



September 29th, 2026

Chairman : Councillor D Bassett

Vice Chairman : Alderman J Tinsley

Aldermen : O Gawith, M Gregg and A Grehan

Councillors : S Burns, P Catney, D J Craig, J Lavery BEM, A Martin and N Trimble

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 5th October 2026 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

(i) Conflict of Interest on any matter before the meeting (Members to confirm the specific item)

(ii) Pecuniary and non-pecuniary interest (Member to complete the Disclosure of Interest form)

Attachment: Disclosure of Interests form Sept 24.pdf

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3.0 Minutes of the Planning Committee Meeting held on 7 September 2026

For Approval

Attachment: PC 07.09.2026 - Draft Minutes for Adoption.pdf

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

Attachment: Item 1 - Schedule of Applications.pdf

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- (i) LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough

Attachment: Appendix 1.1a LA05.2026.0089.F 43 Edentrillick Road second Addendum Final Redacted.pdf

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Attachment: Appendix 1.1b LA05_2026_0089_F 43 Edentrillick Road first addendum report.pdf

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Attachment: Appendix 1.1c LA05.2026.0089.F 43 Edentrillick Road Final.pdf

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- (ii) LA05/2024/0505/O – Proposed two replacement dwellings with garages on lands located 40 metres NNE of 80 Ballynahinch Road, Derry, Dromara

Attachment: Appendix 1.2 LA05.2024.0505.O 80 Ballynahinch Road final.pdf

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- (iii) LA05/2025/0839/F – Proposed change of house type to dwelling approved under LA05/2021/0020/RM on a site adjacent to 16 Magees Road, Ballinderry Upper, Lisburn

Attachment: Appendix 1.3 LA05. 2025.0839.F Magees Road Final.pdf

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(iv)	LA05/2024/0483/F – Proposed farm dwelling, with associated double garage and entrance gate on lands 180 metres to the west from 7 Old Moira Road, Ballinderry	
	<i>Attachment: Appendix 1.4 LA05.2024.0483.F 7 Old Moira Road Final.pdf</i>	<i>Page 154</i>
(v)	LA05/2026/0560/F – Amendment to approval application (LA05/2025/0798/F) for the provision of an emergency and maintenance Vehicular entrance onto Church Road at Carryduff Primary School, Killynure Road, Belfast	
	<i>Attachment: Appendix 1.5 LA05.2026.0560.F Carryduff PS pitch access Final.pdf</i>	<i>Page 179</i>
4.2	Statutory Performance Indicators - August 2026	
	<i>For Noting</i>	
	<i>Attachment: Item 2 - Statutory Performance Indicators - August 2026.pdf</i>	<i>Page 191</i>
	<i>Attachment: Appendix 2 Lisburn_Castlereagh_August_Monthly_MI.pdf</i>	<i>Page 193</i>
4.3	Appeal against Enforcement Notice (LA05/2025/0139/CA)	
	<i>For Noting</i>	
	<i>Attachment: Item 3 - Enforcement Notice Decision -LA05 2025 0139CA.pdf</i>	<i>Page 194</i>
	<i>Attachment: Appendix 3 Enforcement appeal decision LA05 2025 0139CA.pdf</i>	<i>Page 196</i>
4.4	Notification by telecommunication operator(s) of intention to utilise permitted development rights	
	<i>For Noting</i>	
	<i>Attachment: Item 4 - Notifications from an Operator in respect of intention (003).pdf</i>	<i>Page 204</i>
	<i>Attachment: Appendix 4 List of Notifications - October 2026.pdf</i>	<i>Page 206</i>
4.5	Committee for Infrastructure – Call for Evidence on a Proposed Tree Protection Bill	
	<i>For Noting</i>	
	<i>Attachment: Item 5 - Tree Protection Bill Call for Evidence.pdf</i>	<i>Page 207</i>
	<i>Attachment: Appendix 5a - Tree Protection Bill.pdf</i>	<i>Page 209</i>
	<i>Attachment: Appendix 5b - Explanatory & Financial Memorandum.pdf</i>	<i>Page 225</i>
	<i>Attachment: Appendix 5c Tree Protection Bill - Call for Evidence.pdf</i>	<i>Page 241</i>

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. **Pecuniary Interests**

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council.

Pecuniary (or financial) interests are those where the decision to be taken could financially benefit or financially disadvantage either you or a member of your close family. A member of your close family is defined as at least your spouse, live-in partner, parent, child, brother, sister and the spouses of any of these. Members may wish to be more prudent by extending that list to include grandparents, uncles, aunts, nephews, nieces or even close friends.

This information will be recorded in a Statutory Register. On such matters **you must not speak or vote**. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, **you must withdraw from the meeting whilst that matter is being discussed**.

2. **Private or Personal Non-Pecuniary Interests**

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code).

Significant private or personal non-pecuniary (membership) interests are those which do not financially benefit or financially disadvantage you or a member of your close family directly, but nonetheless, so significant that could be considered as being likely to influence your decision.

Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and **you must withdraw from any Council meeting (including committee or sub-committee meetings) when this matter is being discussed**.

In respect of each of these, please complete the form below as necessary.

Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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*If you have any queries please contact David Burns, Chief Executive,
Lisburn & Castlereagh City Council*

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LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 7 September, 2026 at 10.00 am

PRESENT IN CHAMBER:

Councillor D Bassett (Chair)

Aldermen O Gawith, A Grehan and J Tinsley (Vice-Chair)

Councillors S Burns, P Catney, D J Craig, J Lavery,
A Martin and N Trimble

PRESENT IN REMOTE LOCATION:

Alderman M Gregg

IN ATTENDANCE:

Director of Regeneration and Growth
Principal Planning Officer (PS)
Senior Planning Officers (MB, GM and LMcC)
Member Services Officers (EW and FA)

Cleaver Fulton Rankin

Mr B Martyn
Ms C McPeake (Zoom)
Mr P Lockhart (Zoom)

Commencement of Meeting

Alderman M Gregg (Zoom) and Councillor N Trimble joined the meeting during this item of business (10.02 am).

At the commencement of the meeting, the Chair, Councillor D Bassett, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. The Senior Planning Officer outlined the evacuation procedures in the case of an emergency.

1. Apologies

Councillor P Catney joined the meeting during this item of business (10.03 am).

No apologies were recorded.

2. Declarations of Interest

The Chair, Councillor D Bassett, advised that by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2026//0512/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied, and Members were permitted to speak and vote on the application.

2. Declarations of Interest (Cont'd)

No other declarations of interest were made.

3. Minutes of Meeting of Planning Committee held on 3 August, 2026

It was proposed by Councillor J Lavery, seconded by Alderman O Gawith, and agreed that the minutes of the meeting of Committee held on 3 August, 2026 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

In the absence of the Head of Planning & Capital Development, the Principal Planning Officer, Mr P Savage, presented the report. He informed the committee that item (iii) Application No: LA05/2026/0089/F (43 Edentrillick Hill) had been deferred from the current schedule. Following the submission of late supporting information on Friday afternoon, officers require additional time for assessment. The application will be presented at the October committee meeting.

4.1 Schedule of Applications

The Chair, Councillor D Bassett, advised that there were 4 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined

The Legal Advisor, Mr B Martyn, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, she advised, needed to be borne in mind when determinations were being made.

- (i) LA05/2024/0639/O – Replacement dwelling and retention of existing dwelling (with alterations) as farm building on lands approximately 180 metres north of 19 Ballycrune Road, Royal Hillsborough

Alderman M Gregg left and returned to the meeting during this item of business (10.31 am and 10.51 am respectively).

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The committee received Mr A McCready to speak in support of the application and a number of Members queries were addressed.

Planning Officers responded to questions from Members.

Debate

During the debate:

- Councillor P Catney noted that noise, smells, and odours are inherent to any working farm. He stated that he had not seen or heard sufficient

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Debate (Cont'd)

evidence to justify a setback or separation distance of 80 metres, regardless of whether a dwelling was present. Consequently, he indicated he would be voting in agreement with the officers' recommendation.

- Alderman O Gawith referred to a letter received from Mr Rutherford. Following advice from the legal advisor, he stated that he would be unable to vote as he felt he did not possess all the necessary information. He noted that if the information was valid, proceeding would be unfair, and enquired whether a further deferral could be granted to allow the applicant to properly collate the details. He concluded by advising that if the vote were to proceed, he would abstain due to uncertainty regarding the information currently available.
- Councillor D J Craig concurred with the point raised by Alderman O Gawith. He enquired whether it was necessary for the information to be formally presented before a legal expert and signed off, or if there would be merit in requesting that the information simply be supplied directly to officers and the committee.
- The Principal Planning Officer advised that if the building is formally accepted as a former dwelling, policy dictates it should be preserved and converted back into residential use. Specifically, the conversion and re-use of the building must comply with policy CUO4.

Following discussion, the Director of Regeneration and Growth recommended that the Committee move into confidential business. This was to allow Members to receive legal advice on the statutory declaration and to consider the related policy implications arising from the debate before determining the matter.

"In Committee"

It was proposed by Councillor D J Craig, seconded by Councillor A Martin, and agreed to go into committee.

Members of the public and press left the meeting at 11.13 pm.

During confidential business Members received legal advice on the statutory declaration and related policy implications.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Alderman J Tinsley, and agreed to come out of committee and normal business was resumed (11.37 am).

Debate (Cont'd)

Members of the public and press returned to the meeting (11.37 am).

Councillor N Trimble spoke against a further deferral of the application, noting that the committee possessed sufficient information to make an immediate decision and that the matter had already been deferred previously. He observed that the case centred on two distinct debates: the nature of the proposed dwelling

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Debate (Cont'd)

and its physical location. Regarding Policy COU3, Paragraph A, he highlighted that a replacement dwelling must be located within the established curtilage of the existing structure unless it is

demonstrated that either (1) the curtilage is too restricted to accommodate a modest dwelling, or (2) an alternative nearby location would deliver clear landscape, heritage, access, or amenity benefits. Councillor Trimble concluded that planning officers had correctly assessed the application, as he saw no evidence to satisfy the exception criteria under Point 2.

- Alderman O Gawith formally requested that the application be deferred so the Committee could consider complete and robust information before making its decision.
- Councillor D J Craig agreed with Councillor N Trimble that the application did not meet the criteria under Point 2. He stated that if there was merit in a deferral to gather more information, he would support it on that basis. Specifically, he would ask the applicant to provide evidence proving a viable legal reason for the 80m distance. Councillor Craig added that if the proposer accepted that a deferment would resolve both of these questions, he would be happy to second the motion.

A vote was taken on Alderman O Gawith's proposal of deferring the application, seconded by Councillor D J Craig, the voting being:

In favour: Councillor D J Craig, Alderman O Gawith and Councillor A Martin (3)

Against: The Chair, Councillor D Basset, Councillor S Burns, Councillor P Catney, Alderman A Grehan, Councillor J Lavery, Councillor N Trimble and Alderman J Tinsley (Vice-Chair) (7)

Abstain: None (0)

As Alderman M Gregg was not present for the full item he did not vote.

The Chair, Councillor D Bassett advised that the proposal had fallen.

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to refuse this application, the voting being:

In favour: The Chair, Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman A Grehan, Councillor J Lavery, Councillor J Lavery, Councillor N Trimble and Alderman J Tinsley (Vice-Chair) (7)

Against: Councillor A Martin (1)

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Vote (Cont'd)

Abstain: Councillor D J Craig and Alderman O Gawith (2)

As Alderman M Gregg was not present for the full item he did not vote.

Adjournment of Meeting

The Chair, Councillor D Bassett, declared the meeting adjourned at this point for a comfort break (11.48 am).

Resumption of Meeting

The meeting was resumed at 11.54 am.

- (ii) LA05/2026/0137/RM – Extension of dwelling, garage and associated siteworks on land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn

The Senior Planning Officer (LMcC) presented the above application as outlined within the circulated report.

The committee received Ms S Kavanagh to speak in opposition of the application. A number of Members queries were addressed.

The committee received Mr N Coffey to speak in favour of the application. A number of Members queries were addressed.

Planning Officers responded to a number of questions from Members.

Debate

During the debate:

- Councillor N Trimble noted that because this was a reserved matters application, it does not typically appear before the committee in this format. In evaluating the application against Policy COU16, specifically the criteria regarding rural character and Paragraph C, he questioned whether the proposal respected the area's traditional settlement pattern. He observed that if this were the only multi-storey building in the locality, it would fail to meet the requirements of Paragraph C. However, because he felt the application did ultimately satisfy these criteria, he supported the officer's recommendation to approve it.
- Alderman O Gawith expressed agreement with Councillor N Trimble. He noted that his decision was partly based on the two site visits he attended, and affirmed that he would back the planners.
- Alderman M Gregg stated that while he agreed with several points raised by Councillor N Trimble, he felt the application did not comply with policy COU16 C. He noted that the application failed to match the character of the surrounding area and indicated he would vote against the planning officer's recommendation.

