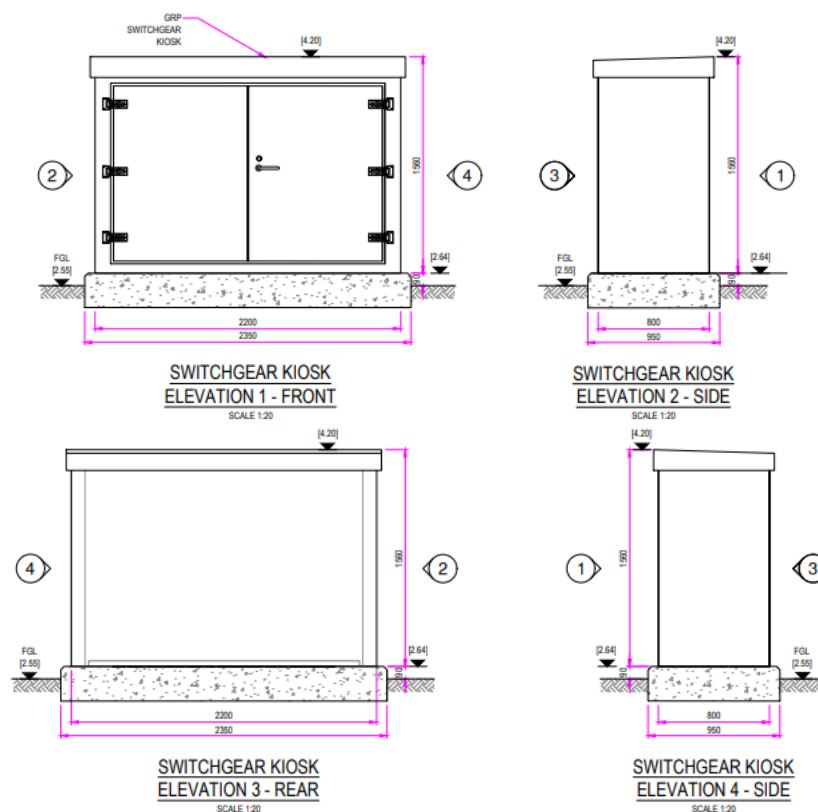


Figure A7 – Proposed Elevations of Kiosk

Annex B – Site Photographs (11th February 2026)



Figure B1 – view of site, taken facing south



Figure B2 – view southeast from site



Figure B3 – view of site from west



Figure B4 – view of site from southwest



Figure B6 – Existing Kiosk



Figure B7 – Long-distance view of site from southwest

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2026/0103/F	DEA: Bangor Central		
Proposal:	Erection of a freestanding 'Street Hub' (comprising two digital 75-inch LCD display screens each side) to replace BT telephone Box			
Location:	On the Pavement in front of the 'Casino', 10 Quay Street, Bangor, BT20 5ED			
Applicant:	Global UK			
Date valid:	03.02.2026	EIA Screening Required:	No	
Date last advertised:	02.07.2026	Date last neighbour notified:	22.06.2026	
Letters of Support: 1		Letters of Objection: 22 (on basis of original siting)	Petitions: 0	
Consultations – synopsis of responses:				
Environmental Health Department		No objections		
DFI Roads		No objections		
Historic Environment Division		No objections		
Conservation Area Officer		No objections		
Summary of main issues considered: • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity.				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/				

1. Site and Surrounding Area

This site consists of an area of public pavement in the centre of Bangor. The section of wide pavement is located on Quay Street (close to Bangor Marina and the McKee Clock). The site is essentially bound by the public road to one side and a row of commercial properties on the other. These properties include a gaming machine unit called 'Casino', a café, a gift shop, and the old Court House (now used by a local arts group). The site includes several pieces of street furniture including trees, public



seating, lighting column, directional signage, and a BT phone kiosk.

The area has a busy town-centre character with a number of commercial and non-domestic uses in the immediate area. There are no residential properties in the immediate area. Works to the public realm at Marine Gardens were ongoing at the time of my inspection.

2. Site Location Plan



3. Relevant Planning History

An application for a similar development in front of the Court House was refused planning permission in 2022 (LA06/2021/1466/F). The development was refused on grounds that it would detract from the listed Court House, negative impact on the proposed ATC, and contrary to PPS 10 (Telecommunications) in that the siting would result in harm to the setting of the Listed Building. The decision to refuse was challenged by appeal to the Planning Appeals Commission. The appeal was dismissed in October 2023. The Commissioner upheld the Council's reason with reference to the Listed Building (reasons 2 and 3) but not for the ATC.

The application is one of a number of similar applications for Street Hubs made by the same applicant across North Down.

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS):Edition 2
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology, and Built Heritage
- Planning Policy Statement 6 (Addendum): Areas of Townscape Character

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. Beyond its location in the settlement of Bangor, the site is within the Town Centre, the commercial units facing the site are included in the Primary Retail Core but fall outside the Primary Retail Frontage. In terms of built heritage, the area also falls within the proposed Bangor Central Area of Townscape Character. There is no Conservation Area associated with the site. The Court House is a listed building and is affected by the proposal. There are no environmental designations directly associated with the site. The site is within the proposed Area of Parking Restraint.

Whilst there are no material provisions in the plan in relation to this type of development, dBMAP seeks to promote town centres as prime foci for retail, service, administrative, leisure and cultural facilities. The proposal is therefore considered in broad agreement with the Plan subject to any prevailing regional policies.

A second edition of the SPPS was published by DFI on 11 December 2025. The Preamble states that all other policy provisions within the former SPPS are unchanged. Until such times as the Council adopts its own Plan Strategy, the provisions of existing policies along with the SPPS2 apply. The provisions of the SPPS2 and any retained policies are to be applied to individual planning applications.

The SPPS2 states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.



In relation to Town Centre and Retailing, the SPPS2 acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS2 is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. Whilst a Street Hub would not ordinarily be considered a main Town Centre use, the proposal is in broad compliance with the SPPS2 given its location in the Primary Retail Core and Town Centre. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

Given this policy context and the location of the proposal, it is considered the principle of the development is acceptable subject to other regional policies and all other material considerations.

Impact of Character

The proposed Street Hub will be 3m in height and 1.2m in width. The black, aluminium-framed, structure will be 0.35m deep. The Hub will serve two functions: the delivery of upgraded telecommunication and digital connectivity infrastructure and provide two screens (front and back) for the purpose of digital advertising.

As stated in the Proposal Description, the Hub will replace the more outdated telephone kiosk on the site.

The proposal was originally submitted with the Hub located outside the Courthouse. This location received a substantial number of objections from members of the public.

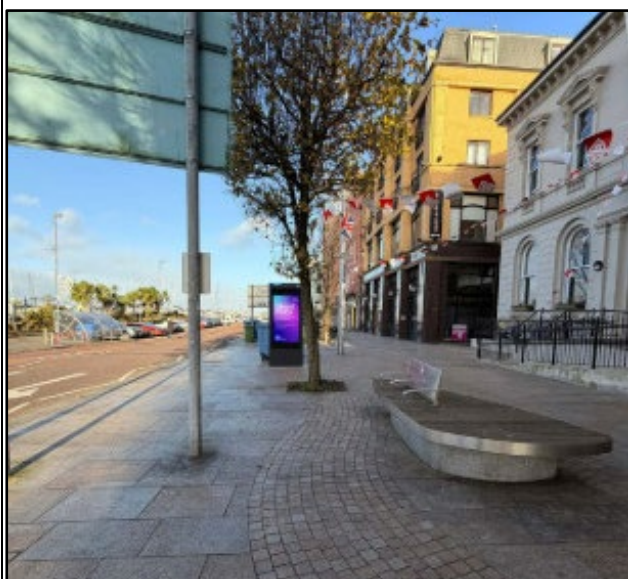


Image showing proposed Hub outside Courthouse

Concern was also raised by the Historic Environment Division who considered the proposal to have an adverse impact on the Listed Building. Furthermore, the Council refused a similar application at this location several years ago. The appeal against the Council's decision was also dismissed. There has been no material change in policy context since - and a different decision by the Council to the initial current proposal would be irrational. These concerns were raised with the agent, and it was agreed relocate the Hub to the southern side of the site and away from the Court House.

The new location will be outside the 'Casino' and will be mid-point from the road edge and the shop units. This location was chosen so as the Hub would be 'read' with the existing street furniture and therefore soften any visual impact. The Casino itself has a large fascia advertisement with oversized individual lettering and bold colours and it is considered that this context could accommodate the proposal much easier than in front of the Courthouse. There will be no direct views of the Hub in isolation with the Courthouse – or with the McKee Clock on the opposite side of the road.

Given the passing traffic and various pieces of street furniture, I do not consider there to be significant medium or long-distance views of the proposal. The trees in particular – especially in summer (see photo below) – go a long way in reducing the visual impact of the Hub. As referred to above, there are several nearby shops all with various shopfronts, advertisements, colours, shutters etc. The proposal will be subordinate to the row of commercial properties adjacent, and it is my planning judgement, the scale and mix of buildings in the area will assist in mitigating and softening the visual impact of the proposal to passers-by.

The Hub does involve two digital screens (for the purposes of advertising). This element will clearly make the structure much more visible than other street furniture. Given its urban centre location, there is already a high degree of illumination in the area, and I do not consider the introduction of the two screens to be determining. The Hub will have a maximum day and night-time luminance level and this is to be controlled automatically through the Hub's own sensors. A Condition has been added in relation to same.



Image showing proposed Hub at new location

Overall, the general physical context of the area can accommodate the proposal without any adverse impact on the character of the wider area.



Figure 1 Looking south on Quay Street - Court House is mid-picture on LHS

Impact on built heritage interests

The area is within the proposed Bangor Central ATC. The draft BMAP lists a number of key features. In relation to the site, the Plan does refer to Victorian, Edwardian and inter-war buildings in Quay Street. These would include the Court House (referred to as 'Belfast Bank' in the Plan), the Windsor Bar and the Royal Hotel.

The new siting will ensure that none of these features will be adversely affected by the Hub and I do not consider there to be any material impact on the overall appearance of the proposed ATC. As referred to earlier, the Court House is listed and was the main

reason for the re-siting. Historic Environment Division has been engaged with the application and its latest comments raised no objections.



View from listed Court House

Impact on Residential Amenity

The SPSS2 makes good neighbourliness a yardstick with which to judge proposed developments and the Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments. As referred to earlier, the site has a busy town-centre location in a predominantly commercial area. I did not note any residential properties at the time of my inspection. As a matter of good practice, the Council's Environmental Health Service has been consulted and no objections were raised. The agent has confirmed that the current proposals do not include small cell technology and therefore an ICNIRP declaration is not required.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 200m from nationally and internationally designated sites. No significant works of construction. There are no waterways close to the site and therefore no hydrological link to any designated area. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). No protected habitat on the site.

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

Road safety/Parking

The proposal will have no impact on parking provision in the town. In relation to road safety, DFI responded and raised no objections. A couple of informatives were added to the response to highlight the need for the illumination level to comply with the Institution of Lighting Professional Technical Report. The applicant/developer will be advised to review guidance from all consultees via the standard informative.

5. Representations

The Council has received a number of representations to the proposal. 22 objections were received and one letter of support. The objections almost entirely focussed on the impact on the Court House. The objections considered the original location, and nature of the proposal, to be unsympathetic to said building and on the wider locality. Many of the objections referred to the planning history at the site.

The letter of support considered the existing phone box to be used for anti-social purposes and considered the Hub to be an improvement.

All neighbours and objectors were renotified of the amended location and *no* further representations or objections have been received.

6. Recommendation

Grant Planning Permission

7. Conditions

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. All external facing materials shall be carried out as specified on the approved plans and retained thereafter.

Reason: In the interests of the character and appearance of the area.
3. The proposal, hereby granted permission, shall have a maximum daytime brightness of 3500 cd/m² and a maximum night-time brightness of 300 cd/m².

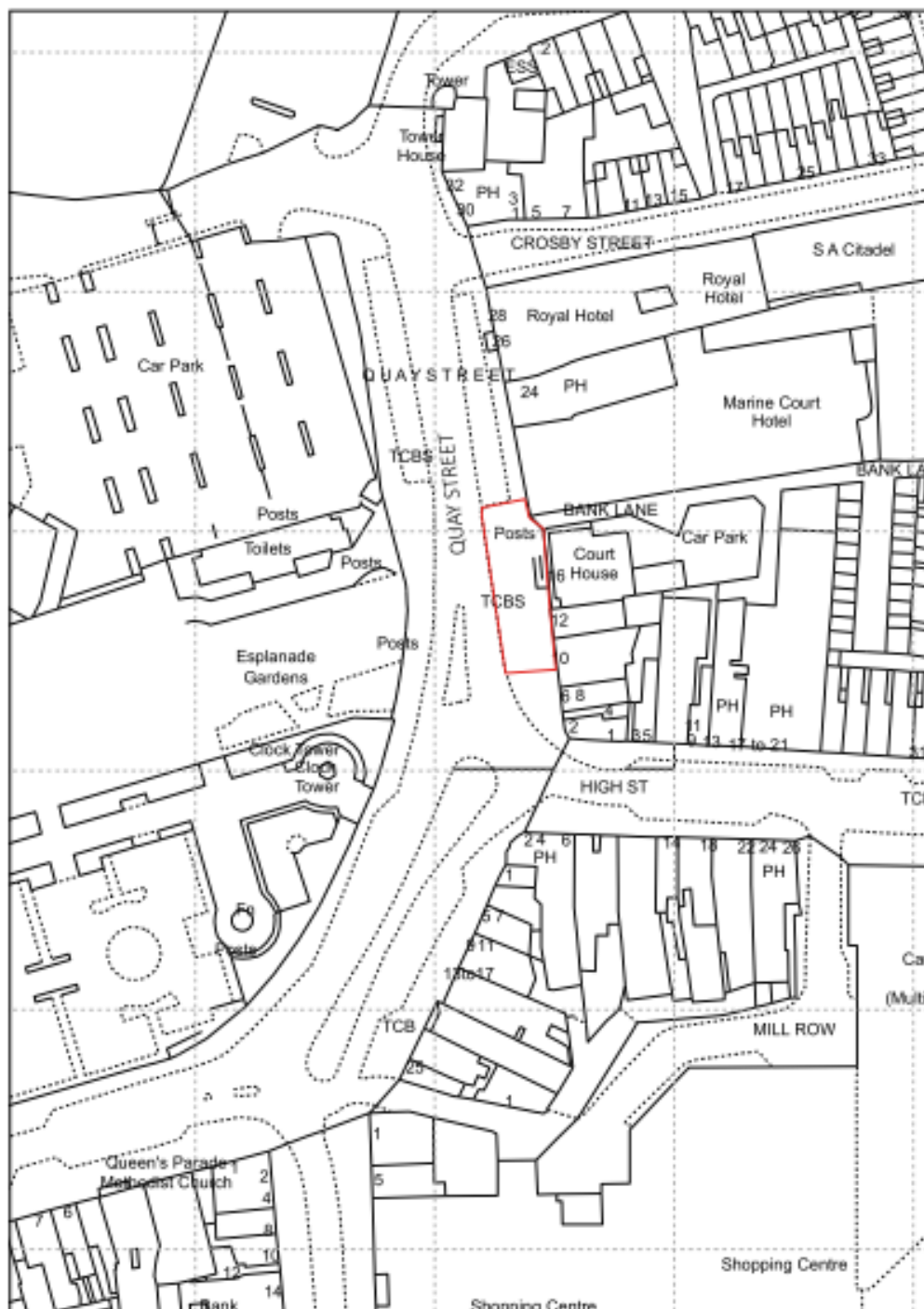
Reason: In the interests of visual amenity.
4. The existing BT phone box on the site, as indicated on Drawing No.04, shall be removed prior the commencement of the proposal hereby approved.

Reason: To avoid a build-up of street furniture in the interests of the visual amenity of the area.

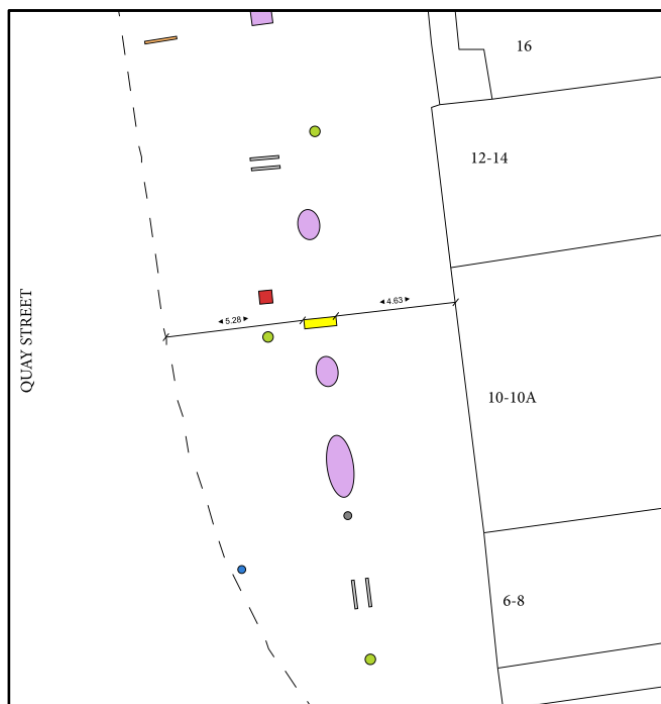
Informative
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees.

Annex

Site Location



Block Plan – Location of Hub indicated in yellow



Proposed Hub indicated in yellow

Proposed elevations



Additional photos



Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2025/0903/F	DEA: Hollywood & Clandeboye		
Proposal:	Demolition of public house building and construction of mixed-use development comprising 1 retail unit and 27 apartments with associated access, parking and site works.			
Location:	25-29 Hibernia Street and former car park lands to the rear/NE, Hollywood, BT18 9JE			
Applicant:	G Robinson			
Date valid:	22/10/2025	EIA Screening Required:	N/A	
Date last advertised:	27/08/2026	Date last neighbour notified:	13/08/2026	
Letters of Support: 0		Letters of Objection: 1	Petitions: 0	
Consultations – synopsis of responses:				
DFI Roads		Content subject to conditions		
Shared Environmental Service		Content subject to conditions		
NI Water		Content subject to conditions		
NIEA – Water Catchment Unit		Content subject to conditions		
Historic Environment Division – Historic Buildings		Content		
Historic Environment Division – Historic Monuments		Content subject to conditions		
Environmental Health		Content subject to conditions		
Conservation Area Officer		Content		
DFI Rivers		Content		

Summary of main issues considered: • Planning History • Principle of Development • Impact on Holywood Town Centre and its Proposed Primary Retail Core • Design and Visual Impact • Impact on the setting of Listed Buildings within the vicinity of the site • Impact on Archaeology • Impact on the character and appearance of the Holywood Conservation Area and proposed ATC • Access, movement and parking • Water run-off and drainage • Potential impacts of coastal flooding and reservoir inundation • Potential impact on the amenity of existing dwellings • Potential effects on European Sites, protected species and priority habitats
Recommendation: Grant Planning Permission Report Agreed by Authorised Officer
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal NI.
1. Site and Surrounding Area The application site consists of a rectangular plot of land on the Northern side of Hibernia Street and East of the Holywood by-pass. Access is obtained from an existing entrance between a public toilet block and a public house in the South-Eastern portion of the application site. The majority of the land within the red line boundary is an existing ground level hard surfaced pay and display car park. The existing 'Platform P20' public house is contained within the application site and has a frontage onto Hibernia Street. Its rear elevation backs onto the public car park to the North.

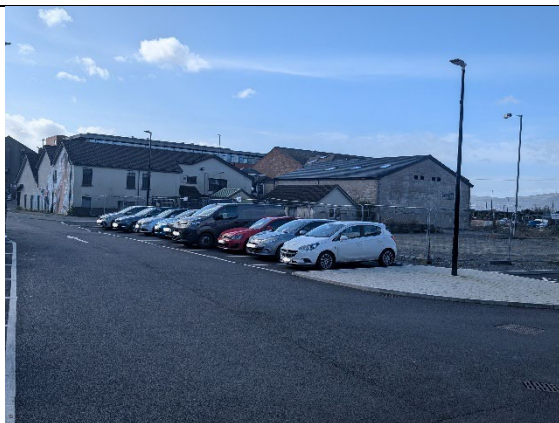


Photo 1: Application site from car park; Photo 2: Looking down Hibernia Street (application site, front right)

The North-western boundary runs parallel with Marine Parade with direct views available across the application site from the roadside and public footpath. Relatively recent development is evident directly to the North of the site with the construction of a multi-storey apartment complex with the Yellow Moon production company occupying the ground floor.



Photo 3: New apartment building to NW; Photo 4: Rear of Shore Road terrace to North of site

The site boundary is separated from the rear gardens of existing terraced properties along the Shore Road to the North-east by part of the existing car park. East of the site boundary, again separated by part of the car park, is the rear curtilage of buildings along High Street, to the East, including the listed First Presbyterian Non-Subscribing Church.



Photo 5: First Presbyterian Non-Subscribing Church Photo 6: Redburn Square leading to Hibernia Street

To the South of the site there is a boundary with existing premises along Hibernia Street with an existing 2-storey building occupied by Radius Housing projecting Northwards.

Redburn Square is located to the West of the application site, and public realm works are evident extending along Hibernia Street towards High Street.

The application site is located within the Town Centre of Hollywood and is located outside and immediately West of the Primary Retail Core.

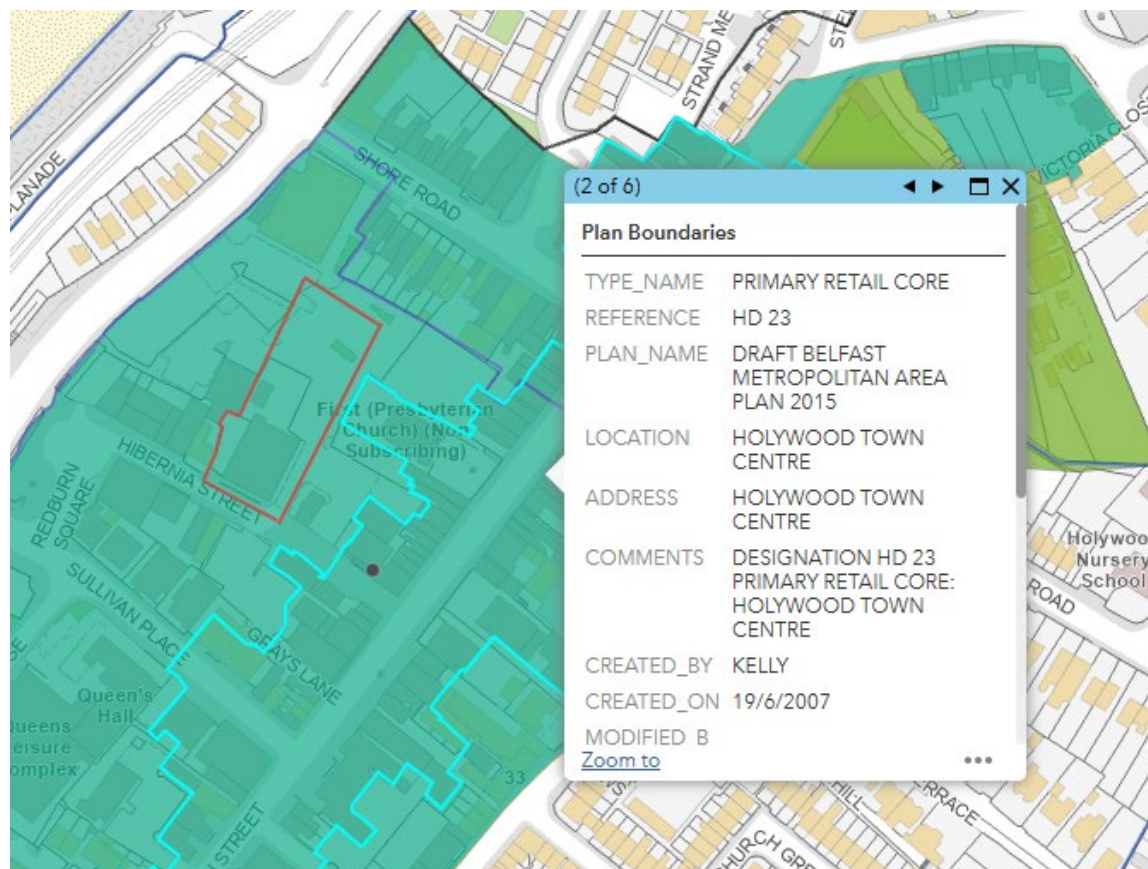


Fig 1: Application site in red, primary retail core (HD23) turquoise line, edge of Conservation Area (HD07) black/navy blue line, propose ATC navy line.

The surrounding urban area is characterised by a range of land uses, including retail, office, leisure and residential. Surrounding development comprises a variety of designs and height. The modern apartment block to the North is four storey in height with a three-storey building to the South West near Redburn Square. A pedestrian subway is located adjacent to the application site to the West providing access to Hollywood Train Station on the opposite side of the bypass.

The site is in close proximity to, but not within the boundary of Hollywood Conservation Area which is to the North and includes properties on Shore Road which back onto the site. The site lies within a proposed Area of Townscape Character.



Figure 2: Lands in Council Ownership

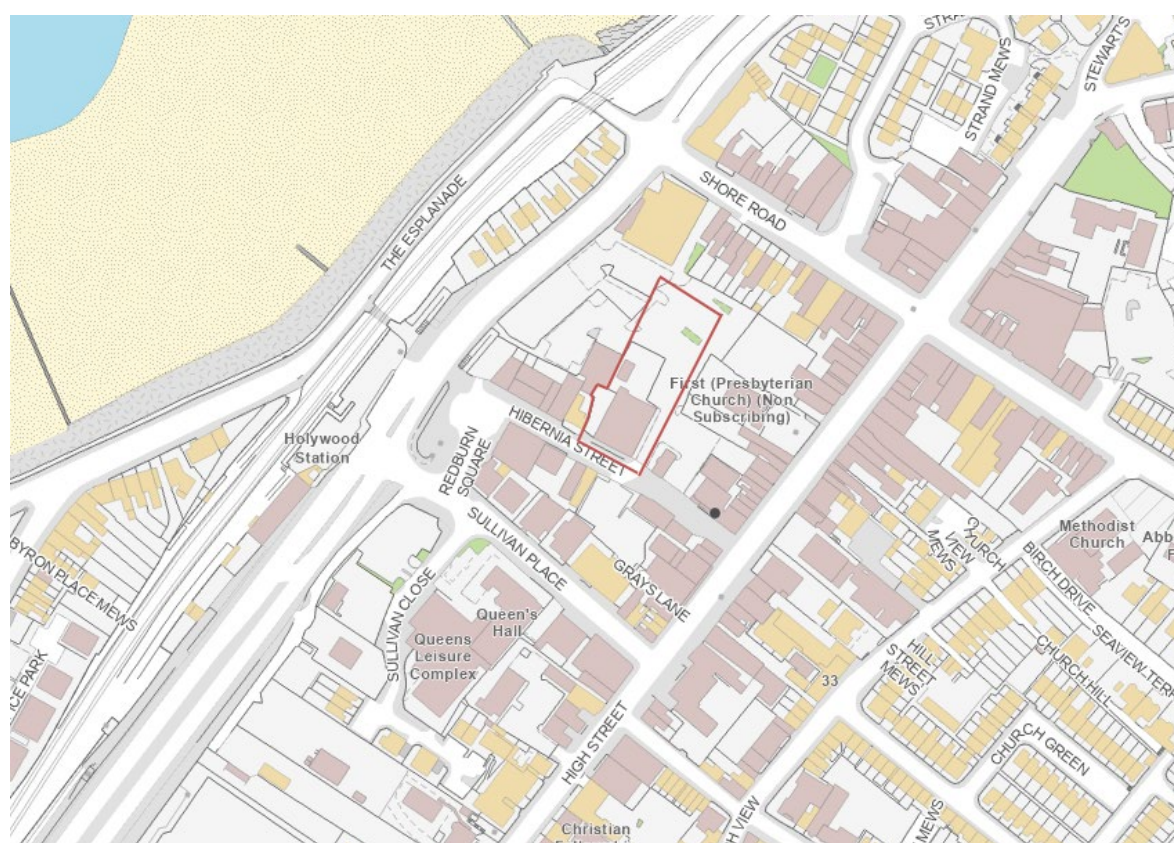


Fig 3: OS Extract showing site location

2. Site Location Plan



Figure 4: Site Location Plan

**Figure 5:
Ortho –
Site**



**Illustrative
Application**

3. Relevant Planning History

Surrounding Area

LA06/2022/0674/F

Location: 3-7 Redburn Square and 20-22 Hibernia Street, Hollywood

Proposal: Demolition of 2no. office buildings and replacement with a 4-storey office building. New main entrance off Redburn Square

Decision: Permission Granted 20 July 2023

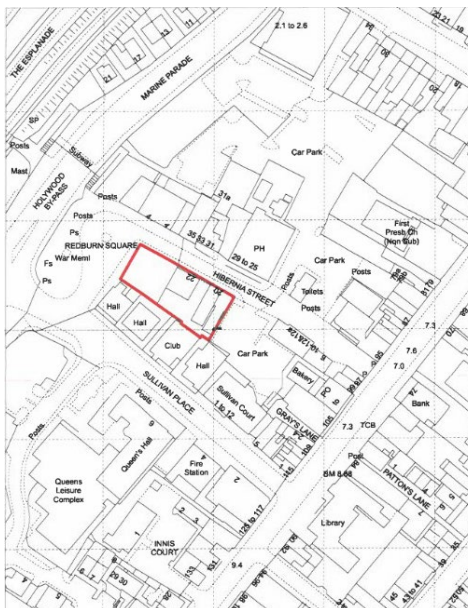


Fig 6 Extract Site Location Plan



Photo 7: 4 Storey Building at corner of Hibernia Street (RHS)

LA06/2021/1079/F

Location: Ground floor unit, 36 Shore Road, Hollywood

Proposal: Change of Use from Use Class A1 – Retail to Use Class B2 - Light industrial for a post-production sound studio and office for TV and film.

Decision: Permission Granted 11 February 2022

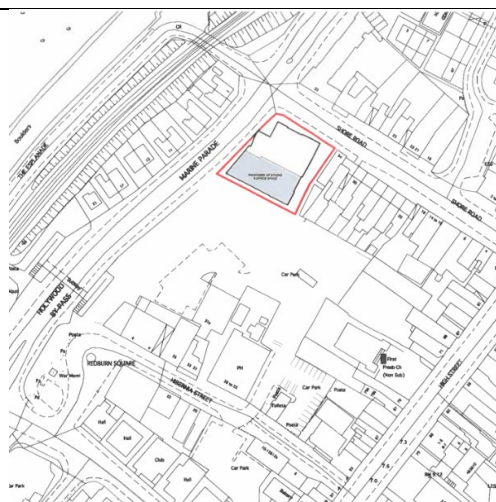


Fig 7 Extract: Site Location Plan Drg LA06/2021/1079

LA06/2016/0785/F

Location: Hibernia Street, Redburn Square and Sullivan Place, Hollywood

Proposal: Redburn Square Public realm/environmental improvement scheme to improve streetscape and create flexible public spaces through the provision of high quality natural stone paving, street furniture, trees, lighting and soft landscaping, across Redburn Square, Hibernia Street and Sullivan Place. Scheme proposals also include relocating the existing War Memorial by approx. 6m and positioning it in a more prominent and central location within the square. Also included is a 1.5m high timber fence with hedge screening along the boundary with the A2 Bypass and feature signage to enhance the entrance to Hollywood from the A2 Bypass via Sullivan Place.

