

List of delegated planning applications with objections received / recommendation to refuse

Week Ending 16th September 2022

Item Number 1			
Application Reference	LA05/2022/0389/O	Date Valid	13.04.2022
Description of Proposal	Replacement single storey dwelling	Location	123a Pond Park Road, Lisburn
Group Recommendation	Refusal	Case Officer	Brenda Ferguson
Reasons for Recommendation			
<p>The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to the SPPS and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling.</p>			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions
0	N/A	N/A	N/A
Consideration of Objections			
Issue	Consideration of Issue		

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Item Number 2			
Application Reference	LA05/2020/0998/F	Date Valid	01.12.2020
Description of Proposal	Planning application for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility (to include provision for 1 no Digestate Storage Tank, 1 no covered Digestate Tank, 2 no Agricultural Feedstock Storage Clamps, Biogas Feeder System, Associated CHP, pump room and office building, Emergency Backup Generator Container, Containerised Pressure Relief Container, Underground Pre-Reception Tank, 5 no Erected Lighting Columns, Associated retaining walls and existing hard standing area and access laneway), together with the proposed erection of a portal roof covering over the existing feedstock storage clamps, proposed new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping (amended description)	Location	Lands approximately 175 meters west of 30 Lisleen Road East, Ballyhanwood, Comber, BT5 7TG
Group Recommendation	Approval	Case Officer	Richard Mc Mullan
Reasons for Recommendation			
All relevant planning material considerations have been satisfied.			
Representations			
Objection Letters	Support Letters	Objection Petitions	Support Petitions

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24	N/A	5	N/A
Consideration of Objections			
Issue	Consideration of Issue		
AD plant has already been in operation for a number of years now	The planning history of the site is noted and it is acknowledged that the AD plant has been in operation for a number of years and this is a retrospective application. Initially, it was found to be operating within the remit of Part 7, Class D of the GPD Order 2015 'Agricultural Buildings and Operations', however further investigations subsequently found that the development was operating beyond these parameters. In turn, this application has been submitted in an attempt to regularise the development with additional elements as submitted		
Road Safety and Traffic concerns (increase in number of vehicles (commercial & agricultural))	DFI Roads have been consulted within the processing of this application and they are also aware of concerns raised as by third parties. DFI Roads offer no objections to the development.		
Environmental issues including leakage of gas or other effluent from the plant.	Relevant bodies have been consulted with during the processing of this application. These include DAERA, the SES, LCCC EHO and the HSENI. They all offer no objections to the development. LCCC EHO have outlined they have no objections.		
Concern regarding proposed installation of a weighbridge and potential additional waste materials	All information provided within this application outlines that the feedstock (silages, slurries and sugar beet) will be/are sourced from the applicant's landholding within Northern Ireland The type of materials acceptable at the site will be conditioned should the application be approved and if further additional waste materials are to accepted at the site a subsequent planning application would be required. The weighbridge proposed is to assist in providing information (to the applicant) regarding weighing product in and out of the existing agricultural premises, from recording crop yields of individual fields to getting the accurate weight of a trailer load of silages or other materials being sold to 3rd parties etc. It is also to ensure that a vehicle leaving the farm is road safe, with the appropriate load per axle and allows the farm business to monitor and check the quantity of fuels, fertiliser or seed being delivered to the holding and also the quantity of grain, hay or other commodities leaving the farm. It can also be used for weighing livestock.		
Full Environmental Impact Assessment also takes place before any decision is made.	A determination as to whether the application was/is for EIA development was undertaken by the Council, under Regulation 12(1), of the Planning (EIA) Regulations (NI) 2017. It is seen that the development falls within Category 11(B) and Category 3(A) of Schedule 2 of the Planning (EIA) Regulations (NI) 2017. In this instance it was determined that the application does not need to be accompanied by an Environmental Statement (ES) and can be assessed via normal planning probes.		