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Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to approve this application, the voting being:

In favour: The Chair, Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor D J Craig, Alderman O Gawith, Alderman A Grehan, Councillor J Lavery, Councillor A Martin and Councillor N Trimble and Alderman J Tinsley (Vice-Chair) **(10)**

Against: Alderman M Gregg **(1)**

Abstain: None **(0)**

Adjournment of Meeting

The Chair, Councillor D Bassett, declared the meeting adjourned at this point for lunch (12.43 pm).

Resumption of Meeting

The meeting was resumed at 1.24 pm.

- (iv) LA05/2022/0634/F – Proposed residential development of 28 apartments in 4 blocks (6 no. affordable units) with associated private and shared public space, 42 car parking spaces, vehicle and pedestrian access from the approved development to the west and north from Mealough Road, and all other ancillary development including culverting of Carryduff River on land south of 615 Saintfield Road, Carryduff

The Senior Planning Officer (GM) presented the above application as outlined within the circulated report.

The committee received Mr D Worthington to speak in support of the application, and a number of Members queries were addressed.

Planning Officers responded to a number of questions from Members.

Debate

During the debate:

- Alderman M. Gregg raised two main concerns regarding the application. First, he noted that the documentation incorrectly aligns low-energy lighting and insulation with Policy RE2. He clarified that RE2 specifically governs the integration of microgeneration renewable energy technologies and focuses on design, rather than insulation or lighting efficiency. Second, he expressed strong reservations about the negative condition concerning wastewater management. Drawing on historical precedents, he pointed out that developers have occasionally given only superficial compliance to such conditions, compounded by historically slow enforcement responses.

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Debate (Cont'd)

Consequently, he felt hesitant about the proposal and concluded that the application is, at best, premature.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

- (v) LA05/2026/0512/F – Proposed erection of a Ball Stop Fence for a Softball diamond. Fence to be 6.0 metres high and 15.0 metres long with rigid steel mesh panels galvanised and powder coated, colour, green Ral 6005 at Barbour Memorial Playing Fields, 67 Ballynahnich Road, Lisburn

Councillor J Lavery and Councillor N Trimble left the meeting during this item of business (2.06 pm).

Alderman M Gregg left the meeting during this item of business (2.07 pm).

The Principal Planning Officer (MB) presented the above application as outlined within the circulated report.

There were no speakers on the application.

Planning Officers responded to questions from Members.

Debate

During the debate:

- Alderman J Tinsley, Vice-Chair, welcomed the council application, noting that it introduces a new softball offering by utilising existing facilities. He concluded that the initiative represents a highly positive development for the community.
- Councillor P Catney supported the application and highlighted how well-used the park is.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

4.2 Statutory Performance Indicators – July 2026

It was proposed by Councillor P Catney, seconded by Alderman O Gawith, and agreed that information relating to Statutory Performance Indicators for July 2026 be noted.

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4.3 Appeal Decision– LA05/2024/20/O

It was proposed by Councillor D J Craig, seconded by Alderman O Gawith, and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.4 Pre-application Notice (PAN) for a proposed holiday park and associated ancillary works on lands adjacent to and west of 156, 158 and 160 Ballyskeagh Road and 12 to 18 The Hermitage Drumbeg

It was proposed by Councillor A Martin, seconded by Alderman O Gawith, and agreed to note the information on the content of the Pre-Application Notice attached and agree that it is submitted in accordance with the relevant sections of the legislation and related guidance.

4.5 Notification by telecommunication operator(s) of intention to utilise permitted development rights

It was proposed by Councillor P Catney, seconded by Alderman O Gawith, and agreed that information regarding notification by telecommunication operators of intention to utilise Permitted Development Rights at locations in the Council area be noted.

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Councillor D Bassett, thanked those present for their attendance. There being no further business, the meeting was terminated at 2.22 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	5 October 2026
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<u>Background</u> - The following applications have been made to the Council as the Local Planning Authority for determination. - In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) 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. - Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <u>Key Issues</u> - Five local applications are presented in accordance with the current scheme of delegation. Four of these has been called in and one is mandatory. - LA05/2026/0089/F – Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works at 43 Edentrillick Road, (directly opposite and to the north of 46) Royal Hillsborough. Recommendation – Refusal - LA05/2024/0505/O– Proposed two replacement dwellings with garages on lands located 40 metres NNE of 80 Ballynahinch Road, Derry, Dromara. Recommendation – Refusal - LA05/2025/0839/F – Proposed change of house type to dwelling approved under LA05/2021/0020/RM on a site adjacent to 16 Magees Road, Ballinderry Upper, Lisburn. Recommendation – Approval - LA05/2024/0483/F- Proposed farm dwelling, with associated double garage and entrance gate on lands 180 metres to the west from 7 Old Moira Road, Ballinderry. Recommendation – Refusal

	e) LA05/2026/0560/F – Amendment to approval application (LA05/2025/0798/F) for the provision of an emergency and maintenance Vehicular entrance onto Church Road at Carryduff Primary School, Killynure Road, Belfast. Recommendation - Approval 2. The above referenced applications will be decided having regard to paragraphs 38 to 53 of the Protocol of the Operation of the Planning Committee.	
	<u>Recommendation</u> For each application the Members are asked to make a decision having considered the detail of the Planning Officer’s report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.	
3.0	<u>Finance and Resource Implications</u> Decisions may be subject to: (a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced. In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.	

The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.

Appendices:	Appendix 1.1a	LA05/2026/0089/F
	Appendix 1.1b	LA05/2026/0089/F
	Appendix 1.1c	LA05/2026/0089/F
	Appendix 1.2	LA05/2024/0505/O
	Appendix 1.3	LA05/2025/0839/F
	Appendix 1.4	LA05/2024/0483/F
	Appendix 1.5	LA05/2026/0560/F

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 October 2026
Committee Interest	Local Application - Addendum
Application Reference	LA05/2026/0089/F
District Electoral Area	Downshire West
Proposal Description	Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works
Location	43 Edentrillick Road directly opposite and to the north of 46 Royal Hillsborough, BT26 6PG
Representations	None
Case Officer	Michael Vladeanu
Recommendation	Refusal

Summary of Recommendation

1. During consideration of the application at the 03 August 2026 Planning Committee meeting, Members raised a number of questions regarding the circumstances which resulted in the demolition of the former dwelling, including the structural condition of the building, the asbestos identified within it and the evidence available to demonstrate how and why the demolition occurred.
2. Following discussion, Members agreed to defer the application for one month to allow the applicant to submit further information in respect of the sequence of the demolition works that resulted in the building being destroyed.
3. The application was placed on the schedule of applications to be determined by the Planning Committee on 07 September 2026. The application was however removed from the schedule to allow officers to consider the submission of information from the applicant received by the Council on 04 September 2026.

Further Consideration

4. The information submitted on behalf of the applicant is appended to this report at Appendix 1 and is comprised of a covering letter with appendices:
 - Appendix A - Demolition drawing indicating the building fabric to be removed as approved under the previous planning applications
 - Appendix B - Hazardous Waste Regulations Notes: documentation relating to the removal, transport and disposal of asbestos-containing waste from the site
 - Appendix C - Decontamination Inspection certificate: certification relating to the removal of asbestos-containing material and subsequent clearance of the affected areas
 - Appendix D - F Mc Parland & Co Supporting Statement: supporting statement from demolition contractor regarding the condition of the former dwelling
 - Appendix E - Paul Gilbridge supporting Statement: contractors report setting out condition of the dwelling and the sequence of works which resulted in complete demolition
 - Appendix F - Application timeline
 - Appendix G - Plan showing adjacent approvals and application
 - Appendix H - Emails: Correspondence between the applicant's architect and the Council regarding the demolition works and subsequent planning position
 - Appendix I - Photos: photographs showing the dwelling prior to the demolition works and the commencement of asbestos-related works
5. The additional information has been considered and should the advice contained in this report should be read in conjunction with the Planning Officer's report previously presented to Committee on 03 August 2026.
6. In light of the further submissions' officers have also sought to correlate the sequence of demolition works with the Building Control Department of the Council.

Summary and assessment of the additional supporting information

7. Appendix A presents the extent of the demolition works approved as part of application LA05/2021/1298/F.
8. Officers have previously acknowledged that the alterations to the former dwelling permitted significant demolition works. This is reflected in the assessment at paragraphs 49–62 of the original Planning Officer's report.
9. The original drawing was prepared by architects and the submission based on there being adequate foundations and remaining structure to facilitate the alterations. Appendix A, does not alter the previous advice. Most of the ground floor structural walls were retained other than to increase the window openings.

Only 40% of the rear elevation was proposed for demolition to facilitate a ground floor extension.

10. There was no building on the site at the time the application for a replacement dwelling was received.
11. Appendices B and C comprise hazardous waste consignment documentation relating to the amount of asbestos-containing material removed from the site by the specialist contractor and associated completion certificates with photographic records.
12. The presence of asbestos within the former dwelling and the requirement for specialist removal has not been previously disputed by officers but the evidence supports that the works were localised and the amounts of materials small. Only two tonnes of material were specified as hazardous waste and the photographs demonstrate most of the building fabric was still intact at the end of the works. There is no assessment to support a conclusion of structural collapse arising from the asbestos removal works to justify complete demolition of the dwelling.
13. Appendices D and E comprises a supporting statements from F. McParland & Co. Ltd (the demolition contractor) dated 14 August 2026 and Three Homes Ltd. (the main contractor) dated 25 August 2026 which advises that, in both contractor's opinion, the building was structurally unsafe and refers to cracking within walls, damp and mould, rotten floor joists, deteriorated foundations and asbestos in a number of locations.
14. The statement by F. McParland & Co. acknowledges that are not structural engineers and states that the condition of the building "could have been due to any number of issues". The assessment is therefore expressed as an opinion based upon demolition experience rather than a structural engineering assessment of the building.
15. The statement from the demolition contractor does not set out when this visual inspection took place and contains a number of unspecified general observations.
16. No details are provided identifying which walls exhibited cracking, the extent or severity of that cracking, when it was first observed or whether the affected sections were already approved for removal under the extant permission. No photographs, inspection records or structural assessment have been submitted to substantiate the observations made.
17. No structural engineer's assessment, photographic evidence or other technical documentation has been submitted with the Three Homes submission to demonstrate the extent of these defects at the time the decision was taken to remove the remaining structure.

18. It is suggested that the decision was taken to demolish the building in the interest of site personnel and the general public. These issues are matters of health and safety and work and there is no record that the partly demolished building was a dangerous structure that would that would have required an investigation by the building control department. Neither appendices identify an abnormal, unforeseen or unplanned event which caused the dwelling to be destroyed and therefore does not alter the previous officer assessment.
19. In fact, officers understand from the submission to building control on 21 August 2025 includes a plan which shows all the ground floor walls demolished which is not consistent with the approved planning drawing.
20. In a subsequent letter of 03 September 2025, the Building Control Department advise the applicant that the submission will be treated as an application for a new dwelling (see Appendix 2).
21. A decision had been made to destroy the building before the demolition works had taken place. There is no record of the applicant or the appointed design team contacting the Council to see what the planning implications would be.
22. Officers are required to assess the application is the basis of the circumstances prevailing at the time of the submission of the application. It is already known that in August 2025 a submission was made to the Council confirming all the above ground structure was to be demolished and the letter of 03 September 2025 was not disputed by the applicant.
23. The chronology at Appendix F provides records asbestos removal and demolition works as taking place between 28 October and 14 November 2025. It further records attempts by the applicant's architect to contact the Planning Department during December 2025.
24. The chronology confirms that contact with the Planning Department occurred after the asbestos removal and demolition works had concluded and therefore after the former dwelling had been demolished.
25. The timeline also records that an instruction was issued on 12 December 2025 to place works on hold pending receipt of clarification. Notwithstanding this, foundation works subsequently proceeded on 17 December 2025 before the written Planning response of 18 December 2025.
26. Six days was not an unreasonable period of time for a response to issue particularly given the fact that two of those days were over the weekend.