Decision: Permission Granted: 6 October 2016

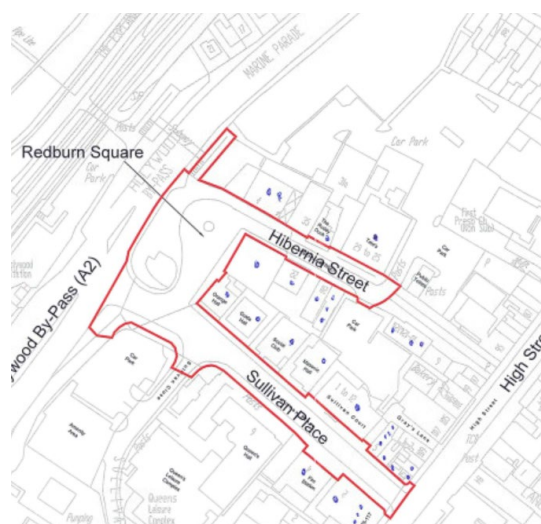


Fig 8 Extract: Site Location Plan Drg LA06/2016/0785/F

Application Site

LA06/2018/0436/F

Location: The Front, Hibernia Street, Stokers Halt, 25-29 Hibernia Street, toilet block and carpark adjacent to and North of 2 Redburn Square and 25-35 Hibernia Street, Hollywood

Proposal: Demolition of existing public house and toilet block buildings. Construction of new mixed use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities.

Decision: Permission Granted 6 March 2019

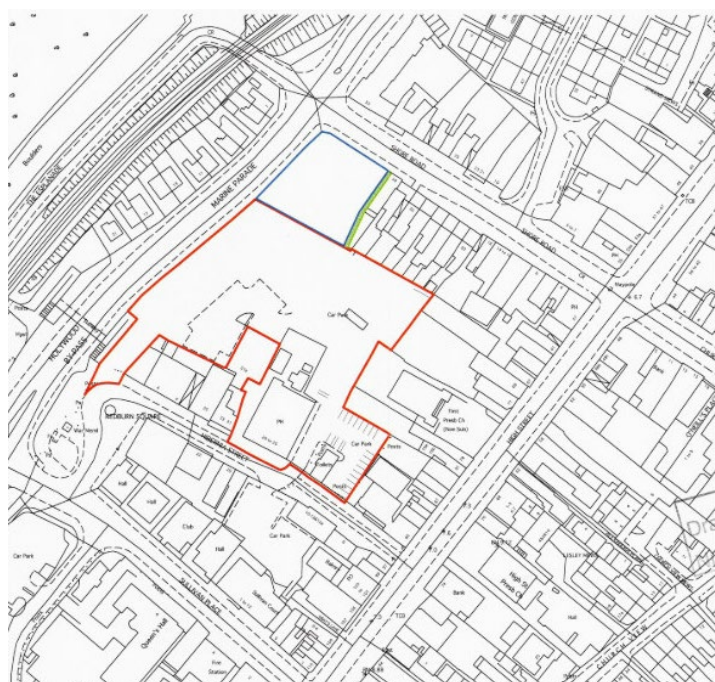


Fig 9 Extract Site Location Plan LA06/2018/0436



Fig 10 Extract Drg GIS OS Aerial Approved Site LA06/2018/0436/F

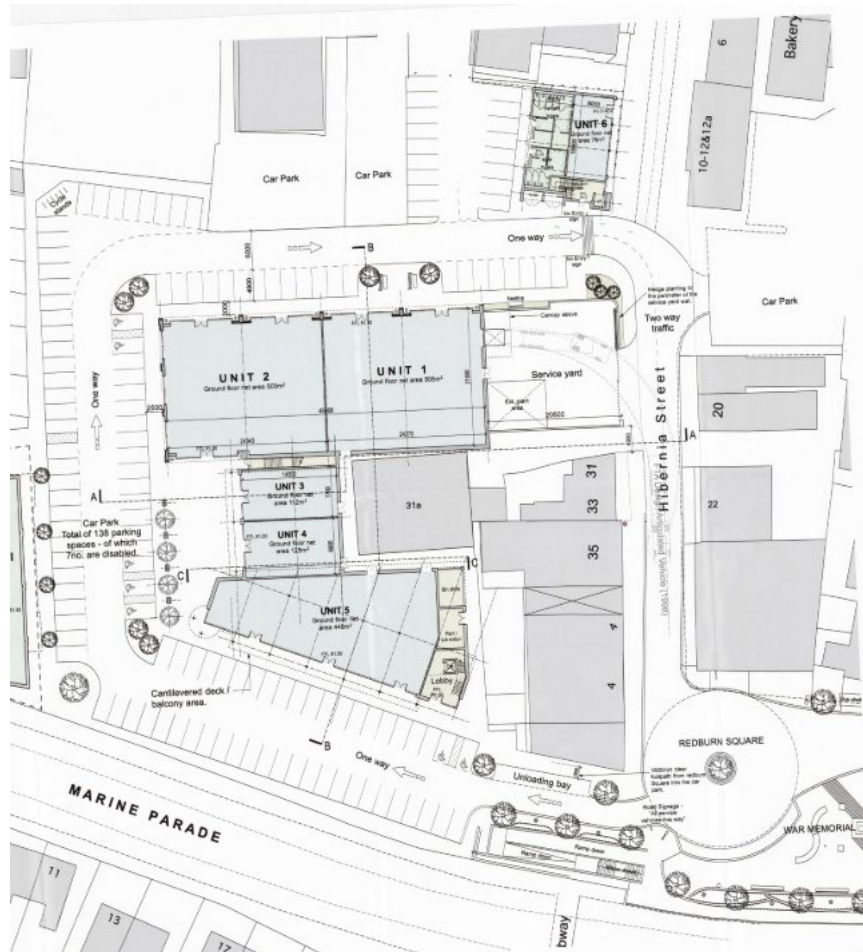


Fig 11 Approved Site Plan LA06/2018/0436



Fig 12 Approved Elevations LA06/2018/0436



Fig 12 Approved Elevations LA06/2018/0436



Fig 13 Approved Elevations LA06/2018/0436 – Hibernia Streetscape

Status

In terms of previous permissions, the 18 apartments (LA06/2015/0074/F) and change of use to ground floor post-production studio (LA06/2021/1079/F) have been implemented on site.

LA06/2018/0436/F relating to the 'demolition of existing public house and toilet block buildings, construction of new mixed-use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities' has been partially implemented. The majority of the approved car park has been constructed, with hard and soft landscaping in place, and construction of piling, foundations and some blockwork for Unit 5 of the approval. Work associated with site services, e.g. lighting and drainage, has also been undertaken.

The development subject of this current application, LA06/2025/0903/F, is on the site of Units 1 and 2 of the LA06/2018/0436/F approval (see Fig 11 above).

4. Planning Assessment

The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland, Edition 2 (SPPS2)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking

- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15 Revised: Planning and Flood Risk

Relevant supplementary planning guidance:

Parking Standards

Creating Places

Living Places

DCAN8: Housing in Existing Urban Areas

4.1 Principle of Development

This current application requires consideration by Planning Committee as the land between Hibernia Street, Marine Parade and Shore Road is subject of a Development Agreement between the Council and RFL.

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 where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement, Edition 2 (SPPS2), sets out the guiding principle relating to the grant/refusal of development contained within paragraph 3.8. The principle states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

In relation to housing in settlements, the SPPS (and PPS 12) notes that the policy approach includes the promotion of more sustainable housing development within existing urban areas, with more urban housing accommodated through the recycling of land and buildings to encourage compact urban form and support urban renaissance.

Until the new Development Plan Strategy is adopted the North Down and Ards Area Plan 1984-1995 is the statutory Development Plan for the legacy North Down area, with draft Belfast Metropolitan Area Plan remaining a material consideration.

The site is within the settlement limit of Holywood. Within settlement limits there is a presumption in favour of development, subject to compliance with relevant prevailing planning policy.

Within the North Down and Ards Area Plan 1984 - 1995 the application site is shown on Proposals Map 7 – Holywood Town Centre. It is annotated as an existing car park. A portion of the site is within a policy zone for town centre uses.

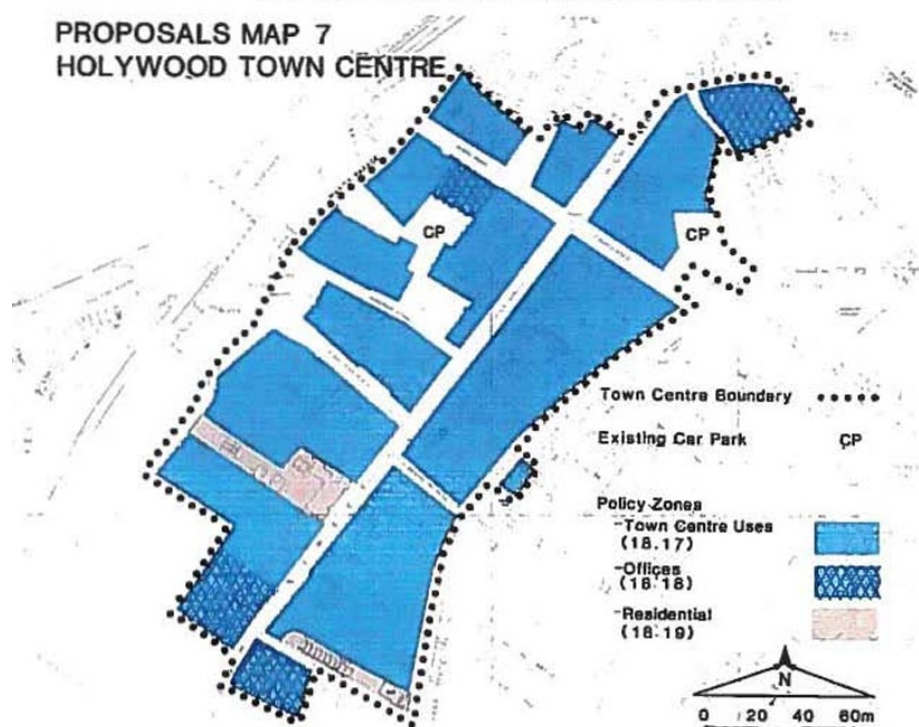


Fig 14 NDAAP Hollywood Town Centre Map

The NDAAP states the following in relation to those streets closest to High Street –
.... the predominant land use at ground floor level should be retail and retail services. Future proposals for non-retail uses will be assessed on their likely effect on the achievement of a thriving commercial core. Paragraph 18.19 of the Plan also acknowledges that the retention of residential uses in the central area is important to the continued vitality of the town centre. As the current application proposes a retail unit on the ground floor with apartments above, the principle of the development would comply with these requirements of the NDAAP.

In Draft BMAP, the site is also located within the town centre and within the large Hollywood South proposed Area of Townscape Character as indicated in Figure 15 below but is outside of the Primary Retail Core.

The application site extends into a section of the South-Eastern side of the designation however Draft BMAP does not specify any particular uses or development for the site, other than as a potential Development Opportunity Site (DOS) (Proposal HD 26) but no specific uses were set out within the draft Plan.

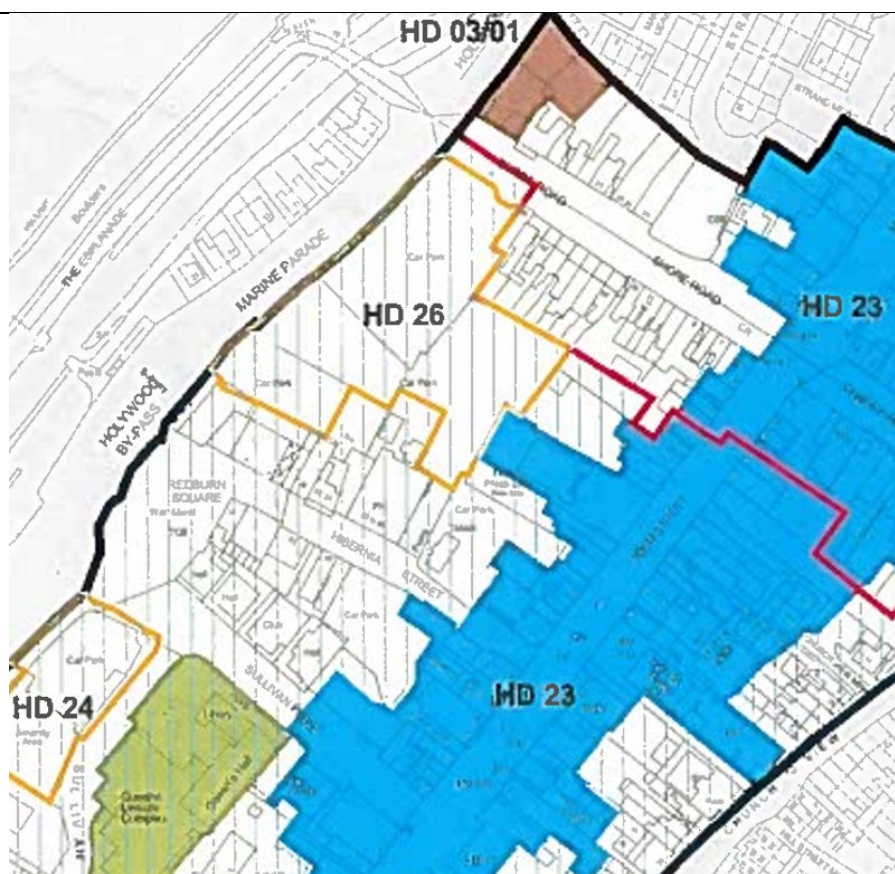


Fig 15 Extract from Draft BMAP – Hollywood Town Centre Map 4n

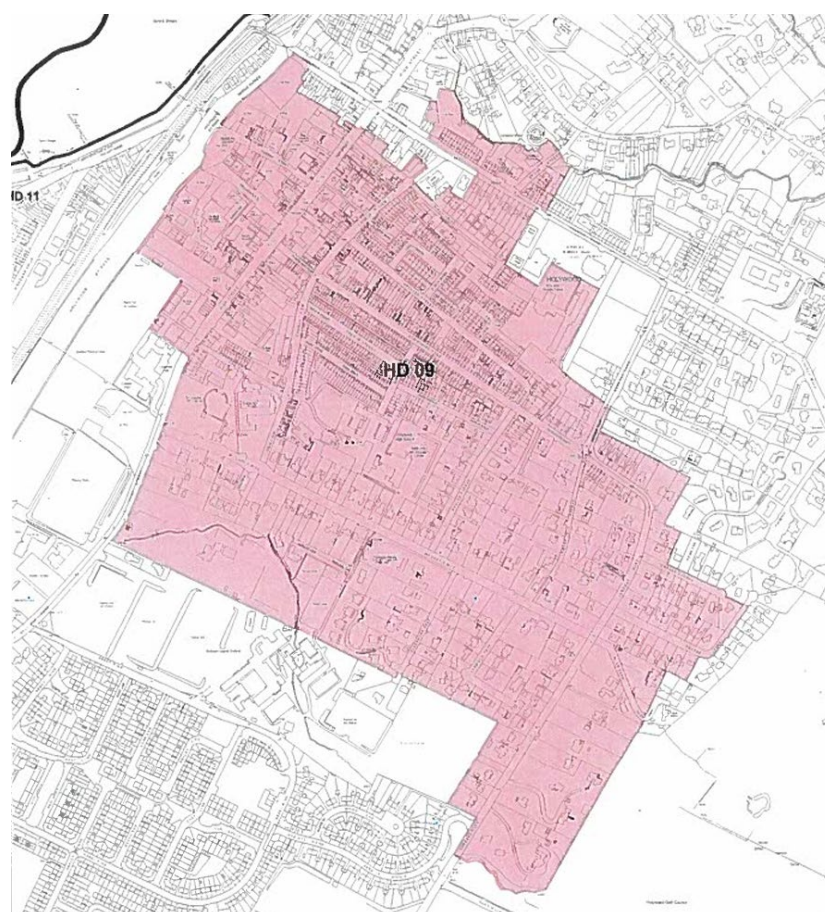


Fig 16 – Extract from Draft BMAP – Hollywood South ATC HD09

This proposed residential development is considered to be appropriate in this locality. It makes efficient use of a brownfield site so sustainable in approach. It increases town centre living locating residents within walking distance of shops, services and public transport.

4.2 Impact on Hollywood Town Centre and its Primary Retail Core

In relation to retail and town centres SPPS2 requires that:

- Planning authorities must adopt a town centres-first approach.
- applicants undertake need or capacity assessments for retail and other main town centre uses across the plan area;
- Local Development Plans should include strategies for town centres and retailing, promoting town centres for retail and complementary uses.

Paragraph 6.287 of SPPS2 advises that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

The SPPS2 requires that applications for main town centre uses are to be considered in the following order of preference (and consider all of the proposal's catchment):

- primary retail core;
- town centres;
- edge of centre; and
- out of centre locations, only where sites are accessible by a choice of good public transport modes.

Within Draft BMAP, Policy R1 stipulates that outside designated Primary Retail Cores and within city and town centres, retail development will only be granted planning permission where it can be demonstrated that there is no suitable site within the Primary Retail Core.

The current application comprises a 460m² retail unit on the ground floor with apartments above. Whilst not located in the Primary Retail Core, the planning history of the site is a material consideration in this case. Under the previous planning approval LA06/2018/0436/F, permission was granted for a total of five retail units. The two largest units, units 1 and 2 as indicated in Figure 17 below, sit on the site of the current application with a total floorspace of 1005m². It is considered that the development has been commenced timeously, and founds have been poured in relation to the units at the front of the site, corresponding with Unit 5 as approved.

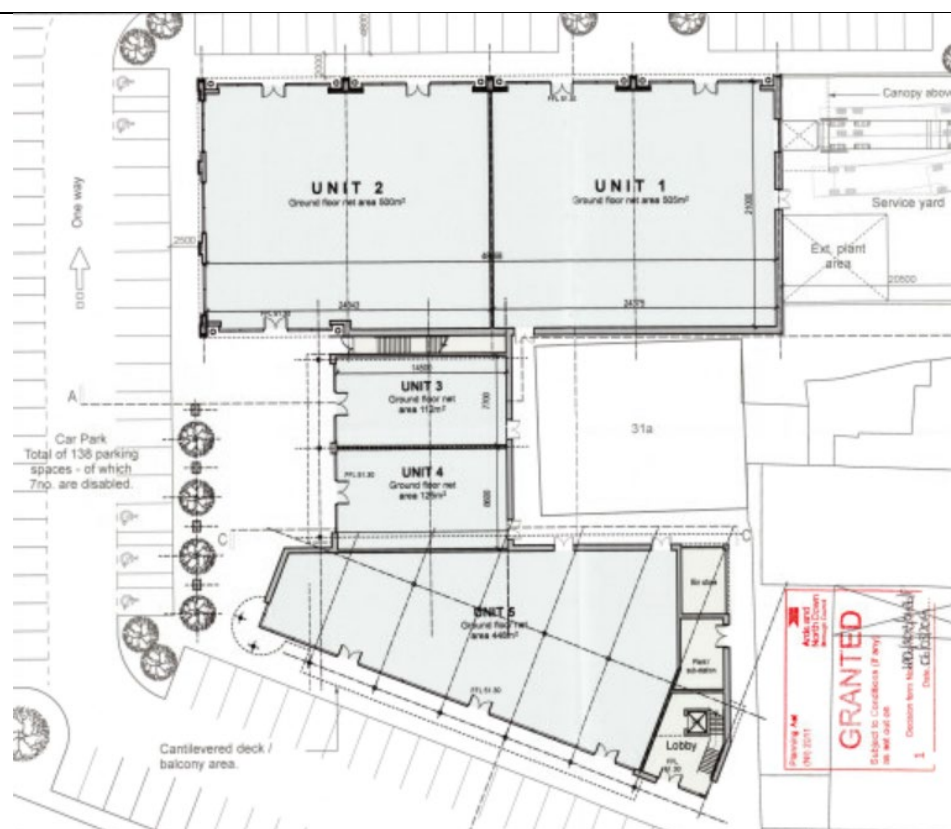


Fig 17: Approved ground floor retail units under LA06/2018/0436/F

The potential impact on the town centre of the previously approved retail development was considered in detail in the assessment of application LA06/2018/0436/F. It was accepted under this application that there was no suitable site within the Primary Retail Core for the proposed development. A Retail Impact Report was submitted with the application at the time which identified that there was a total of 153 units within the Primary Retail Core with only nine of these units vacant at the time, which was less than 6% of the total units available. The report concluded that there were no potential development sites available within the Primary Retail Core and the vacant units identified were not large enough to accommodate the development as proposed. In the absence of an available site within the Primary Retail Core, the town centre location was the next sequentially preferable site. It is noted that a letter of support was also received from the Hollywood Chamber of Commerce at the time.

The current application proposes a significantly smaller retail area on this part of the site (460m² instead of 1005m²) along with ground floor parking for the apartments above (see Figs 18 and 19 below). The site also is in close proximity to the Primary Retail Core Boundary. While no retail impact report or sequential test has been submitted with the current application, given the fallback position of the two larger retail units on the site, the submission of this information is not considered to be necessary. Since approval of the previous permission, there has been no significant change within the Primary Retail Core in terms of vacancy rates or the availability of a suitable preferable site large enough to accommodate the proposed unit.



Fig 18 Proposed Site Plan, Drg 03 (outlined in red)



Fig 19: Retail Unit and Ground Floor Parking for Apartments, Drg 14A

As the current proposal effectively replaces units 1 and 2 of the extant permission, the remainder of the development could still be lawfully completed in line with the approved plans – the plans dovetail. The artist's impression below indicates how this could look. The current layout and access plans illustrate parking and road layout. DfI Roads has been consulted and is content.

4.3 Design and Visual Impact

The proposed development is mixed use and provides the following in a single block over four levels:

- **Ground floor:** a single retail unit (460m² gross floorspace), 27no. car parking spaces (all equipped with EV wall box charging points), cycle parking and lobby (with covered entrance). The car park and service area are accessed from Hibernia Street, whilst the commercial unit is accessed from the public car park.
- **First floor:** 9no. two-bedroom apartments (with balconies for 8no. of the apartments) and landscaped courtyards.
- **Second floor:** 9no. two-bedroom apartments (with balconies for 8no. of the apartments) and landscaped courtyards.
- **Third floor:** 9no. two-bedroom apartments (with balconies for 8no. of the apartments) and landscaped courtyards.



Figure 20: Artist's Impression of proposed development (left) facing into public car park (Extract Design and Access Statement)

Designation HD22 of draft BMAP sets out Urban Design Criteria for Hollywood Town Centre which are:

- Development shall respect the established building line;
- Building heights shall generally be 4 storeys facing the Hollywood By-Pass /Marine Parade (or 5 storeys where setback is used). Building heights shall step down to a minimum of 3 storeys where they meet Sullivan Place and Shore Road. Taller buildings up to a maximum of 5 storeys shall be located on corner sites;
- In the market square and off Church View development shall be 2 storeys; and
- The external façade of development sites shall reflect the fine pattern and traditional character of the Town Centre. A sub-division of 8 - 10m along Hollywood By-Pass/Marine Parade and 6 -8 m in other areas should be used to reflect historic character.

In terms of design and scale, the area is characterised by a range of designs and

scales, including the constructed four-storey commercial / residential block at the junction of Marine Parade and Shore Road (Ref. LA06/2015/0074/F), the four-storey office block on Hibernia Street (Ref. LA06/2022/0674/F), as well as the committed two-storey retail and office block fronting Marine Parade and the three-storey office block on Hibernia Street (both approved under Ref. LA06/2018/0436/F).



Fig 21: Approved Hibernia Street Frontage (LA06/2018/0436/F)



Fig 22: Proposed Contextual Elevation – Hibernia Street



Fig 23: Proposed Contextual Elevation – Marine Parade



Fig 24: Proposed Contextual South-Eastern Elevation

Taking into consideration the previous approvals for the site and the context, I am satisfied that the proposed development complies with Designation HD 22 of the Draft Belfast Metropolitan Area Plan 2015. The proposed building occupies a corner site, its height, scale and massing is in line with policy and comparable with approvals nearby.

The design provides attractive frontages to all sides of the scheme, and the architectural language for other development is contemporary but with materials which complement or match the character of buildings in the locality and the townscape generally. Key materials include:-

- ground floor: smooth render finish painted dark grey with a planting buffer;
- 1st – 3rd floor walls: clay facing brick (beige colour with white/light colour mortar);
- 1st – 3rd floor balcony niches: smooth render finish, painted dark grey.
- balconies: unfinished prefabricated concrete;

- windows and glazed doors: dark grey colour PPC aluminium frames and dark grey colour
- aluminium for projected window surrounds;
- roof: dark grey colour single ply membrane; and
- rainwater goods: dark grey colour aluminium.

The Design & Access Statement comments *“The balconies and projected window surrounds enliven the elevations whilst the landscaped courtyards are a significant and attractive design feature on the northern elevation. The facade design provides a vertical emphasis and variation to the elevations.”*

The proposal is consistent with Policy QD1 Quality in New Residential Development of PPS7. The criteria set out in Policy QD1 have all been addressed. The scheme respects the surrounding context, is appropriate to the character of the area, is in a highly accessible location and is of a high-quality design. The design of the scheme is coherent and provides, through the elevational treatment, interest and contrast with pops of colour around the windows. The proposed scheme will enhance the appearance and character of the area through the regeneration of an underused, town centre brownfield site.

4.4 Impact on the Setting of Listed Buildings within the vicinity of the site

The application site is in proximity to a number of listed buildings which are of special architectural or historic interest and are protected by Section 80 of the Planning Act (NI) 2011. These include:

- HB23/20/010 First Holywood Non-Subscribing Presbyterian Church, High Street Grade B1
- HB23/20/082 McCammon Memorial Masonic Hall, 11 Sullivan Place Grade B2
- HB23/20/022 A-D 20-26 Shore Road Grade B2
- HB23/20/023 A-C 28-32 Shore Road Grade B2



**Fig 25 Views of Listed Buildings along Shore Road unaffected
(Extract Design & Access Statement)**

The location, scale, height, alignment and design of the proposal ensure that the proposal complies with Policy BH11 of PPS 6 and does not adversely affect the setting of the listed buildings particularly when viewed from High Street and Shore Road. From the former, there will only be limited views beyond the listed Church to the apartment block, whilst when viewing the Shore Road properties from Shore Road, there will be no views of the apartment block to the rear.

Historic Environment Division (HED), Historic Buildings Unit (HBU) of NIEA, has been consulted and considered the impact of the proposal on the listed buildings. On the basis of the information provided, HBU advises that it is content with the proposal as presented. Its comments are made in relation to the requirements of the SPPS2 para 6.12 (setting) and of PPS 6: Planning, Archaeology and the Built Heritage Policy BH 11 (Development affecting the Setting of a Listed Building).

In reaching this conclusion, HBU states it is cognisant of the approved unbuilt and executed applications surrounding the subject site. While the extant approved application LA06/2018/0436/F on the subject site is contained within the same footprint as the current proposal, that scheme was considerably lower. However, none of the adjacent listed assets exhibit designed views to or from the application site, presenting blank and/or utilitarian elevations towards the proposal; the application site position has traditionally been backlands to High Street, Shore Street & Hibernia Street. The application site is positioned lower than High Street: the current proposal is at same height as recently completed buildings to the North & Southwest.

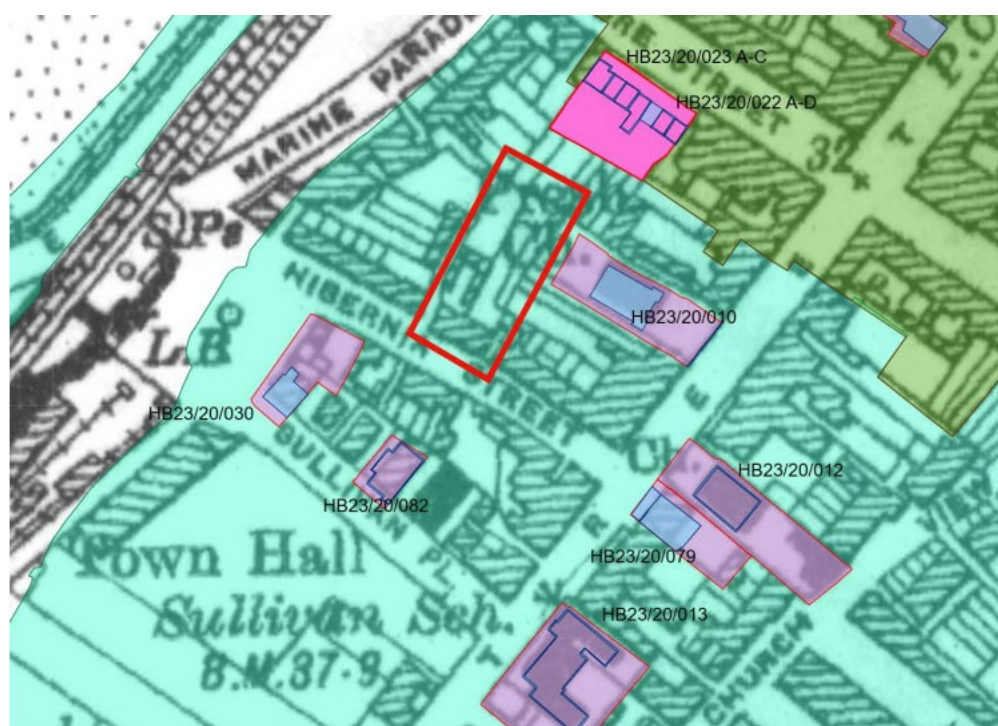


Figure 26: Extract HED map viewer position of site with OSNI 4th edition mapping (1916-1957) and historic buildings



**Fig 27: Glimpses towards the site of the proposed development from First Non-Subscribing Presbyterian Church Listed Building from High Street
(Extract Design & Access Statement)**

From the High Street, there will only be limited views beyond the Listed Church to the apartment block, while the apartment block will not be visible to the rear when viewing the Shore Road properties from Shore Road, there will be no views of the apartment block to the rear. From the High Street, there will only be limited views beyond the Listed Church to the apartment block, whilst when viewing the Shore Road properties from Shore Road, there will be no views of the apartment block to the rear. The location, scale, height, alignment and design of the proposal will ensure that the proposal complies with Policy BH11 of PPS 6 and does not adversely affect the setting of the Listed Buildings particularly when viewed from High Street and Shore Road.

HED Historic Buildings is content that:

- a) The proposal will have negligible impact upon the setting of the adjacent listed assets, and
- b) The proposal is compliant with criteria (a), (b) & (c) of PPS 6 Policy BH 11 in that the detailed design respects the listed buildings in terms of scale, height, massing and alignment; the proposal specifies sympathetic building materials; and the proposed use respects the character of the setting of the listed assets.

4.5 Impact on Archaeology

This application site is located within the proposed Holywood Area of Archaeological Potential (AAP), as defined in draft Belfast Metropolitan Area Plan (BMAP) 2015. This represents the historic core of Holywood which includes a Motte and Church site which can trace its origins to the medieval period. This is the area where during the course of development works below-ground archaeological remains associated with the historic development of the town could be uncovered.