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<p>The farm (site) is gradually being turned into a waste management unit operating on a near industrial scale.</p>	<p>Assessment of this development has been undertaken on the basis of the information presented to Council. The feedstock that the applicant is using is derived from his own landholding and is a part of normal agricultural practice. It is also noted that the applicant is in control of an extensive land bank covering circa 621 acres. The farm maps submitted illustrate that the applicant's farm holding is spread out over a large area, with a number of sections/fields being seen to be remote from the applicants address/farm complex. The importation of feedstuff from lands under the applicants control to the development (AD Plant) would be considered acceptable. The type of materials acceptable at the site will be conditioned should the application be approved and if further additional waste materials are to accepted at the site a subsequent planning application would be required.</p>
<p>Damage caused to road as a result of heavy traffic to and from the site (farm) and vehicles servicing the development.</p>	<p>Any alleged damage to the public road would be a civil matter outside of the remit/control of planning</p>
<p>Dispute traffic figures provided within application in relation to traffic movement to and from the site</p>	<p>All planning applications are assessed on the basis of the information provided for consideration. Detail has been supplied within the documents submitted indicating how there will be no intensification of use at the site in relation to vehicle movements. DFI Roads have been consulted a number of times and offer no objections. They confirmed within their response that they had taken account of all information provided for consideration, including 3rd party objections. No evidence to refute the information submitted for consideration has been provided</p>
<p>Impact upon neighbouring residential amenity and human health as a result of noise (from traffic and AD plant) and dust.</p>	<p>LCCC EHO unit have outlined that they have no objections to the development. Therefore, it would not be sustainable to refuse this application on the basis of undue noise/dust.</p>
<p>Floodlights potentially result in undue harm to bats and result in a loss of amenity due to intrusive light at night</p>	<p>Consultation with DAERA Natural Environment Division (NED) has confirmed that they have no objections to the development. They outline that using the information submitted (Outdoor Lighting Report) that they are content that the majority of the light spill is less than 1 lux along the site boundaries and outline that the proposed lighting is unlikely to significantly impact the local bat population. Likewise, LCCC EHO have outlined that they have no objection in principle to the development and in relation to the floodlights outline that the submitted Outdoor Lighting Report demonstrates that the light levels at all adjacent receptors will be less than 1 lux. This is deemed to be acceptable</p>
<p>AD Plant is a blight on the landscape with no attempts made to integrate it</p>	<p>The visual impact of the development has been assessed within the remit of this application and it is considered to be acceptable. The development is set back from the public road and is sited adjacent to existing farm outbuildings within the applicant's farm holding. Additional</p>

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into the landscape via hedge/tree planting No detailed landscape or planting scheme to improve or integrate the visual impact on the sensitive drumlin landscape has been provided.	landscaping shall be provided along the southern boundary of the site, to further aid with the integration of the scheme into the local landscape A detailed drawing has been submitted which outlines the level of landscaping to be provided and its location.
Floodlights are an eyesore	Visually it is considered that the development in its entirety is acceptable within the local landscape. The floodlights are noted and are considered to be acceptable
Why is planning permission being retrospectively sought.	The planning history of the site is that the development was built under the remit of Agricultural Permitted Development Rights. This was investigated by the Councils enforcement section, following the receipt of a number of complaints when it was subsequently found that the development was operating beyond what was permissible under Agricultural Permitted Development. This current application in turn has been submitted in an attempt to regularise the development and also to add additional development to the site
A retrospective planning application for retention of flood lighting similar to the proposed floodlighting scheme was previously refused by LCCC (LA05/2018/0448/F)	The above site history is noted and all applications are considered on their own merits at the time of submission. The floodlighting within this application has been assessed by DAERA NED and LCCC EHO unit and it is seen that no objections have been provided. Therefore, the floodlighting is deemed to now be acceptable.
Negative impact upon human health from air quality pollutants/odour. Pungent odours are experienced on a frequent and daily basis	LCCC EHO unit have been consulted in respect of this application on the basis of the information provided and offer no objections. It is therefore contended that no adverse impact from odours that would warrant the refusal of this application shall arise.
Ecological issues including the removal of hedgerows from adjacent fields outside of the 1st March-31 August season is contrary	A full assessment of the development has been undertaken taking into account all information provided, including 3rd party objections and consultation responses. An ecological statement has been submitted with the application which concludes that given the location and current use of the existing site it is considered that the construction of the AD Facility and associated development will have no significant negative impact on ecology or nature conservation.

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<p>to The Wildlife and Natural Environment (NI) Act 2011</p>	<p>An assessment of aerial images would indicated some hedge removal has taken place. However, the Council has no evidence before it that this took place during the bird breeding season (1st March-31st August). This is also directed at legislation which is outside of the remit of planning.</p> <p>NIEA Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.</p>
<p>Land ownership and land taken in con-acre.</p>	<p>The information provided within this application includes the applicants DAERA Farm Business maps which illustrates the lands which are within his farm holding/business. This can include lands owned by the applicant and also lands held in con acre. As is outlined upon the DAERA maps 'DAERA Maps do not convey legal ownership'.</p> <p>The applicant has completed certificate A of the land ownership section of the P1 which indicates that he is in possession of every part of the land to which the development refers.</p>
<p>Toxic emissions from the proposal.</p>	<p>Within the processing of the application relevant bodies have been consulted with and they are seen to offer no objections. As such it is seen that there will be no toxic emissions produced.</p> <p>HSENI have been consulted and are seen to be content indicating no issues of concern with regard to Health and Safety</p>
<p>The amount of lighting columns and impact on the amenity of neighbouring</p>	<p>The application seeks permission for 5 lighting columns to serve the development.</p> <p>LCCC Environmental Health have been consulted in relation to the proposal including the impact of the floodlighting on adjacent properties and they have raised no concerns</p> <p>It is therefore considered that the floodlighting proposed is acceptable.</p>
<p>In excess of 10 lights above roof level are in place spreading light all over the neighbouring country side due to the hill top location of the farm, resulting in continued light pollution</p>	<p>The image provided by the third party is unclear, however it would appear that potentially a number of lights are outside of the development site but appear to be smaller security lights associated with the farm. There are 5 floodlights proposed which are the subject of this application.</p>
<p>Different materials being accepted and used at the site</p>	<p>This application has been assessed on the basis of the information provided. The development is not operating within the remit of Permitted Development rights in respect of the amount of electricity it can generate (in excess of the 200 KW). Supporting information provided indicates that the feedstock is slurry, silages and sugar beet only.</p>