27. It is also noted that the email from KTS to Planning on 10th December 2025 records that concerns regarding structural integrity of the existing walls and foundations had been supposedly identified by the applicant's professional team and contractors during the tender and design stage in June/July 2025.
28. No information has been provided to explain why advice was not sought from the Council at that stage, before the demolition and asbestos removal commenced. Officers consider that this represented a further opportunity to pause and establish the planning implications of any departure from the previously approved planning applications.
29. In addition, it is stated within the email from KTS on 10 December 2025 that
“once the roof of the dwelling was removed and the shell (post asbestos removal) remained, it was clear that structurally what was left was not a safe structure from which to build from. Additional to this, the small, single skin garage on the site showed signs of structural degradation. The clients have planning permission to remove the roof of this garage (garage 1 as part of application ref. LA05/2023/0313/F) in order to replace with a raised ridge height. Again, structurally, the cost involved to achieve this whilst making the building structurally sound was considerable and not deemed worthwhile. This small garage has now been demolished and will be replaced with planting to retain privacy to clients and neighbours amenity.”
30. The use of the word “Again” is highlighted, as it suggests that the same form of assessment was applied to the dwelling as to the garage which is consistent with the building control submission in August 2025 which identified the above ground structure demolished in its entirety.
31. Notwithstanding the above, the Council's understanding of the chronology of events at the site is summarised in the table below:

Date / stage	Event	Planning relevance
15 March 2022	Planning application LA05/2021/1298/F approved.	Permission allowed alterations and extensions to the former dwelling, including the removal of some building fabric, but did not authorise complete demolition and replacement.
29 February 2024	Planning application LA05/2023/0313/F approved.	Permission related to further works, including works to the garage, but did not remove the need to consider the planning implications of any complete demolition of the dwelling.

June / July 2025	The applicant's professional team and contractors are stated to have identified concerns regarding the structural integrity of the existing walls and foundations.	This appears to be the point at which concerns regarding retention of the existing dwelling became known. Officers consider that there was an opportunity at this stage to pause and seek planning advice before demolition progressed.
20 August 2025	Kris Turnbull Studios emailed Building Control advising that, following further site visits with the structural engineer and contractors, it had been determined necessary to replace the existing walls to current standards while keeping to the approved footprint and finishes.	The correspondence indicates that a decision to replace the walls had been reached before asbestos removal and demolition works commenced.
21 August 2025	Amended plans were received by Building Control showing complete demolition of the dwelling and the erection of a replacement dwelling (Shown below this table).	The plans show that the works had moved beyond the alteration scheme approved under the planning permissions.
03 September 2025	Letter from Building Control to Kris Turnbull Studios requesting further information and advising that due to the existing building being demolished to at least ground floor level the application will be assessed as a "New Dwelling"	This indicates that, by early September 2025, Kris Turnbull Studios had been advised by Building Control that, because the amended plans indicate that the existing building was due to be demolished to at least ground floor level, the works would be assessed by Building Control as a new dwelling. This further supports the view that the scheme had moved beyond the approved alteration, and extension works before Planning was contacted in December 2025.
28 October 2025 to 14 November 2025	Asbestos removal and demolition works took place.	The chronology records that demolition had concluded before Planning was contacted in December 2025.
10 December 2025	Kris Turnbull Studios emailed Planning advising of the works carried out and seeking advice on how to resolve the planning position.	This was after the demolition works had taken place. The timing supports the view that planning advice was not sought before the dwelling was removed.

10 December 2025, 14:11	Telephone call from Patrick Savage, Planning, to Kris Turnbull Studios lasting 12 minutes and 45 seconds.	The call took place after Planning had been notified of the works already undertaken.
11 December 2025, 14:08	Telephone call between Patrick Savage, Planning, and Kris Turnbull Studios lasting 8 minutes and 57 seconds.	The discussion formed part of the post-demolition planning clarification process.
11 December 2025	Enforcement case LA05/2025/0229/CA opened.	Compliant received from a member of the public alleging that instead of building the extension, the entire dwelling has now been demolished, with the hedging and trees being removed today on site, against the plans LA05/2023/0313/F.
12 December 2025	Kris Turnbull Studios advised the contractor to place works on hold pending further discussions with Planning.	This demonstrates that, by this stage, the need for planning clarification had been recognised.
17 December 2025	Foundations were poured for the new dwelling with Building Control in attendance.	Works continued before the written Planning response issued on 18 December 2025.
18 December 2025	Patrick Savage, Planning, emailed Kris Turnbull Studios confirming that an enforcement case had been opened, that the works were at the applicant's own risk and that the development appeared wholly unauthorised and contrary to planning policy.	This provided written confirmation of the Council's planning position following the post-demolition contact.
19 January 2026	Current planning application LA05/2026/0089/F submitted for assessment.	The current application seeks to planning permission for the erection of a replacement dwelling after the former dwelling had been demolished.

32. The submitted chronology demonstrates that planning advice was not sought until after the dwelling had been demolished, and that further works continued before the Council's written planning position had issued. The timeline therefore does not alter the previous assessment under Policy COU3.
33. Appendix G provides an amended location plan identifying planning permission LA05/2018/1152/F for two detached dwellings and application LA05/2015/0612/RM for two detached dwellings in the surrounding area.
34. It states that the site location plan presented by planners at the committee meeting on 03rd August 2026 was not up to date and incorrect. However, it is noted that the location plan presented by officers at August's committee was the site location plan submitted by the applicant for assessment.
35. The Council accepts this amended site location plan for information purposes only given that the additional dwelling approved under LA05/2018/1152/F has not been commenced and is not present on the ground, while LA05/2025/0612/RM remains undetermined and as such is not physically present on the ground. These therefore do not alter the existing pattern of development presently evidence along this part of Edentrillick Road.
36. This approach is supported by Planning Appeals Commission decisions 2022/0156 and 2022/A0218. In appeal 2022/0156 the Commission stated at paragraph 5.9 that its assessment must be based on what exists on the ground, whilst also having regard to what is lawful. Similarly, in appeal 2022/A0218 the Commission stated at paragraph 30 that in assessing a proposal at appeal, the Commission can only consider it in the evidential context of what exists/is 'on the ground'. The Commission cannot take into consideration what may or may not happen at an undefined point or time in the future.
37. The information contained within Appendix G does not alter the conclusions previously reached in respect of Policies COU8 and COU16 set out in paragraphs 63-64 and 76 of the case officer report respectively.
38. Appendix H comprises email correspondence between the applicant's architect and the Council during December 2025.
39. The correspondence records that, when the architect became involved in the project, concerns had been raised by the structural engineer regarding the soundness of the existing walls and foundations. It further records that three contractors separately considered the proposals and concluded that the retention of the external walls was not advisable.

40. This information demonstrates that concerns regarding the ability to retain the external walls and implement the approved scheme were known before the asbestos removal and demolition works commenced.
41. In circumstances where the applicant's professional team and contractors had concerns that the retained walls could not satisfactorily form part of the approved development, there was an opportunity to seek advice from the Council as to the planning implications of progressing the works.
42. As highlighted in the preceding paragraphs this correspondence confirms that Planning was not contacted until December 2025, after the applicant's own chronology records that the asbestos removal and demolition works had concluded in November 2025. Officers therefore remain of the view that planning advice was not sought at the stage when the change in circumstances first became apparent and before the dwelling was completely demolished.
43. Appendix I contains two photographs. The first is dated 17 October 2025 and shows works associated with the decommissioning of the electricity supply. The second is dated 23 October 2025 and shows asbestos-related works commencing while the dwelling remained substantially intact.
44. The photographs establish the appearance of the dwelling prior to the demolition works and the commencement of asbestos-related works. They do not, however, document the subsequent demolition sequence or show the structural cracking, instability, partial collapse or other failure which is stated to have necessitated the complete removal of the remaining external structural walls.
45. No photographic evidence has therefore been submitted documenting the structural failure or instability said to have necessitated complete demolition.

Conclusions and Recommendation

46. Having considered the information provided and sought additional advice on the chronology of events from the building control department, officers remain of the view that it does not been demonstrate that the former dwelling was destroyed because of an abnormal, unforeseen or unplanned event of the nature envisaged by the policy.
47. Rather, the information demonstrates that concerns regarding the structural integrity of the existing walls and foundations had been identified by the applicant's professional team and contractors during the tender and design stage in June/July 2025.
48. The previously submitted information from the applicant records that three contractors raised concerns regarding the integrity of the existing construction

and that discussions subsequently took place with the structural engineer regarding the suitability of retaining and building from the existing walls and foundations. This is reflected in a subsequent submission to building control. The applicant then goes beyond the minimum requirement and grubs up the floor, sub-floor and foundation. No element of the original structure is retained at all.

49. No information has been provided to explain why advice was not sought from the Council at that stage, before the asbestos removal and demolition works commenced. Officers consider that this represented an opportunity to pause the project and establish the planning implications of any departure from the approved scheme.
50. The additional information therefore does not overcome the concerns identified within the original Planning Officer's report. There remains no building on the site capable of exhibiting the essential characteristics of a dwelling and providing a replacement opportunity, and the proposal does not fall within the limited exception contained within Policy COU3 relating to dwellings which have recently been destroyed.
51. The recommendation therefore remains refusal for the reasons set out in the original Planning Officer's report.

Reasons for Refusal

52. The reasons for refusal set out in the original report remain unchanged and to include:
 - The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to Policy COU3 of the Lisburn & Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
 - The proposal is contrary to Policy COU8 of the Lisburn & Castlereagh City Council's Plan Strategy in that, the development would create a ribbon of development.
 - The proposal is contrary to criterion (e) of Policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that if built the dwelling would have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2026/0089/F



Appendix 1

TSA Reference: 3686

Planning Ref: **LA05/2026/0089/F**

4th September 2026

Lisburn and Castlereagh City Council

Island Civic Centre

Lagan Valley Island

The Island

Lisburn

BT27 4RL

Dear Michael,

RE: Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works

Following on from the committee meeting on Monday, 3rd August 2026, in which the above application was deferred. Please find enclosed further information for your consideration.

Appendix A Approved demolition drawing.

Appendix B Hazardous Waste Regulations Notes

Appendix C Decontamination Inspection certificate

Appendix D F Mc Parland & Co Supporting Statement

Appendix E Paul Gilbridge supporting Statement

Appendix F Application timeline

Appendix G Plan showing adjacent approvals and application

Appendix H Emails

Appendix I Photos

We would respectfully request that you consider this information and if you feel it is going to change the officer's opinion, we would ask that this application is pulled off the schedule to be presented to planning committee on Monday, 3rd August 2026.

Alternatively, if you feel that this will not change officers' opinion, we are content for this application to proceed accordingly.

Should you have any queries, please do not hesitate to contact the office.

Yours faithfully,



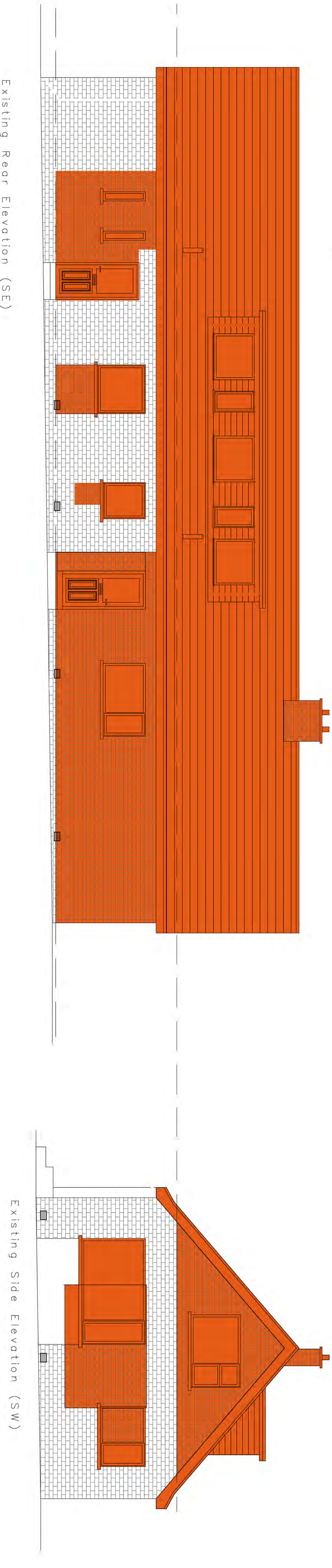
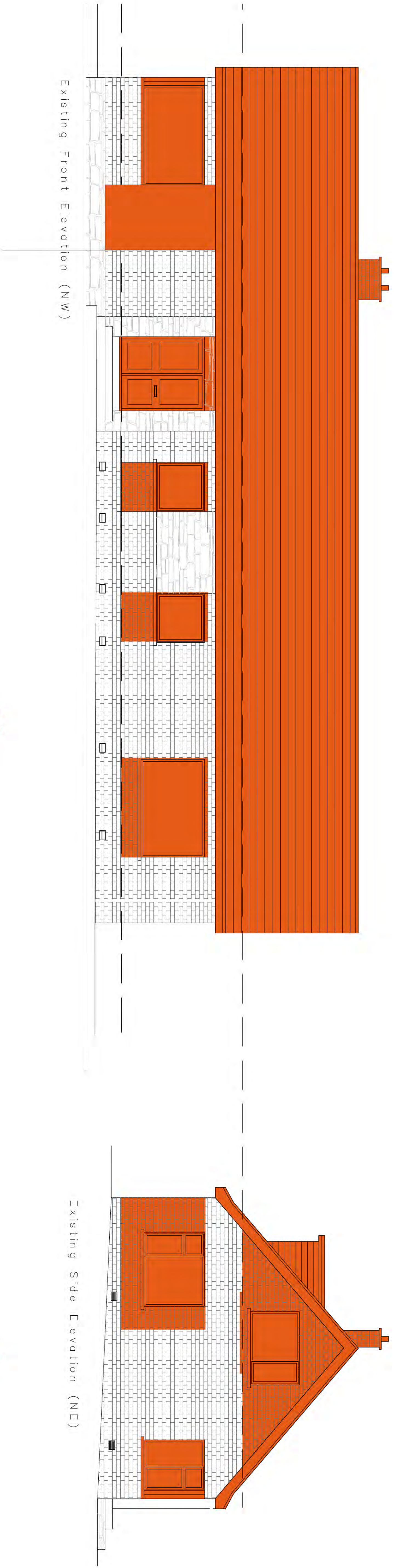
Sinead McAvoy TECHNICAL DIRECTOR BSc Hons Dip TP MRTPI



20 May Street Belfast BT1 4NL
T 028 90 434 333
M 07708 079 032
tsaplanning.co.uk

Disclaimer: This email is confidential to the ordinary user of the email address to which it was addressed and may contain privileged information. If you are not the intended recipient, please notify the sender on 028 90 434 333 and delete the message without copying or using for any purpose as to do so may be unlawful.