HED (Historic Monuments Unit) has considered the impacts of the proposal and is content that the proposal satisfies SPPS and PPS 6 policy requirements, subject to conditions for

the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

4.6 Impact on Hollywood Conservation Area and Proposed Area of Townscape Character

The site is in close proximity to, but not within, the boundary of Hollywood Conservation Area which is to the North and includes properties in Shore Road which back onto the site. The most relevant policy for new development in such instances is Policy BH 12 of PPS 6: Planning, Archaeology and Built Heritage. This states proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area will only be permitted where all the following criteria are met:

- a) the development preserves or enhances the character and appearance of the area;
- b) the development is in sympathy with the characteristic built form of the area;
- c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- e) important views within, into and out of the area are protected;
- f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- g) the development conforms with the guidance set out in conservation area documents.

Also, special care is needed in the location and design of development proposals close to a conservation area. Inappropriate development outside a conservation area can have a detrimental effect on the character and setting of the area. In such cases, new development will be expected to respect the character and appearance of the adjacent conservation area while the planning authority will also seek to retain important views in and out of the area.

ANDBC's Planning Conservation Officer was consulted and taking account of the surrounding context, is content that the proposal will not have an unacceptable adverse impact upon the character and appearance of the conservation area and is therefore compliant with the criteria of Policy BH 12 of PPS 6 and the SPPS2 insofar as it refers to conservation areas.

The application site is also within the proposed Hollywood South Area of Townscape Character (ATC). Under the draft BMAP one objection was considered in relation to the inclusion of this locality within the Hollywood South ATC. The Planning Appeals Commission concluded that given the prominence of the site, the sensitivity of the surrounding area and the potential impact on views into the conservation area, the site's inclusion within the ATC was appropriate and recommended no change to the Plan. Given that it is unclear as to how the area will be characterised, determining weight cannot be given to the potential impact on the character of the ATC, however, its appearance remains a material consideration.

Key features of the Hollywood South ATC relate to buildings contained within High Street, My Lady's Mile, Demesne Road, Downshire Road and Church View. It is considered that the proposed development, including demolition of the public house, storage building, and wall will not result in an adverse impact on the proposed ATC. Further, this has been established as the demolitions proposed, i.e. of the remaining buildings and wall on the site, are approved under the extant approval LA06/2018/0436/F. There has been no change in policy or designations since the previous approval was granted. As such, the demolitions remain acceptable. Given the variety of architectural styles in the locality, it is considered that the proposed design is in keeping with existing built form along Hibernia Street and Marine Parade and there will be no adverse impact on the appearance of the proposed ATC.

4.7 Access, Movement and Parking (PPS 3)

Vehicular access to the application site is to be provided via a one-way system with an entrance off the roundabout on Redburn Square and an exit onto Hibernia Street. Direct access to the underground car park for the proposed apartments is provided on Hibernia Street. The location of the access to the proposal is essentially the same location as planning approval LA06/2018/0436/F. PPS 3, along with Parking Standards, sets out the most relevant policy/guidance in this respect.

A Transport Assessment Form (TAF) completed by consultant structural and civil engineers has been submitted in support of the planning application. It identifies the following travel movements:

1. How many journeys will be made to the site each day? *Please provide an estimate of the journeys to the site by each transport mode, walk, cycle, public transport, car, taxi and freight vehicles.*

Residential development	Number of journeys
Walk	10
Cycle	6
Car	40
Taxi	2
Public transport	12
HGVs– please indicate the type/size of vehicles	0

Commercial development	Number of journeys
Walk	25
Cycle	5
Car	42
Taxi	2
Public transport	25
HGVs– please indicate the type/size of vehicles	1 – HGV delivery truck

Comments

These estimations are based on the spaces within the proposed development and an average of 100 customers per day for each commercial unit. This amounts to approximately 70 users accessing the site for residential purposes and 100 users for retail use.

Fig 28: Extract TAF – Travel Movements

The assessment concludes that due to the vast number of existing dwellings and retail units, it is unlikely the proposal will have a significant impact on traffic within the Redburn Square area or junction connecting to Sullivan Place and the Hollywood Bypass. A dedicated service area on the northern side of the building is provided to enable servicing from Hibernia Street.

DfI Roads has been consulted and is content that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic on the basis that adequate car parking is provided for the proposal. Criterion (f) of Policy QD 1 of PPS 7 requires adequate and appropriate provision is made for parking.

Under Parking Standards guidance, the following provision is required for apartments:

Table 7 Total number of parking spaces per dwelling required for apartments and houses that have only communal parking provision.

	Dwelling size (bedrooms)	Total no. of parking spaces required per dwelling (unassigned spaces)	Total no. of parking spaces required per dwelling (assigned spaces)*
Apartments	Bedsit and 1 bed	1.25	1.5
	2 bed	1.5	1.75

Fig 29 Extract Parking Standards

For the 24no. 2-bedroom apartments proposed, this would indicate a total of 36no. spaces. For the 3no. 1-bedroom apartments 3.75 spaces, therefore a total requirement of 40no. spaces according to the standards. As only 27no. dedicated spaces have been provided for the apartments, this would represent a shortfall of 13no. spaces. However, Policy AMP 7 of PPS 3 sets out that a reduced level of car parking provision may be acceptable where the development is in a highly accessible location well served by public transport, or where the development would benefit from spare capacity available in nearby public car parks or adjacent on street parking and if active travel measures are provided.

I am satisfied that the application site meets such requirements in that it is within the town centre and well served by public transport links. A footpath runs along both sides of adjacent streets to provide access. Hollywood High Street, with shops, cafes and restaurants, is less than 100m from the site. It is highly accessible to public buses with the Hollywood Police Station Bus Stop approx. 300m from the site.

The TAF states that Translink Services 1, 2, 2A and 502b are provided throughout the day with routes to Bangor or Belfast centres. Hollywood Train Station is within walking distance connecting Hollywood with Belfast and Bangor. The site is also adjacent to several public car parks and the development would provide covered parking for bicycles as well as cars.

It is also acknowledged that the Council has accepted a similar ratio of 1 space per apartment in other similar developments granted permission within and adjacent to Hollywood town centre in recent years. It is therefore considered that adequate provisions

have been made for car parking with one space per apartment which is appropriate for the town centre location. Accessibility has been considered in line with Policy AMP 1. There is level access into the retail unit and via a lobby to the apartments with lift access to all floors.

For the retail element of the proposal the requirements in the Parking Standards guidance vary from 1 per 14m² (food) to 1 per 20m² (non-food), which would indicate circa 33 spaces in the case of the latter. The previous approval did not condition retail type, so I have taken the higher requirement. Given that this proposal is for apartment development with only one retail unit in place of the two retail units and service yard proposed under the extant planning permission, it is considered that parking demand can be met through the overall car park development, when completed – see below.

Public Car Park

Phase 1 - the present car park has been adopted and operated by the Council since 2016 as a Pay and Display facility.

Phase 2, the Marine Parade frontage and the new one-way Redburn Square entrance has been operational for three years.

Phase 3 to the rear of Shore Road & High Street properties has been operational for two years.

The last phase will be carried out when, if approved, the proposed apartment project is complete. The agreement RFL has with the Council is that the regeneration of 'The Front' must return the same number of spaces upon completion. DFI Roads requirements have been met. This will be addressed via the Development Agreement between the Council and RFL.

It is therefore considered that the proposal complies with Policies AMP 1, AMP 2 and AMP 7 of PPS 3.

Servicing, Deliveries and Bin Storage

A new service yard is proposed with an entrance onto Hibernia Street to serve the proposed development. This together with a covered bin store, can be seen in Fig 30 below.

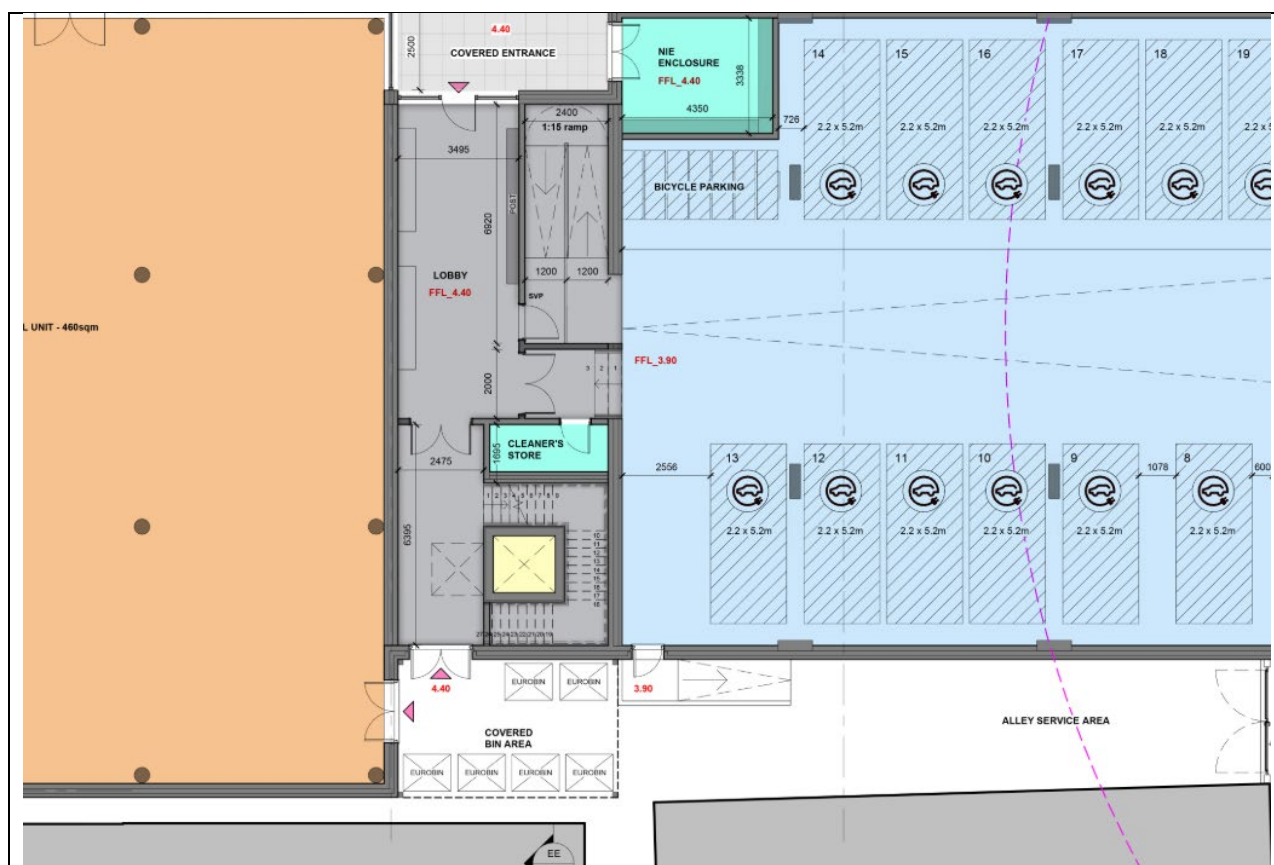


Fig 30 Service Yard and Bin Store, Drawing 14

After assessment of the proposed servicing and car parking DFI Roads has no objections subject to conditions.

4.8 Impact on Residential Amenity

It is considered that there would be no unacceptable adverse effect on existing or proposed properties in terms of over-looking, loss of light, overshadowing or noise. The approved adjacent scheme is retail at ground floor with offices above. Opposite on Hibernia Street is the Hibernia Street South car park, with offices adjacent including parking at ground floor. Beyond, are apartments at Sullivan Place. Adjacent, on Hibernia Street is a Public House with housing association offices beyond. In terms of scale, it is accepted the new building will dominate the public house which will ultimately sit between the current proposal and recent three storey development offices on its other side. While the Northeast elevation will face the rear gardens of properties along Shore Road, these include office and A2 uses such as dental surgery. It is considered that as this is a town centre context and the proposed building is set back a comparable distance to the approved extant retail/offices on this site and further away than from the new four-storey building at Marine Parade, which sits immediately adjacent to them, there would be no unacceptable impact as a result, in accordance with planning policy in particular part (h) of Policy QD 1 of PPS 7.

A Noise Impact and Odour Assessments accompanied the application. Environmental Health has been consulted and recommended conditions including sound reduction glazing to reduce noise for residents.

4.9 Private and Communal Amenity Space (PPS 7 & PPS 8)

Policy QD 1 (c) of PPS 7 states that adequate provision should be made for private open space.

There are six apartment types which range in area from 79m² to 127m² and 24/27 apartments have balconies which range in size from 9m² to 11m². These, in addition to the landscaped courtyard provide amenity space.

Under Creating Places: Achieving Quality in Residential Environments (Northern Ireland), the guidance for private amenity space (private open space) for apartments is:

- 1-bedroom apartment: minimum 10 m² of private amenity space.
- 2-bedroom apartment: minimum 20 m² of private amenity space.

This private amenity space may be provided as a private garden, patio, terrace, roof garden, or balcony, depending on the urban context and design of the scheme. The guidance recognises that in higher-density urban developments, balconies and communal arrangements may be appropriate where they provide a satisfactory living environment. Given this is a town centre location and the proximity, a short walk from the Esplanade with coastal paths and open space, this is considered adequate.

Policy OS 2 of PPS 8 requires development of 25 units or more to provide public open space as an integral part of the development. There is an exception to this in the where there is a reasonable level of private communal open space. Also where, the development is designed to integrate with and make use of adjoining public open space. With the majority of apartments having private balconies, the provision of a landscaped courtyard and being a short walk from the asset of the coastal path the proposed provision is considered acceptable in policy terms.

4.10 Designated Sites and Natural Heritage (PPS 2: Natural Heritage)

PPS 2, Policy NH 1 states planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on –

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance);
- a listed or proposed Ramsar Site.

The proposed development is approximately 90m from the nearest marine designated sites of National, European and International importance:

- Outer Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002;
- Belfast Lough SPA, Belfast Lough Open Water SPA and East Coast Marine SPA all of which are designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds); and
- Belfast Lough Ramsar Site, which is designated under the Ramsar Convention.

The proposal has an adequate buffer to the adjacent designated sites and is separated by a roadway, railway, housing etc. No watercourses connect the proposed development

to the coastline and because of the proposal's location inland and brownfield, there is no risk of habitat loss or disturbance to any site features, therefore no effects on any of the designated sites are considered likely.

This planning application has also been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Ards and North Down Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

In the case of the extant approval on the site, LA06/2018/0436/F, SES concluded that the proposal would not be likely to have a significant effect on the features of any European site. SES has been reconsulted on this smaller scheme and is content with a condition. Having considered the nature, scale, timing, duration and location of the project, it was eliminated from further assessment by SES because it could not have any conceivable effect on a European site. There are no viable pollution pathways.

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. Part 2 of the NI Biodiversity Checklist has been used to ascertain this. A completed biodiversity checklist accompanied the application, and having regard to the extant approval for this site, including demolition, it is not considered that the proposal is not likely to harm a species protected by law.

It is therefore considered that the proposal complies with relevant planning policy specifically Policies NH 1 and NH 2 of PPS 2.

4.11 Flooding and Drainage (PPS 15: Planning and Flood Risk)

Based on the most up to date modelling information on predicted flood risk the climate change maps indicate that a minor portion of the South-western boundary of the site lies within the 1 in 200-year climate change coastal flood plain.



Fig 31: GIS OS Extract – Coastal Flood Zone

DFI Rivers has been consulted and states this minor portion of the site is at risk of potential flooding in the climate change scenario; also, that unless the planning authority considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

PPS 15 allows, as an exception, for the replacement of existing buildings, which is what is being proposed. Further, this is to be taken in the context that this is redevelopment of an existing brownfield site, occupied by buildings, which has extant approval for retail and office development.

Flood Maps (NI) also indicates that a minor portion of the south-western boundary of the site is affected by portions of predicted pluvial (surface water) flooding. The Drainage Assessment states whilst the Flood Maps shows some potential for surface water flooding to occur, this will be mitigated by the presence of the new storm drainage network and by the fact that proposed site levels will be designed to ensure no low points will remain undrained, and that proposed dwellings are not located at a low point. It also concludes that the development of the site does not lead to an increase in surface water run-off.

DFI Rivers has reviewed the submitted Drainage Assessment, has accepted its logic and has no reason to disagree with its conclusions under Policy FLD 3.

DFI Rivers reservoir inundation maps indicate that the site is in a potential area of inundation from Church Road Upper Reservoir. As this has 'Responsible Reservoir Manager Status DFI Rivers has no reason to object from a reservoir flood risk perspective. In this respect the proposal complies with FLD 5 of PPS 15.

The maps also indicate the site is in a potential area of inundation from Church Road Lower Reservoir. While the condition, management and maintenance of this reservoir has not been shown as appropriate to provide sufficient assurances DFI Rivers has carried out an assessment of flood risk to people, which has rated the overall risk as low, and as such is considered acceptable.

NI Water has been consulted, and a wastewater solution has been reached. NIEA Water Catchment Unit in the light of this is also content.

4.12 Security from Crime

The layout of the apartments has been designed to deter crime and promote safety as the proposed apartments will have windows facing towards the front and rear of the site, and car park areas increasing security. It is therefore considered that the proposal complies with criterion (i) of Policy QD 1 of PPS 7.

5. Representations

To date, one letter of objection has been received from a local business address which has been in the area for over 20 years. Observations are based on its experience of other

recent developments within the Hibernia Street area. The main material planning matters raised in the submitted representation (objection) are detailed below, and discussed in detail under the topics above and/or with additional comment below:

Disruption to Business Operations

Previous developments in this vicinity have caused significant disruption to local businesses. In particular, it has been noted:

- Misrepresentation or lack of clarity regarding the reduction of parking availability for existing businesses.
- Parking spaces being occupied by tradespeople and site equipment, leaving insufficient access for customers and staff.
- Site materials and debris left on Hibernia Street and surrounding roads, leading to damage to vehicles — the writer's business office has experienced two punctures within the last six months as a result.
- Building materials being rested against their premises, creating both safety and aesthetic concerns.

Impact on Character, Scale and Massing

Concern is raised that the proposed building heights are excessive in relation to the existing streetscape along Hibernia Street. The scale and massing of the development appear out of character with the surrounding buildings and will create issues of overlooking and loss of privacy for nearby occupiers. The proposal is considered to affect the visual harmony and established character of the area.

Parking Requirements

Based on current parking standards, a development comprising 25 two-bedroom apartments and 2 one-bedroom apartments would require approximately 40 parking spaces. However, the submitted plans indicate provision for only 27 spaces within the curtilage of the site. This shortfall of 13 spaces will inevitably result in additional vehicles seeking to park on nearby streets, where off-street parking is already severely limited. This will further impact local residents, businesses, and customers who rely on the already constrained parking provision. The objector's business provides access to regular foot traffic, and the ongoing disruption and poor site management associated with nearby developments have already negatively affected the professional appearance and accessibility of the premises.

Conditions

Should this application be approved, strict conditions are imposed to ensure proper site management, parking control, and protection for neighbouring businesses and residents.

6. Recommendation

Grant Planning Permission

7. Conditions

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. Prior to the commencement of operation of any part of the development hereby approved, details of the location and specification of all plant and equipment (including odour abatement/ refrigeration equipment) to be used in connection with the retail unit and service yard shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: In the interests of public health.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.14A prior to the commencement of the development hereby approved.

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

4. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway prior to the commencement of the development hereby approved and such splays shall be retained and kept clear thereafter.

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

5. The access gradient to the development hereby approved shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. The proposed parking provision shall be as indicated by blue hatching on drawing no. 14A. This shall be in place prior to occupation of the first residential unit hereby approved.

Reason: To ensure adequate parking provision for apartment residents.

7. The parking areas as shaded yellow on Drawing No. 14A hereby permitted and held in perpetuity to provide for parking and servicing shall not be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing, and traffic circulation within the site.

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

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

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

9. No site works of any nature, or development shall take place other than in accordance with the programme of archaeological work approved under condition 8.

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 8. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

10. Windows for all the residential units hereby approved shall have glazing installed providing a minimum sound reduction performance of 39dB Rw/34dB Rw+Ctr, as prescribed within Noise Impact Assessment Holywood Apartments (Prepared by Irwin Carr Consulting. Reference Rp001N 2025524. Dated 5 December 2025) in order to achieve BS 8233:2014 and World Health Organisation Guidelines in noise sensitive rooms for both daytime and night-time. This glazing is to be installed prior to occupation and permanently retained thereafter.

Reason: In the interest of amenity of residents.

11. The proposed development shall incorporate a mechanical ventilation system, as prescribed within the Subjective Odour Monitoring Study Holywood Apartments (Prepared by Irwin Carr Consulting Reference Rp001A2025524. Dated 5

December 2025). This shall be installed prior to occupation of the residential units hereby approved and permanently retained.

Reason: In the interest of amenity of residents.

12. A detailed landscaping scheme shall be submitted to the Council for approval in writing prior to the occupation of any of the units hereby approved. The landscaping shall be carried out in accordance with the approved scheme, and permanently retained. Such a scheme shall provide details of species, siting and planting. All hard and soft landscaping works shall be carried out in accordance with the appropriate British Standard or other recognised Codes of Practice.

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

13. A landscape management plan, including long-term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Council prior to the occupation or operation of any unit hereby approved. The landscape management plan shall be carried out as approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

14. The long-term management and maintenance of the open space as indicated on Drawing No. 04 shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of alternative measures which will take effect in the event that the management arrangements break down, shall be submitted to and agreed in writing with the Council prior to the occupation of any residential unit hereby approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

15. The development hereby approved shall not become operational or be occupied until a Service Management Plan has been submitted to and approved in writing by the Council. The approved plan shall restrict the servicing of the development to those times outside of normal retail opening hours.

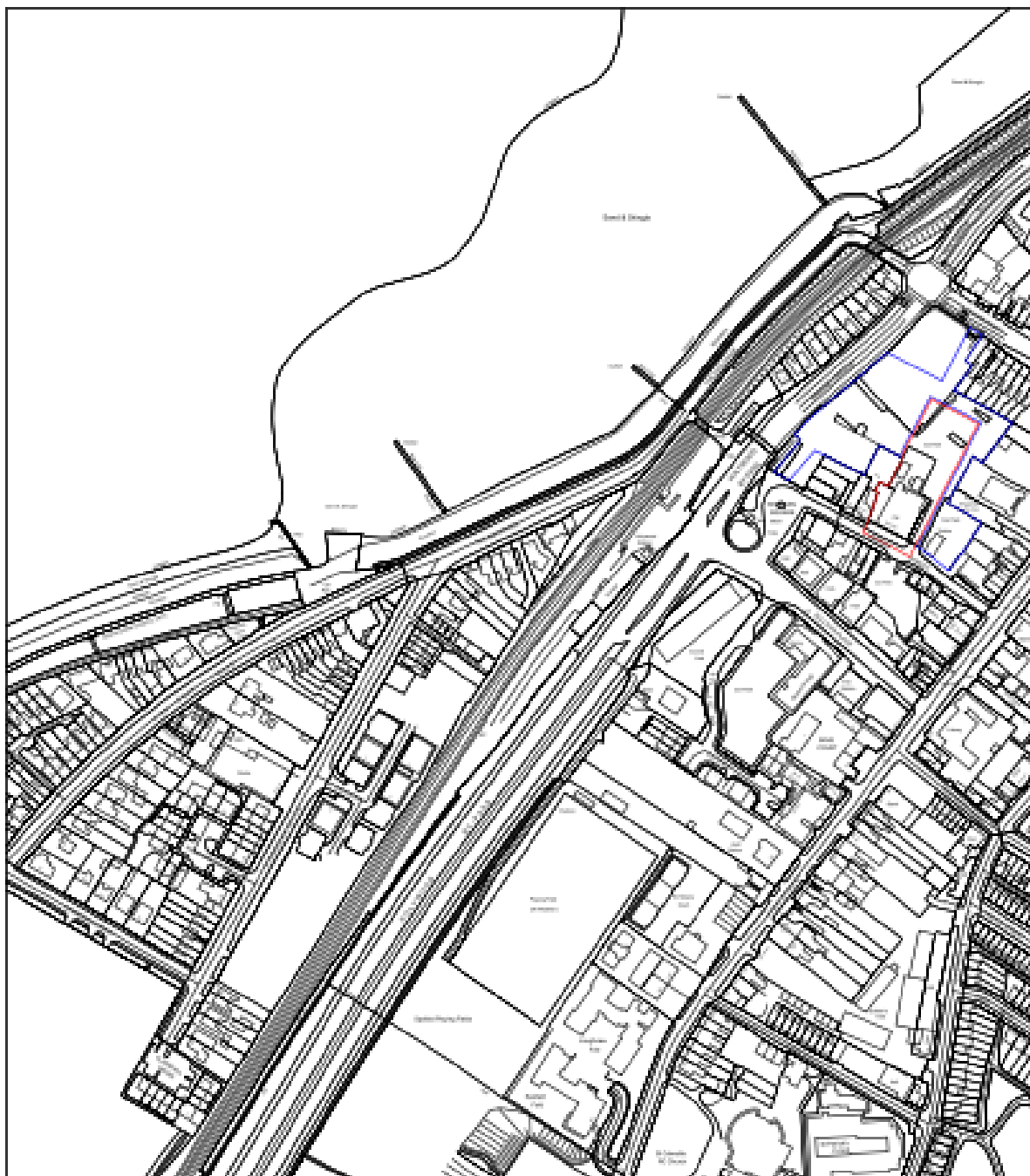
Reason: To ensure that there is no restriction on the car parking provision or prejudice to customer and pedestrian safety.

16. The development hereby approved shall not be occupied until the foul sewerage network engineering solution, as agreed with NI Water, has been delivered by the developer to the satisfaction of NI Water and agreed in writing with the Council, prior to the occupation of any dwelling hereby approved.

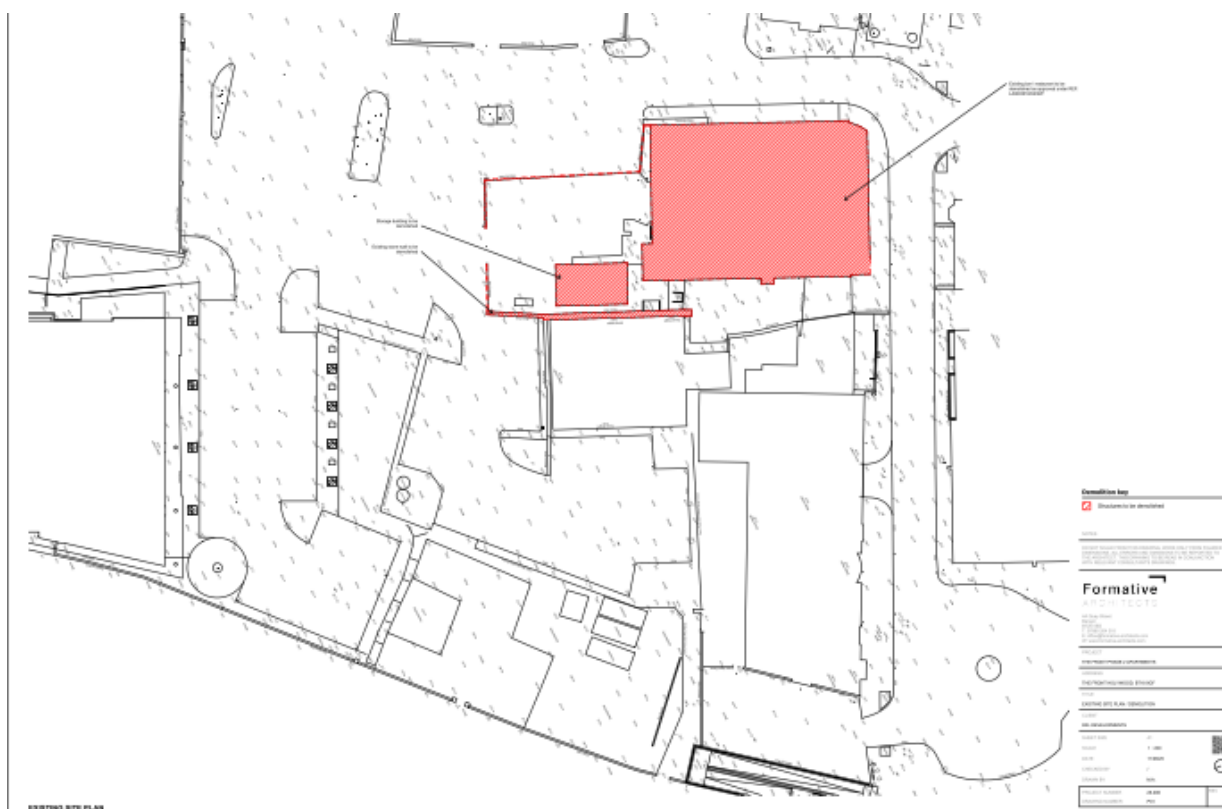
Reason: To ensure the project is not likely to have a significant effect on any European site.

Informatives
1. This Notice solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal. 2. Precautions must be taken on site to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor. 3. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises, which may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992.