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	The enforcement section investigated a complain on the alleged use of unauthorised feedstock material for Anaerobic Digestion Facility which was closed, 27th September 2021, with no breach/evidence found of unauthorised feedstocks being used to service the development.
The applicant has not addressed potentially explosive dangers inherent on this site	The HSENI have been consulted and are seen to be content indicating no issues of concern with regard to Health and Safety
Development operating without planning approval and implications regarding liability insurance in the event of an accident/claim	The above issue would be a matter between the developer and his insurance company
Can the applicant produce relevant certificates, ensuring the site complies with all relevant standards and legislation and that these can be forwarded to the Council for inspection?	<p>The above outlined issues would not fall within the remit of planning control. It is the applicant/developers responsibility to ensure they comply with all applicable legislation in relation to the construction of the development etc. which sits outside of the remit of planning control.</p> <p>The proposal will also have been assessed by LCCC building Control and other statutory bodies to ensure it complies with the relevant legislation</p>
Will the road and associated infrastructure have to be upgraded upon the applicant being successful in obtaining planning permission?	<p>Following a full assessment of the development DFI Roads are be content.</p> <p>The access to the site is to be upgraded as per submitted detail. This shall be a condition of approval</p>
Why did the Council take no action to have the unauthorised lighting columns removed following the refusal of application LA05/2018/0448/F.	Council did not seek the removal of the floodlights refused via LA05/2018/0448/F as they have been included within this application ref: LA05/2020/0998/F

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Description of the development is ambiguous	An amended P1 application form was submitted with the energy generation of the development stated. Re-advertisement and re-neighbour notification of this was undertaken as required
CHP unit to be used in AD plant approval.	<p>LCCC EHO are aware of the above issue and in turn have requested that a condition of approval is that 'Within three months of the date of approval, details of the operating sound power levels of the Combined Heat and Power Plant (CHP) unit shall be submitted to the Council for approval. If the operating sound power level of the selected CHP unit is greater than the candidate CHP unit then a further noise impact assessment may be required'.</p> <p>This is requested so that amenity with respect to noise can be protected. The submitted noise report outlines that 'the final selection of CHP unit has yet to be determined and hence modelling has been based on a candidate CHP unit', potentially indicating that the developer intends to change the CHP unit in the future. The condition requested by LCCC EHO is considered to be acceptable. LCCC Enforcement unit are content with the imposition of the condition as proposed</p>
Grass silage/beet is not a waste and it follows that it does not have a requirement for a EWC Code	Grass silage is a plant and EWC code 02 01 03 refers to plant tissue waste which is seen to be appropriate and acceptable.
Has a HRA been undertaken	A HRA assessment has been undertaken within the processing of this application. LCCC in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 20/06/2022. This found that the project would not have an adverse effect on the integrity of any European site
Can it be confirmed that all relevant Government Depts. and LCCC planning committee members are fully informed that this application is of a retrospective nature	All consultees will be aware of the respective element of the development by virtue of the proposal description as submitted, and the drawings/supporting information provided i.e. the description outlines that the application is for 'retention of...'. Likewise, <i>if</i> the application is called in before the planning committee, all Councillors will be aware of this
Not sent a letter in respect of the proposal	Relevant neighbour notification letters have been issued throughout the processing of this application to all neighbouring whom fall within the remit for being neighbour notified
Vehicle/machinery noise from the waste plant outside	LCCC EHO unit have outlined that they have no objections to the development on the basis of noise. It is noted that they have requested that a condition of approval is that the use of vehicles associated with the development including delivery of feedstock and collection of

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of normal working hours	digestate shall be restricted to 0800 and 2100. This is to safeguarding amenity with respect to noise
Negatively impact house prices in the area	Devaluation of property does not fall within the remit of the planning process
Flood risk - it has been noted that the corner of the road near this site has flooded many times with water being left to run onto the it causing hazardous driving conditions, subsidence and potential water pollution	Rivers Agency have been consulted and are seen to offer no objections to the development. It is considered that no issues of concern shall arise in respect of flooding etc