NOTE: ALL BUILDING FABRIC TO BE
DEMOLISHED AND APPROPRIATELY
REMOVED FROM SITE

REMOVED BUILDING FABRIC

LA05/2021/1298/F

PLEASE COMPLETE IN BLOCK CAPITALS

HAZARDOUS WASTE REGULATIONS (NI) 2005

Consignment Note No:

DA 5331761

29

No. of pre-notice (if different)

Sheet 1 of 1

A. CONSIGNMENT DETAILS

PRIVATE DWELLING

PLEASE TICK IF YOU ARE A TRANSFER STATION ☐

- The waste described below is to be removed from (name, address & postcode)
43 Edentrillick Road, Hillsborough, County Down, BT26 6PG
- The waste will be taken (name, address & postcode)
Crosshill Enviro Limited, Crosshill Road, Crumlin, BT28 4BQ
- The consignments(s) will be: one single ☒ a succession ☐ carrier's round ☐ carriers round ☐ extended ☐
(please specify) single succession carrier's round
- Expected removal date of first consignment: 03.11.25 last consignment: 29.11.25
- I, the undersigned, certify that the information in A & B is correct and I can confirm that I have fulfilled my duty to apply the waste hierarchy as required by Article 5(2B) of the Waste and Contaminated Land (Northern Ireland Order) 1997
- Name
Christine Fairley
Signature [redacted]
Date 29/10/2025
On behalf of (company, address & postcode)
Precision Group, 45 City Business Park, Dunmurry, BT17, 9HU
- Telephone No: 07548217820
8. The waste producer was (if different than 1.)
name, address & postcode) AS A6

B. DESCRIPTION OF WASTE No of additional sheets: N/A SIC for the process giving rise to the waste is: 39.00

- The waste is: AIB board
- The process giving rise to the waste: Refurbishment

3. WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified):

List of Wastes (EWC) Code (6 Digits)	Quantity (kg/lts/tonnes)	The chemical/biological components of the waste and their concentrations are		Physical Form gas(G), liquid(L), solid (S) powder(P), sludge(SL) or Mixed(M):	Hazard Code(s)	Container Type, size
		Component	Concentration (% or mg/kg)			
17-06-01	350kg	Asbestos in all forms, Brown, Blue, White	Greater than 0.1%	"5"	HP.6 HP.7	Transit

C. CARRIER'S CERTIFICATE (If more than one carrier is used attached schedule for subsequent carriers) If carrier schedule is attached please tick ☐

I certify that today I collected the consignment and that the details in A1, A2 and B3 above are correct and that I have been advised of any specific handling requirements. The Quantity collected in the load is:-

Name [redacted] On behalf of (company, address, postcode & telephone no): A6

Signature [redacted]

Tel. No. A7

Date 10/11/25 at 9.00 Hrs

1. Carrier Registration No./Reason for Exemption: ROC88

2. Vehicle registration No (or mode of transport if not road): [redacted]

D. CONSIGNOR'S CERTIFICATE

I certify that the information in B and C above is correct and the carrier was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any specific handling requirements.

Name [redacted] On behalf of (company, address & postcode) A6

Signature [redacted]

Date 10/11/25 at 9.00 Hrs

E. CONSIGNEE'S CERTIFICATE

Where more than one waste type is collected all of the information given below must be complete for each EWC.

Individual EWC Code(s) received	Quantity of each EWC Code received (Kg)	EWC code Accepted/Rejected	Waste Management operation (R or D code)
17 06 01	480 kg	Accepted	D 15

1. I received this waste at the address given in A2 on 10/11/25 at 11.18 Hrs

2. Vehicle registration [redacted]

I certify that Waste Management Licence/permit/authorised exemption no authorises the management of the waste described in B at the address given in A2.

Name [redacted] On behalf of (company) A2

Signature [redacted]

Date

10/11/25

PO326109A

PRE-NOTIFICATION COPY
PLEASE COMPLETE IN BLOCK CAPITALS

HAZARDOUS WASTE REGULATIONS (NI) 2005

Consignment Note No:

DA 5321783

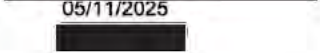
No. of pre-notice (if different)

Sheet 1

of 2

30

A. CONSIGNMENT DETAILSPLEASE TICK IF YOU ARE A TRANSFER STATION ☐

1. The waste described below is to be removed from (name, address & postcode) 43 Edentrillick Road, Hillsborough, BT26 6PG
16 Aghmakane Road, Camlough, Newry, BT35 7HY
2. The waste will be taken (name, address & postcode) BIFFA WASTE COTTONMOUNT NEWTOWNABBEY
3. The consignments(s) will be: one single ☐ a succession ☐ carrier's round ☒ carriers round ☐ extended ☐
(please specify) single succession carrier's round
4. Expected removal date of first consignment: 11/11/2025 last consignment: 11/12/2025
5. I, the undersigned, certify that the information in A & B is correct and I can confirm that I have fulfilled my duty to apply the waste hierarchy as required by Article 5(2B) of the Waste and Contaminated Land (Northern Ireland Order) 1997
6. Name  On behalf of (company, address & postcode) F McParland & Co Ltd
44 Glen Road Jerrettspass Newry BT34 1SW
- Signature  Date 05/11/2025
7. Telephone No:  8. The waste producer was (if different than 1.)
(name, address & postcode)

B. DESCRIPTION OF WASTE No of additional sheets:

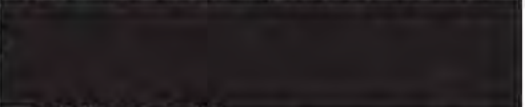
SIC for the process giving rise to the waste is:

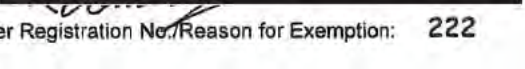
- 1 The waste is: Asbestos – Corrugated Sheeting + Soffit Board.
- 2 The process giving rise to the waste: Demolition

3 WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified):

List of Wastes (EWC) Code (6 Digits)	Quantity (kg/lts/tonnes)	The chemical/biological components of the waste and their concentrations are		Physical Form gas(G), liquid(L), solid (S) powder(P), sludge(SL) or Mixed(M):	Hazard Code(s)	Container Type, size
		Component *	Concentrat ion (%or mg/kg)			
17 06 05	1.5 Ton Approx.	ASBESTOS Roof Slates, Tiles + Pipes	>0%	SOLID	HP7	COVERED LORRY

C. CARRIER'S CERTIFICATE (If more than one carrier is used attached schedule for subsequent carriers) If carrier schedule is attached please tick ☐
 I certify that today I collected the consignment and that the details in A1, A2 and B3 above are correct and that I have been advised of any specific handling requirements. The Quantity collected in the load is:-

Name  On behalf of (company, address, postcode & telephone no.)
F McParland & Co Ltd 44 Glen Road Jerrettspass Newry BT34 1SW

Signature  Tel. No: 02830821260 Date 14/11/25 at 12 noon Hrs

1. Carrier Registration No./Reason for Exemption: 222 2. Vehicle registration No (or mode of transport if not road): 

D. CONSIGNOR'S CERTIFICATE

I certify that the information in B and C above is correct and the carrier was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any specific handling requirements.

Name On behalf of (company, address & postcode)
F McParland & Co Ltd 44 Glen Road Jerrettspass Newry BT34 1SW

Signature Date at Hrs

E. CONSIGNEE'S CERTIFICATE

Where more than one waste type is collected all of the information given below must be complete for each EWC.

Individual EWC Code(s) received	Quantity of each EWC Code received (Kg)	EWC code Accepted/Rejected	Waste Management operation (R or D code)
170605	1920K41	A	D05

1. I received this waste at the address given in A2 on 14/11/25 at 11:35 Hrs

2. Vehicle registration no: 

I certify that Waste Management Licence/permit/authorised exemption no.
authorises the management of the waste described in B at the address given in A2.

Name  On behalf of (company)

Signature  Date 14/11/25



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

CLIENT NAME:	Precision Industrial Services		
CLIENT ADDRESS:	45 City Business Park Creighton Road Dunmurry BT17 9HU		
CONTACT:	Seamus McCallan		

CONTRACTOR NAME:	Precision Industrial Services		
CONTRACTOR ADDRESS:	45 City Business Park Creighton Road Dunmurry BT17 9HU		
SITE SUPERVISOR:	Stephen Bradshaw		

SITE ADDRESS:	43 Edentrillick Road Hillsborough County Down BT26 6PG		
DATE ON SITE:	3 Nov 2025	START ON SITE:	09:00

LOCATION ON SITE FOR ASSESSMENT:	Enclosure 1 - Kitchen/Porch/Cavity - Ceiling Panels		
BRIEF DESCRIPTION OF WORKS CARRIED OUT:	Four Stage Clearance following the removal of AIB Lining Panels to Ceiling of Kitchen/Porch/Cavity by Precision		
DATE WORKS STARTED:	3 Nov 2025	DATE WORKS COMPLETED:	3 Nov 2025

ESTIMATED TIME STAGE TWO:	25	TIME DIFFERENCE:	0
ACTUAL TIME STAGE TWO:	25		

ATTACHMENTS:	Additional photographs to rear of certificate		
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COMMENTS: All opinions and interpretations contained in this document fall outside our scope of accreditation	Amendment 1 – Formatting amendment – 04.11.2025 .		
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CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

CONTRACTORS STATEMENT: I Stephen Bradshaw have inspected within the enclosure and can confirm that the scope of works have been fully completed and that all asbestos materials have been removed or encapsulated and the analyst may start the four stage clearance process

FORMAL HANDOVER: Contractor documentation received Yes

DATE:
3 Nov 2025

TIME:
09:48

SIGNATURE:

STAGE 1 OF 4: PRELIMINARY CHECK OF SITE CONDITION AND JOB COMPLETENESS

1.1 STATE IF PLAN OF WORK CHECKED TO CONFIRM AREAS TO BE ACCESSED:
(Record any problems, differences, fixed installations or ACM's to remain) Yes

COMMENTS: .

State if the following are intact and operating (record the problem if not)

1.2 WORK AREAS: Yes

1.3 ENCLOSURE / AIR EXTRACTION:
(Airlock door flap — middle section — should be deflected by 200 — 250mm) Yes
DEFLECTION: 230

1.4 DE-CONTAMINATION UNIT: Yes

COMMENTS: .

State if the following areas and their immediate surroundings appear to be free of obvious asbestos debris and waste bags (record the problem if not)

1.5 SKIP AREA /WASTE ROUTE: Yes

1.6 TRANSIT ROUTE: Yes

1.7 DE-CONTAMINATION UNIT: Yes

1.8 ENCLOSURE / WORK AREA: Yes

(Note: 1.8: should also be free of unnecessary equipment. If not, or cannot be established, note this down and continue with the assessment, as the enclosure will be covered in section 2.2)

COMMENTS: .

STAGE 1 PHOTOS

Area surrounding Enclosure 03/11/2025 10:14:13	Transit Route 03/11/2025 10:14:28	Waste Route 03/11/2025 10:14:43	Area surrounding Waste Skip 03/11/2025 10:14:57

COMMENTS: .