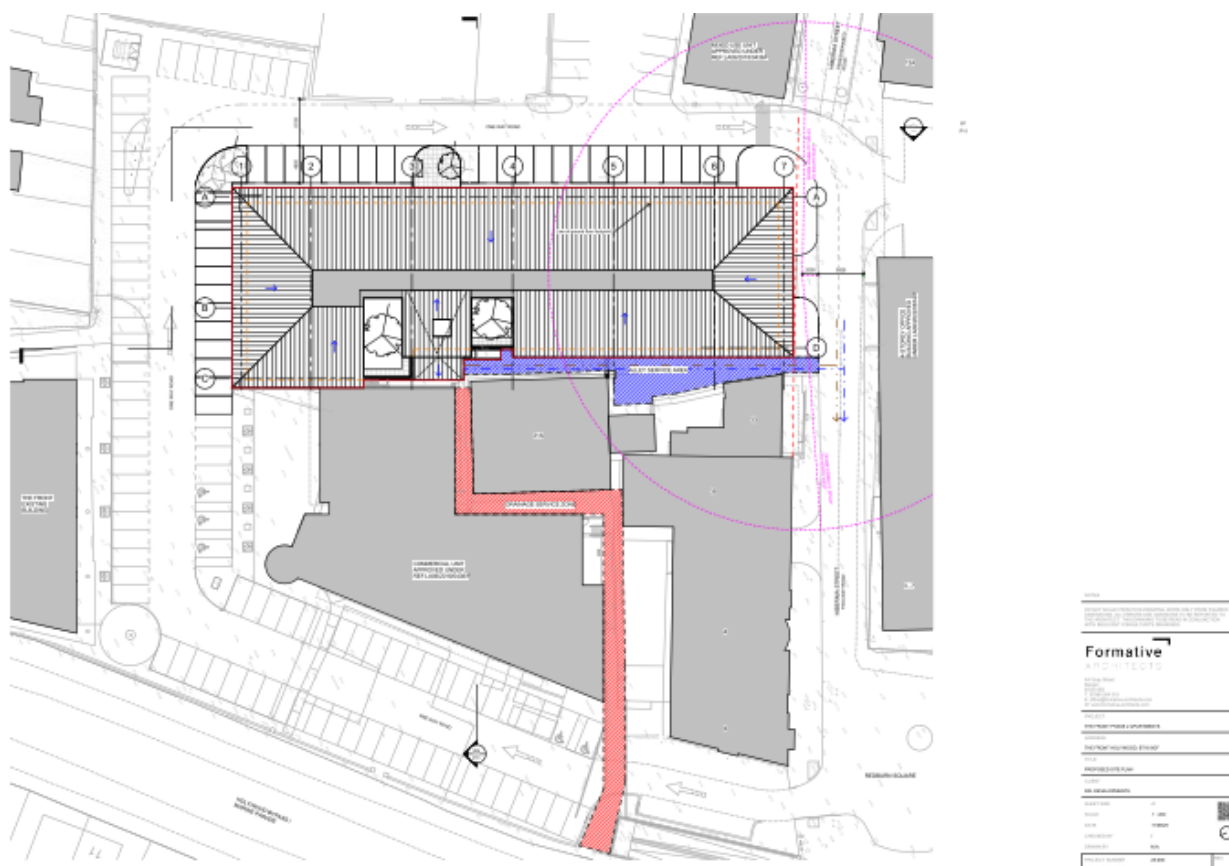
APPENDIX 1 LA06/2025/0903/F DRAWINGS



Site Location Plan Drg LA06/2025/0903 01



Existing Site Plan Drg LA06/2025/0903 02



Proposed Site Plan Drg LA06/2025/0903 03



Proposed Ground Floor Plan Drg LA06/2025/0903 04



Proposed First Floor Plan Drg LA06/2025/0903 05



Proposed Second Floor Plan Drg LA06/2025/0903 06



Proposed Third Floor Plan Drg LA06/2025/0903 07



Proposed Elevations 1 Drg LA06/2025/0903 08



Proposed Elevations 2 Drg LA06/2025/0903 09



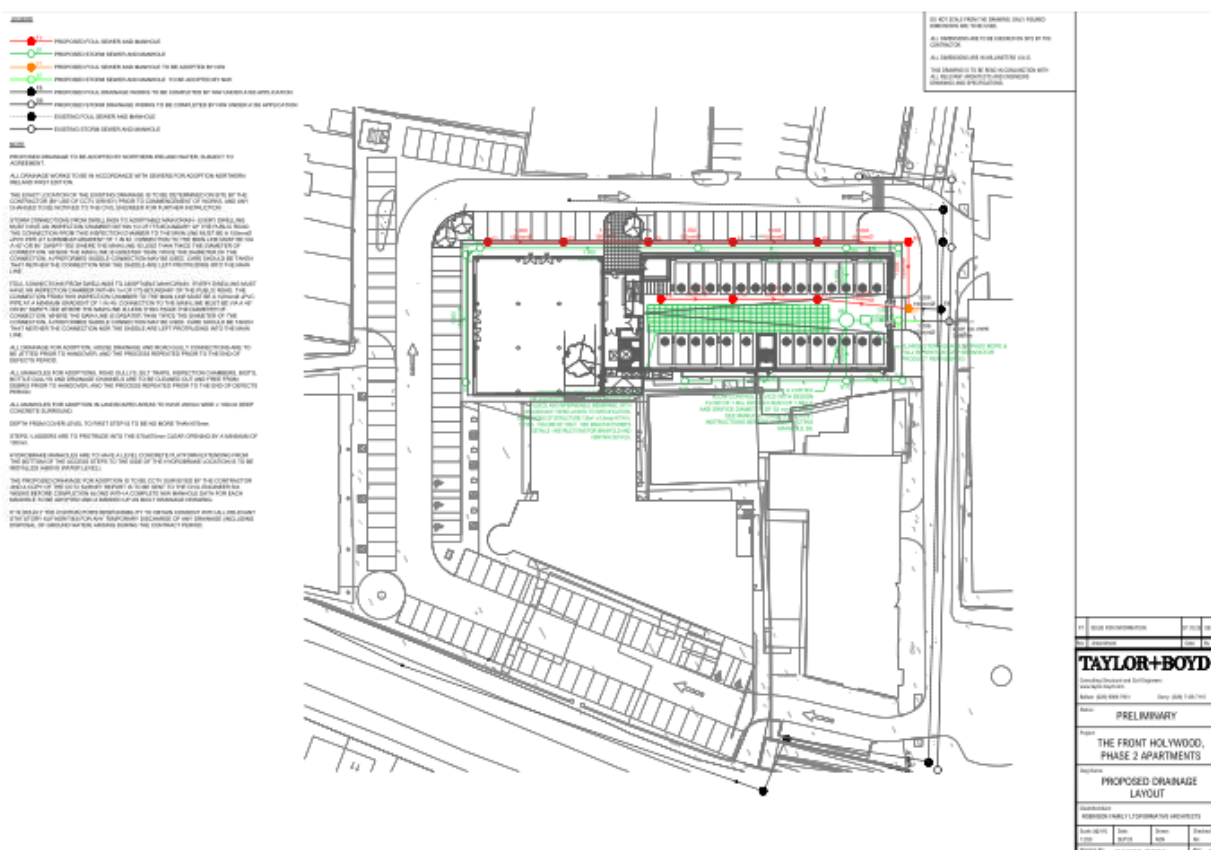
Sections 1 Drg LA06/2025/0903 10



Sections 2 Drg LA06/2025/0903 11



Sections 2 Drg LA06/2025/0903 12



Proposed Street Sections and Elevations Drg LA06/2025/0903 13

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Artist's Impression

Appendix 2 Photographs



Photo 1: Application site from car park



Photo 2: Looking down Hibernia Street (application site, front right)



Photo 3: New apartment building to NW



Photo 4: Rear of Shore Road properties to North of site



Photo 5: First Presbyterian Non Subscribing Church



Photo 6: Redburn Square leading to Hibernia Street



Photo 7: 4 Storey Building at corner of Hibernia Street (right of photo)

Unclassified

ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2025
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Street Naming - Glenlyon Gate, Holywood
Attachments	
File Reference (if applicable)	FP/2026/2276/MAST
Legislation	Other Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995
Resource Implications	Other Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Priority 2: Environmental Choose an item. If multiple:

A small development comprising of five detached dwellings is currently under construction on lands at 163 Church Road, Holywood, and requires a new street name.

The developer has proposed ‘Glenlyon Gate’ as the new street name due to the development being in close proximity to the small public park known as Glenlyon Park and is in keeping with the surrounding neighbourhood.

RECOMMENDATION

It is recommended that Council **Adopts** the street name of Glenlyon Gate.

Unclassified

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Proposed approach to Belfast City Airport PANs
Attachments	N/A
File Reference (if applicable)	
Legislation	Local Government Act (Northern Ireland) 2014
Resource Implications	None
	Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

Background

Belfast City Airport is proposing a programme of improvements to enhance passenger facilities, improve aircraft operations and strengthen connectivity to and from the airport.

Its proposals include both physical redevelopment works and changes to existing operational controls set out in the Planning Agreement, including an increase in the permitted number of aircraft take-offs and landings per annum and amendments to the hours during which aircraft operations may take place.

Detail

Two separate Proposal of Application Notices (PANs) have been submitted to both Belfast City Council and Ards and North Down Borough Council, in line with legislative requirements for proposals in the 'major' category of development.

The majority of the total proposed development lies within the Belfast City Council area with the extent of development within the Ards and North Down Borough Council area comprising less than one hectare of land.

Ards and North Down's Planning Service has allocated the PANs the following references:

LA06/2026/0775/PAN

This PAN relates to a proposed full planning application affecting land within the administrative areas of both Belfast City Council and Ards and North Down Borough Council.

The proposed development comprises:

- Extensions and alterations to the existing passenger terminal, including construction of a replacement passenger pier and associated aircraft boarding facilities. Additional aircraft stands and improvements to apron and taxiway infrastructure. Improvements to airfield operational facilities and supporting infrastructure. Inclusion of sustainable construction measures and low carbon technologies.
- Surface access and infrastructure improvements comprising a multi-modal forecourt. Enhancements to vehicular access, egress and internal circulation, including creation of a new left slip road from the Sydenham Bypass into the airport and improvements to the airport entrance through a dual right turn lane.
- Rationalisation and enhancement of car parking provision, including a creation of a multi-storey car park and long stay car park.
- Installation of a foul sewer connection from the onsite pumping station to Kinnegar Wastewater Treatment Works.
- A temporary construction compound, and associated infrastructure, engineering, landscaping and ancillary works.

LA06/2026/0778/PAN

This PAN relates to a proposed outline planning application for supporting airport infrastructure and associated development, including:

- ancillary aviation operations, including aircraft hangars, aviation fuel tanks and associated infrastructure;
- a hotel;
- the installation of solar photovoltaic (PV) panels at various locations across the airport;
- an electric vehicle charging hub; and
- improvements to landscaping, drainage, utilities, servicing infrastructure, and other ancillary development

BCA Master Plan, EIA Scoping and Pre Application Discussion

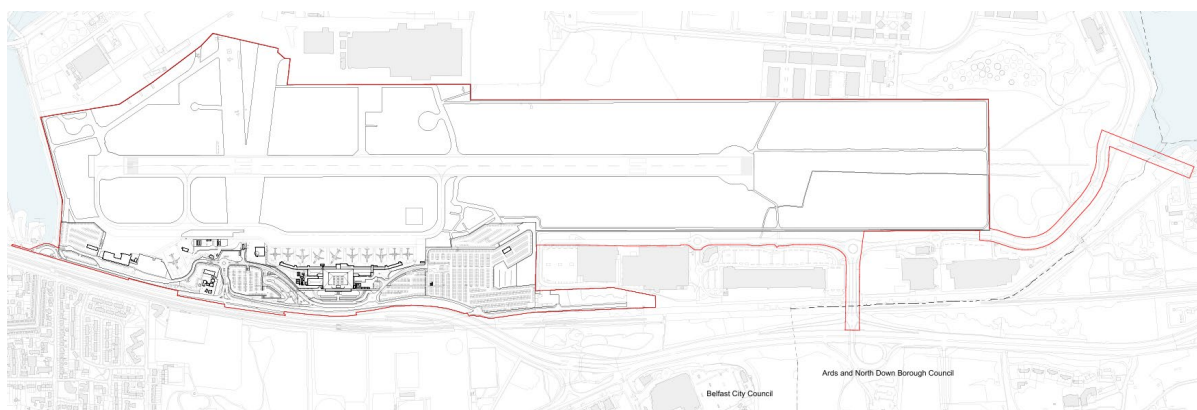
As indicated by the Proposal of Application Notices (PAN), the planning submissions comprise both a full and an outline planning application for the physical works required to accommodate future passenger growth at the Airport, alongside proposed modifications to the Planning Agreement between Belfast City Airport (BCA) and the Department for Infrastructure (DfI).

These submissions respond to the BCA Master Plan 2040, published in March 2026, which was subject to extensive voluntary consultation with the public, airlines, and other key stakeholders during 2025.

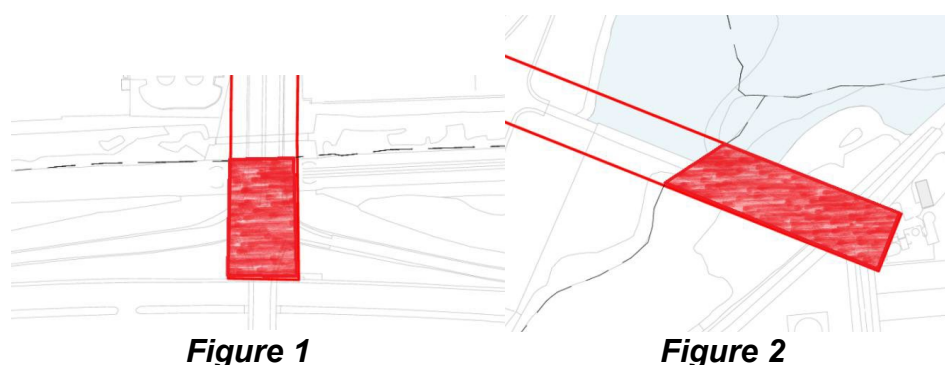
A comprehensive programme of Environmental Impact Assessment (EIA) Scoping and Pre-Application Discussions (PADs) has been undertaken with Belfast City Council over the past six months. We understand that Belfast City Airport has also been engaging with Belfast City Council regarding the proposals and potential administrative arrangements.

Extent of Development in ANDBC

The boundary map submitted with the PANs shows the interaction between the local authority boundaries and the site boundary.



There are two discrete areas of the application site located within the Ards and North Down Borough Council area. These are extracted and shaded below.



The first comprises the junction and mini roundabout at the link road between Belfast Road and Airport Road West (Figure 1). The inclusion of this area within the EIA boundary provides flexibility to accommodate and assess any junction improvements or associated works that may be identified through the ongoing design and assessment process.

The second section (Figure 2) is to the east of the airport and comprises a section of land to the north east of Airport Road West and inclusive of part of Kinnegar Wastewater Treatment Works (WWTW). This area is included within the site boundary as a new underground pipe will be installed connecting the Airport's onsite pumping station to the WWTW.

Local Government Act

Under Articles 7 and 9 of the Local Government Act (NI) 2014, councils can discharge their functions jointly or a council may arrange for its functions to be discharged by another council.

Should the PANs progress to application stage, it is considered useful to clarify for the applicant to clarify the administrative arrangements.

There are two options from which to choose a course of action.

1. Advise the applicant/agent to submit four applications, two to Belfast City Council and two to Ards and North Down Borough Council. This option will allow both Councils to retain control of their respective areas.
2. Advise the applicant/agent to submit four applications (as above) to each council and Ards and North Down Borough Council discharges the planning function to Belfast City Council. This option will allow Belfast City Council to process the entire scheme, with Ards and North Down Borough Council becoming a consultee.

Call In by the Department for Infrastructure

It is entirely likely, given the scale of the proposal and associated amendments required to the legal agreement, that the Department will exercise its powers under section 29 of The Planning Act (NI) 2011 and direct the applications to be referred to it instead of being dealt with by the council(s), in which case any decision made as above becomes moot.

Conclusion

It is recommended that the Council agrees to Option 2 above, as the areas of the proposal located within the boundary of Ards and North Down are so small and inconsequential to this Borough in the context of the wider scheme, that it would be of no benefit to the processing for this Council's Planning Service to determine.

RECOMMENDATION

It is recommended that Council Notes the detail in this report and agrees to Option 2 above, and for the Head of Planning to respond to the applicant and Belfast City Council in this respect.

Unclassified

ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Draft Response to call for Evidence re Proposed Tree Bill
Attachments	a - Private Member's Bill b - Explanatory & Financial Memorandum c - Draft Response to Call for Evidence
File Reference (if applicable)	
Legislation	Other The Planning Act (NI) 2011 & The Planning (Trees) Regulations (NI) 2015
Resource Implications	Budget and Staffing Narrative: Elements of the proposed bill will place further pressure on the Council's budget and staffing resource
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item.

If multiple:

	If multiple:
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Background

Members are referred to a previous report to the Council meeting of 26 February 2025 under Item 9.1, regarding a Public Consultation on a Private Member’s Bill on improving tree protections in Northern Ireland.

At that time Peter McReynolds MLA had written to the Council as a key stakeholder informing of his consultation on a proposed Private Member’s Bill which sought to strengthen the legal protection on individual and groups of trees, as well as long-established woodland, in Northern Ireland.

It followed a report published by the Northern Ireland Public Services Ombudsman entitled ‘Strengthening Our Roots – Tree Protection in the Planning System’ (November 2023 – reported to Council under Item 7.1 of November 2023).

Officers had proposed a response to that consultation by Peter McReynolds which was approved by Council at its meeting of February 2025.

Detail

The Committee for Infrastructure launched a Call for Evidence of which the Council was notified by email on 10 July 2026 but which did not specify a timeframe for response and erroneously referred to another Bill. Further to review of the NI Assembly website, it transpires that the closing date was 16 September 2026. Officers have received confirmation that the Committee is willing to accept a late response.

The Heads of Planning of this Council and Lisburn and Castlereagh City Council attended an online meeting with NILGA, the Bill’s proposer, and the Woodland Trust, on 28 July to discuss all elements of the proposed Bill.

Officers have reviewed the proposed Bill in detail and have provided commentary in the attached table on each element, and as such Members are directed to the attached draft Bill and the Table of Comments proposed to be issued to the Infrastructure Committee in respect of the Call for Evidence.

As noted in the table to this report, it is considered that this Bill will introduce increased pressure on councils in respect of budget and staffing resource.

RECOMMENDATION

It is recommended that Council Approves the attached response to the proposed Tree Bill.

Tree Protection Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Mr Peter McReynolds, had made the following statement under Standing Order 30:

“In my view the Tree Protection Bill would be within the legislative competence of the Northern Ireland Assembly.”

Tree Protection Bill

[AS INTRODUCED]

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TREE PRESERVATION ORDERS

Tree Preservation Orders

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Replacement of trees

4. Replacement of trees
5. Council to inspect replacement trees
6. Enforcement of duties as to replacement of trees

Tree Protection Map

7. Tree Protection Map

Long-established and ancient woodland

8. Determination of planning applications
9. Permitted Development

Ecosystem services

10. Ecosystem services

Interpretation

11. Interpretation: 2011 Act
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PART 2

SUPPLEMENTARY PROVISIONS

13. Interpretation: general
14. Commencement
15. Short title

A

BILL

TO

Amend the law relating to the protection of trees and woodlands.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

PART 1

TREE PRESERVATION ORDERS

Tree Preservation Orders

Tree preservation orders: councils

5 **1.**—(1) Section 122 (Tree preservation orders: councils) of the 2011 Act is amended as follows.

(2) In subsection (1) after “amenity” insert “or ecosystem services”.

10 (3) In subsection (1)(a) after “destruction of trees” insert “; or for prohibiting the causing or permitting of the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees,”.

(4) After subsection (1) insert—

15 “(1A) Notwithstanding the requirement under subsection (1) that the making of a tree preservation order appears to a council to be expedient in the interests of amenity or ecosystem services, a council may make a tree preservation order in respect of any tree which is an ancient tree.

20 (1B) Where a council has reason to believe that a tree may be an ancient tree, and the tree has not been confirmed to be an ancient tree by a suitably qualified arboriculturist, the council may, before determining whether to make a tree preservation order in respect of that tree, commission an assessment by a suitably qualified arboriculturist to determine whether the tree is an ancient tree.

(1C) Where, following such an assessment, the arboriculturist determines that the tree is an ancient tree, the council must make a tree preservation order in respect of that tree unless the arboriculturist has confirmed that the tree is dead. Other than if the tree is dead, the condition, health or structural integrity of that tree is not to be considered a ground for refusing to make a tree preservation order.

(1D) Where a council decides not to commission an assessment under subsection (1B), it must provide written reasons for that decision to any person who requested the assessment or who brought the potential ancient status of the tree to the attention of the council.”.

(5) In subsection (3) for “A tree preservation order shall not take effect until it is confirmed by the council and the council may confirm any such” substitute “The council may confirm a tree preservation”.

(6) After subsection (3) insert—
“(3A) A tree preservation order shall take effect on the earlier of the date on which the order is confirmed by the council or the date on which it is deemed to have been confirmed in accordance with subsection 123(2)(b)(ii).”.

(7) After subsection (5) insert—
“(6) In this section, “ecosystem services” means the direct and indirect contributions of ecosystems to human well-being as listed in Schedule 1A.”.

Provisional tree preservation orders

2.—(1) Section 123 (Provisional tree preservation orders) of the 2011 Act is amended as follows.

(2) In subsection (2)(b)(i) after “made” insert “at which time the order will be deemed to have been confirmed, provided that no objections or representations have been received by the council and the council has not issued a decision to revoke the provisional tree preservation order”.

Penalties for contravention of tree preservation orders

3.—(1) Section 126 (Penalties for contravention of tree preservation orders) of the 2011 Act is amended as follows.

(2) In subsection (1) after “destroy it” insert “or knowingly causes or permits a tree to be cut down, uprooted or wilfully destroyed, or wilfully damaged, topped or lopped in such a manner as to be likely to destroy it,”.

Replacement of trees

Replacement of trees

4.—(1) Section 125 (Replacement of trees) of the 2011 Act is amended as follows.

(2) In subsection (1) for “another tree of an appropriate size and species” substitute “a heavy standard tree of an appropriate species”.

(3) In subsection (1) after “can” insert “and to inform the council that such a tree has been planted”.

(4) After subsection (3) insert—

5 “(3A) If any tree planted pursuant to this section dies or becomes damaged, diseased or is removed within 5 years of planting, it shall be the duty of the owner of the land to plant a subsequent replacement tree and the provisions of this section shall apply to any tree planted pursuant to this subsection.

10 (3B) If the owner is not responsible for the breach of the tree preservation order, the replacement and other duties set out in subsections (1) and (3A) are instead imposed on the person responsible for the breach. The owner may elect to replace the tree, and if the person responsible for the breach has failed to replace the tree within 18 months of being notified of the duty by the council or the owner, the owner of the land must replace the tree.
 15 If the owner of the land replaces the tree pursuant to this subsection (3B), the owner may recover the reasonable costs of replacement from the person responsible for the breach.”.

Council to inspect replacement trees

5.—(1) After Section 125 (Replacement of trees) insert—

20 **“Council to inspect replacement trees**

125A.—(1) A council must annually inspect, for a period of 5 years from the date of planting, the condition of any tree that is planted in its district pursuant to section 125 with a view to—

- 25 (a) identifying any tree that needs additional care or replacement; and
- (b) informing the owner of the land of any action that they need to take to ensure that the tree becomes established.

(2) It is for the council to determine the form of the inspection under subsection (1)(a), and an inspection may be limited to the examination of evidence of the tree’s establishment, or may include a scheduled or
 30 unscheduled site visit.

(3) Where the council requests the owner of the land to provide evidence of the establishment of the tree, the owner must provide the evidence in such form and within such reasonable period as the council may specify.

35 (4) Where remedial action is required pursuant to subsection (1)(a), the council must inform both the owner of the land and, if known, the person responsible for the breach of the remedial action required and may specify a reasonable period during which the action is to be carried out.

40 (5) Unless the owner of the land elects to carry out the remedial action, the person responsible for the breach must carry out the remedial action within the period specified or, if no period is specified, as soon as that person reasonably can.

(6) If the person who committed the breach has not taken the required remedial action within the period specified under subsection (4), the owner of the land must carry out the action as soon as the owner reasonably can.

5 (7) If the owner of the land carries out the remedial action pursuant to section 125A, the owner may recover the reasonable costs of such action from the person responsible for the breach.”.

Enforcement of duties as to replacement of trees

6.—(1) Section 164 (Enforcement of duties as to replacement of trees) of the 2011 Act is amended as follows.

10 (2) In subsection (1) after “plant a” insert “heavy standard”.

(3) After subsection (5) insert—

“ (6) Where a person fails to comply with an enforcement notice under this section, the council may enter the land, carry out the planting, and recover the costs of doing so from the person who committed the breach.

15 (7) Where the person who committed the breach cannot be identified, is insolvent or cannot be found, the council may recover costs from the owner of the land.

(8) Where the owner of the land incurs costs by reason of subsection (7), the owner has a right of action against the person who committed the breach to recover these costs.”.

Tree Protection Map

Tree Protection Map

7. After section 128 (Power to disapply section 127) insert—

“Tree Protection Map

25 **128A.**—(1) The Department must make available online free of charge a digital map of tree preservation orders that are in effect in Northern Ireland.

(2) This map will show the boundaries of all conservation areas in Northern Ireland and the number of tree preservation orders received, approved, and rejected by each council.

30 (3) This map is to be known as the Tree Protection Map (and is referred to in this Act as “TPM”).

Upload of information into the Tree Protection Map

128B.—(1) Before the end of the initial upload period each council must enter into TPM—

35 (a) all information that is included in the council’s records under section 242(1)(l) on the archive upload date;

(b) conservation area boundary information for all conservation areas within its district; and

(c) the number of tree preservation order applications received, approved, and rejected by the council per year over the previous 5 years.

(2) Information must be entered into TPM under subsection (1) in such form and manner as may be prescribed.

5 (3) Following the end of the initial upload period under subsection (1), the council must at least once in every 3 month period, upload to TPM any new information and update any existing information that is included in the council's records in respect of the information uploaded under subsection (1) to ensure that the information held in TPM is accurate and current.

10 (4) For the purposes of this section, the Department must by regulations—

(a) specify a date as “the archive upload date”, and

(b) specify a period beginning with that date as the “initial upload period”.

15 (5) Regulations under this section are subject to the negative resolution procedure.

Access to information kept in the Tree Protection Map

128C.—(1) The Department may by regulations make provision for or in connection with making information kept in TPM available.

(2) The regulations may (among other things) make provision about—

20 (a) which information, or descriptions of information, may be made available; and

(b) the form and manner in which information may be made available.

(3) The Department must ensure that any person required by a provision of this Act to upload data to TPM is granted suitable access to TPM for that purpose.

25 (4) Except as otherwise prescribed and subject to section 128D, processing of information by the Department in exercise of functions conferred by or under section 128A or this section does not breach—

(a) an obligation of confidence owed by the Department, or

30 (b) any other restriction on the processing of information (however imposed).

(5) Regulations under this section are subject to the draft affirmative procedure.

Data protection

35 **128D.**—(1) A duty or power to process information that is imposed or conferred by or under sections 128A, 128B or 128C does not operate to require or authorise the processing of personal data that would contravene the data protection legislation (but in determining whether processing of personal data would do so, that duty or power is to be taken into account).

40 (2) In this section—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act);

“personal data” has the same meaning as in that Act (see section 3(2) of that Act).”.

Long-established and ancient woodland

Determination of planning applications

5 **8.**—(1) Section 45 (Determination of planning applications) of the 2011 Act is amended as follows.

(2) After subsection (1) insert—

“(1A) Where an application is made for planning permission, and the grant of that planning permission would result in—

- 10 (a) the loss or deterioration of ancient or long-established woodland;
- (b) development within 15 metres of ancient or long-established woodland; or
- (c) the deterioration of an ancient tree that is subject to a tree preservation order,

15 the council or, as the case may be, the Department, must refuse planning permission unless the applicant demonstrates that there are wholly exceptional circumstances justifying the grant of planning permission.”.

Permitted Development

20 **9.**—(1) Article 3 (Permitted Development) of the 2015 Order is amended as follows.

(2) After paragraph (5) insert—

“(5A) The permission granted by the Schedule shall not authorise any development which requires or involves—

- 25 (a) the loss or deterioration of ancient or long-established woodland; or
- (b) (b) development within 15 metres of ancient or long-established woodland.”.

Ecosystem services

Ecosystem services

10.—(1) After Schedule 1 to the 2011 Act insert—

“SCHEDULE 1A

Section 122.

ECOSYSTEM SERVICES

5 1.—(1) The following services are ecosystem services for the purposes of section 122.

(2) Cultural Services, including—

- (a) Recreation and tourism;
- (b) Sense of place; and
- (c) Health benefits.

10 (3) Regulating services, including—

- (a) Climate regulation;
- (b) Flood regulation;
- (c) Fire hazard regulation;
- (d) Air and water quality regulation;
- 15 (e) Erosion control;
- (f) Disease and pest control;
- (g) Soil quality regulation; and
- (h) Noise regulation.

(4) Supporting services, including—

- 20 (a) Primary production;
- (b) Soil formation;
- (c) Water cycling; and
- (d) Nutrient cycling.”.

Interpretation

25 **Interpretation: 2011 Act**

11.—(1) In Part 15 (Supplementary), section 250(1), insert the following definitions in their appropriate places—

30 ““ancient tree” means a tree that meets the criteria for ancient trees published by the Ancient Tree Forum and the Woodland Trust (or any successor body to either), or such other criteria as the Department may by regulations prescribe;

“ancient woodland” means an area that has been continuously wooded since at least the end of the year 1600 AD, including ancient semi-natural woodland and plantations on ancient woodland sites;

35 “heavy standard tree” means a tree that meets the heavy standard specification set out in British Standard 8545:2014 (Trees: from nursery to independence in the landscape), or any British Standard which from time to time replaces, supersedes or is equivalent to that

standard, or meets such other specification or standard as the Department may by regulations prescribe;

5 “long-established woodland” means an area that has been shown to be continuously wooded since the First Edition six-inch to the mile Ordnance Survey Maps of 1830-1844 were published, but for which no documentary evidence has been found that it was wooded prior to 1600;”.

Interpretation: 2015 Order

10 **12.** In Article 2 (Interpretation) of the 2015 Order insert the following definitions in their appropriate places—

““ancient woodland” means an area that has been continuously wooded since at least the end of the year 1600 AD, including ancient semi-natural woodland and plantations on ancient woodland sites;

15 “long-established woodland” means an area that has been shown to be continuously wooded since the First Edition six-inch to the mile Ordnance Survey Maps of 1830-1844 were published, but for which no documentary evidence has been found that it was wooded prior to 1600;”.

PART 2

SUPPLEMENTARY PROVISIONS

Interpretation: general

13. In this Act—

25 “the 2011 Act” means the Planning Act (Northern Ireland) 2011; and any reference to a Part, numbered Section, or Schedule, is a reference to that Part, Section of, or Schedule to, the 2011 Act (unless otherwise stated); and

“the 2015 Order” means the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Commencement

30 **14.** This Act comes into operation twelve months after the day on which this Act receives Royal Assent.

Short title

15. This Act may be cited as the Tree Protection (Northern Ireland) Act 2026.

Tree Protection Bill

[AS INTRODUCED]

A Bill to amend the law relating to the protection of trees and woodlands.

Introduced by: Mr Peter McReynolds

On: 29 June 2026

Bill Type: Non-Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 41/22-27 EFM.**



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This Memorandum refers to the Tree Protection Bill as introduced in the Northern Ireland Assembly on 29 June 2026, (Bill 41/22-27)

TREE PROTECTION BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by Peter McReynolds MLA (the Bill Sponsor) in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So, where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Bill seeks to amend and strengthen primary legislation to provide greater legal protection for Northern Ireland’s oldest and most significant trees and woods.
4. Northern Ireland has the lowest levels of tree and woodland cover in the UK and Ireland, and the least amount of ancient and long-established woodland.¹ While efforts have been made by central and local government to increase tree planting, there is currently insufficient protection for Northern Ireland’s existing trees and woods, particularly ancient and long-established woodland, which are irreplaceable habitats under threat from development.
5. A 2023 YouGov survey commissioned by the Woodland Trust found 45% of respondents would feel sad, and 36% would feel angry, if a large local tree was felled for development, while 82% found it unacceptable to build new infrastructure that damages or destroys ancient woodland.² The Woodland Trust’s Living Legends campaign, which called for legally protected heritage status for significant trees and stronger policy protection, received over 100,000 signatures, demonstrating clear public demand for stronger legal protections.³
6. Currently, there are three legal mechanisms for tree protection in Northern Ireland: Tree Preservation Orders (TPOs), conservation areas and planning conditions. However,

¹ Forest Research, Forest Statistics 2024, available at: https://cdn.forestresearch.gov.uk/2024/10/Ch1_Woodland-WA-amendment.pdf

Government of Ireland, Ireland’s National Forest Inventory 2022, available at: <https://www.gov.ie/en/department-of-agriculture-food-and-the-marine/publications/irelands-national-forest-inventory-nfi/>

Woodland Trust, State of the UK’s Woods and Trees 2025, available at: <https://www.woodlandtrust.org.uk/publications/2025/06/state-of-uk-woods-and-trees-2025/>

² YouGov, Woodland Trust Survey Results. Available at: https://d3nkl3psvxxpe9.cloudfront.net/documents/WoodlandTrust_AncientTrees_230516_NI_W.pdf

³ Woodland Trust, Living Legends Campaign, available at: [Protect Trees](https://www.woodlandtrust.org.uk/protect-trees/)

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TPOs are limited in effectiveness because primary Northern Irish legislation does not make it an offence to ‘cause or permit’ a breach of a TPO, unlike in England, Scotland and Wales, creating enforcement challenges and loopholes that can be exploited.