STAGE 1 COMPLETION

RESULT:
PASSED

DATE:
3 Nov 2025

TIME:
10:15

(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

COMMENTS: No Baglock in place



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

STAGE 2 OF 4: THOROUGH VISUAL INSPECTION

2.1	STATE IF AIRLOCK/BAGLOCK/ENCLOSURE ARE FREE OF WASTE BAGS, MATERIALS AND UNNECESSARY EQUIPMENT:	Yes
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COMMENTS:	.
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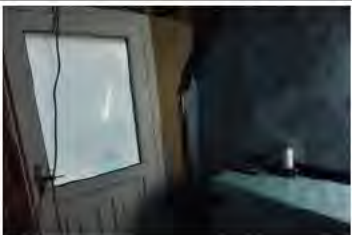
2.2	ALL ACMS HAVE BEEN COMPLETELY REMOVED FROM THE UNDERLYING SURFACES:	Yes
-----	---	-----

COMMENTS:	.
-----------	---

2.3	INTERIOR SURFACES INSIDE THE ENCLOSURE ARE FREE FROM DEBRIS AND FINE SETTLED DUST:	Yes
-----	--	-----

COMMENTS:	.
-----------	---

STAGE 2 PHOTOS

Airlock free from debris 03/11/2025 10:42:07	ACMS within scope have been completely removed 03/11/2025 10:42:25	Interior surfaces are free from debris and fine settled dust 03/11/2025 10:43:57	Interior surfaces are free from debris and fine settled dust 03/11/2025 10:44:13
			

COMMENTS: .

STAGE 2 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 10:45	
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(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

COMMENTS: Visual inspection commenced at 10:20. Visual inspection completed at 10:45.
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CERTIFICATE FOR REOCCUPATION

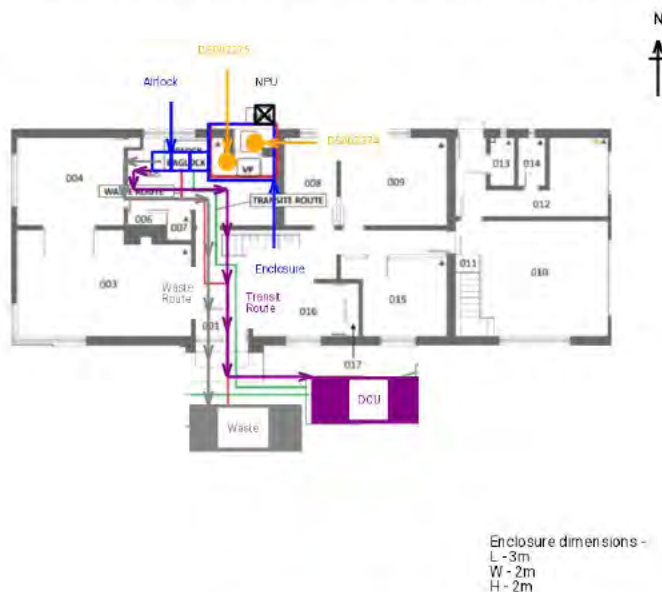
REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

STAGE 3 OF 4: CLEARANCE AIR MONITORING INSIDE THE ENCLOSURE

3.1	ALL AREAS ARE DRY:	Yes
COMMENTS: .		
3.2	AIR MOVERS OFF AND SEALED:	Yes
COMMENTS: .		
3.3	ANY EVIDENCE OF LOCK DOWN SPRAYS:	No
COMMENTS: .		
3.4	ORIGINAL FLOOR SURFACE COVERED:	Yes
COMMENTS: .		
3.5	DISTURBANCE USED (STATE TYPE):	BRUSH
3.6	TOTAL TIME OF DISTURBANCE:	3.0 MINUTES
3.7	AREA / VOLUME OF ENCLOSURE:	6m ² / 12m ³
3.8	NUMBER OF AIR SAMPLES COLLECTED:	3

STAGE 3 SITE AND ENCLOSURE PLAN

SITE PLAN TO INCLUDE LOCATION OF ENCLOSURE, DCU, WASTE CONTAINER, TRANSIT ROUTES ENCLOSURE TO INCLUDE APPROXIMATE DIMENSIONS AND SAMPLE LOCATIONS (NOT TO SCALE)



STAGE 3 PHOTOS

All areas of the enclosure are dry 03/11/2025 10:52:27	Sealed NPU 03/11/2025 10:52:42	Brush used for disturbance procedure 03/11/2025 10:53:05	DS002274 03/11/2025 10:53:28

COMMENTS: .



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CERTIFICATE FOR REOCCUPATION

REPORT NO:

J019214/DS01 - Issue 2

ANALYST:

Andrew Graham

STAGE 3 OF 4: CLEARANCE AIR MONITORING

MICROSCOPE NO:	NI-MS-05	MICROSCOPE CONDENSER CENTRED:	Yes	FILTER BATCH NO:	835
PHASE TELESCOPE NO:	NI-CT-05	PHASE ANNULI CENTRED:	Yes	EXPOSED FILTER DIAMETER:	22.5
STAGE MICROMETER (S 12) NO:	NI-SM-05	GRATICULE DIA (MICRONS):	100	FIELD BLANK CREATED:	Yes
N.P.L TEST SLIDE NO:	NI-TS-05	5 N.P.L BLOCKS VISIBLE:	Yes	TIME PIECE NO:	NI-BA-02
LOCATION FOR ANALYSIS:	Mobile Lab	VEHICLE REGISTRATION:	██████	FLOW METER NO:	NI-FM-13/NI-FM-17

Sample No	Sample Location	Pump Number	Cowl Number	Start Flowrate (l/min)	Start Time	Finish Flowrate (l/min)	Finish Time	Actual Flowrate (l/min)	Duration (min)	Volume (litres)	Fields Counted	Respirable Fibres Counted	Calculated Result (f/ml)	Reported Result * (f/ml)
DS002274	North of Enclosure	NI-HF-31	NI-C-51	8.0	10:52	8.0	11:54	8.0	62	496	200	4	0.002	<0.010
DS002275	South of Enclosure	NI-HF-33	NI-C-53	8.0	10:53	8.0	11:55	8.0	62	496	200	4.5	0.002	<0.010
DS002276	Field Blank	N/A	NI-C-55	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	

STAGE 3 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 12:18	████████████████████
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(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

* The limit of detection of the above methods is about 0.010 f/ml, when sample volumes > 480 litres of air are collected and 200 graticule areas examined – results will be expressed as <0.01 f/ml if air test results are satisfactory



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
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STAGE 4 OF 4: ASSESSMENT OF SITE FOR REOCCUPATION (AFTER THE ENCLOSURE IS REMOVED)

4.1 FORMER ENCLOSURE/WORK AREA AND THE IMMEDIATE SURROUNDING AREAS ARE FREE FROM ANY VISIBLE DEBRIS, ASBESTOS SACKS AND WASTE:

Yes

COMMENTS: .

4.2 TRANSIT ROUTE AND WASTE ROUTES ARE FREE FROM ANY SACKS AND WASTE:

Yes

COMMENTS: .

4.3 ALL ACMS IN THE SCOPE OF WORK HAVE BEEN REMOVED AND ANY KNOWN ACMS REMAINING ARE INTACT:

Yes

COMMENTS: .

STAGE 4 PHOTOS

Photos showing former enclosure area is clear from debris and other material

Former Enclosure 03/11/2025 14:51:18	Former Enclosure 03/11/2025 14:51:34	Former Enclosure 03/11/2025 14:51:55	Former Enclosure 03/11/2025 14:52:11
			

COMMENTS: .

STAGE 4 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 14:53	SIGNED: 
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(If failed, get the site supervisor to sign the acknowledgement box at the end)

COMMENTS:

SITE SUPERVISORS ACKNOWLEDGEMENT

I have been advised by the analyst that;
the Certificate For Reoccupation has been completed as the area passed all four stages.

SITE SUPERVISOR: Stephen Bradshaw	DATE: 3 Nov 2025	TIME: 14:53	
ANALYST: Andrew Graham	DATE: 3 Nov 2025	TIME: 14:53	

Copies of this certificate Report no. J019214/DS01 were issued to Precision Industrial Services and Precision Industrial Services



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
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STAGE 1 OF 4: PRELIMINARY CHECK OF SITE CONDITION AND JOB COMPLETENESS

Handover form 03/11/2025 10:11:43	DCU - Clean end 03/11/2025 10:12:44	DCU - Shower section 03/11/2025 10:13:04	DCU - Dirty end 03/11/2025 10:13:18

COMMENTS: .

STAGE 2 OF 4: THOROUGH VISUAL INSPECTION

Surfaces 03/11/2025 10:44:30	Surfaces 03/11/2025 10:44:52	Surfaces 03/11/2025 10:45:06	Surfaces 03/11/2025 10:45:40

COMMENTS: .

STAGE 3 OF 4: CLEARANCE AIR MONITORING INSIDE THE ENCLOSURE

DS002275 03/11/2025 10:53:49			
	No further photographic evidence required	No further photographic evidence required	No further photographic evidence required

COMMENTS: .



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS01 - Issue 2	ANALYST:	Andrew Graham
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STAGE 4 OF 4: ASSESSMENT OF SITE FOR REOCCUPATION (AFTER THE ENCLOSURE IS REMOVED)

Former Transit Route 03/11/2025 14:52:35	Former Waste Route 03/11/2025 14:52:48	Area surrounding Waste Skip 03/11/2025 14:53:02	
			No further photographic evidence required

COMMENTS: .



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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CLIENT NAME:	Precision Industrial Services
CLIENT ADDRESS:	45 City Business Park Creighton Road Dunmurry BT17 9HU
CONTACT:	Seamus McCallan

CONTRACTOR NAME:	Precision Industrial Services
CONTRACTOR ADDRESS:	45 City Business Park Creighton Road Dunmurry BT17 9HU
SITE SUPERVISOR:	Stephen Bradshaw

SITE ADDRESS:	43 Edentrillick Road Hillsborough County Down BT26 6PG		
DATE ON SITE:	3 Nov 2025	START ON SITE:	08:50

LOCATION ON SITE FOR ASSESSMENT:	Enclosure 2 - East Gable - Soffit & Verge Undercloak		
BRIEF DESCRIPTION OF WORKS CARRIED OUT:	Four Stage Clearance following the removal of AIB Soffit Boards and Verge Undercloak to East Gable by Precision		
DATE WORKS STARTED:	3 Nov 2025	DATE WORKS COMPLETED:	3 Nov 2025

ESTIMATED TIME STAGE TWO:	45	TIME DIFFERENCE:	2
ACTUAL TIME STAGE TWO:	43		

ATTACHMENTS:	Additional photographs to rear of certificate
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COMMENTS: All opinions and interpretations contained in this document fall outside our scope of accreditation	Amendment 1 – Formatting amendments – 04.11.2025 .
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CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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CONTRACTORS STATEMENT: I Stephen Bradshaw have inspected within the enclosure and can confirm that the scope of works have been fully completed and that all asbestos materials have been removed or encapsulated and the analyst may start the four stage clearance process

FORMAL HANDOVER: Contractor documentation received Yes

DATE: 3 Nov 2025	TIME: 12:21	
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STAGE 1 OF 4: PRELIMINARY CHECK OF SITE CONDITION AND JOB COMPLETENESS

1.1 STATE IF PLAN OF WORK CHECKED TO CONFIRM AREAS TO BE ACCESSED:
(Record any problems, differences, fixed installations or ACM's to remain) Yes

COMMENTS: .

State if the following are intact and operating (record the problem if not)

1.2 WORK AREAS: Yes

1.3 ENCLOSURE / AIR EXTRACTION:
(Airlock door flap — middle section — should be deflected by 200 — 250mm) Yes
DEFLECTION: 230

1.4 DE-CONTAMINATION UNIT: Yes

COMMENTS: .

State if the following areas and their immediate surroundings appear to be free of obvious asbestos debris and waste bags (record the problem if not)

1.5 SKIP AREA /WASTE ROUTE: Yes

1.6 TRANSIT ROUTE: Yes

1.7 DE-CONTAMINATION UNIT: Yes

1.8 ENCLOSURE / WORK AREA: Yes

(Note: 1.8: should also be free of unnecessary equipment. If not, or cannot be established, note this down and continue with the assessment, as the enclosure will be covered in section 2.2)

COMMENTS: .

STAGE 1 PHOTOS

Area surrounding Enclosure 03/11/2025 12:28:29	Waste Route 03/11/2025 12:28:45	Transit Route 03/11/2025 12:28:59	Area surrounding Waste Skip 03/11/2025 12:29:20
			

COMMENTS: .