7. Ancient and long-established woodland, one of Northern Ireland’s rarest habitats, lacks robust legal protection from its primary threat – loss to development. While felling licences regulate tree felling, they do not prevent the clearance of these habitats for development.
8. The 2023 Northern Ireland Public Services Ombudsman (NIPSO) report has highlighted failings in the delivery of tree preservation orders across Northern Ireland.⁴ The report’s recommendations, even if fully implemented, would not prevent the loss of ancient and long-established woodland to development, nor would they extend legal protection to ancient trees or strengthen the TPO system to recognise the broader environmental, cultural and health benefits provided by trees and is the basis upon which these proposals are made.
9. In England, Scotland and Wales, it is an offence to ‘cause or permit’ a breach of a TPO. The Town and Country Planning Act 1990 (England and Wales) and the Town and Country Planning (Scotland) Act 1997 make it an offence not only to directly breach a TPO but also to ‘cause or permit’ a breach. This wording extends liability to landowners, contractors, and others who indirectly enable a breach, aiding enforcement and acting as a deterrent.
10. The NIPSO report highlights that during the three-year period between 2019 and 2021, out of 369 tree protection breaches reported to councils, only one resulted in formal enforcement action being taken and no cases were brought to court. This contrasts with numerous documented cases in England and Wales where breaches of TPOs have been successfully prosecuted in the courts.
11. There is no direct reference to ‘cause or permit’ within the primary legislation which governs TPOs in Northern Ireland, although it does sit within the schedule of the Planning (Trees) Regulations (Northern Ireland) 2015. The omission of this phrase in the Planning Act (Northern Ireland) 2011 causes uncertainty as to the likelihood of a successful conviction when a TPO has been breached.
12. It is necessary to amend primary legislation to bring Northern Ireland’s TPO system in line with England, Scotland and Wales, closing existing loopholes and ensuring consistent enforcement across local authorities. Legislative change is also needed to broaden the criteria for making a TPO to reflect the full benefits of trees, aligning protections with the contemporary understanding of the role trees play in climate resilience and public health.
13. In addition to causing or permitting destruction, another policy objective of the Bill is to fasten responsibilities to plant replacement trees on landowners or those felling

⁴ Northern Ireland Public Service Ombudsman, 2023. Available at: [NIPSO Overview Report - Strengthening Our Roots - Tree Protection in the Planning System.pdf](#)

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protected trees and to place duties on the Council to inspect and confirm replacement trees are of the appropriate condition and are maintained.

14. The Bill aims to protect ancient and long-established woodland to secure enforceable protection for these irreplaceable habitats against development pressure. Alternative approaches, including policy guidance or non-statutory measures, cannot address the current legislative gaps or provide the deterrent effect required to protect Northern Ireland's oldest and most significant trees and woodlands effectively. The proposed exclusion zone of 15 metres in clauses 8 and 9 where no development will be permitted (save in wholly exceptional circumstances) in clause 8, is intended to be proportionate by not unduly blocking legitimate development whilst ensuring there is concrete legislative provision to protect woodlands and ancient trees.
15. Alternative measures, including policy protections and planning guidance, have been insufficient to prevent loss, with around 13% of Northern Ireland's ancient and long-established woodland that survived to the 1960s since been lost, with 273 woods cleared.⁵ It should be noted that, this evidence provided dates back to 2010, this figure will be higher today.
16. Existing protections, such as TPOs under the Planning Act (Northern Ireland) 2011, are weaker than in other parts of the UK. It is necessary to close this legislative gap to fasten responsibilities on landowners, contractors and others in Northern Ireland. Additionally, while Northern Ireland's oldest buildings benefit from dedicated legal protection, there is no equivalent statutory protection for ancient trees, despite their significant ecological, cultural and climate value.

CONSULTATION

17. A public consultation was carried out between 27 November 2024 and 9 March 2025. A total of 703 responses were received to the online survey, which comprised of 638 individual responses (90.75%) and 65 responses from organisations (9.25%).
18. There was strong support for the proposed legislation in that survey. Only 14.6% of respondents who answered the question think Tree Preservation Orders are effective for protecting trees and groups of trees. 91.0% of respondents support updating the Planning Act (Northern Ireland) 2011 to make it an offence to cause or permit the breach of a Tree Preservation Order. 90.2% support the requirement to plant and maintain a tree if a TPO has been breached. 90.0% agree with the creation of a new heritage tree designation to protect our oldest and most significant trees. 91.2% of respondents supported the proposal to restrict permitted developments from sites with ancient and long-established woodland, legally protected trees and heritage trees. 75.45% agreed that any cost of implementing and enforcing the legislation is acceptable when balanced against its benefits.

⁵ [Woodland Trust, 2010, Back on the Map – An Inventory of Ancient and Long-Established Woodland for Northern Ireland.](#)

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19. In addition to the public e-consultation, engagement with key sectoral stakeholders was undertaken. The intention of a survey is to provide testable propositions to inform the process of scrutiny and engagement with those directly involved in the process. Two stakeholder engagement sessions were held on 14 February 2025. The first was specifically for council officials and was attended by Lisburn & Castlereagh, Derry City & Strabane and Ards & North Down Councils. The second session was primarily for the environmental Non-governmental organisation (NGO) sector, however there was representation from Mid Ulster Council, RSPB, Ulster Wildlife, Northern Ireland Environment Link and the Ulster Angling Federation. This discussed the Bill's proposals, the implementation, costs and resources required.
20. The Bill Sponsor spoke with the Tree Officer Forum on 25 October 2024 which was attended by nominated tree officers for all the Councils across Northern Ireland. As a result of this meeting, the Sponsor identified that a specific TPO geared towards ancient trees would be a better way to support older and more significant trees, as a normal TPO would become invalidated by the proportion of those trees that might be diseased or dying, and the safety concerns around that. Additionally, in relation to permitted developments, it was highlighted to me that Class A and C developments were already not permitted if it would involve the removal of trees. Therefore, there is already a precedent set within the existing legislation and would ease the extension of this to include ancient trees and ancient and long-established woodland.
21. The proposals were presented to the Future of UK Treescaping project on 16 November 2024, the Protecting the UK's Tree Heritage Day at the Linnean Society in London on 20 November 2024, and the All-Party Group on Climate Change on 28 February 2025. The Sponsor has also spoken to constituents across Northern Ireland about the proposals, and instances of mature trees at risk of being felled for the progression of a development.
22. Following the consultation process, the Sponsor met with external stakeholders and council planners on an individual basis to discuss further development of the proposals. The Sponsor is conscious that Councils will have new responsibilities under the revised legislation and this engagement is crucial. The Member has also made contact with the Construction Employers Federation to seek their views on the Bill. The construction sector is an important stakeholder in relation to planning legislation and the Bill Sponsor is keen to hear their views.
23. The Bill Sponsor wrote to the Minister for Infrastructure to confirm the Department was not planning to introduce similar legislation to the proposals within this mandate, and on two other occasions to share the initial proposal and the consultation summary of responses.
24. The Minister advised the Department were considering the recommendations of the 2023 NIPSO report, 'Strengthening our Roots', and undertaking a review of the Implementation of the Planning Act (NI) 2011 (RIPA). Following initial correspondence in May 2024, the Minister has not indicated her Department will progress the policy proposals via legislation or other means during this mandate.
25. In July 2024 the previous Minister for Infrastructure advised in correspondence the aspects covering 'Heritage Trees' could come under the remit of the Department for

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Agriculture, Environment and Rural Affairs as it was regarding trees. However, the law we are seeking to change is strictly regarding planning legislation which comes under the auspices of the Department of Infrastructure.

26. Opinions from both the Human Rights Commission and the Equality Commission, to confirm there were no initial concerns with the policy objectives of the proposed Bill on human rights or equality legislation. If there are views in this area which become apparent following introduction of the Bill or during its progress, the Sponsor will engage on any points raised.

OPTIONS CONSIDERED

Option One - Do nothing, and continue with the status quo i.e. take no legislative action.

Option Two - Take legislative action to provide greater legal protection for Northern Ireland's oldest and most significant trees and woods.

Only 0.04% of woodland in Northern Ireland is ancient, with tree cover being only 8.6%. To address this, the Bill builds upon research and expertise on how to protect trees from across the UK. 'Cause and permit' need to be refreshed in legislation as case law has been too inconsistently applied under current legislation. The 15m buffer zone is based on precedent set by Natural England and the Forestry Commission, putting it on a statutory basis in Northern Ireland. The NIPSO 'Strengthening our Roots' report recommendations underlines that a single map of TPOs should be made available.

There has been no opposition to date to the Bill as reflected in the consultation. If there are areas for improvement or arguments against what is proposed, the Sponsor will engage constructively on these points.

Implications of not introducing legislation would result in Northern Ireland continuing to have significantly low levels of woodland and leaves significant risk to ancient and long-established woodland.

Following consultation, advice and deliberation, the Bill Sponsor concludes that introducing and enacting primary legislation is the most appropriate and proportionate approach.

OVERVIEW

27. The Bill has 15 Clauses and no Schedules. A commentary on each of the Clauses follows below. However, where a Clause or part of a Clause does not seem to require an explanation or comment, none is given.

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COMMENTARY ON CLAUSES

Clause 1 - Tree preservation orders: councils

Clause 1 amends section 122 (Tree preservation orders: councils) of the 2011 Act, which allows a council to make a tree preservation order where it appears expedient in the interests of amenity. Clause 1 extends the grounds for making a TPO to include ecosystem services, defined as the direct and indirect contributions of ecosystems to human well-being (as set out in a new Schedule 1A to the 2011 Act inserted by clause 10).

Clause 1 also amends section 122(1)(a), extending the scope of a TPO by providing that it may prohibit a person from knowingly causing or permitting any of the existing prohibited acts. The existing prohibited acts are the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of a tree.

Clause 1 inserts new subsections (1A) to (1D) which provide for the protection of ancient trees into section 122. A council may make a TPO in respect of any tree which is an ancient tree without the need to satisfy the amenity or ecosystem services test (new subsection (1A)). Where a council has reason to believe that a tree may be an ancient tree and the tree has not already been confirmed to be an ancient tree by a suitably qualified arboriculturist, the council may commission an assessment by a suitably qualified arboriculturist before determining whether to make a TPO in respect of that tree (new subsection (1B)). If the arboriculturist determines that the tree is an ancient tree, the council must make a TPO in respect of that tree, unless the arboriculturist has confirmed that the tree is dead; the condition, health or structural integrity of the tree is not to be considered a ground for refusing to make an order (new subsection (1C)). Where a council decides not to commission an assessment under subsection (1B), the council must provide written reasons for that decision to any person who requested the assessment or who brought the potential ancient status of the tree to the attention of the council (new subsection (1D)).

Clause 1 further amends section 122(3), which currently provides that a TPO does not take effect until it is confirmed by the council. Clause 1 inserts a new subsection (3A) which provides that a TPO takes effect on the earlier of the date on which the order is confirmed by the council or the date on which it is deemed to have been confirmed in accordance with section 123(2)(b)(ii).

Clause 2 - Provisional tree preservation orders

Clause 2 amends section 123 (Provisional tree preservation orders) of the 2011 Act. Section 123 provides that a provisional TPO takes effect immediately but lapses after six months unless the council confirms it. Clause 2 amends section 123(2)(b)(i) to provide that a provisional TPO will be deemed to have been confirmed after six months where no objections or representations have been received by the council and the council has not issued a decision to revoke the provisional tree preservation order.

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Clause 3 - Penalties for contravention of tree preservation orders

Clause 3 amends section 126 (Penalties for contravention of tree preservation orders) of the 2011 Act. Section 126(1) provides that it is an offence for a person to cut down, uproot, wilfully destroy, wilfully damage, top or lop a tree in contravention of a TPO.

Clause 3 amends section 126(1) to provide that a person who "knowingly causes or permits" any of those acts is also guilty of an offence. This is similar to the extension of section 122 (Tree preservation orders: councils) by clause 1.

Clause 4 - Replacement of trees

Clause 4 amends section 125 (Replacement of trees) of the 2011 Act, which currently requires the owner of the land to plant a replacement tree of an appropriate size and species where a tree is removed, uprooted or destroyed in contravention of a TPO.

Clause 4 amends section 125(1) so that a replacement tree must be a "heavy standard tree of an appropriate species" (clause 4(1)). A "heavy standard tree" is defined (by clause 11) by reference to British Standard 8545:2014 or any successor standard. The owner of the land is also required to inform the council when a replacement tree has been planted.

Clause 4 also inserts new subsections (3A) and (3B) into section 125. New subsection (3A) provides that if a replacement tree is planted pursuant to section 125 dies, becomes damaged or diseased, or is removed within 5 years of planting, the owner must plant a subsequent replacement, and the provisions of section 125 apply to any such replacement. New subsection (3B) provides that, where the owner of the land is not responsible for the breach of the TPO, the replacement and other duties under subsections (1) and (3A) are instead imposed on the person responsible for the breach. The owner may elect to replace the tree, and must do so if the person responsible for the breach has failed to replace the tree within 18 months of being notified of the duty by the council or the owner. If the owner replaces the tree pursuant to subsection (3B), the owner may recover the reasonable costs from the person responsible for the breach.

Clause 5 - Council to inspect replacement trees

Clause 5 inserts a new section 125A (Council to inspect replacement trees) into the 2011 Act, placing a duty on councils to monitor replacement trees. For 5 years from the date of planting, a council must carry out an annual inspection of the condition of any tree planted pursuant to section 125 in its district, with a view to (a) identifying any tree that needs additional care or replacement and (b) informing the owner of the land of any action that they need to take to ensure that the tree becomes established (section 125A(1)).

It is for the council to determine the form of the inspection (section 125A(2)). An inspection may be limited to the examination of evidence of the tree's establishment, or may include a scheduled or unscheduled site visit. Where the council requests the owner of the land to provide evidence of the establishment of the tree, the owner must provide the evidence in such form and within such reasonable period as the council may specify (section 125A(3)).

Where remedial action is required, the council must inform both the owner of the land and (if known) the person responsible for the breach of the remedial action required, and may specify

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a reasonable period during which the action is to be carried out (section 125A(4)). Unless the owner of the land elects to carry out the remedial action, the person responsible for the breach must do so within the period specified or, if no period is specified, as soon as that person reasonably can (section 125A(5)). If the person who committed the breach has not taken the required remedial action within the period specified, the owner of the land must carry out the action as soon as the owner reasonably can and may recover the reasonable costs of such action from the person responsible for the breach (section 125A(6) and (7)).

Clause 6 - Enforcement of duties as to replacement of trees

Clause 6 amends section 164 (Enforcement of duties as to replacement of trees) of the 2011 Act. Firstly, clause 6 amends section 164(1)(b) so that any enforcement notice served under section 164 requires the planting of a “heavy standard” tree consistent with clause 4 (clause 6(2)).

Secondly, clause 6 inserts new subsections (6) to (8) into section 164 (clause 6(3)). Where a person fails to comply with an enforcement notice, the council may enter the land, carry out the planting, and recover costs of doing so from the person who committed the breach (new subsection (6)). Where that person cannot be identified, is insolvent, or cannot be found, the council may recover costs from the owner of the land (new subsection (7)). The owner of the land has a right of action against the person who committed the breach to recover these costs (new subsection (8)).

Clause 7 - Tree Protection Map

Clause 7 introduces new sections 128A to 128D into the 2011 Act.

New section 128A requires the Department to make available online, free of charge, a digital map ("TPM") showing all tree preservation orders that are in effect in Northern Ireland and the boundaries of all conservation areas in Northern Ireland as well as the number of tree preservation orders received, approved, and rejected by each council.

New section 128B requires each council to enter into the TPM all information included in its records under section 242(1)(l), conservation area boundary information, as well as the number of tree preservation order applications received, approved and rejected, before the end of an "initial upload period" (section 128B(1)). The Department must ensure that anyone required to upload data to the TPM is given suitable access (section 128C(2)).

The initial upload period and the form and manner in which data must be entered are to be prescribed by regulations (section 128B(4) and (2)). Following the initial upload period, councils must at least once in every three month period upload to the TPM any new information and update any existing information (section 128B(3)). Regulations under section 128B are subject to the negative resolution procedure (section 128B(5)).

New section 128C provides that the Department may by regulations make provision for or in connection with making information kept in the TPM available (section 128C(1)). Regulations under section 128C are subject to the draft affirmative resolution procedure (section 128C(5)).

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Section 128C(4) provides that, subject to section 128D, processing of information by the Department in exercise of functions under sections 128A or 128C does not breach an obligation of confidence or any other restriction on the processing of information.

New section 128D provides that the duty or power to process information under sections 128A, 128B or 128C does not require or authorise the processing of personal data in contravention of the data protection legislation, as defined by reference to the Data Protection Act 2018.

Clause 8 - Determination of planning applications

Clause 8 amends section 45 (Determination of planning applications) of the 2011 Act by inserting a new subsection (1A) that provides that planning permission must be refused where the grant of planning permission would result in (a) the loss or deterioration of ancient or long-established woodland, (b) development within 15 metres of ancient or long-established woodland, or (c) the deterioration of an ancient tree that is subject to a TPO, unless the applicant demonstrates that there are "wholly exceptional circumstances" justifying the grant of planning permission.

Clause 9 - Permitted Development

Clause 9 amends Article 3 of the 2015 Order to remove permitted development rights for development that would affect ancient or long-established woodland. Permitted development rights will no longer be available where development requires or involves (a) the loss or deterioration of ancient or long-established woodland, or (b) development within 15 metres of such woodland.

Clause 9 amends Article 3 (Permitted development) of the 2015 Order by inserting a new paragraph (5A). The permission granted by the Schedule to the 2015 Order will not authorise any development which requires or involves (a) the loss or deterioration of ancient or long-established woodland, or (b) development within 15 metres of ancient or long-established woodland.

Clause 10 - Ecosystem services

Clause 10 sets out the ecosystem services that may justify making a TPO (see clause 1). A new Schedule 1A lists three categories, namely cultural services, regulating services, and supporting services, and specifies examples of what these categories include.

Clause 11 - Interpretation: 2011 Act

Clause 11 inserts a number of new definitions into section 250(1) of Part 15 (Supplementary) of the 2011 Act. "Ancient tree" is defined by reference to the criteria published by the Ancient Tree Forum and the Woodland Trust (or any successor body), or such other criteria as the Department may prescribe by regulations. "Ancient woodland" is defined as an area that has been continuously wooded since at least the end of the year 1600 AD, including ancient semi-natural woodland and plantations on ancient woodland sites. "Heavy standard tree" is defined as a tree meeting the heavy standard specification in British Standard 8545:2014 (Trees: from nursery to independence in the landscape), or any successor standard, or such other

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specification as the Department may prescribe by regulations. "Long-established woodland" is defined as an area shown to have been continuously wooded since the First Edition six-inch to the mile Ordnance Survey Maps of 1830–1844 were published, but for which no documentary evidence has been found that it was wooded prior to 1600.

Clause 12 - Interpretation: 2015 Order

Clause 12 inserts definitions of "ancient woodland" and "long-established woodland" into Article 2 (Interpretation) of the 2015 Order, in the same terms as the definitions inserted into the 2011 Act by clause 11.

Clause 13 - Interpretation: general

Clause 13 provides general interpretive provisions for the Act, defining "the 2011 Act" as the Planning Act (Northern Ireland) 2011 and "the 2015 Order" as the Planning (General Permitted Development) Order (Northern Ireland) 2015, and clarifying that references to Parts, numbered sections, and Schedules are references to the 2011 Act unless otherwise stated.

Clause 14 - Commencement

Clause 14 provides that the Act comes into operation twelve months after the day on which it receives Royal Assent.

FINANCIAL EFFECTS OF THE BILL

28. The Bill will likely have modest, but ongoing implications for the public purse. The scale of such impact would be highly dependent on its implementation, including enforcement.
29. While the Bill intends to both strengthen environmental protection and provide long-term public benefits, it will place additional administrative, staffing and enforcement pressures on public bodies, particularly local councils and the Department for Infrastructure.
30. In the short to medium terms, costs would be expected to arise from establishing new regulatory processes, training staff, handling applications and appeals, monitoring compliance, and taking enforcement action where required. Those costs could vary significantly between councils, depending on, for example, existing capacity, tree cover and development pressures.
31. New and expanded responsibilities on councils and the Department include administering tree protection measures, assessing applications and consent requests, maintaining records, monitoring compliance and undertaking enforcement action where breaches occur. As a result, administrative and staffing costs are likely to be the most immediate and tangible public purse impacts. The Sponsor is keen to engage further on how to deliver the legislation in a proportionate and cost-effective manner.

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32. Councils could experience varying levels of financial pressure, depending on factors such as existing tree management capacity, levels of development activity and the number of trees likely to fall under protection. Councils with limited specialist expertise could be required to invest in training, additional staff and/or external arboricultural advice, while those with established systems could be better positioned to absorb costs within existing budgets.
33. There also could be legal and enforcement-related costs, particularly in cases of appeals, disputes over tree removal or prosecution for non-compliance. While it would not be expected such costs would arise uniformly or frequently, they could introduce a degree of financial uncertainty, making overall expenditure for councils difficult to predict with precision.
34. Indirect financial impacts include possible delays or additional administrative burdens within the planning system, which could have knock-on effects for both public bodies and developers. However, many of these impacts would depend on how the Bill is implemented in practice and the extent to which guidance and procedures would be streamlined.
35. Careful implementation, realistic funding assumptions and ongoing monitoring are important to ensure that the Bill's environmental objectives could be achieved without creating disproportionate or unfunded burdens on public services.
36. Overall, any potential financial implications are expected to be modest, as the Bill is building on existing statutory framework and responsibilities for councils. Restraints on development are intended to be modest and necessary to protect the natural heritage and therefore the Bill is carefully constructed with this balance in mind.

HUMAN RIGHTS ISSUES

37. The provisions of the Bill are considered to be compatible with the European Convention on Human Rights and with Article 2(1) of the Windsor Framework.

EQUALITY IMPACT ASSESSMENT

38. An Equality Impact Assessment (EQIA) has not been undertaken. Engagement between the Bill Sponsor and the Equality Commission on the outline proposal did not raise any potential adverse effects. If these emerge, the sponsor will engage to understand any points raised.
39. The Bill Sponsor is satisfied that the Bill will not have an adverse effect on any of the groups identified in section 75 of the Northern Ireland Act 1998.

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LEGISLATIVE COMPETENCE

40. At Introduction, Peter McReynolds MLA made the following statement under Standing Order 30:

“In my view the Tree Protection Bill would be within the legislative competence of the Northern Ireland Assembly.”



**Northern Ireland
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Proposed Tree Protection Bill

Draft Response from Ards and North Down Borough Council July 2026 re Commentary on Clauses associated with the proposed Bill

Para	Text	Comment
9	In GB it is an offence to ‘cause or permit’ a breach of a TPO The wording utilised in the GB tree regs is ‘no person.....or shall cause or permit the carrying out of the activities..’	Difficult to determine if actions have the potential to destroy a tree – as many actions may only become apparent in effect many years later
10	NIPSO Report ‘Strengthening Our Roots’ – reports 369 tree protection breaches reported to councils over a three-year period with only one resulting in formal enforcement action	The actual factual information is that out of 369 allegations of breaches , 170 related to planning conditions, 144 related to alleged breaches of TPOs and 29 related to alleged breaches of CA protections. No breach was found in 52% of cases (i.e. 191 cases). The Report also highlights that whilst only one council took formal enforcement action, there could not be determinative findings regards approaches without further work, which was not undertaken
11	The omission of the above phrase in the Planning Act causes uncertainty as to the likelihood of a successful conviction when a TPO has been breached	
13	Another policy objective of the Bill is to require landowners or those felling protected trees to replant; alongside Council officers to inspect and confirm replacement planting has occurred, and the trees are of the appropriate condition and are maintained	

Existing Section	Proposal	Comments
Clause 1 – Tree preservation orders; councils		
122 allows council to make a TPO where it appears expedient in the interests of amenity	This clause extends the grounds for making a TPO where it appears expedient in the interests of amenity or ‘eco-system services’	What level of ecosystem will be considered necessary – concern regards having to impose a TPO on any tree, as surely any tree supports an ecosystem of one extent or another
122(1)(a)	Clause 1 extends the scope of a TPO to prohibit persons from ‘knowingly causing or permitting’ any of the existing prohibited acts	How can this be determined by councils? This needs addressed by legal advice to understand how a Council can prove this in a Court of law
N/A – proposed addition of (1A) to (1D)	If Council believes a tree to be ‘ancient’ it may commission an assessment by an arboriculturist, and if confirmed as so, the council must impose a TPO, unless the tree is dead The condition, health or structural integrity of that tree is not to be considered a ground for refusing to make an order	Expense to council Why shouldn’t requestor pay for survey? Who then is liable for any health and safety issue associated with the tree?
Clause 2 – Provisional tree preservation orders		
	Proposed amendment to make a pTPO confirmed after six months where no representations received and council has not issued a decision to revoke	Considered completely unnecessary – current process ensures trees are protected whilst being considered, and the council will confirm with/without modifications or decide not to proceed based on health and conditions survey. This proposal does not take account of any modifications required. Consider that this clause has ZERO added value. The Council is not

		normally dealing with only one request for a TPO at any time, and has to engage the services of an arboriculturist to carry out a health and condition survey of the trees proposed for protection. This often necessitates the full six months, in order to attain these services alongside the arboriculturist carrying out surveys on other sites requested for protection, or in connection with applications for works to protected trees. Demonstrates a complete misunderstanding of the process involved.
Clause 3 – Penalties for contravention of tree preservation orders		
	Now includes ‘knowingly causes or permits a tree to be cut down, uprooted or wilfully destroyed, or wilfully damaged, topped or lopped in such a manner to be likely to destroy it’	How will council determine this?
Clause 4 – Replacement of trees		
125 requires planting of replacement tree of appropriate size/species where a tree is removed, uprooted or destroyed in contravention of a TPO	Replacement tree must be a ‘heavy standard tree of an appropriate species’. The owner of the land is required to inform the council when a replacement tree has been planted	How does council determine when this has occurred – and is ‘heavy standard’ the appropriate replacement – as in some cases, the tree that has been removed was not appropriate for the space it was growing within?
	New addition to provide that if a replacement tree becomes damaged/diseased or is removed within 5 years of planting, the owner must plant a subsequent replacement. And by virtue of other additions, the person who was responsible for the breach must replant. The tree must be planted within 18 months of being notified to do so – the	Huge resource commitment on the council to monitor this, firstly in respect of the 18 month limit for planting, then each year up to five years, and repeating for each tree as replaced. Not considered feasible. What if a person moves house or dies?

	owner can recover reasonable costs from the person responsible for the breach if the person responsible has not carried out the planting	Presents huge onus on owner to deal with contravener to plant or to take to court to recover costs
Clause 5 – Council to inspect replacement trees		
N/A – new section proposed	Duty placed on council to monitor replacement trees – for five years from date of planting – to carry out an annual inspection, with a view to Identifying any tree needing additional care or replacement; Informing the owner of actions required to ensure the tree becomes established	Massive resource requirement on councils Will inevitably require arboriculturist support to identify ‘additional care/replacement’ as will differ for individual species.
	Where remedial action is required, council must inform both the owner of the land, and (if known) the person responsible for the breach of the remedial action required	Refer to use of wording ‘(if known)’ as this is basis for the extension of the legislation to cover people responsible. How long after someone has breached is council to continue to try and identify??
Clause 6 – Enforcement of duties as to replacement of trees		
164 with proposed addition of sub sections	Where a person fails to comply with an enforcement notice, the council may enter the land, carry out the planting, and recover costs of doing so from the person who committed the breach. Where that person cannot be identified, is insolvent, or cannot be found, the council may recover the cost from the owner of the land – who then has right to try and recover costs from the person responsible in first instance	Resource implication for council to procure the tree(s) and gain entry and replant. If the tree(s) doesn’t take is the council responsible or the owner? Considered impractical and totally unreasonable to owner if not responsible, or had no prior knowledge of the contravention.

Clause 7 – Tree Protection Map		
N/A – proposes new sections	Requires DFI to make available online, free of charge, digital map showing all TPOs in effect across NI, and boundaries of conservation areas, as well as number of TPO requests received, approved and rejected by each council. Each council required to update this system	This seeks to revert to a unitary planning system, whereas this council already hosts an interactive map with this detail and reports to Planning Committee on a quarterly basis as to all requests for new TPOs/CA notifications and applications for consent to carry out works Considered inappropriate when the Council, as its own planning authority, already carries out this work
Clause 8 – Determination of planning applications		
45 – seeks to add to	Planning permission to be refused where the grant of planning permission would result in a) The loss or deterioration of ancient or long-established woodland; b) Development within 15m of ancient or long-established woodland; or c) Deterioration of an ancient tree which is subject to a TPO, unless the applicant demonstrates that there are “wholly exceptional circumstances” justifying grant of permission	This is considered too prescriptive to be included in legislation. Councils should rather include in policy and apply accordingly and be prescriptive in Validation Checklists/Policy or SPG as to requirements How is deterioration to be determined, and over what timeline?
Clause 9 – Permitted Development		
Article 3 of GPDO	PD rights not to apply to any development which requires or involves a) The loss or deterioration of ancient or long-established woodland;	How is an owner to determine if their site contains this type of woodland, if not protected?

	b) development within 15m of ancient or long-established woodland	
Clause 10 – Ecosystem services		
	Sets out the ecosystem services that may justify the making of a TPO. A new Schedule 1A lists three categories, namely cultural services, regulating services, and supporting services, and specifies examples of what these categories include. 1.—(1) The following services are ecosystem services for the purposes of section 122. (2) Cultural Services, including— (a) Recreation and tourism; (b) Sense of place; and (c) Health benefits. (3) Regulating services, including— (a) Climate regulation; (b) Flood regulation; (c) Fire hazard regulation; (d) Air and water quality regulation; (e) Erosion control; (f) Disease and pest control; (g) Soil quality regulation; and (h) Noise regulation. (4) Supporting services, including— (a) Primary production; (b) Soil formation; (c) Water cycling; and (d) Nutrient cycling.”.	It is considered that any member of the public could make this argument about any single tree. How is council to determine the extent to which a tree complies or otherwise? A refusal to serve a TPO based on council’s consideration will subject the councils to further criticism and correspondence/complaints. The word ‘including’ means there are other potential ‘services’ falling under this ecosystem phrase – how is council to consider? Given trees are known for their absorption of CO2, then every request for a TPO will be claimed to be under ‘air quality’ regulation. There is no accompanying explanation as to how these categories have been considered appropriate.

Unclassified

ITEM 8

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Notification of Consultation on Marine Construction Licence - New Road, Portavogie
Attachments	Email
File Reference (if applicable)	
Legislation	Other
Resource Implications	None
	Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

DAERA's Marine Licensing Branch has consulted the Council to advise that it has received an application from NI Water for a marine construction licence under the

Marine and Coastal Access Act 2009 to construct an outfall pipe at 6A New Harbour Road, Portavogie.