STAGE 1 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 12:34	
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(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

COMMENTS: No Baglock in place



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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STAGE 2 OF 4: THOROUGH VISUAL INSPECTION

2.1	STATE IF AIRLOCK/BAGLOCK/ENCLOSURE ARE FREE OF WASTE BAGS, MATERIALS AND UNNECESSARY EQUIPMENT:	Yes
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COMMENTS:

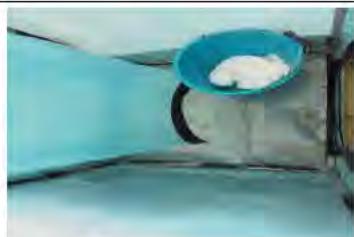
2.2	ALL ACMS HAVE BEEN COMPLETELY REMOVED FROM THE UNDERLYING SURFACES:	Yes
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COMMENTS:

2.3	INTERIOR SURFACES INSIDE THE ENCLOSURE ARE FREE FROM DEBRIS AND FINE SETTLED DUST:	Yes
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COMMENTS:

STAGE 2 PHOTOS

Airlock free from debris 03/11/2025 13:20:29	ACMs within scope have been completely removed 03/11/2025 13:20:56	Interior surfaces are free from debris and fine settled dust 03/11/2025 13:21:11	Interior surfaces are free from debris and fine settled dust 03/11/2025 13:21:23
			

COMMENTS: .

STAGE 2 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 13:23	SIGNED: 
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(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

COMMENTS:

Visual inspection commenced at 12:40. Visual inspection completed at 13:23



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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STAGE 3 OF 4: CLEARANCE AIR MONITORING INSIDE THE ENCLOSURE

3.1	ALL AREAS ARE DRY:	Yes
COMMENTS:		
3.2	AIR MOVERS OFF AND SEALED:	Yes
COMMENTS:		
3.3	ANY EVIDENCE OF LOCK DOWN SPRAYS:	No
COMMENTS:		
3.4	ORIGINAL FLOOR SURFACE COVERED:	Yes
COMMENTS:		
3.5	DISTURBANCE USED (STATE TYPE):	BRUSH
3.6	TOTAL TIME OF DISTURBANCE:	3.0 MINUTES
3.7	AREA / VOLUME OF ENCLOSURE:	15.0m ² / 22.50m ³
3.8	NUMBER OF AIR SAMPLES COLLECTED:	3

STAGE 3 SITE AND ENCLOSURE PLAN

SITE PLAN TO INCLUDE LOCATION OF ENCLOSURE, DCU, WASTE CONTAINER, TRANSIT ROUTES ENCLOSURE TO INCLUDE APPROXIMATE DIMENSIONS AND SAMPLE LOCATIONS (NOT TO SCALE)



STAGE 3 PHOTOS

All areas of the enclosure are dry 03/11/2025 13:25:03	Sealed NPU 03/11/2025 13:27:06	Brush used for disturbance procedure 03/11/2025 13:27:20	DS002277 03/11/2025 13:29:50

COMMENTS: .



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CERTIFICATE FOR REOCCUPATION

REPORT NO:

J019214/DS02 - Issue 2

ANALYST:

Andrew Graham

STAGE 3 OF 4: CLEARANCE AIR MONITORING

MICROSCOPE NO:	NI-MS-05	MICROSCOPE CONDENSER CENTRED:	Yes	FILTER BATCH NO:	835
PHASE TELESCOPE NO:	NI-CT-05	PHASE ANNULI CENTRED:	Yes	EXPOSED FILTER DIAMETER:	22.5
STAGE MICROMETER (S 12) NO:	NI-SM-05	GRATICULE DIA (MICRONS):	100	FIELD BLANK CREATED:	Yes
N.P.L TEST SLIDE NO:	NI-TS-05	5 N.P.L BLOCKS VISIBLE:	Yes	TIME PIECE NO:	NI-BA-02
LOCATION FOR ANALYSIS:	Mobile Lab	VEHICLE REGISTRATION:	ESZ 7332	FLOW METER NO:	NI-FM-13/NI-FM-17

Sample No	Sample Location	Pump Number	Cowl Number	Start Flowrate (l/min)	Start Time	Finish Flowrate (l/min)	Finish Time	Actual Flowrate (l/min)	Duration (min)	Volume (litres)	Fields Counted	Respirable Fibres Counted	Calculated Result (f/ml)	Reported Result * (f/ml)
DS002277	North of Enclosure	NI-HF-31	NI-C-51	8.0	13:25	8.0	14:27	8.0	62	496	200	2.5	0.001	<0.010
DS002278	South of Enclosure	NI-HF-33	NI-C-55	8.0	13:26	8.0	14:28	8.0	62	496	200	3.5	0.002	<0.010
DS002279	Field Blank	N/A	NI-C-56	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	

STAGE 3 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 14:50	SIGNED: 
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(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

* The limit of detection of the above methods is about 0.010 f/ml, when sample volumes > 480 litres of air are collected and 200 graticule areas examined – results will be expressed as <0.01 f/ml if air test results are satisfactory



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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STAGE 4 OF 4: ASSESSMENT OF SITE FOR REOCCUPATION (AFTER THE ENCLOSURE IS REMOVED)

4.1 FORMER ENCLOSURE/WORK AREA AND THE IMMEDIATE SURROUNDING AREAS ARE FREE FROM ANY VISIBLE DEBRIS, ASBESTOS SACKS AND WASTE:

Yes

COMMENTS: .

4.2 TRANSIT ROUTE AND WASTE ROUTES ARE FREE FROM ANY SACKS AND WASTE:

Yes

COMMENTS: .

4.3 ALL ACMS IN THE SCOPE OF WORK HAVE BEEN REMOVED AND ANY KNOWN ACMS REMAINING ARE INTACT:

Yes

COMMENTS: .

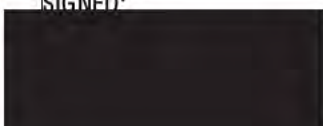
STAGE 4 PHOTOS

Photos showing former enclosure area is clear from debris and other material

Former Enclosure 03/11/2025 15:58:14	Former Enclosure 03/11/2025 15:58:20	Former Enclosure 03/11/2025 15:58:40	Former Enclosure 03/11/2025 15:58:46
			

COMMENTS: .

STAGE 4 COMPLETION

RESULT: PASSED	DATE: 3 Nov 2025	TIME: 16:11	SIGNED: 
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(If failed, get the site supervisor to _____ at the end)

COMMENTS: .

SITE SUPERVISORS ACKNOWLEDGEMENT

I have been advised by the analyst that;
the Certificate For Reoccupation has been completed as the area passed all four stages.

SITE SUPERVISOR: Stephen Bradshaw	DATE: 3 Nov 2025	TIME: 16:12	SIGNED: 
ANALYST: Andrew Graham	DATE: 3 Nov 2025	TIME: 16:11	SIGNED: 

Copies of this certificate Report no. J019214/DS02 were issued to Precision Industrial Services and Precision Industrial Services



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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STAGE 1 OF 4: PRELIMINARY CHECK OF SITE CONDITION AND JOB COMPLETENESS

DCU - Clean end 03/11/2025 12:29:44	DCU - Shower section 03/11/2025 12:29:51	DCU - Dirty end 03/11/2025 12:29:59	Handover form 03/11/2025 12:34:13

COMMENTS: .

STAGE 2 OF 4: THOROUGH VISUAL INSPECTION

Surfaces 03/11/2025 13:21:49	Surfaces 03/11/2025 13:21:53	Surfaces 03/11/2025 13:22:19	Surfaces 03/11/2025 13:22:32

COMMENTS: .

STAGE 3 OF 4: CLEARANCE AIR MONITORING INSIDE THE ENCLOSURE

DS002278 03/11/2025 13:30:00			
	No further photographic evidence required	No further photographic evidence required	No further photographic evidence required

COMMENTS: .



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019214/DS02 - Issue 2	ANALYST:	Andrew Graham
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STAGE 4 OF 4: ASSESSMENT OF SITE FOR REOCCUPATION (AFTER THE ENCLOSURE IS REMOVED)

Former Enclosure 03/11/2025 15:59:04	Former Transit Route 03/11/2025 15:59:15	Former Waste Route 03/11/2025 15:59:25	Area surrounding Waste Skip 03/11/2025 15:59:35
			

COMMENTS: .



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CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
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CLIENT NAME:	Precision Industrial Services		
CLIENT ADDRESS:	45 City Business Park Creighton Road Dunmurry BT17 9HU		
CONTACT:	Seamus McCallan		

CONTRACTOR NAME:	MCE Services		
CONTRACTOR ADDRESS:	Unit 11 Terman Business Park Milestone Centre Carrickmore BT79 9AL		
SITE SUPERVISOR:	Stephen Bradshaw		

SITE ADDRESS:	43 Edentrillick Road Hillsborough County Down BT26 6PG		
DATE ON SITE:	8 Nov 2025	START ON SITE:	08:45

LOCATION ON SITE FOR ASSESSMENT:	Soffits - West Gable of 43 Edentrillick Road		
BRIEF DESCRIPTION OF WORKS CARRIED OUT:	Four Stage Clearance following the removal of AIB Soffit Boards to West Gable of 43 Edentrillick Road by Precision		
DATE WORKS STARTED:	8 Nov 2025	DATE WORKS COMPLETED:	8 Nov 2025

ESTIMATED TIME STAGE TWO:	25	TIME DIFFERENCE:	0
ACTUAL TIME STAGE TWO:	25		

ATTACHMENTS:	Additional photographs to rear of certificate		
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COMMENTS: All opinions and interpretations contained in this document fall outside our scope of accreditation	Amendment 1 – Formatting amendments – 10.11.2025		
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CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
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CONTRACTORS STATEMENT: I Stephen Bradshaw have inspected within the enclosure and can confirm that the scope of works have been fully completed and that all asbestos materials have been removed or encapsulated and the analyst may start the four stage clearance process

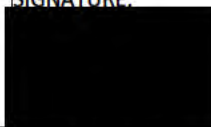
FORMAL HANDOVER: Contractor documentation received

Yes

DATE:
8 Nov 2025

TIME:
09:00

SIGNATURE:



STAGE 1 OF 4: PRELIMINARY CHECK OF SITE CONDITION AND JOB COMPLETENESS

1.1 STATE IF PLAN OF WORK CHECKED TO CONFIRM AREAS TO BE ACCESSED:

(Record any problems, differences, fixed installations or ACM's to remain)

Yes

COMMENTS: .

State if the following are intact and operating (record the problem if not)

1.2 WORK AREAS:

Yes

1.3 ENCLOSURE / AIR EXTRACTION:

(Airlock door flap — middle section — should be deflected by 200 — 250mm)

Yes

DEFLECTION: 225

1.4 DE-CONTAMINATION UNIT:

Yes

COMMENTS: .

State if the following areas and their immediate surroundings appear to be free of obvious asbestos debris and waste bags (record the problem if not)

1.5 SKIP AREA /WASTE ROUTE:

Yes

1.6 TRANSIT ROUTE:

Yes

1.7 DE-CONTAMINATION UNIT:

Yes

1.8 ENCLOSURE / WORK AREA:

Yes

(Note: 1.8: should also be free of unnecessary equipment. If not, or cannot be established, note this down and continue with the assessment, as the enclosure will be covered in section 2.2)

COMMENTS: .

STAGE 1 PHOTOS

Area surrounding Enclosure
08/11/2025 09:04:01



Transit Route
08/11/2025 09:04:16



Waste Route
08/11/2025 09:04:57



Area surrounding Waste Skip
08/11/2025 09:05:09



COMMENTS: .

STAGE 1 COMPLETION

RESULT:
PASSED

DATE:
8 Nov 2025

TIME:
09:05



(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

COMMENTS: No Baglock in place.



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
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STAGE 2 OF 4: THOROUGH VISUAL INSPECTION

2.1 STATE IF AIRLOCK/BAGLOCK/ENCLOSURE ARE FREE OF WASTE BAGS, MATERIALS AND UNNECESSARY EQUIPMENT:

Yes

COMMENTS:

.

2.2 ALL ACMS HAVE BEEN COMPLETELY REMOVED FROM THE UNDERLYING SURFACES:

Yes

COMMENTS:

.

2.3 INTERIOR SURFACES INSIDE THE ENCLOSURE ARE FREE FROM DEBRIS AND FINE SETTLED DUST:

Yes

COMMENTS:

.

STAGE 2 PHOTOS

Airlock free from debris
08/11/2025 09:30:31

ACMs within scope have been
completely removed
08/11/2025 09:30:45

ACMs within scope have been
completely removed
08/11/2025 09:31:36

Interior surfaces are free from debris
and fine settled dust
08/11/2025 09:32:05



COMMENTS: .

STAGE 2 COMPLETION

RESULT:
PASSED

DATE:
8 Nov 2025

TIME:
09:33

SIGNED:



(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

COMMENTS:

Visual inspection commenced at 09.08. Visual inspection completed at 09:33.