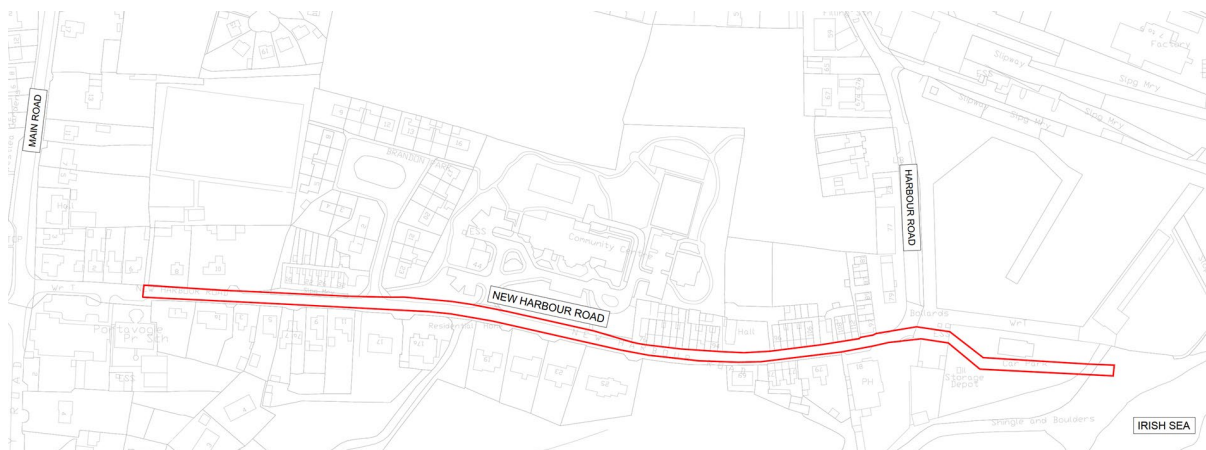
A copy of the application form and supporting documentation are available here <https://www.daera-ni.gov.uk/publications/ml2026059-6a-new-harbour-road-portavogie-outfall-pipe-construction>

NI Water has provided the following detail on the application form:

AtkinsRéalis is laying a new surface water sewer on New Harbour Road, Portavogie, on behalf of NI Water. This will discharge 10 l/s into The Irish Sea via a new outfall pipe to serve a proposed 3G pitch development on New Harbour Road, Portavogie. The works will include construction of 10m of 200mm PVC, outfall pipe at a rock armour on Portavogie Bay Beach adjacent to Portavogie Harbour flowing to Irish Sea. The proposed outfall pipe will include 200mm of concrete surround for protection and anchoring. The work will involve the removal and reinstatement of the rock armour to existing condition.

This application has arisen as a consequence of the planning permission granted by the Committee at its meeting of 31 March under LA06/2020/0844/F regarding the existing football ground to the rear of 8-10 New Harbour Road, Portavogie:

“Upgrade to existing football ground to include the replacement of the existing grass pitch with synthetic surface, fencing and floodlighting along with replacement changing pavilion, additional car parking spaces and associated siteworks. Widening of existing vehicular access lane. partial demolition and making good of garage at No. 8, relocation of vehicular entrance to No. 8 and construction of new perimeter walls to match existing at 4, 6 and 8 New Harbour Road to provide visibility splays”



The Council has been asked if it wishes to comment, by way of a template on DAERA's website, by 22 October 2026. Given this solution is essential to the implementation of the above permission, it is recommended that the Council responds with No Objection.

RECOMMENDATION

It is recommended that Council Approves a consultation response of No Objection

Unclassified

ITEM 9

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	01 September 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	NI Water update - Kinnegar Waste Water Treatment Works (WwTW)
Attachments	a Map of affected area
File Reference (if applicable)	
Legislation	Other
Resource Implications	None
	Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Priority 1: Economic 3. A thriving and sustainable economy If multiple:

Background

1. Members will be aware of ongoing wastewater capacity issues and details of closed catchments as advised through the report at Item 5 of Planning Committee meeting of 03 March 2026 and subsequent correspondence/meeting with DFI Minister on 15 June to highlight concerns.

Kinnegar Wastewater Treatment Works

2. NI Water recently contacted this Council, along with Belfast City Council and Lisburn and Castlereagh City Council to advise of ongoing issues with the performance of Kinnegar WwTW which has not been meeting its Water Order Consent and has been deemed 'a failing works'. The area served by Kinnegar WwTW is the orange area circled in red on the attachment impacting the three Council areas.
3. NI Water has advised that this situation leaves it open to prosecution from its environmental regulator. As a result, it has taken the decision to close Kinnegar WwTW to all new developments that will see an intensification of wastewater discharge with effect from 01 August 2026.

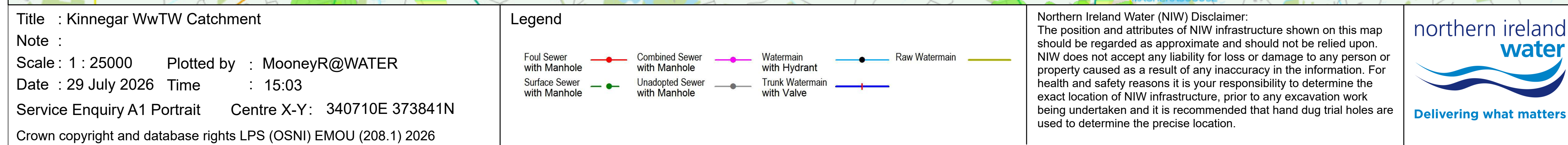
Implications for Planning

4. This latest situation will have the following implications:
 - a) Any new proposal that will see an intensification of foul discharge will not be permitted a connection to the NI Water wastewater network;
 - b) Any sites with extant planning permission or where it can be proven that there is a like-for-like foul discharge within the last five-year period, will be permitted connection to Kinnegar WwTW;
 - c) Any site with planning permission whereby NI Water did not raise the capacity of Kinnegar WwTW as an issue, a connection will be permitted; however, this should be tempered with the fact that quite a lot of the sewer network in this sewer catchment is also at capacity resulting in the developer being required to undertake a Wastewater Impact Assessment and associated solution engineering works to mitigate the impact on the network;
 - d) Any application currently in the planning process which has received a positive consultation response from NI Water in respect of the capacity of Kinnegar WwTW will also be honoured.
 - e) Going forward, any application whereby NI Water receives a planning consultation that is not subject to a live Pre-development Enquiry or Wastewater Impact Assessment will be assessed on a case-by-case basis.
5. NI Water has provided a list (not exhaustive) that covers most of the types of sites it would be expected to see as detailed below:

- Green field site – no extant planning. Response will be that the development cannot be supported and refusal of planning permission recommended
 - Green field / brownfield site – extant planning. A positive response will be provided with regards WwTW capacity.
 - Brown field re-development site or change of use – NI Water response will raise issues with WwTW capacity but will recommend submission of PDE. That will afford the developer opportunity to submit any supporting information they may have to allow NI Water to complete a like-for-like assessment. Once NI Water has completed its PDE assessment it will revise the planning response accordingly.
 - In all cases where it is proven that development would see an intensification of foul discharge, the NI Water recommendation will be to refuse planning permission.
6. At this stage NI Water do not have a timeline for the reopening of Kinnegar WwTW. Planning for the next cycle of funding PC28 is ongoing and it is unable to advise if there is any opportunity for Kinnegar to be included in this cycle. NI Water has advised that it will not be until March 2028 before the financial regulator makes a formal determination on NI Water's funding bid after which there would need to be sufficient funding provided by the Department for Infrastructure.
7. NI Water has only recently updated its website in respect of Kinnegar WwTW now having no capacity, and Planning Service is currently liaising with NI Water regarding appropriate wording for the Planning pages of the Council's website to alert potential applicants/developers and is in the process of cross-checking applications falling within the catchment as identified.

RECOMMENDATION

It is recommended that Council Notes this report and the attachment



Unclassified

ITEM 10

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Ministerial-led Engagement Forum with DFI Minister
Attachments	a Letter to PC Chairs - meetign with DFI b Identified Actions
File Reference (if applicable)	
Legislation	Other Planning Act (NI) 2011
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Priority 1: Economic Choose an item. If multiple:

Background

Members were previously updated via Item 8 of the agenda at the Planning Committee meeting of 07 July 2026 regarding a key strand of the wider Planning Improvement Learning and Engagement Programme being to strengthen direct political engagement between the DFI Minister and Planning Committee Chairs.

A meeting took place on 18 June 2026, and the Head of Planning provided an overview of the detail discussed with the Minister within Item 8 as referenced above.

Detail

Further to the conclusion of that meeting, NILGA has written to the Committee Chairs thanking them for participation and requesting that the outcome note be shared with Committee members, as attached.

RECOMMENDATION

It is recommended that Council Notes this report and the attachments

Ministerial Led Planning Engagement Forum with Minister Liz Kimmins

Executive Summary

Following engagement between NILGA and the Department for Infrastructure to ensure the views of elected members were considered in Planning Improvement work, the inaugural Ministerial Led Planning Engagement Forum took place on 18 June 2026. Discussion focused on the need for a planning system that empowers councils, supports communities & enables sustainable growth. The Forum identified clear common ground on the challenges facing the planning system, including policy alignment, rural & economic impact, infrastructure constraints, operational performance, regional call-ins, and the need for a stronger whole-system approach. The Minister acknowledged these issues and committed to action across a number of areas.

Local Government's Ask

Local Government is asking for a planning system that empowers councils, supports communities & enables sustainable growth.

Issue	Ask
Align Policy and Decision-Making	Ensure the SPPS, RDS and Local Plans work together and reflect local needs.
Support Rural Towns, Villages and Housing	Enable proportionate policies that support rural development and protect social & economic wellbeing.
Align Policy with Investment	Resolve infrastructure constraints, especially NI Water capacity, so development and plans can be delivered.
Improve System Performance	Enforce statutory consultee timeframes and remove delays in plan-making & decisions.
Clarify Regional Call-Ins	Set clear criteria, thresholds & timelines for call-ins and ensure adequate resourcing.
Champion Placemaking and Quality	Promote high quality design and place-based outcomes in every community.
Adopt Whole-System Thinking	Take a coordinated, cross-departmental approach with elected member engagement at the heart.

Common Ground

There was agreement between the local government representatives and the Minister on the challenges and the need for change.

Issue	Details
Policy Alignment	A scoping exercise of the SPPS and RDS is underway to consider how regional policy better supports local decision-making. Greater input from elected members is essential.
Rural and Economic Impact	Planning decisions must support rural vitality and safeguard the social and economic wellbeing of communities.
Infrastructure Constraints	NI Water capacity and other infrastructure constraints are delaying development and risk delivery of Local Development Plans. Solutions such as developer contributions and sustainable drainage are being explored, but funding remains insufficient.
Operational Performance	Timeframes for statutory consultees are a major issue. The Planning Improvement Programme is progressing validation checklists, standardised protocols and improved engagement to boost performance and consistency.
Regional Call-Ins	Lack of clear criteria and timelines is a key concern. The Department is reviewing regulations, thresholds and resourcing.
Whole-System Approach	Better cross-departmental coordination and joint engagement with Ministers and councils will support smarter, collaborative decision-making.

Ministerial Commitments

The Minister acknowledged the issues raised and committed to action.

Issue	Commitment
Planning System Review	A scoping exercise of the SPPS and RDS is underway to shape the future of regional and strategic planning policy.
Planning Improvement Programme	A programme of short-, medium- and long-term changes is in train to improve performance across the system.
Elected Member Engagement	There is a commitment to greater input from elected members in shaping the planning system.
Infrastructure Engagement	There will be ongoing engagement with NI Water to address capacity constraints and explore practical solutions.
Cross-Departmental Working	There is a willingness to engage further with Minister Muir and DAERA, with potential for a joint forum.
Stronger Whole-System Approach	There is recognition that a coordinated, cross-departmental approach is essential for better, faster outcomes.

Why This Matters

Effective planning is fundamental to stronger councils, thriving communities and sustainable economic growth. A system that is clear, responsive and properly aligned empowers local democracy, builds public trust, gives investors and communities greater certainty, protects the vitality of rural towns and villages, and supports the delivery of quality homes and places. By improving performance, transparency and whole-system coordination, planning can move from being a source of delay and frustration to a practical driver of better outcomes for people, places and future generations.

Next Steps

- NILGA will draft proposals to support and empower elected members in their planning decision-making responsibilities.
- Continue engagement with Minister Muir, DAERA and NI Water. Explore a joint forum.
- Complete scoping of SPPS and RDS and consider options for future legislation and clearer call-in rules.
- Sustain whole-system working and keep councils informed and involved at every stage.

Better Planning. Stronger Councils. Thriving Communities.

NILGA

web: www.nilga.org

X: @NI_LGA

LinkedIn: Northern Ireland Local Government Association

Dear Planning Committee Chair

On behalf of NILGA, we are writing to thank you for your participation in the recent Ministerial Led Planning Engagement Forum with the Minister for Infrastructure, Liz Kimmins MLA, on 18 June 2026.

As you will be aware, this engagement followed NILGA's previous correspondence and discussions with the Department for Infrastructure regarding Planning Improvement. In particular, NILGA has consistently emphasised that elected member learning, engagement and support must be a key part of the Planning Improvement Programme, recognising the central role of councillors in local democratic decision-making and in the effective operation of the planning system.

We are pleased to share the attached note, summarising the discussions, points of agreement, and actions from the Forum. The meeting provided an important opportunity for Planning Committee Chairs, NILGA and the Minister to consider the challenges facing the planning system and the changes required to deliver a system that empowers councils, supports communities and enables sustainable growth.

The discussion identified substantial common ground on the need for change, including around policy alignment, rural and economic impact, infrastructure constraints, operational performance, regional call-ins and the importance of a stronger whole-system approach. The Minister acknowledged the issues raised and committed to action across a number of areas.

Of particular importance for NILGA and local government is the recognition that planning improvement cannot be delivered through process or system reform alone. Elected members must be meaningfully engaged and properly supported in carrying out their planning responsibilities. The outcome note therefore records that NILGA will draft proposals to support and empower elected members in their planning decision-making responsibilities, alongside continued engagement with the Department, DAERA, NI Water and other relevant partners.

As the representative voice of local government, NILGA remains committed to working constructively with Planning Committee Chairs, councils, the Department and wider stakeholders to ensure that planning reform reflects local democratic accountability and

Northern Ireland Local Government Association

Bradford Court, Upper Galwally, Castlereagh, BT8 6RB

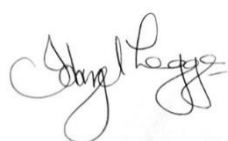
Tel: 028 9079 8972 email: office@nilga.org web: www.nilga.org twitter: @NI_LGA

equips elected members with the knowledge, confidence and support required to fulfil their statutory roles effectively.

We would encourage you to share the attached outcome note with members of your Planning Committee and relevant officers. NILGA will continue to keep councils informed as this work progresses and will bring forward proposals on elected member learning, development and engagement as part of the wider Planning Improvement agenda.

Thank you again for your support and constructive contribution to this important work.

Yours faithfully,



Ald Hazel Legge
President (UUP)



Cllr Matt Garrett
Vice-President (Sinn Fein)



Cllr Alison Bennington
Vice-President (DUP)



Cllr Billy Webb, MBE JP
Vice-President (All)



Cllr Carl Whyte
Vice-President (SDLP)

Unclassified

ITEM 11

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Quarterly Trees Update
Attachments	N/A
File Reference (if applicable)	
Legislation	Other The Planning (Trees) Regulations (NI) 2015
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Priority 2: Environmental 4. A vibrant, attractive, sustainable Borough for citizens, visitors, businesses and investors If multiple:

Background

This report represents the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. This update provides information from 16 June 2026 to 17 September 2026.

Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
Provisional	24 July 2026	Lands at Craigavad Park, Holywood
Provisional	30 July 2026	1-7 Cultra Park and Including 23 Cultra Avenue, Holywood
Confirmed	6 August 2026	Lands at 1-7 Croft Manor, Holywood
Confirmed	24 August 2026	Lands at 72 Crawfordsburn Road, Newtownards
Confirmed	3 September 2026	'Dromkeen House' Sullivan Upper School Prep Department, 1 Alexandra Park, Holywood
Provisional	17 September 2026	St Philip and St James Holywood Parish Church, 71 Church Road, Holywood

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	3	0
Address		
1. 243 Bangor Road, Seahill		
2. 44 Ballymenoch Road, Holywood		
3. 4 The Grange, Comber		
Conservation Area	2	0
Address		
1. 6a Victoria Road, Holywood		
2. Riverside Development, Holywood		

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification.

'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Detail

Works to Trees - Tree Preservation Order Protection

1. 243 Bangor Road, Seahill – felling of 1 no. tree

- 1 no. tree were requested for felling for safety reasons.
- Request was to remove the tree for the health and safety reasons due to location of the tree in relation to the dwelling and structural damage to wall attached to the house and the house itself. A supporting statement was

submitted with the application which stated that the tree was proposed for removal due to its significant lean on the existing wall which forms part of and is structurally connected to the existing building. It noted that the tree was exerting pressure on the wall and there was concern regarding its long-term stability and the potential for structural damage to both the wall and the house.

- No evidence had been submitted as part of the application to confirm or substantiate that the tree was causing structural damage to the dwelling. Damage to the adjacent wall which is attached to the house was clearly visible, with significant cracking evident at the time of inspection. While no technical evidence had been provided to establish causation, it appeared that the tree may be contributing to this damage, particularly given its proximity to and apparent contact with the wall.
- It was considered the felling of the tree was acceptable for safety reasons having regard to the location of the tree and the damage presently visible to the wall. The tree had already outgrown its location and, as it continues to mature, the potential for further conflict with nearby structures was likely to increase over time.
- Replacement tree planting was conditioned with 1 no. standard native tree at a height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season following commencement of the works permitted.

2. 44 Ballymenoch Road, Holywood – carryout works to 1 no. tree group

- 1 no. tree group was requested for remedial works for management and maintenance reasons.
- The trees comprised a mature linear group of single-stemmed Leyland cypress (*Leylandii*) trees, with individual heights ranging from approximately 10 to 12 metres. The group extends over an approximate length of 20 metres.
- These remedial works were considered acceptable and appropriate as it will reduce the trees appropriately whilst preserving a good amount of tree foliage and the tree group's overall shape.

3. 4 The Grange, Comber – felling of 1 no. tree and carryout works to 9 no. trees

- 1 no. tree was requested for removal for safety reasons and works to 8 no. trees were for management and maintenance reasons. The tree requested for removal was not protected and therefore the Council's consent was not required for removal of this tree.
- The remedial works to 9 no. trees were considered to be appropriate and acceptable for management and maintenance reasons. It was considered that the reductions represented proportionate level of reduction that will assist in managing the size of the trees whilst retaining their amenity value and overall contribution to the locality.

Conservation Area Notifications

1. 6a Victoria Road, Holywood – felling of 1 no. tree

- The applicant served notice on the Council of intent to remove 1 no. tree for safety reasons given the poor condition of the tree.
- The crown displayed extensive dieback, with almost half of the canopy dead and a noticeably reduced density of live foliage.
- It was considered works to 1 no. tree to be acceptable given the tree's deteriorating health and poor overall condition.
- Replacement tree planting is not a requirement within a Conservation Area, however, was recommended in this case.

2. Riverside Development, Holywood – felling of 1 no. tree and works to 8 no. trees

- The applicant served notice on the Council of intent to fell 1 no. tree for safety reasons given the significant lean present in the stem of the tree, which gives rise to reasonable safety concerns and carry out works to 8 no. trees for management and maintenance reasons.
- Removal of 1 no. tree was considered acceptable for the reasons stated, for safety reasons given the significant lean present in the stem of the tree, which gives rise to reasonable safety concerns.
- Replacement tree planting is not a requirement within a Conservation Area, however, was recommended in this case.
- 1 no. tree for remedial works had a large spreading crown which encroached into overhead lines. During inspection two rubbing branches were clearly visible to the overhead lines.
- No objection to the remedial works to this tree as they are minor in nature and are unlikely to have any detrimental impact on the tree's health or appearance. A substantial crown will remain following the works, ensuring the tree's overall form and amenity value are retained.
- Remedial works to the remaining 7 no. trees considered acceptable. These trees overhung the laneway located to the rear of a number of houses located on Church Road and also overhung their rear returns and works allow adequate clearance for pedestrian access along the laneway.

RECOMMENDATION

It is recommended that Council Notes this report.

Unclassified

ITEM 12

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2025
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Update to previous advanced listing notification
Attachments	
File Reference (if applicable)	
Legislation	Other The Planning Act (NI) 2011
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Priority 2: Environmental Choose an item. If multiple:

Members considered advanced notification of the proposing listing by DfC at its meeting of 05 August (under Item 9), and supported listing of two properties as follows:

- Adrkeen House, 12 Killaire Road, Crawfordsburn; and
- Claremont House, 89 Victoria Road, Holywood.

DfC's Historic Environment Division has since written to the Council to confirm the listing of the two structures above, which have been added to the list of Buildings of Special Architectural or Historic Interest.

RECOMMENDATION

It is recommended that Council **Notes** this report.

Unclassified

ITEM 13

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	DFI Minister response re Infrastructure Investment
Attachments	a - Letter to DFI Minister re Infrastructure Investment 08 September 2026 b - DFI Minister to Council 22 September 2026
File Reference (if applicable)	
Legislation	Other
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

Background

Members will recall ongoing dialogue between the Council and the Minister for Infrastructure regarding infrastructure investment in respect of Northern Ireland Water.

Further to a report to Committee at its meeting of 04 August 2026 (Item 6), the Council agreed to write back to the Minister to:

- strongly object to the lack of inclusion in infrastructural investment in closed catchment areas, particularly the South Street pumping station, Newtownards, within the 2028-33 Price Control period;
- ask her to review what opportunity exists to consider planning permissions that have been granted, but not implemented, and the variance between Councils in how these are considered; and
- ask for her confirmation that she will, as Minister, give priority to infrastructure investment to protect the future viability of the Borough's town and urban centres.

A letter to the effect above issued from the Chief Executive on 08 September, and the Minister has issued the attached response dated 22 September 2026.

RECOMMENDATION

It is recommended that Council Notes the attached response from the Infrastructure Minister

Our Ref:
Your Ref:COR-0570-2026



Ms Liz Kimmins
Minister for Infrastructure
Private Office
3rd Floor
James House
Gasworks Site
2-4 Cromac Avenue
Belfast
BT7 2JA

Via Email Only: private.office@infrastructure-ni.gov.uk

08 September 2026

Dear Minister,

Ref: Infrastructure Investment

Thank you for your recent response, dated 08 July 2026, in respect of further queries I posed on behalf of the Council following our delegation meeting with you on 15 June 2026.

In reporting your response to Council in August, Members have requested that I write to you further to:

- to strongly object to the lack of inclusion in infrastructural investment in closed catchment areas, particularly the South Street pumping station, Newtownards, within the 2028-33 Price Control period;
- to ask you to review what opportunity exists to consider planning permissions that have been granted, but not implemented, and the variance between Councils in how these are considered; and
- to ask for your confirmation that you will, as Minister, give priority to infrastructure investment to protect the future viability of the Borough's town and urban centres.

I should be pleased to receive your considered response at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read "Susie McCullough".

Susie McCullough
Chief Executive

Ards and North Down Borough Council
City Hall, The Castle
Bangor, BT20 4BT

0300 013 3333
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www.ardsandnorthdown.gov.uk

Stephen Reid
Chief Executive



From the office of the Minister for Infrastructure
LIZ KIMMINS MLA

Susie McCullough
Chief Executive
Ards and North Down Borough Council

Susie.McCullough@ardsandnorthdown.gov.uk

Private Office, 3rd Floor,
James House, Gasworks Site,
2 - 4 Cromac Avenue,
BELFAST, BT7 2JA
Telephone: (028) 9054 0540
Email: Private.office@infrastructure-ni.gov.uk

Your reference:
Our reference: COR-0811-2026
22 September 2026

Susie, a chara,

INFRASTRUCTURE INVESTMENT ARDS & NORTH DOWN BOROUGH COUNCIL

Thank you for your further correspondence of 8 September 2026 in response to my letter of 8 July 2026 and our meeting in June 2026.

From my previous correspondence, you will be aware that the management of the public water and wastewater infrastructure is an operational matter for NI Water. I have sought input from NI Water to provide an update to you in relation to the issues you have raised regarding South Street Wastewater Pumping Station (WwPS). NI Water have advised that currently South Street WwPS is not included within their PC28 investment proposals, as the current solution for WwPS, developed under the Ballyrickard Drainage Area Plan, has been assessed as unbuildable and unaffordable. This is primarily due to the scale of storage required by the NIEA of approximately 17,000 m³. This is equivalent to around seven Olympic sized swimming pools, with an estimated construction cost of circa £50 million.

NI Water indicated that during the PC28 period (2028/29 – 2032/33), they will carry out further investigations and hydraulic/environmental modelling to develop a more efficient and deliverable solution. Any revised approach will be dependent on reaching agreement with the NIEA on a reduced storage requirement. Subject to NIEA approval, any future South Street WwPS solution would then require assessment through the Price Control business planning process and be dependent on the availability of funding.

I note within your letter you also query whether opportunities exist to consider planning permissions which have been granted but not implemented. I can advise that the assessment and monitoring of planning permissions is a matter for each council to determine in the exercise of its statutory planning functions. As part of my Department's oversight role, my officials engage collaboratively with all councils to identify operational challenges and delays to ensure more consistent system-wide practices where appropriate.

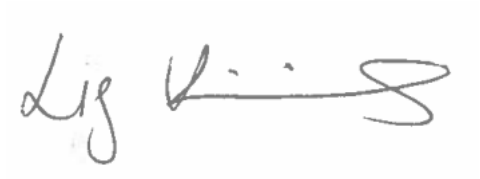
As outlined in my previous correspondence, I am continuing to progress my three-pronged approach to addressing wastewater capacity issues by securing more funding from the Executive to invest in wastewater infrastructure;

progressing the Water, Flooding and Sustainable Drainage Bill to enable more sustainable drainage solutions; and developing a voluntary developer contributions scheme to assist in unlocking additional capacity. This approach seeks to address wastewater infrastructure issues across the North, including the investment required to support the viability of the Borough's town and urban centres.

I can assure you that I remain committed to working with Executive colleagues, and key delivery partners in supporting infrastructure investment that enables sustainable growth and addresses capacity constraints where possible.

I trust you find this response helpful.

Is mise le meas,



LIZ KIMMINS MLA
Minister for Infrastructure

Unclassified

ITEM 9

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
	If multiple:
Meeting	Planning Committee
Date of Meeting	06 October 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Report title	Update on Planning Appeals
Attachments	a PAC decisions 2025/A0109 b PAC decision 2024/E0044 c PAC decision 2025/0137
File Reference (if applicable)	
Legislation	Other Planning Appeals Commission (Decisions on Appeals and Making of Reports) (No. 2) Rules (Northern Ireland) 2006 as amended
Resource Implications	None Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Screening of decision not required
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

Appeal Decisions

1. The following appeal was dismissed on 23 July 2026:

PAC Ref	2025/A0109
Council Ref	LA06/2022/0262/F
Appellant	Ronald Shields
Subject of Appeal	Refusal of planning permission for 'Retention of private amenity/shelter building made from sustainable recycled materials, wildlife hide, timber footbridge and associate landscaping and planting'
Location	Land approx. 200m SE of 110 Kempe Stones Road, Newtownards with existing access to Greengraves Road

The above application was called into Planning Committee from the delegated list whereby the Officer recommendation was to refuse planning permission.

The Council refused the application on 16 December 2025 for the following reason:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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.

The Commissioner noted that the appellant made it abundantly clear that the appeal site is used for recreational purposes for him and his family in the same manner as a residential garden would be. The personal use of the appeal site for private amenity purposes and recreational activity does not involve the local population or tourists, nor does such a domestic scale of use necessitate a countryside location. Therefore, Policy OS 3 of PPS 8 does not apply.

Additionally, no cogent argument was presented to persuade the Commissioner that the appeal development would not set an unwelcome precedent for other such types of personal use in the countryside. The Commissioner was not persuaded, in the evidential context, that the appellant and his family lacked access to open space in general and the related opportunities.

It was concluded that the appeal development is not one of the types of development which, in principle, is considered to be acceptable in the countryside. It was also not demonstrated that there were overriding reasons why the development is essential and could not be located in a settlement. Accordingly, the development is contrary to Policy CTY 1 of PPS 21 and it therefore also conflicts with the SPPS2.

2. The following Enforcement Notice was quashed on 19 August 2026:

PAC Ref	2024/E0044
Council Ref	LA06/2021/0144/CA
Appellant	Mr & Mrs Wm Wylie
Subject of Appeal	Alleged 1. unauthorised ancillary building; 2. unauthorised wooden pergola; 3. unauthorised extension of domestic curtilage which includes concrete path; 4. unauthorised building; 5. unauthorised building; 6. unauthorised shelter; 7. unauthorised laying of hardstanding laneway
Location	Lands at 107 Comber Road, Newtownards

The appeal was brought on Grounds (a),(b),(d) and (e) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. There is a deemed application by virtue of Section 145 (5).

The PAC issued a decision on this enforcement appeal on 3 October 2025. Following an application for judicial review, the High Court quashed the decision and remitted the enforcement appeal to the Commission for redetermination.

The Commissioner only determined the appeal in respect of ground (e) that copies of the Enforcement Notice were not served as required by section 138 of the Planning Act (NI) 2011.

In reaching her decision she determined that the appellant suffered disadvantage which amounted to prejudice in that the Enforcement Notice was not properly served and therefore he did not have the full statutory period available within which to consider the allegations, obtain advice, identify potential relevant decisions and determine the scope and presentation of his case.

The Council is liaising with its legal advisors in respect of the legal advice received after the initial PAC decision was quashed, with regard to this outcome.

3. The following appeal was dismissed on 27 August 2026:

PAC Ref	2025/A0137
Council Ref	LA06/2024/0945/F
Appellant	Kenneth Black
Subject of Appeal	Refusal of planning permission for 'Single storey detached dwelling and associated entrance'
Location	Site immediately SE of No. 1 Craigantlet Road, Newtownards

The above application was called into Planning Committee from the delegated list whereby the Officer recommendation was to refuse planning permission.

The Council refused the application on 06 March 2026 for the following reasons:

- i. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2 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.
- ii. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no cluster of development which appears as a visual entity in the local landscape, the site is not bounded on at least two sides with other development in the cluster and the dwelling would, if permitted, significantly alter the existing character and visually intrude into the open countryside.
- iii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the extension of ribbon development along the Hollywood Road and would result in the loss of an important visual break.
- iv. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Edition 2 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling would, if permitted, result in a suburban-style build-up of development when viewed with existing and approved buildings (criterion b), would fail to respect the traditional pattern of settlement in the area (criterion c), and would create or add to a ribbon of development (criterion d, see Policy CTY 8). This would cause a detrimental change that further erodes the rural character of the countryside.
- v. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland Edition 2 in relation to safeguarding human health and protecting environmental receptors. Insufficient information has been provided to address Environmental Health concerns arising from the site's proximity to Northstone Craigtlet Quarry, including potential adverse impacts from noise, vibration, dust, and land contamination. In the absence of a comprehensive noise and vibration assessment, air quality assessment, and contaminated land risk assessment, the proposal fails to demonstrate that it would provide a safe and healthy living environment for future occupants.