CERTIFICATE FOR REOCCUPATION

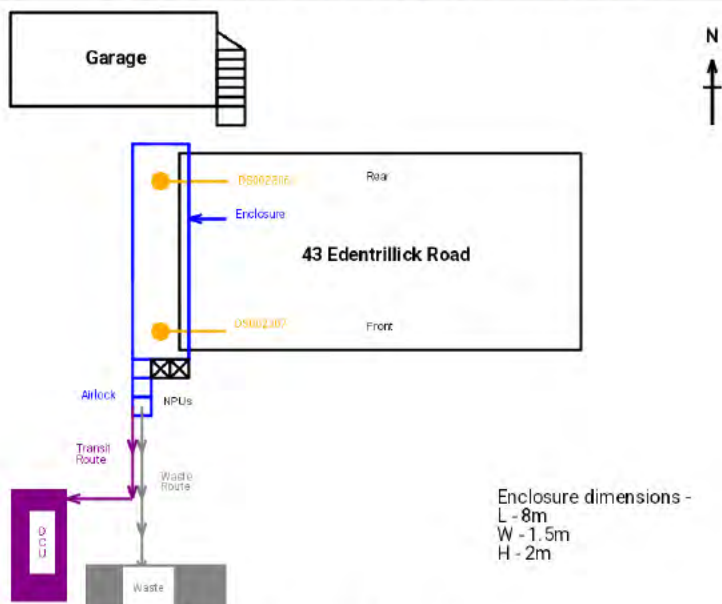
REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
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STAGE 3 OF 4: CLEARANCE AIR MONITORING INSIDE THE ENCLOSURE

3.1	ALL AREAS ARE DRY:	Yes
COMMENTS: .		
3.2	AIR MOVERS OFF AND SEALED:	Yes
COMMENTS: .		
3.3	ANY EVIDENCE OF LOCK DOWN SPRAYS:	No
COMMENTS: .		
3.4	ORIGINAL FLOOR SURFACE COVERED:	Yes
COMMENTS: .		
3.5	DISTURBANCE USED (STATE TYPE):	BRUSH
3.6	TOTAL TIME OF DISTURBANCE:	3.0 MINUTES
3.7	AREA / VOLUME OF ENCLOSURE:	12.0m ² / 24.0m ³
3.8	NUMBER OF AIR SAMPLES COLLECTED:	3

STAGE 3 SITE AND ENCLOSURE PLAN

SITE PLAN TO INCLUDE LOCATION OF ENCLOSURE, DCU, WASTE CONTAINER, TRANSIT ROUTES ENCLOSURE TO INCLUDE APPROXIMATE DIMENSIONS AND SAMPLE LOCATIONS (NOT TO SCALE)



STAGE 3 PHOTOS

All areas of the enclosure are dry 08/11/2025 09:35:58	NPUs have been capped 08/11/2025 09:38:48	Brush used for disturbance procedure 08/11/2025 09:39:48	DS002306 08/11/2025 09:40:02

COMMENTS: .



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CERTIFICATE FOR REOCCUPATION

REPORT NO:

J019265/DS01 - Issue 2

ANALYST:

Andrew Graham

STAGE 3 OF 4: CLEARANCE AIR MONITORING

MICROSCOPE NO:	NI-MS-05	MICROSCOPE CONDENSER CENTRED:	Yes	FILTER BATCH NO:	835
PHASE TELESCOPE NO:	NI-CT-05	PHASE ANNULI CENTRED:	Yes	EXPOSED FILTER DIAMETER:	22.5
STAGE MICROMETER (S 12) NO:	NI-SM-05	GRATICULE DIA (MICRONS):	100	FIELD BLANK CREATED:	Yes
N.P.L TEST SLIDE NO:	NI-TS-05	5 N.P.L BLOCKS VISIBLE:	Yes	TIME PIECE NO:	NI-BA-02
LOCATION FOR ANALYSIS:	Mobile Lab	VEHICLE REGISTRATION:	[REDACTED]	FLOW METER NO:	NI-FM-13/NI-FM-17

Sample No	Sample Location	Pump Number	Cowl Number	Start Flowrate (l/min)	Start Time	Finish Flowrate (l/min)	Finish Time	Actual Flowrate (l/min)	Duration (min)	Volume (litres)	Fields Counted	Respirable Fibres Counted	Calculated Result (f/ml)	Reported Result * (f/ml)
DS002306	North of Enclosure	NI-HF-31	NI-C-51	8.0	09:38	8.0	10:40	8.0	62	496	200	2.5	0.001	<0.010
DS002307	South of Enclosure	NI-HF-33	NI-C-53	8.0	09:38	8.0	10:40	8.0	62	496	200	2	0.001	<0.010
DS002308	Field Blank	N/A	NI-C-57	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	

STAGE 3 COMPLETION

RESULT: PASSED	DATE: 8 Nov 2025	TIME: 11:05	[REDACTED]
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(If failed, complete remaining stages as non-applicable (N/A) and get the site supervisor to sign the acknowledgement box at the end)

* The limit of detection of the above methods is about 0.010 f/ml, when sample volumes > 480 litres of air are collected and 200 graticule areas examined – results will be expressed as <0.01 f/ml if air test results are satisfactory



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

STAGE 4 OF 4: ASSESSMENT OF SITE FOR REOCCUPATION (AFTER THE ENCLOSURE IS REMOVED)

4.1 FORMER ENCLOSURE/WORK AREA AND THE IMMEDIATE SURROUNDING AREAS ARE FREE FROM ANY VISIBLE DEBRIS, ASBESTOS SACKS AND WASTE:

Yes

COMMENTS: .

4.2 TRANSIT ROUTE AND WASTE ROUTES ARE FREE FROM ANY SACKS AND WASTE:

Yes

COMMENTS: .

4.3 ALL ACMS IN THE SCOPE OF WORK HAVE BEEN REMOVED AND ANY KNOWN ACMS REMAINING ARE INTACT:

Yes

COMMENTS: .

STAGE 4 PHOTOS

Photos showing former enclosure area is clear from debris and other material

Former Enclosure 08/11/2025 12:15:18	Former Enclosure 08/11/2025 12:15:34	Former Enclosure 08/11/2025 12:15:47	Former Enclosure 08/11/2025 12:16:06

COMMENTS: .

STAGE 4 COMPLETION

RESULT: PASSED	DATE: 8 Nov 2025	TIME: 12:18	SIGNED:
-------------------	---------------------	----------------	-------------

(If failed, get the site supervisor to sign the acknowledgement box at the end)

COMMENTS:

SITE SUPERVISORS ACKNOWLEDGEMENT

I have been advised by the analyst that;
the Certificate For Reoccupation has been completed as the area passed all four stages.

SITE SUPERVISOR: Stephen Bradshaw	DATE: 8 Nov 2025	TIME: 12:19	SIGNED:
ANALYST: Andrew Graham	DATE: 8 Nov 2025	TIME: 12:18	SIGNED:

Copies of this certificate Report no. J019265/DS01 were issued to Precision Industrial Services and MCE Services



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

STAGE 1 OF 4: PRELIMINARY CHECK OF SITE CONDITION AND JOB COMPLETENESS

Handover form 08/11/2025 09:02:08	DCU - Clean end 08/11/2025 09:02:48	DCU - Shower section 08/11/2025 09:02:56	DCU - Dirty end 08/11/2025 09:03:06

COMMENTS: .

STAGE 2 OF 4: THOROUGH VISUAL INSPECTION

Surfaces - Floor 08/11/2025 09:32:25	Surfaces - Ceiling 08/11/2025 09:32:45	Surfaces - Walls 08/11/2025 09:33:06	Surfaces - Walls 08/11/2025 09:33:22

COMMENTS: .

STAGE 3 OF 4: CLEARANCE AIR MONITORING INSIDE THE ENCLOSURE

DS002307 08/11/2025 09:40:53			
	No further photographic evidence required	No further photographic evidence required	No further photographic evidence required

COMMENTS: .



CERTIFICATE FOR REOCCUPATION

REPORT NO:	J019265/DS01 - Issue 2	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

STAGE 4 OF 4: ASSESSMENT OF SITE FOR REOCCUPATION (AFTER THE ENCLOSURE IS REMOVED)

Former Transit Route 08/11/2025 12:16:19	Former Waste Route 08/11/2025 12:16:29	Area surrounding Waste Skip 08/11/2025 12:16:38	Former Enclosure 08/11/2025 12:17:05
			

COMMENTS: .



4103



55

DECONTAMINATION UNIT INSPECTION CERTIFICATE

REPORT NO:	J019265/DS02 - Issue 1	ANALYST:	Andrew Graham
------------	------------------------	----------	---------------

CONTRACTOR NAME:	MCE Services	HYGIENE UNIT:	Decon 9
CONTRACTOR ADDRESS:	Unit 11 Terman Business Park, Milestone Centre, Carrickmore, BT79 9AL	SITE ADDRESS:	43 Edentrillick Road, Hillsborough, County Down, BT26 6PG

THOROUGH VISUAL INSPECTION AND AIR SAMPLING DETAILS

HYGIENE FACILITY FREE FROM WASTE/DEBRIS/DUST/CONTAMINATED CLOTHING ETC:	Yes	NPU TURNED OFF AND CAPPED:	Yes
INTERIOR SURFACES FREE FROM DUST AND DEBRIS:	Yes	HYGIENE UNIT TO REMAIN ON SITE:	No
ALL AREAS DRY:	Yes	VISUAL ASSESSMENT RESULT:	PASSED

COMMENTS: .					
MICROSCOPE NO:	NI-MS-05	MICROSCOPE CONDENSER CENTRED:	Yes	FILTER BATCH NO:	835
PHASE TELESCOPE NO:	NI-CT-05	PHASE ANNULI CENTRED:	Yes	EXPOSED FILTER DIAMETER:	22.5 mm
STAGE MICROMETER (S 12) NO:	NI-SM-05	GRATICULE DIA (MICRONS):	100	FIELD BLANK CREATED:	Yes
N.P.L TEST SLIDE NO:	NI-TS-05	5 N.P.L BLOCKS VISIBLE:	Yes	TIME PIECE NO:	NI-BA-02
LOCATION FOR ANALYSIS:	Mobile Lab	VEHICLE REGISTRATION:		FLOW METER NO:	NI-FM-13/NI-FM-17
				BRUSH DISTURBANCE DURATION:	1.5

Sample Number	Sample Location	Pump Number	Cowl Number	Start Flowrate (l/min)	Start Time	Finish Flowrate (l/min)	Finish Time	Actual Flowrate (l/min)	Duration (minutes)	Volume (litres)	Fields Counted	Respirable Fibres Counted	Calculated Result (f/ml)	Reported Result * (f/ml)
DS002309	Shower/Dirty	NI-HF-31	NI-C-51	8.0	11:17	8.0	12:19	8.0	62	496	200	3	0.002	<0.010
DS002310	Field Blank	N/A	NI-C-57	N/A	N/A	N/A	N/A	0.0	0	0			N/A	

Sampling was carried out utilising membrane filter methods in accordance with HSE Guidance Note HSG248 The Analyst Guide

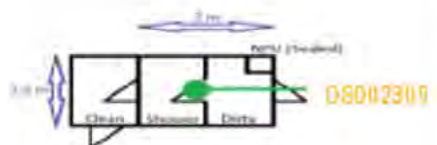
* The limit of detection of the above methods is about 0.010 f/ml, when sample volumes > 480 litres of air are collected and 200 graticule areas examined – results will be expressed as <0.01 f/ml if air test results are satisfactory

For sample volumes below 480 litres and 200 graticule areas examined the limit of detection will be higher.

PHOTO AND SKETCH OF DECONTAMINATION UNIT INCLUDING DIMENSIONS AND SAMPLE POINTS



Area of shower and Dirty end 8 m²



SITE SUPERVISORS ACKNOWLEDGEMENT

I have been advised by the analyst that; the hygiene unit has been cleared for re-use

SITE SUPERVISOR: Stephen Bradshaw	DATE: 08 Nov 2025	TIME: 12:53	SIGNED:	
ANALYST: Andrew Graham	DATE: 08 Nov 2025	TIME: 12:53	SIGNED:	

Copies of this certificate, Report no. J019265/DS02 were issued to MCE Services



4103

DECONTAMINATION UNIT INSPECTION CERTIFICATE

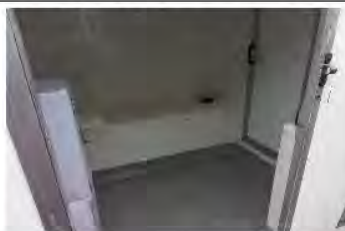
REPORT NO:

J019265/DS02 - Issue 1

ANALYST:

Andrew Graham

DCU - Clean end
08/11/2025 11:14:03



DCU - Shower section
08/11/2025 11:14:11



DCU - Dirty end
08/11/2025 11:14:25



COMMENTS: .