The central issue in this appeal was whether the application site formed part of an existing cluster of development in accordance with Policy CTY2a of PPS21. The Commissioner believed the site formed part of an established cluster of development and considered that surrounding buildings read as a coherent and visually connected group when viewed from a number of publicly accessible viewpoints which therefore constituted a visual entity within the local landscape. The Commissioner concluded that the proposed dwelling would consolidate and round off the existing cluster rather than extend development into the open countryside and the proposal met the

requirements of Policy CTY2a and represented a form of countryside development acceptable in principle under CTY 1 of PPS 21.

Having concluded that the proposal complied with Policy CTY2a, the Commissioner determined that the development would not create or add to a ribbon of development. The Council's reason for refusal based on Policy CTY8 was therefore not sustained.

With regard to rural character under Policy CTY14, the Commission was of the opinion that as the proposal would not create a suburban-style build-up of development and would sit within an existing cluster rather than extend development into open countryside, with the existing vegetation and surrounding development integrating the proposal into the landscape, the development would not have an adverse effect on the character of the surrounding rural area.

With regard to the proximity of the adjacent Craigantlet Quarry and asphalt plant, the Commissioner concluded that the evidence as presented did not demonstrate that future residents would be adversely affected by quarry operations.

No evidence was produced to demonstrate that blasting would have an unacceptable impact on future occupants. The Commissioner placed substantial weight on technical assessments previously undertaken in connection with the asphalt plant (not submitted in respect of this particular application) which indicated that predicted noise levels would remain within accepted standards, air quality impacts would not be significant and existing environmental controls and pollution prevention measures were in place.

The Commissioner also opined that there was no evidence that the site had been contaminated with concerns largely based on the site's proximity to the quarry rather than site-specific evidence.

It was concluded that the Council had failed to substantiate any of its reasons for refusal and the appeal was allowed subject to conditions relating to access, landscaping, acoustic mitigation measures and commencement of development within five years.

New Appeals

4. The following appeal was lodged on 28 July 2026:

PAC Ref	2026/A0047
Council Ref	LA06/2024/0345/O
Appellant	Ivan Robinson
Subject of Appeal	Off-site replacement dwelling with new access to Ravara Road
Location	Site approx. 8m North of 29C Ravara Road, Ballygowan

5. The following appeal against an Enforcement Notice was lodged on 28 August 2026:

PAC Ref	2026/E0053
Council Ref	LA06/2026/0003/CA
Appellant	Mary Woolsey
Subject of Appeal	Alleged unauthorised farm building
Location	Land at 300m SW of 12 Cardy Road, Greyabbey

6. The following appeal against a Works to Protected Trees decision was lodged on 26 August 2026:

PAC Ref	2026/T0001
Council Ref	LA06/2026/0176/WPT
Appellant	David Law
Subject of Appeal	Application for works to remove 12 dead ash trees, 3 failed/poor quality young trees and removal of two limbs on two ash trees (one limb per tree) that overhang adjacent properties. The trees are to be replaced with more suitable native species
Location	Opposite 87 Crawfordsburn Road, Newtownards

7. The following appeal was lodged on 14 September 2026:

PAC Ref	2026/L0009
Council Ref	LA06/2024/0906/CLOPUD
Appellant	Neil Thompson
Subject of Appeal	Refusal of Certificate of Lawfulness of Proposed Use or Development for 'Proposed completion of dwelling and garage approved under X/2004/0527/O and associated consent issued under X/2007/0928/RM
Location	Site 250m South of Ballyblack Road East, Carrowdore

Withdrawn Appeals

8. The following appeal against an Enforcement Notice was withdrawn on 22 July 2026 after planning permission was granted under LA06/2024/0536/F for 5no. detached tourist accommodation units (retrospective) on 30 July 2026.

PAC Ref	2026/E0006
Council Ref	LA06/2022/0179/CA
Appellant	Samual Townsley
Subject of Appeal	Alleged 1. Three No unauthorised buildings with unauthorised decking; 2. Unauthorised tourism use, known as Cuan Mor Lodges, including reception area and 5 No buildings providing tourism accommodation
Location	Land at 86 Ballydrain Road, Comber

Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDATION

It is recommended that Council Notes this report and attachments.



Appeal Decision

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Appeal Reference:	2025/A0109
Appeal by:	Ronald Shields
Appeal against:	The refusal of full planning permission
Development:	Retention of private amenity/shelter building made from sustainable recycled materials, wildlife hide, timber footbridge and associate landscaping and planting
Location:	Land approx. 200m SE of 110 Kempe Stones Road, Newtownards with existing access to Greengraves Road
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2022/0262/F
Procedure:	Written Representations with Accompanied Site Visit on 30 th April 2026
Decision by:	Commissioner Hannah Ellison, dated 23 rd July 2026

Decision

1. The appeal is dismissed.

Reasons

2. The main issue is whether the development is acceptable in principle in the countryside.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area within which the appeal site lies. In it, the appeal site falls within the countryside, outside of any designated settlement limit. There are no specific operational policies or other provisions material to the determination of the proposal within the ADAP.
5. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals and transitional arrangements are set out in it. On 11th December 2025, the Department for Infrastructure published the

SPPS Edition 2 (SPPS2) which included new policy provisions on Renewable and Low Carbon Energy. The Preamble to the SPPS2 makes clear that all other policy provisions within the former SPPS are unchanged.

6. The SPPS2 retains policies within existing planning policy documents until such times as the local council adopts a Plan Strategy (PS). No PS has been adopted for this council area. The SPPS2 retains certain existing Planning Policy Statements (PPSs) including the first Addendum to PPS7: Residential Extensions and Alterations (APPS7), PPS8: Open Space, Sport and Outdoor Recreation and PPS21: Sustainable Development in the Countryside. There is no conflict between the provisions of the SPPS2 and those of retained policy regarding issues relevant to this appeal. Therefore, in accordance with the transitional arrangements set out in the SPPS2, the appeal should be determined in accordance with the retained policies of the aforementioned PPSs, which I shall return to below.
7. The appeal site is a level parcel of land located adjacent to a pond, with islands, which was created by the appellant several years ago following restoration works to what was once a former landfill site. Access to the site is taken from a laneway which accesses onto Greengraves Road. The first stretch of the laneway runs parallel to Kempe Stones Road (the A20 dual carriageway). It then splits, continuing east to an adjacent equestrian site, and south, beyond a set of gates to the appeal site. This southern part of the laneway is bound on both sides by mature trees and meanders down to the site. The surrounding area is characterised by undulating, agricultural fields.
8. The appeal development has already been carried out thus retrospective permission is being sought. The development includes a building (herein referred to as the 'amenity' building) which has been created from several shipping containers arranged under a corrugated metal sheeting roof with translucent panels. The containers are clad in timber and metal sheeting. The building has various windows and doors along its front and side elevations. Internally, it comprises a toilet and changing room, a bar/service area, and storage areas containing a considerable amount of play and sporting equipment. The amenity building also has a mock fireplace and numerous tables and chairs and soft seating. The floor is finished in astroturf.
9. Externally, along the side elevation of the amenity building is a decked area enclosed by railings. It provides for views over the pond. To the south, beyond the covered porch entrance, are picnic tables, a firepit with seating, a pitched roof play den and an area of hammocks/swings. Beyond this is an area of lawn. A shepherd's hut is located in the south west corner of the site, however it does not form part of the appeal development.
10. This part of the appeal site, containing the aforementioned features, is enclosed by fencing, with pedestrian access leading from the laneway through a pergola and along a segregated path to the amenity building.

11. Adjacent to the pergola entrance, and accessed directly from the laneway, is a 'wildlife hide' constructed from a shipping container. It is partly clad in timber and has two high-level windows. At the time of my site visit there were a number of items being stored within it including gardening equipment, a bicycle and building materials.
12. Adjacent to the wildlife hide is a timber 'footbridge' which leads to an island located at the centre of the pond. At the time of my site visit the footbridge was unsafe to use. Whilst the pond and islands fall outside of the appeal site, I observed that the islands are grassed and some have picnic tables on them. I was advised they were used by goats which graze the land at certain times of the year. There are bee hives on one island, and I was informed that the beekeeping/farming is carried out by a third party.
13. Policy CTY 1 of PPS21 sets out a range of types of development which in principle are considered acceptable in the countryside and will contribute to the aims of sustainable development. The types of acceptable development are primarily grouped into the categories of 'Housing Development' and 'Non-Residential Development'. In relation to the former category, the appellant advised that the appeal development was created for personal recreational use for him and his family and that he would accept a condition restricting it for personal use only should planning permission be forthcoming.
14. I note from the background papers that the appellant's address is a very considerable distance from the appeal site, so the site cannot logically be considered as akin to a domestic residential garden area or indeed as an extension to such. The appeal development is not ancillary to a residential property at the appeal site. Accordingly, the provisions of the APPS7, which relates to the 'Housing Development' element of Policy CTY 1, do not assist.
15. It was also argued that the development is used for outdoor recreation. This could be considered as a type of 'Non-Residential Development' acceptable in the countryside under Policy CTY 1 so long as it complies with the provisions of PPS8.
16. The appellant drew my attention to the definition of open space provided in Annex A of PPS8. I do not dispute that an inland body of water may constitute open space and that, subject to demonstrating it has public value, the pond adjacent to the appeal site may constitute open space. However, the appeal site does not include the adjacent pond and the appellant indicated that the appeal development was for private use only, not public. Notwithstanding, the appellant went on to consider the development against Policy OS 3 of PPS8 which allows for the development of proposals for outdoor recreational use in the countryside where several criteria are met.
17. I agree that 'recreation' can include passive enjoyment of the countryside and natural areas, and that the wildlife hide and external viewing platform adjacent to the amenity building could facilitate such activity at the appeal site in general terms. However, PPS8 facilitates opportunities for recreation uses and outdoor

recreational pursuits for the local population and tourists which typically contribute to the rural economy and the promotion of tourism, as well as for recreational use which necessitates a countryside location, such as the keeping and riding of horses. Recreational use, as per the policy provisions, mainly relates to public recreation and, as above, open space, for the purposes of PPS8 is defined as all open space of public value. The appellant has made it abundantly clear that the appeal site is used for recreational purposes for him and his family in the same manner as a residential garden would be. The personal use of the appeal site for private amenity purposes and recreational activity does not involve the local population or tourists, nor does such a domestic scale of use necessitate a countryside location. Therefore, I am not persuaded that Policy OS 3 of PPS8 applies to the circumstances before me.

18. Policy CTY 1 of PPS21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement (emphasis added).
19. The appellant argues that the appeal development could not be in a settlement as it is intrinsically linked with the adjacent wildlife pond and thus it must be in this countryside location. I appreciate that there are elements of the development which facilitate the enjoyment of wildlife at the adjacent pond. However, it does not follow that the location of the pond justifies the stated private use of the adjacent land combined with the introduction of ancillary buildings and other features in the open countryside, outside of a settlement. In any event, the policy has a conjunctive clause meaning that the development must also be essential.
20. I acknowledge the appellant's claim that if the appeal development was to be used for glamping or overnight accommodation, or the adjacent pond was to be used for fishing, such uses could meet planning policy even though they would be more intensive than the appeal development. However, it has unequivocally been stated that the development is for personal, domestic use only and that is what I must consider in the context of this appeal. Additionally, no cogent argument has been presented to persuade me that the appeal development would not set an unwelcome precedent for other such types of personal use in the countryside. It seems to me that there are many bodies of water and parcels of land in other rural locations that could be similarly developed in a piecemeal fashion.
21. Whilst I am mindful of the importance placed on access to open space and the opportunity to participate in sport and recreational activity as set out in the SPPS2, I am not persuaded, in the evidential context, that the appellant and his family lack access to open space in general and the related opportunities.
22. For the reasons given above, the appeal development is not one of the types of development which, in principle, is considered to be acceptable in the countryside. It has also not been demonstrated that there are overriding reasons why the development is essential and could not be located in a settlement. Accordingly, the development is contrary to Policy CTY 1 of PPS21

and it therefore also conflicts with the SPPS2. Whilst I acknowledge the development's discreet positioning and the use of natural materials, these matters do not overcome the objection in principle, and I have not been provided with any other material considerations or overriding policy which would outweigh the policy objections and justify a contrary decision. The Council's reason for refusal is sustained. Accordingly, the appeal must fail.

This decision relates to drawing nos. 01, 02A, 03, 04, 05, 06 and 07.

COMMISSIONER HANNAH ELLISON

List of Appearances

Planning Authority:-	Joanne Barrett (Ards and North Down Borough Council (ANDBC) Jonathan Hanna (ANDBC)
Appellant:-	David Donaldson (Donaldson Planning) (Agent) Ronald Shields Chris Shields
Third Parties:-	Sam Moore Dessie Moore

List of Documents

Planning Authority:-	Statement of Case and Rebuttal by ANDBC
Appellant:-	Statement of Case by Donaldson Planning
Third Parties:-	Comments by Dessie Moore Comment by Sam Moore



Enforcement Appeal Decision

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Appeal Reference:	2024/E0044
Appeal by:	William Wylie
Appeal against:	An Enforcement Notice dated 17 January 2025
Alleged Breaches of Planning Control:	(1) Unauthorised ancillary building; (2) Unauthorised wooden pergola; (3) Unauthorised extension of domestic curtilage which includes concrete path; (4) Unauthorised building; (5) Unauthorised building; (6) Unauthorised shelter and (7) Unauthorised laying of hardstanding laneway
Location:	Land at 107 Comber Road, Newtownards, Down BT23 4QS.
Planning Authority:	Ards and North Down Borough Council
EN Reference:	LA06/2021/0144/CA
Procedure:	Informal Hearing on 10 March 2026
Decision by:	Commissioner Mandy Jones, dated 19 August 2026

Grounds of Appeal

1. The appeal was brought on Grounds (a),(b),(d) and (e) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. There is a deemed application by virtue of Section 145 (5).

Preliminary Matters

2. The Commission issued a decision on this enforcement appeal on 3 October 2025. Following an application for judicial review, the High Court quashed the decision and remitted the enforcement appeal to the Commission for redetermination.
3. I have considered this enforcement appeal completely afresh, taking into account the background documents provided by the parties, the written evidence previously submitted through the appeal process, the supplementary statements of case submitted and the oral evidence at the hearing. However, I have not been party to the oral evidence presented to the previous Commissioner.

Ground (e): that copies of the enforcement notice were not served as required by section 138.

4. Section 138 (2) of the Planning Act states that a copy of an enforcement notice must be served on the owner and occupier of the land to which it relates and on any other person having an estate in the land, being an estate which, in the opinion of the council, is materially affected by the notice. Section 138 (3) states that the service of the notice must take place not more than 28 days after its date of issue and not less than 28 days before the date specified in it as the date on which it is to take effect.

Background

5. The Council issued an Enforcement Notice on 5 December 2024. The Council maintains that copies of that Notice were sent by recorded delivery to the registered landowners and that copies were also sent by e-mail to the appellant and his agent.
6. On 13 January 2025, the appellant contacted the Council advising that he had only become aware of the Enforcement Notice after discovering a copy in a hedge adjacent to the site shortly before it was due to take effect. Following receipt of that correspondence, the Council withdrew the Notice on 16 January 2025.
7. A replacement Enforcement Notice, which is the subject of this appeal, was issued on 17 January 2025. The Council accepts that this Notice was sent by ordinary post rather than by registered post. Copies were also sent by e-mail to the appellant and his agent on 17 January 2025.
8. The Council accepts that service of the replacement Enforcement Notice did not comply with the requirements of section 138 of the Planning Act (Northern Ireland) 2011 when read together with section 24 of the Interpretation Act (Northern Ireland) 1954. The Council nevertheless contends that the defect should be disregarded pursuant to section 144(3) of the 2011 Act because neither the appellant nor any other person suffered substantial prejudice. The appellant disputes that position and maintains that the defective service materially reduced the time available to consider the Notice, obtain advice and prepare his response.

Assessment

9. Section 144(3) of the Planning Act (Northern Ireland) 2011 provides that where a person required to be served with a copy of an Enforcement Notice was not so served, the Commission may disregard that failure if satisfied that neither the appellant nor that person has been substantially prejudiced by it.
10. The Council accepts that the replacement Enforcement Notice was not served in accordance with the statutory requirements as it was sent by ordinary post rather than by registered post. Whilst copies were also sent by e-mail to the appellant and his agent, the Council accepts that such transmission did not constitute service for the purposes of section 138 of the Planning Act (Northern Ireland) 2011 when read together with section 24 of the Interpretation Act (Northern Ireland) 1954. Accordingly, the principal issue before me is not whether

there was a defect in service, but whether that defect can properly be disregarded pursuant to section 144(3).

11. The Council submits that no substantial prejudice arose as the appellant became aware of the Enforcement Notice, exercised his right of appeal and participated in the proceedings. The Council relies upon the principle established in Mayes v Secretary of State for Wales and subsequent Commission decisions which recognise that not every defect in service will result in prejudice sufficient to invalidate an enforcement notice.
12. Whilst I acknowledge those submissions, I am not persuaded by them in the particular circumstances of this case. Although the Council contends that the replacement Enforcement Notice was posted to the appellant by ordinary post, no evidence has been provided which would enable me to determine when, if at all, the Notice was delivered. The appellant's evidence is that he did not receive the Notice by post and only became aware of it through subsequent communications. On the evidence before me, I accept that account.
13. I also note that the circumstances surrounding service of both Notices created a degree of uncertainty which required further contact between the appellant and the Council before the position became clear. In my opinion, mere awareness of the existence of an Enforcement Notice cannot be equated with proper service of that Notice in accordance with the statutory procedures prescribed by the legislation. The purpose of those provisions is not simply to bring a notice to the attention of affected persons, but to ensure that they receive the full benefit of the prescribed period within which to consider the allegations, obtain advice, assemble information and determine how best to respond.
14. On the appellant's evidence, which I accept, he did not become aware of the replacement Enforcement Notice until 23 January 2025. As the Notice was due to take effect on 17 February 2025, this reduced the period available to him before the Notice took effect from the statutory period of 28 days to approximately 24 days.
15. The appellant argues that, as a consequence of the defective service, he was deprived of sufficient time to obtain advice and fully formulate his response to the allegations contained within the Notice. In particular, he contends that the reduced timeframe hindered his ability to obtain veterinary and ecological advice before determining the basis upon which he wished to challenge the Notice and that potentially relevant planning appeal decisions concerning the interpretation of Policies CTY10 and CTY12 of PPS21 were not identified until a later stage. Whilst I make no finding on the ultimate merits or weight of any such evidence, I accept that the reduced period available to the appellant restricted his opportunity to investigate, prepare and formulate his response as fully as he otherwise might have done.
16. I accept that the appellant ultimately exercised his right of appeal and participated in these proceedings. I also recognise that the Commission's procedures afforded the appellant a further opportunity to expand upon his grounds of appeal from those set out within his initial statement of facts and submit additional evidence after the appeal had been lodged. However,

participation in the appeal process is not determinative of whether substantial prejudice arose for the purposes of section 144(3). The relevant question is whether the defect in service deprived the appellant of a meaningful opportunity to make such enquiries, obtain such advice and undertake such preparation as he considered necessary before determining how he wished to respond to the Notice. In the circumstances of this case, I am satisfied that it did.

17. Whilst *Mayes* establishes that not every defect in service will result in substantial prejudice, each case must be determined on its own facts. In this case, I am satisfied that the consequences of the service defect extended beyond a purely technical irregularity.

Findings

18. Having regard to all of the evidence before me, I find that the Enforcement Notice was not served in accordance with the requirements of section 138 of the Planning Act (Northern Ireland) 2011.
19. I also consider that the appellant did not receive the full benefit of the period which the statutory service provisions are intended to provide. As a consequence, he was deprived of part of the time available to consider the allegations against him, seek advice, assemble relevant information and determine how best to respond.
20. In reaching that conclusion, I have taken account of the appellant's evidence that the reduced timeframe hindered his ability to obtain specialist advice and delayed the identification of potentially relevant appeal decisions. Whilst the appellant was subsequently afforded an opportunity to expand upon his case through the Commission's procedures, I am satisfied that the loss of part of the statutory response period nevertheless placed him at a disadvantage in determining the manner in which he wished initially to respond to the Notice.
21. I am satisfied that the disadvantage suffered by the appellant amounts to substantial prejudice. Whilst the appellant was ultimately able to participate in the appeal process, I do not consider that participation alone is sufficient to demonstrate an absence of prejudice. The relevant question is whether the appellant was deprived of a meaningful part of the opportunity which the statutory service provisions are intended to provide. I am satisfied that he was. Had the Notice been properly served, the appellant would have had the full statutory period available to consider the allegations, obtain advice, identify potentially relevant decisions and determine the scope and presentation of his case.
22. Accordingly, I conclude that this is not an appropriate case in which to exercise the discretion conferred by section 144(3) of the Planning Act (Northern Ireland) 2011 to disregard the defect in service.

For the reasons given above, the appeal succeeds on Ground (e).

The Enforcement Notice is quashed.

Decision

The appeal on ground (e) succeeds.

The Enforcement Notice is quashed.

List of Documents

Planning Authority (Ards and North Down Borough Council):	‘A’ ‘A1’	Statement of Case Supplementary Statement of Case
Appellant (Pragma Planning):	‘B’ ‘B1’	Statement of Case Supplementary Statement of Case
Third Party objectors (Karen & James Gilliland):	‘C’ ‘C1’	Statement of Case Supplementary Statement of Case

Appearances at Hearing

Planning Authority (Ards and North Down Borough Council):	Clare Barker *
Appellant:	Michael Worthington (Pragma Planning) William Wylie

*denotes attended remotely



Appeal Decision

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Appeal Reference:	2025/0137
Appeal by:	Mr Kenneth Black
Appeal against:	Refusal of full planning permission
Proposed Development:	Single storey detached dwelling and associated entrance
Location:	Site immediately SE of No. 1 Craigantlet Road, Newtownards, BT23 4TE
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2024/0945/F
Procedure:	Written Representations and an Accompanied Site Visit on 6 th August 2026
Decision by:	Commissioner G McCallion, dated 27 th August 2026

Decision

1. The appeal is allowed and full planning permission is granted subject to conditions.

Reasons

2. The main issues in this case are whether the proposed development is acceptable in principle in the countryside, whether it would adversely impact on rural character and the effect of the nearby quarry on the living conditions of future occupants, having regard to blasting, noise, dust, and potential ground contamination.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that in dealing with an appeal, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act requires that where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The North Down and Ards Area Plan 1984–1995 forms the Local Development Plan (LDP) for the appeal site, which is located in the countryside, outside any settlement boundary and within the designated Green Belt. The LDP contains no operational policies that are material to the assessment of the proposed development. Planning Policy Statement 21 ‘Sustainable Development in the Countryside’ (PPS21) provides the primary policy framework for development in the countryside, and its policy provisions take precedence over designation policies contained within existing statutory and published draft plans, including

those relating to Green Belts. Regarding development in proximity to quarrying and mineral operations, 'A Planning Strategy for Rural Northern Ireland' (PSRNI) remains a material consideration.

5. In May 2017, the Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2014 (BMAP) unlawful. While draft BMAP (dBMAP) does not constitute an adopted Development Plan, it may nevertheless be afforded material weight where relevant to the assessment of a proposal. In this instance, dBMAP identifies the appeal site as being within the countryside, the proposed Green Belt (GB) and a proposed Local Landscape Policy Area (LLPA).
6. The Strategic Planning Policy Statement for Northern Ireland, Edition 2, (SPPS) is a material consideration in the determination of all planning appeals. The SPPS retains existing Planning Policy Statements (PPS), including PPS21 and the relevant provisions contained within the PSRNI, until a Plan Strategy is adopted. As no Plan Strategy (PS) has been adopted for this council area, any conflict between the SPPS and retained policy provisions must be resolved in favour of the SPPS. No such conflict arises in this case and, accordingly, the appeal proposal falls to be assessed under the retained policy framework. Additional guidance is provided by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside (BOT), which offers relevant design principles for rural development.
7. Policy CTY1, 'Development in the Countryside', of PPS21 recognises a range of development types that are acceptable in principle within the countryside and which support the objectives of sustainable development. One such type is development permitted under Policy CTY2a, 'New Dwellings in Existing Clusters'. By contrast, other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.
8. Policy CTY2a 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 a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
 - the cluster appears as a visual entity in the local landscape;
 - the cluster is associated with a focal point such as a social/community building/facility, or is located at a crossroads;
 - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
 - development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
 - development would not adversely impact on residential amenity.
9. The appeal site comprises an undeveloped parcel of land off Holywood Road, close to the junction of Holywood Road, Dunlady Road, Craigantlet Road and Whinney Hill. It lies between the rear curtilage of No. 1 Craigantlet Road to the north-west and an established commercial premises to the south-east, which

contains a corrugated metal shed, set on a concrete perimeter wall. The site is enclosed by a combination of earth embankments, mature trees, hedgerows and boundary fencing. A group of mature trees on elevated ground defines the north-eastern boundary, while established hedgerows and intermittent tree planting bound the south-western boundary. The boundary with No. 1 Craigantlet Road comprises fencing, whitewashed walls with close-boarded fencing above, and the rear wall of an ancillary outbuilding. Existing vehicular access is provided by a hard-surfaced laneway connecting the site to the adjoining commercial premises and running along the south-western boundary.

10. The land rises in elevation from Craigantlet Road, through the curtilage of No. 1 Craigantlet Road, and continues to ascend gently in a south-easterly direction across the appeal site before rising sharply into the adjoining commercial premises. Consequently, the appeal site occupies an elevated position overlooking the Hollywood Road, while the commercial premises and existing shed are situated on higher ground immediately adjoining the site. This creates a tiered relationship between the appeal site, the adjacent commercial premises and the surrounding road network.
11. The dwelling, amenity space and ancillary buildings associated with No. 70 Hollywood Road are located directly opposite the site, while Nos. 81 and 83 Dunlady Road are situated further to the south. Craigantlet Crossroads Church lies to the northeast, on the opposite side of the road from the appeal site's rear boundary. Further to the southeast, beyond the commercial premises adjoining the appeal site, lie the Craigantlet Quarry development and associated mineral processing and production units, together with Craigantlet Orange Hall and the residential properties of 61 – 69 Hollywood Road.
12. The Council contends that Policy CTY2a is not met because the appeal site is not associated with a qualifying cluster of development. Whilst it accepts that a discernible grouping exists comprising Nos. 81 and 83 Dunlady Road, No. 70 Hollywood Road and No. 1 Craigantlet Road, it considers these buildings to form part of a linear pattern of development extending along Craigantlet Road and Dunlady Road. Relying on aerial photography and examples within BOT, it argues that the development pattern lacks the cohesion necessary to appear as a visual entity in the landscape and is interrupted by substantial open gaps.
13. Although the church and adjoining commercial building are recognised as nearby built features, the Council maintains that their inclusion does not overcome the physical separation between buildings or create a cohesive cluster. Instead, it considers the intervening undeveloped land, including the appeal site, to be an important component of the area's dispersed rural character. The Council further submits that the locality is characterised by several distinct nodes of development separated by substantial areas of open agricultural land, as illustrated by aerial imagery, illustrative examples from BOT, and the dBMAP development limit proposed for Craigantlet.
14. The Appellant contends that the appeal site forms part of an established cluster of development comprising No. 1 Craigantlet Road, the commercial building accessed from Hollywood Road, No. 70 Hollywood Road, and the dwellings at Nos.

- 81 and 83 Dunlady Road. He submits that these buildings are perceived as a coherent and visually connected group within the landscape, particularly when approaching the crossroads from Whinney Hill. Accordingly, the proposed dwelling would consolidate and reinforce this existing cluster rather than constitute an extension of development into the countryside. On that basis, the Appellant contends that the proposal falls to be assessed under Policy CTY 2a and satisfies the first five criteria of the policy. He further submits that the Council's reliance on perceived gaps between buildings, to undermine the coherence of the cluster, extends beyond what is required to achieve compliance with the Policy.
15. During the accompanied site visit (ASV), the Council accepted that the buildings at Craigantlet Crossroads are capable of being viewed collectively from Whinney Hill, that the appeal site is well contained by existing vegetation and landform, and that it is bounded on at least two sides by established development. There is therefore no dispute that the proposal satisfies the physical and visual relationship requirements of the third and fourth criteria of Policy CTY 2a. Moreover, there is no disagreement between the parties that the proposal does not offend the sixth criterion of the policy. Accordingly, the principal issues in dispute are whether the first, second and fifth criteria of Policy CTY2a are met; namely whether the crossroads development constitutes a qualifying cluster, whether that cluster appears as a visual entity in the local landscape and, if so, whether the proposed dwelling would consolidate and round off the cluster in a manner that respects and safeguards the character of the surrounding countryside.
 16. Whilst No. 1 Craigantlet Road, No. 70 Holywood Road and Nos. 81 and 83 Dunlady Road display a linear development pattern, I have been provided with no persuasive evidence that this precludes them from constituting qualifying buildings for the purposes of Policy CTY2a. The policy imposes no requirement for a cluster to display a particular development pattern, and the examples contained within BOT are illustrative guidance only, not definitive policy tests. Accordingly, I see no reason to discount these buildings from my assessment solely on the basis of their roadside relationship.
 17. The assessment of whether a cluster exists must be informed not only by analysis of plans and mapping but also by the manner in which development is experienced from publicly accessible vantage points on the ground. Having regard to my observations during the ASV, I find that the relevant cluster comprises the dwellings and shed within the commercial premises identified by the Appellant, together with Craigantlet Church. These buildings are located at the crossroads formed by Craigantlet Crossroads Road, Dunlady Road, Holywood Road and Whinney Hill and, when viewed from Whinney Hill approaching the crossroads, are perceived collectively as a coherent and visually integrated grouping within the landscape.
 18. Furthermore, as noted by the Appellant during the ASV, the development cluster is readily perceived as a distinct visual entity when viewed southeast from Ballymiscaw Road. From this prominent viewpoint, the development does not present as a simple linear arrangement. Instead, the residential properties appear visually grouped around the commercial shed, whose elevated position makes it a dominant feature, while the activity and traffic movements associated with the

crossroads further reinforce the impression of a cohesive and interconnected grouping.

19. My own observations support this assessment. When travelling east along Dunlady Road towards the crossroads, Nos. 83 and 81 Dunlady Road, No. 70 Holywood Road, No. 1 Craigantlet Road, and the Craigantlet Crossroads Church collectively read as a single visual feature within the landscape. As the junction is approached, the apex of the shed on Holywood Road becomes increasingly prominent, particularly when passing No. 83 Dunlady Road. In these circumstances, I am not persuaded that the relevant group for assessing whether a cluster of development exists should be confined solely to the linear development along the southern side of Craigantlet Road and Dunlady Road, as contended by the Council.
20. Thus, I find that the identified cluster comprises more than four buildings, including at least three dwellings, namely Nos. 1 Craigantlet Road, 70 Holywood Road, and 81 and 83 Dunlady Road. In addition, the commercial premises and associated shed, together with Craigantlet Crossroads Church, form part of the same visual grouping and make a meaningful contribution to the character and composition of the cluster. Accordingly, I am satisfied that the development meets the first criterion of Policy CTY2a, which requires the existence of a cluster of development.
21. Furthermore, I am not persuaded that the existence of undeveloped land between, or opposite, the constituent buildings is sufficient to negate the presence of a cluster of development. Neither Policy CTY2a nor its supporting text requires the land between buildings to be continuously developed. Rather, the policy requires an assessment of whether the buildings comprise a cluster, appear as a visual entity in the local landscape and are associated with a focal point. To adopt the Council's interpretation would introduce an additional test not found within the policy.
22. In this case, the identified buildings retain a clear visual and spatial relationship and can be appreciated collectively from public viewpoints, particularly when approaching the crossroads from Whinney Hill. Whilst areas of undeveloped land are present within and around the grouping, this is a common characteristic of the rural landscape and does not, in itself, prevent buildings from being perceived as a cluster. The relevant consideration is how the grouping is experienced on the ground, rather than whether every parcel of land between the buildings is developed. Therefore, I find that the cluster of development appears as a visual entity in the local landscape and the second criterion of Policy CTY2a is met.
23. This approach is consistent with appeal reference 2016/A0209, as appended in evidence by the Appellant, where the Commissioner recognised a cluster of development centred on a road junction notwithstanding the presence of open space and the positioning of development along the road network. The assessment focused on the visual presence of the grouping in the landscape and its relationship to the appeal site, rather than the existence of undeveloped land between individual elements of the cluster.

24. Furthermore, whilst I accept that dBMAP is a material consideration, the evidential weight to be attached to the 'plan-extracts' denoting the proposed settlement limit for Craigantlet, relied upon by the Council, is diminished by subsequent planning decisions and development that has been implemented on the ground. This includes the construction of the shed within the commercial premises adjoining the appeal site, which now forms part of the prevailing planning and landscape context.
25. While reference has been made to planning applications LA06/2019/0950/LDE, LA06/2021/0407/F, LA06/2022/0627/F and LA06/2025/0629/F, the full planning histories and decision-making context for those applications are not before me. As such, I am unable to assess their relevance to the issues arising in this appeal. I therefore attach little weight to the Council's submission that the "chronological narrative" demonstrates a reactive approach to the planning process associated with the adjoining commercial premises. That contention neither assists in determining compliance with Policy CTY2a nor materially advances the Council's case. The evidence before me demonstrates that commercial premises are established lawful development in the countryside and, as I have found, the adjoining shed constitutes a qualifying building within the cluster of development for the purposes of Policy CTY2a.
26. Moreover, I am not persuaded, either by the Council's aerial imagery, given my own site observations, that the appeal site constitutes a substantial green gap providing meaningful visual relief within the landscape. I agree with the Appellant that, following clarification of the appeal site boundary and the extent of the proposed dwelling and curtilage, the Council's aerial analysis overstates the area of land that would be developed.
27. I also find that the Council's reliance on the wider spatial pattern of development in the surrounding countryside is misplaced in the context of Policy CTY2a. As the policy title indicates, its focus is on proposals for new dwellings within existing clusters of development. Accordingly, the relevant considerations are whether a cluster exists, whether it forms a visual entity in the local landscape, whether it is associated with a focal point, and whether the appeal site can be accommodated through consolidation and rounding-off. The broader settlement patterns of the area are not a determining consideration under the policy.
28. Furthermore, the appeal site is readily distinguishable from the areas identified by the Council as 'significant' green gaps. Those areas comprise extensive tracts of open agricultural land that physically and visually separate distinct groups of development. In contrast, the appeal site is comparatively modest in scale, bounded on two sides by existing development, and contained by established vegetation and topographical features. It does not therefore perform the same landscape function as the larger areas of farmland relied upon by the Council.
29. While the Council's assessment extends beyond the specific requirements of Policy CTY2a, I am not persuaded that the appeal site makes a significant contribution to the physical or visual separation of development groups or that its development would materially diminish any sense of openness between settlements or clusters. Rather, the evidence before me, supported by my site

observations, demonstrates that the site is physically and visually associated with the identified cluster and does not provide the degree of separation alleged by the Council. This fortifies my conclusion that the second criterion of Policy CTY2a is not offended and that the cluster presents as a visual entity within the local landscape.

30. During the ASV, the Council confirmed that its objection to the proposal under the fifth criterion of Policy CTY2a was predicated upon its position that no cluster of development exists at this location. Accordingly, the Council's case is that, in the absence of such a cluster, the appeal development cannot be absorbed through rounding-off and consolidation. However, I have found that the appeal site forms part of an existing cluster of development, appears as a visual entity in the local landscape, and is associated with the crossroads. I have also found that the site is bounded on at least two sides by development and benefits from a degree of enclosure provided by its topography and established boundary treatments.
31. Having regard to the siting of the proposed dwelling, its curtilage and access arrangements, I am satisfied that the development can be absorbed into the existing cluster through rounding-off and consolidation. In reaching this conclusion, I have taken account of my finding that the appeal site does not comprise an extensive area of open agricultural land, but rather a parcel situated between existing development and directly opposite the rear curtilage of No. 70 Hollywood Road. The site also benefits from the backdrop of mature trees to the northeast. Therefore, the proposal occupies a contained parcel at the edge of, and physically connected to, the existing cluster, thereby consolidating its established form rather than extending development into a new area of countryside.
32. Furthermore, given the corner positions of Nos. 1 and 70 Craigantlet and Hollywood Roads respectively, together with the presence of the commercial premises to the southeast, the proposal would neither materially alter the established pattern of development within the cluster nor result in unacceptable visual intrusion into the surrounding countryside. Accordingly, I find that the fifth criterion of Policy CTY2a is satisfied.
33. For the reasons given above, I am satisfied that the appeal site forms part of an existing cluster of development associated with a crossroads. The Appellant's identified buildings, together with Craigantlet Crossroads Church, are perceived collectively as a coherent grouping and appear as a visual entity in the local landscape. I attach little weight to the Council's contention that intervening open land or differing road frontages negate the existence of such a cluster, as neither consideration is determinative under Policy CTY2a, nor are they supported by any specific policy restriction in this regard. Furthermore, and as set out at paragraph 15 of this decision, the appeal site exhibits the requisite physical and visual relationship with the surrounding development. Accordingly, I conclude that the Council's second reason for refusal has not been sustained.
34. Turning to Policy CTY8 of PPS21, no case has been advanced by the Appellant that the proposal falls within any exception to the policy. However, the parties agreed that the proposal falls principally to be assessed under Policy CTY2a. The

Council confirmed at the ASV that a finding of compliance with Policy CTY2a would address its concerns regarding ribbon development, given that the proposal would constitute a form of development acceptable in principle under Policy CTY1. As I have found the proposal to comply with Policy CTY2a, I am satisfied that it is located within a cluster and would neither create nor add to a ribbon of development. Accordingly, the Council's third reason for refusal is not sustained.

35. As I have concluded that the appeal proposal satisfies the requirements of Policy CTY2a, it constitutes a form of development expressly recognised by Policy CTY1 of PPS21 as acceptable in principle in the countryside. It follows that the proposal complies with Policy CTY1 and, therefore, the Council's first reason for refusal is not sustained.
36. Policy CTY14 'Rural Character' states that planning permission will be granted for a building in the countryside where it would not cause a detrimental change to, or further erode, the rural character of the area. During the ASV, the Council confirmed that its objection under this policy was based on its view that the proposal would offend criteria (b), (c) and (d) by contributing to a suburban-style build-up of development by adding to a ribbon of development along the eastern side of Holywood Road pursuant to Policy CTY8.
37. However, I have already concluded that the proposal complies with Policy CTY2a and represents a form of development expressly considered acceptable in principle under PPS21. I have also found that considerations relating to ribbon development have not been sustained. Furthermore, having regard to the proposal's location within an established cluster of development, its enclosure by existing buildings, landform and boundary vegetation, and my finding that it would consolidate and round off the cluster, I am satisfied that it would neither result in a suburban-style build-up of development nor detract from the rural character of the area. The proposal comprises a single dwelling on a site contained by existing development and vegetation. It would not encroach into an exposed area of countryside or create the perception of suburban growth. Accordingly, I find that the appeal proposal does not offend criteria (b), (c) or (d) of CTY14 and the Council's fourth refusal reason is not sustained.
38. Turning to the nearby quarry and its associated processing facilities. The Council contends that insufficient information has been provided to enable a full assessment of the potential effects arising from quarrying and asphalt production activities, including the recycled asphalt plantings (RAP) operations. Concerns have been raised regarding noise, vibration, air quality and potential ground contamination. The Council maintains that it has not been demonstrated that the proposed development would provide a safe and healthy residential environment for future occupants, as required by paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement (SPPS).
39. I also acknowledge that representations were submitted to the Council during the planning application process on behalf of the quarry owner and operating company regarding the potential impact of the proposed development on the day-to-day operation of the mineral site. These representations raised concerns relating to noise from quarrying, blasting, aggregate processing and coated

roadstone production, as well as potential air quality impacts. Concerns were also expressed regarding the possibility of future complaints from residents that could place restrictions on otherwise lawful quarry operations, and the general compatibility of residential development near an established mineral extraction site.

40. Although no third-party representatives participated directly in this appeal, the issues raised in the correspondence submitted during the planning application process formed part of the appeal documentation before me. I have therefore taken these matters into account in my consideration of the appeal.
41. The Appellant submitted evidence relating to the planning history of the quarry complex and its associated mineral operations, including mineral extraction, overburden and material storage, berm formation, vehicle movements and the approved quarry face positions. He also relied on noise and air quality assessments prepared in support of the subsequent planning permission for the asphalt plant and RAP operations. In addition, he referred to appeal decision 2025/A0076, contending that the issues considered in that case, concerning development in proximity to a quarry within the Council area, are comparable to those arising in the present appeal.
42. Paragraph 4.11 of the (SPPS) advises that a wide range of environmental and amenity considerations, including noise and air quality, should be taken into account by planning authorities when formulating planning policies and determining development proposals. The SPPS recognises that the planning system has an important role in minimising potential adverse impacts on sensitive receptors, including those arising from noise, through its influence over the location, layout and design of new development. It further acknowledges that the planning system can make a positive contribution to improving air quality and reducing its harmful effects. Additional strategic guidance on noise and air quality as material considerations in the planning process is provided in Annex A of the SPPS.
43. Paragraph 4.12 of the SPPS goes on to advise that other amenity considerations arising from development, which may have implications for health and well-being, include matters such as design quality, visual intrusion, general disturbance, loss of light, and overshadowing. The SPPS further recognises that development can give rise to adverse environmental effects relating to sewerage infrastructure, drainage, waste management, and water quality. However, these considerations are not intended to be exhaustive. Rather, planning authorities are best placed to identify and assess, in consultation with relevant stakeholders, all environmental and amenity considerations that are material to the specific circumstances of a proposal and its location.
44. Whilst the Council's reason for refusal does not refer the policy provisions of PSRNI, I acknowledge the Appellant's reference to Policy MIN6 'Safety and Amenity' (MIN 6). MIN 6 directs that proposals for mineral development are required to have regard to the safety and amenity of the occupants of developments in close proximity to mineral workings. The policy acknowledges that the continuous and disruptive nature of mineral operations make them 'bad

neighbours' particularly of housing. It continues that the potential for conflict will be reduced by requiring a degree of separation to be kept between mineral workings and other developments, particularly where operations involve blasting. With regard to proposals to develop surface lands directly above or surrounding areas from which minerals are being extracted, the policy advises that these will be carefully considered in relation to the attendant risks.

45. Annex A of SPPS recognises that effective land use planning plays a critical role in safeguarding public health, environmental quality and residential amenity through the careful consideration of noise and air quality impacts. It requires planning authorities to ensure that development is appropriately located, designed and managed to prevent unacceptable adverse effects on sensitive receptors, while also avoiding undue constraints on established lawful land uses and economic activities. In this regard, noise and air quality are material planning considerations. Consideration must therefore be given to the potential cumulative effects of development, the proximity of sensitive receptors, and the effectiveness of proposed mitigation measures. The SPPS advocates a balanced and evidence-based approach, whereby site selection, layout, design, consultation with relevant statutory bodies, and, where necessary, planning conditions are utilised to minimise environmental impacts and secure sustainable forms of development that protect health, wellbeing and the quality of the living environment for existing and future communities.
46. Based on my observations of the site and its surroundings, the quarry complex comprises two principal operational areas. The first is the quarry itself, located to the south-east of the appeal site, where mineral extraction and processing activities take place. The second is the plant/production area, also located to the south-east of the appeal site, in closer proximity to the proposed development and immediately north of the complex's staff car park and office buildings.
47. The Appellant's evidence directs that planning permission W/136/74 for the 'continuation of existing quarrying and ancillary activities' was granted in May 1975. Planning permission W/2001/0610/F was granted to develop the extant quarry without compliance with a condition attached to the grant of planning permission W/136/74. This was approved in February 2002. The following conditions, attached to the permission, are relevant to this appeal:
 - Condition 3: which requires blasting at the quarry site to be monitored and resultant levels of ground vibration and air-overpressure to be supplied by the operator at specified locations on request by the planning authority.
 - Condition 4: which stipulates the parameters within each blast charge is to be balanced so that the peak particle velocity of 10mm/second and the air-overpressure of 128dB is not exceeded.
 - Condition 5: which requires that no blasting shall take place within 100m of any occupied dwelling which is outside of the ownership or control of the operator.

- Condition 6: that blasting within 150m of an occupied house shall be monitored by the operator.
 - Condition 7: which stipulates that no scrap metal, disused vehicles or other waste materials shall be stored within the site.
 - Condition 9: which refers to the final position of all rock faces and benches.
48. Planning permission LA06/2022/0689/F for, *inter alia*, the erection of a coated roadstone plant, referred to as 'the asphalt plant', was approved in November 2023. Relevant conditions attached to it, in the context of this appeal are:
- Condition 2: which provides a table of acceptable noise levels for the asphalt plant, associated traffic movements and proposed reclaimed asphalt pavement (RAP) processing operations at nearest sensitive receptors at Nos. 61 through to 69 Holywood Road, 83A Dunlady Road, Nos. 1 and 9 Craigantlet Road and No. 21 Craigantlet Road.
 - Condition 3: which requires, following notification of a noise complaint by the Council, the operator shall undertake a noise monitoring investigation to demonstrate compliance with the limits specified in Condition 2.
 - Condition 4: the requirement to notify the Council of new contamination risks to the water environment, if encountered during the development works and investigations to be undertaken in line with UK guidance.

Blasting

49. Whilst the third-party representations note that the appeal site lies near the boundary of the quarry complex, no approved plans or other supporting evidence were submitted to identify the extent of the permitted winning and working of minerals or the location of approved quarry faces. In contrast, the Appellant submitted the approved plan accompanying planning permission W/2001/0610/F, which identifies the final face positions and therefore the extent of the approved lateral and vertical mineral workings. During the ASV, the Council neither challenged the accuracy of those plans nor disputed the separation distance between the approved extraction area and the appeal site.
50. My site observations also confirmed that several existing dwellings are considerably closer to the quarry and its associated facilities than the appeal site. The nearest dwelling at Nos. 61-69 Craigantlet Road is approximately 350 metres from the approved extraction limit and 180 metres from the asphalt plant, while No. 7 Craigantlet Road is approximately 270 metres from the quarry void. I also observed several dwellings and other buildings south of the quarry, accessed from Holywood Road, located approximately 170 to 280 metres from the approved quarry faces. Furthermore, mineral extraction is taking place no closer than 500 metres from the appeal site, with no blasting approved or proposed within that distance. This substantially exceeds the 100-metre and 150-metre thresholds at which Conditions 5 and 6 of planning permission W/2001/0610/F require blasting restrictions and assessments respectively.

51. Furthermore, I acknowledge the consultation response from the Health and Safety Executive for Northern Ireland (HSENI), which confirms that the quarry's current extraction area is more than 100 metres from the appeal site. HSENI advises that it would recommend against development only where the approved extraction limit lies within 100 metres; otherwise, it raises no objection. Given that blasting is taking place approximately 500 metres from the appeal site, this provides independent confirmation that the proposal would not give rise to unacceptable health and safety impacts from quarry blasting.
52. Moreover, the Council has produced no persuasive evidence to support its position regarding blasting. No blast monitoring records, vibration measurements, evidence of exceedances of planning conditions, or examples of adverse effects on nearby receptors have been submitted. In these circumstances, particularly given the approximately 500m separation distance between the appeal site and the approved extraction area and the presence of existing occupied properties significantly closer to the quarry, I find no evidential basis for concluding that blasting would give rise to unacceptable impacts. Accordingly, whilst the appeal site adjoins lands within the wider quarry holding, the evidence indicates that active mineral extraction is taking place at a substantial distance from the proposed dwelling and within the operational parameters prescribed by planning conditions. I therefore attach limited weight to assertions that the proposal would be adversely affected by, or give rise to conflict with, active blasting operations at the site.

Vibration, Air Quality and Noise

53. As confirmed during the ASV, the Council's concerns regarding vibration relate to quarry plant rather than blasting. However, when asked to identify the plant concerned and explain how vibration would affect the appeal site, it provided no substantive response.
54. I acknowledge the Appellant's evidence that blasting is the principal source of quarry-related vibration. As considered above, existing planning conditions require blast monitoring and compliance with specified peak particle velocity and air overpressure limits. The Council provided no cogent evidence that these limits had been exceeded, nor any indication that HSENI had raised concerns regarding blasting impacts at nearby residential properties.
55. The consultation from Council's Environmental Health Office (EHO) notes that mineral extraction activities, including soil stripping, the handling and storage of materials, the construction of earth berms, drilling, blasting, and the transportation of minerals, have the potential to generate dust. However, at the ASV, the Council confirmed that its principal concern related to the proximity of the appeal site to the asphalt plant. Having considered the evidence submitted by the Appellant, I find that both the noise and air quality assessments undertaken in relation to the asphalt plant specifically considered the appeal site together with a number of nearby sensitive receptors, including residential properties at Nos. 1 Craigantlet Road and 83 Dunlady Road, as well as those properties located closer to the quarry and asphalt plant than the appeal site.

56. The air quality assessment examined the proposed asphalt plant at the quarry and modelled emissions from a 35.5m stack. The air quality assessment predicted, through a dispersion model, the ground level pollutant concentration and deposition rates against environmental quality standards (EQS). The model considered a number of scenarios to assess both human and ecological receptors in the vicinity of the asphalt. The assessment found no significant air quality effects at nearby residential receptors and was not considered to be a constraint to the grant of planning permission for the asphalt plant.
57. The submitted air quality assessment demonstrates that dust emissions are managed through ongoing mitigation measures overseen by the EHO. The EHO further advised, in its consultation response, that appropriate separation distances can effectively limit air quality impacts on residential receptors. Given the approximately 500-metre separation between the appeal site and the approved extraction area, and in the absence of persuasive evidence to the contrary, I am satisfied that dust from quarry operations will not adversely affects the appeal site.
58. While the asphalt plant is situated closer to the appeal site, the air quality assessment concluded that nearby mineral operations would not have an adverse impact on future occupiers. The plant is also regulated by the Industrial Pollution and Radiochemical Inspectorate (IPRI) under the Pollution Prevention and Control (PPC) regime, which requires an operational permit and the ongoing implementation, monitoring and review of mitigation measures proportionate to environmental risk. The IPRI was consulted by the Council and confirmed that the appeal site lies close to the boundary of a PPC-regulated installation operating under Permit No. P0091/08B. Although it acknowledged that future occupiers may experience occasional amenity impacts due to the proximity of the installation, it raised no objection to the proposed development. While the existence of a PPC permit does not in itself demonstrate the absence of impacts, it provides an additional regulatory framework through which emissions are monitored and controlled.
59. The noise impact assessment considered the appeal site and other nearby sensitive receptors, including properties, closer to the quarry and asphalt plant. Predicted cumulative noise levels at the nearest dwellings remained below accepted daytime and nighttime thresholds. The modelling also indicates that noise levels at the appeal site would typically remain below 45dB(A), lower than those predicted at closer properties and comfortably within accepted limits (55dB).
60. The Lester Acoustics Assessment advises that road traffic noise, rather than noise arising from the quarry complex, is the dominant sound source affecting the appeal site. Sounds from the quarry complex are only occasionally audible during lulls in road traffic. The report suggests that modest mitigation is required for sound reduction in the form of standard modern double glazing and the provision of acoustically attenuated ventilation systems capable of providing the required building regulation ventilation rates while maintaining the specified acoustic performance. If planning permission were forthcoming, the proposed mitigation measures could be imposed by condition to mitigate road traffic noise and further reduce potential noise impacts arising from the quarry complex.

61. In these circumstances, I find that the technical assessments submitted in evidence by the Appellant have provided a robust basis for evaluating the potential effects of the dust and noise on the proposed dwelling.
62. During the ASV, the quarry and asphalt plant were operating concurrently, with associated vehicle movements evident. Notwithstanding these activities, I experienced no discernible noise, dust or vibration attributable to the quarry at the appeal site. Nor did I observe, either during the site visit or through my subsequent assessment of the evidence, any indication of such effects at residential properties located closer to the quarry. Whilst I recognise that an ASV represents only a snapshot of operational activity, my observations are consistent with the technical assessments before me and with the absence of complaint evidence submitted by the Council.
63. Furthermore, the Council and interested third parties had approximately 15 months in which to investigate the alleged impacts. However, no monitoring data, technical assessments, site investigations or other persuasive evidence were produced to substantiate concerns regarding noise, dust or vibration. In addition, despite the presence of dwellings located significantly closer to the quarry and its associated facilities than the appeal site, no evidence was provided of formal complaints relating to noise, dust or vibration. Although a monitoring station was present during the ASV, the Council did not furnish any monitoring results, technical analysis or complaint records capable of demonstrating that the operations give rise to unacceptable impacts on residential amenity.
64. Having regard to the evidence before me, including my observations during the ASV, the separation distances involved, the quarry complex's planning history, its associated impact assessments, and the Lester Acoustics Assessment, together with the absence of any cogent evidence of harm, I am satisfied that operations associated with the quarry would not have an unacceptable impact on the proposed development. From my site visit, I also concur with the conclusions of the Lester Acoustics Assessment that noise from the road is the primary source of noise in the environs of the appeal site. Accordingly, save for those conditions requiring the implementation of the recommended noise mitigation, I find no justification for requiring further assessments of vibration, noise or air quality by condition prior to the commencement of development or occupation of the proposed dwelling.

Contamination

65. In relation to the Council's contaminated land objection, I note that the EHO requested a preliminary risk assessment to establish whether the appeal site could pose a risk to human health if developed. However, the Council confirmed during the site visit that the site has no known history of quarrying, mineral extraction or other industrial activity. I also note that conditions attached to the quarry and asphalt plant permissions prohibit the storage of scrap metal, disused vehicles and other waste materials, and require the notification and appropriate management of any previously unidentified contamination encountered during development works. These controls reduce the likelihood that contaminating activities have occurred or remain unidentified within the wider quarry complex.

66. While some ground disturbance and exploratory excavations have taken place on the appeal site, the Council identified no specific contaminant of concern and produced no substantive evidence that contamination is present or likely to be present. In these circumstances, I find that the objection is based largely on the site's proximity to the wider quarry complex and a precautionary assumption of risk rather than any site-specific evidence of contamination.
67. The exploratory excavations confirmed that the underlying substrate comprises rock and identified no evidence of water ingress. They also established that the appeal site some 70m from the historic mineral workings, which are now used for the parking of heavy plant and equipment and contain no areas of ponding or standing water. In addition, no evidence of contamination was observed within the adjacent dog park, which lies closer to the parking area than the appeal site. On this basis, the Appellant's assessment concludes that the migration of contaminated groundwater or surface water from the quarry workings to the appeal site is unlikely.
68. As I observed, while the appeal site lies approximately 50 to 60 metres from the boundary of the quarry complex and the nearest part of that complex is used for the storage of plant and vehicles, I am not persuaded that the site's proximity to the quarry complex, in itself, provides a reasonable basis for concluding that contamination is present or likely. Both the Appellant's exploratory excavations and my own observations during the site visit, particularly in areas where the ground had been disturbed by excavation works and where material had been deposited to the northeast of the site, revealed no evidence of contamination, waste deposition, or quarry-derived material.
69. As with the concerns relating to noise and dust, the onus rests with the Council to substantiate its reason for refusal. However, it has produced no cogent evidence to demonstrate that the site is contaminated, no specific contaminant of concern, and no substantive basis for concluding that contamination is likely to be present. Moreover, conditions attached to the adjoining quarry and asphalt plant permissions restrict activities commonly associated with land contamination and require the identification and remediation of any previously undiscovered contamination. In the absence of cogent evidence to the contrary, I am not persuaded that contamination presents a risk sufficient to warrant refusal or to justify the imposition of a requirement for further exploratory investigations.
70. The Council was well represented at the ASV, reflecting the level of interest in the proposal. However, given that the quarry lies at the core of its concerns regarding residential amenity, as confirmed at the ASV, there is no evidence before me that planning or environmental health officers undertook an inspection of the quarry and its associated processing operations during the application or appeal process. While I acknowledge that the planning officer responsible for the application was unavailable during the ASV, I note that the case officer's report contains no reference to an inspection of the quarry or its associated processing operations by either planning or environmental health officers.
71. In the absence of evidence that such an inspection was undertaken, I have not been satisfied that important considerations, including separation distances,

topography, intervening landform, screening, operational characteristics, on-site mitigation measures and the wider environmental context were fully assessed. These matters are directly relevant to the assessment required by Policy MIN 6 and to the considerations set out in paragraphs 4.11, 4.12 and Annex A of the SPPS, which recognise that the potential effects of mineral development on nearby sensitive receptors should be evaluated having regard to the nature, scale and extent of operations, the characteristics of the site and its surroundings, and the effectiveness of any mitigation measures in place.

72. Whilst I acknowledge the established nature of the quarry and its associated processing activities, including the asphalt plant and RAP operations, the evidence before me does not demonstrate that the proposed dwelling would be subject to unacceptable impacts from noise, dust, vibration, air quality or contamination. Nor am I persuaded that the development would prejudice the continued operation, permitted expansion or lawful use of the quarry complex through the prospect of complaints from future occupants. In reaching this conclusion, I attach significant weight to the separation distances involved, the presence of residential properties in much closer proximity to the quarry and asphalt plant, the environmental assessments that informed the relevant mineral and asphalt plant permissions, and the regulatory safeguards available through both the planning and pollution control regimes. Collectively, these factors weigh against the objections raised.
73. I am further supported in this conclusion by the decision in 2025/A0076, which similarly involved concerns regarding the effects of an adjacent quarry on proposed residential development. In that case, the Commissioner concluded that the alleged impacts had not been substantiated by evidence demonstrating unacceptable harm, having regard to the extant quarry controls, technical assessments and proposed mitigation measures. I consider the same principles applicable in the present appeal.
74. Consequently, I am satisfied that the proposal would provide a safe and acceptable residential environment for future occupants whilst maintaining the operational integrity of the established mineral development. I therefore find that the proposal accords with the objectives of Policy MIN6 of the PSRNI and paragraphs 4.11 and 4.12, together with Annex A, of the SPPS. Accordingly, neither the Council's concerns nor the matters raised in the third-party representations sustain the fourth reason for refusal.
75. I note that representations submitted at the application stage raised a number of additional concerns beyond those addressed above. While issues relating to the proposed septic tank arrangement, drainage infrastructure and associated impacts were identified, no specific concerns were raised regarding natural heritage interests, including protected habitats, species, designated sites or biodiversity. In any event, having regard to my findings on noise, air quality and vibration, I am satisfied that there will be no significant impacts on natural heritage interests.
76. Furthermore, I attach significant weight to the proposed landscaping scheme, which provides for the retention of existing vegetation and the introduction of additional planting. This could be secured by condition and would assist in integrating the development into its surroundings, safeguarding environmental

quality, and mitigating potential effects on natural heritage interests, visual amenity, neighbouring residents and the character of the area. I have also considered concerns regarding the location and operation of the septic tank, including venting arrangements and the potential for odour nuisance. However, no objection has been raised by the Northern Ireland Environment Agency's Water Management Unit, and no substantive technical evidence has been submitted to demonstrate that the proposed wastewater disposal system would result in pollution or unacceptable impacts on residential amenity. Moreover, such matters are subject to separate regulatory controls. Accordingly, I afford limited weight to this aspect of the objection.

77. I note the concerns raised by the quarry operators regarding land ownership and the completion of Certificate A. However, I am satisfied that no prejudice has arisen, given that they were aware of the application and have actively participated throughout the process. In any event, matters relating to ownership and title are civil issues and do not materially affect the planning merits of the proposal. I am also satisfied that appropriate vehicular access arrangements have been demonstrated. The provision and timely implementation of these access works can be secured by condition, ensuring that the development proceeds in a safe and acceptable manner.
78. I have also taken account of the representations submitted in support of the proposal. While the appeal must be determined having regard to the development plan, planning policy and all other material considerations, the level of support expressed is noted. The representations demonstrate that the proposal is viewed positively by a number of local residents, customers and employees associated with the appellant's businesses. While these representations are not determinative, they lend some support to my finding that the proposal would not give rise to unacceptable effects on local amenity.
79. At the ASV, the parties confirmed the drawings intended to form part of the appeal proposal. Accordingly, the Commission is satisfied that there is no ambiguity as to the development assessed. The approved plans and documents shall be published as PAC1 to PAC5 and shall correspond with the decision as issued.
80. As the Council has not sustained any of its reasons for refusal, the appeal is upheld and planning permission is hereby granted subject to the following conditions:

Conditions:

1. Prior to occupation of the dwelling, acoustic glazing and ventilation measures shall be installed in accordance with the recommendations of Lester Acoustics Assessment PAC 5 (MRL/1788/L01) dated 28 April 2026. The approved measures shall thereafter be retained and maintained.
2. The vehicular access, including visibility splays and forward sight distance, shall be provided in accordance with drawing ref: PAC 2 prior to the dwelling hereby approved becoming occupied and shall be cleared to a level of no higher than 250mm above the level of the adjoining carriageway and kept clear thereafter.

3. The access gradient to the dwelling hereby permitted shall not exceed 4% (1 in 25) over the first 10m outside of the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
4. All established planting, denoted as 'planting to be retained on drawing ref: PAC 4, which excludes that which is shown along the western and southern boundaries, shall be retained in perpetuity at a minimum of 2metres. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
5. All hard and soft landscaping works shall be carried out in accordance with the approved details as shown on Drawing PAC 4. The approved scheme of planting shall be carried out during the first planting season after dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
6. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

The decision relates to the following plans and documents:

- Site Location Plan - drawing reference, PAC 1;
- Site Plan - drawing reference, PAC 2;
- Plans, Elevations (Proposed) - drawing reference, PAC 3;
- Landscape Proposals - drawing reference, PAC 4.
- Lester Acoustic Assessment, document reference, PAC 5

COMMISSIONER GARETH McCALLION

List of Appearances

Planning Authority: -
(Ards and North Down
Borough Council)

Ms Jo-Anne Barrett;
Ms Gail Kerr;
Mr Michael Crieghton; and
Mr Daniel Farragher

Appellant: -

Mr Kenneth Black
Mr David Donaldson, Donaldson Planning

List of Documents

Planning Authority: -

Statement of Case & Rebuttal, Ards and North
Down Borough Council

Appellant: -

Statement of Case & Rebuttal, Donaldson
Planning