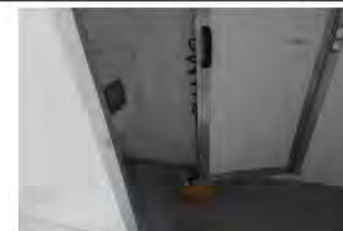
Sealed NPU
08/11/2025 11:14:35



Brush used for disturbance procedure
08/11/2025 11:16:29



DS002309
08/11/2025 11:17:27



COMMENTS: .

F. McPARLAND & CO. LTD

44 GLENN ROAD - JERRETTSPASS - NEWRY - BT34 1SW

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- *Demolition*
- *Site Clearance*

57

14 August 2026

Mr. Paul Gilbride
Three Homes Ltd
32A Station Road
Lisburn
Co. Down
BT28 2LW

Dear Mr. Gilbride

43 Edentrillick Road, Hillsborough

Further to your recent enquiry regarding the structural safety of the property as noted above; we would state the following:

The building was (in our opinion) structurally un-safe. This could have been due to any number of issues; damp, wood rot, lack of maintenance/neglect etc.

The walls held numerous cracks, and appeared be covered in damp and mold. The floor joists were rotten, and disintegrating.

The foundations appeared porous and were crumbling to the touch.

There was also Asbestos found in numerous points and at multiple locations throughout the property – floor boards / walls / window sills / doors (both internal and external) / door frames / fireplaces / inside wall vents. The Asbestos was both Non-Licensed and Licensed; with the Licensed Asbestos requiring specialized, certified contractors for removal, and air clearance certification post-removal.

We are not structural engineers, however with 40+ years in the demolition business; we would have no hesitation in stating - going by our experience only - this building was unstable and unsafe - both to any contractors coming on to site and also in the wider arena of public safety.

Our operatives did note that there was a portion of the foundation, along the front left section of the structure that certainly seemed to be in sound condition. It appeared to be bearing on a rock section. This was the only area that they noted as appearing to have no issues.

We hope this clarifies any queries you may have had regarding our view on the structural integrity of the building, and again we would state we are giving our opinion only, but this is based on our decades' long experience.

Yours sincerely



Ursula McCaul
F McParland & Co Ltd

PROPERTY CONDITION AND DEMOLITION REPORT

THREE HOMES LTD

Property: 43 Edentrillick Road, Hillsborough

Date: 25 August 2026

1. Introduction

This report has been prepared to document the condition of the existing dwelling at 43 Edentrillick Road, Hillsborough, and to explain the circumstances and reasons why substantial demolition works became necessary during the course of the project.

The intention was to undertake works to the existing dwelling in accordance with the relevant planning permission. However, as the works progressed and areas of the existing structure were exposed, the extent of deterioration, structural instability and damage became increasingly apparent.

The condition encountered was significantly worse than could reasonably be established from a visual inspection of the building prior to opening up.

2. General Condition of the Property

The property was found to be in a significantly deteriorated condition, with evidence of prolonged neglect and a severe lack of adequate maintenance.

Externally, there was considerable deterioration to the building fabric. Areas of the roof were poorly maintained and had permitted water penetration, resulting in associated internal damage. Both UPVC and timber windows were in poor condition, with defective reveals also allowing water penetration in various locations.

Internally, there was widespread evidence of dampness, water damage and severe deterioration to finishes and building materials.

The timber ground-floor joists were found to be extensively rotten, particularly where they were built into or met the external walls. This deterioration was attributable to prolonged exposure to moisture.

All ceilings showed significant mould and water damage and were no longer considered suitable for reuse.

Stagnant water was present beneath the suspended ground floor. In conjunction with a failed damp-proof membrane, this was contributing to considerable rising damp throughout the ground floor. There was visible mould and staining to walls and carpeted areas.

The internal finishes, fixtures and fittings were in poor condition and required full replacement.

3. Mechanical and Electrical Services

The electrical, plumbing and heating installations were found to be significantly damaged and deteriorated and were unsuitable for reuse.

Given their condition, the services were considered to present a danger and could not reasonably be retained as part of the proposed works.

4. Asbestos Removal

During the asbestos removal operation, both licensed and non-licensed asbestos-containing materials were identified.

Appropriate measures were taken for their safe removal.

Asbestos was discovered in a number of locations, including window cills, reveals and heads, where it had been used as packers and cavity closures.

The removal of these materials required access to and disturbance of parts of the existing construction that had previously been concealed. This subsequently revealed further deterioration and structural concerns within the building.

5. Structural Concerns

The removal of window cills and heads required for asbestos removal resulted in significant loss of structural integrity to the majority of wall sections that had originally been intended to remain.

Licensed asbestos was also removed from barge boards and soffits before the roof could be completely removed in accordance with the planning permission.

The existing gables also had to be removed to facilitate the construction required to extend the walls upwards and provide first-floor accommodation.

The existing walls incorporated a narrow cavity containing saturated and failed insulation. The type of this insulation could not be identified. Wall ties were sparse and were also found to be in poor condition, possibly leading to poor structural integrity.

A number of existing window and door openings required blocking up with new sections of cavity wall, together with new sections of foundation. Other areas required existing brickwork to be cut out and demolished to allow new reveals to be formed.

As demolition progressed, it became apparent that a number of piers and small sections of freestanding wall were unsafe. These elements had to be removed for health and safety reasons because of the likelihood of collapse.

6. Condition of Floors and Foundations

The ground and first-floor timber joists were found to have significant damp and rot infestation in almost all locations, resulting in widespread failure.

The joists therefore had to be removed in their entirety to facilitate the installation of a new concrete ground floor.

When the ground and first-floor joists were removed from the existing brickwork structure, severe structural instability became evident.

Walls subsequently developed structural cracking, and their condition deteriorated to the point where immediate demolition was required on health and safety grounds. The unstable walls presented a risk to both site personnel and potentially members of the public.

Further investigation below the suspended ground floor identified stagnant water and rising damp.

The majority of the foundations that were present appeared to be in poor and crumbling condition and were partially submerged in water. Other areas of foundation had been constructed on poor subsoil that would not have provided adequate support for the additional walls proposed above the existing structure.

At the rear of the dwelling, the existing foundations were at a relatively high level in relation to the proposed new floor construction. Once the requirements for the concrete floor slab, insulation and floor screed were considered, underpinning or the installation of new foundations below the existing foundations would have been required. The existing foundations in these areas would consequently have needed to be removed.

7. Foundation Works

One section of foundation at the front-left wall of the living room was found to be in sound condition and had been founded on existing rock.

This section was therefore retained and carefully excavated around to allow it to be widened.

On 16 December 2025, 20N trench-fill concrete (C16/20) was poured around the existing foundation.

A structural foundation incorporating A393 reinforcing mesh and 35N structural concrete (C28/35) was subsequently constructed over the existing foundation and trench fill, together with new foundations to the other areas requiring them on the 17th December 2025.

Site photographs showing the trench-fill concrete being poured on 16 December 2025 and the CES Concrete delivery invoice provide supporting evidence of these works.

8. Reason for Complete Demolition

The demolition works commenced on the basis of carrying out the works permitted by the relevant planning permission.

However, as asbestos removal, roof removal and structural investigation progressed, previously concealed defects and structural deficiencies became apparent.

The removal of asbestos from window and door heads and reveals resulted in further loss of structural integrity to wall sections that had initially been intended for retention.

The removal of the roof and gables, which was necessary to facilitate the proposed first-floor accommodation, further exposed the poor condition of the existing structure.

Large sections of the remaining walls became unstable and were considered to be in a dangerous condition.

In addition, the widespread severe rot affecting the ground and first-floor joists contributed significantly to the overall structural instability of the building.

As a result, what had initially commenced as partial demolition and roof removal progressively became a situation where the retention of the remaining structure was no longer considered safe or practicable.

The unstable sections could not safely be retained without exposing site personnel and members of the public to an unacceptable risk of collapse.

9. Conclusion

The complete demolition of the dwelling was not undertaken as a matter of convenience or simply to facilitate the proposed works.

The decision arose from the physical condition of the existing building as it was exposed during the controlled permitted demolition, asbestos removal and structural investigation process.

The works revealed extensive and previously concealed deterioration, including:

- Severe damp and water ingress;
- Extensive timber rot and failure to ground and first-floor joists;
- Stagnant water beneath the suspended floor;
- Failed damp-proofing;
- Deteriorated and inadequate foundations;

- Poor supporting subsoil in certain areas;
- Sparse and deteriorated wall ties;
- Saturated and failed cavity insulation;
- Structural cracking and instability to walls;
- Unsafe piers and freestanding wall sections;
- Asbestos-containing materials within the existing construction; and
- Deteriorated electrical, plumbing and heating installations.

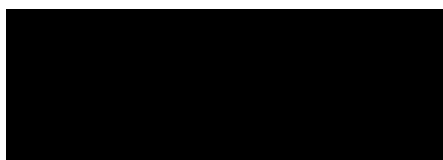
Once these conditions became apparent, retaining a small percentage of the original structure would have presented significant health and safety concerns.

The demolition was therefore progressed in a controlled manner, with the site being made safe as the works developed. The increasing instability of the remaining structure meant that sections originally intended for retention ultimately had to be removed to protect site personnel and members of the public.

The circumstances demonstrate that the progression from partial demolition to complete demolition resulted from the condition and structural instability of the existing building as uncovered during the works, rather than from a preference to demolish the property in its entirety.

The site was subsequently cleared and made safe.

THREE HOMES LTD



Dr. Nikolay and Justyna Peev
53 Edentrillick Road, Hillsborough

- **Original Planning Application** - LA05/2021/1298/F - Approved 15/03/22
- **Garage Planning Application** - LA05/2023/0313/F - Approved
- **Tender Awarded** - October 2025
- **Asbestos Removal and Demolition Works** - 28th October 2025 to 14th November 2025
- **KTS Contacts Planning** - Case officer Jonathan Marley, 5th December, but no response.
- **Ground works Complete** - 10th December 2025
- **KTS Contacts Planning** - 10th December, for advice on means to resolve. Email no response.
- **KTS Contacts Planning** - 11th December, for advice on means to resolve. Email to Patrick Savage, no response.
- **KTS Contacts Planning** - 12th December, for advice on means to resolve. Telephone call, no response.
- **Architect Instruction to site** - 12th December, KTS advised contractor, all be it no clarity from planning to place works on hold.
- **Foundations Dig and Pour** - 17th December 2025 (Building Control in attendance)
- **Planning Response** - 18th December 2025, email received following KTS requests, informing of the opening of enforcement case.
- **Enforcement Case Opened** - 18th December 2025 - [REDACTED]
- **Planning Application for replacement dwelling submitted on the advice of Planning** - 19th January 2026 - LA05/2026/0089/F
- **Receipt of Enforcement Letter** - 9th March 2026, issued to Clients business email.
- **Enforcement Letter Received by KTS** - 23rd March 2026, deadline for response 23rd March 2026, matter resolved following conversation with enforcement Officer, Grainne Rice and issue of email, enforcement case closed.

From: Nuala Cranney [REDACTED]
Subject: 24108/C 43 Edentrillick Road, Hillsborough - REF. LA05/2021/1298/F
Date: 10 December 2025 at 12:58
To: planning@lisburncastlereagh.gov.uk

RE. PLANNING APPROVAL REF. LA05/2021/1298/F

Good Afternoon,

We are getting in touch about the above planning approval. I have tried to call the case officer, Jonathan Marley but could not get through to him.

We are now beginning construction on site for the proposed dwelling at 43 Edentrillick Road, Hillsborough. The contractor has contacted us to say he has had a neighbour approach him with concerns over demolition taking place on the site. The neighbour has confirmed he will speak to planning about these concerns.

We wanted to outline where the project stands directly to yourselves by way of explanation and in hope of alleviating the concerns of the neighbour.

When we inherited this proposal post-planning, and spoke to the structural engineer, potential issues were raised over the soundness of the existing walls and foundations of the property. We subsequently had three contractors to look in detail at the proposals on site with all three separately concluding that retaining the external walls as proposed was not advisable due to their dated construction. An asbestos survey found that the dwelling construction had asbestos ingrained throughout, in particular Asbestos Insulating Board which is highly dangerous and costly to remove. In light of this, we have had a specialist contractor in to appropriately remove and dispose of all asbestos found on the site.

Once the roof was removed and shell (post asbestos removal) remained, it was clear that structurally what was left was not a safe structure from which to build from. Additional to this, the small, single skin garage on the site showed signs of structural degradation. The clients have planning permission to remove the roof of this garage (garage 1 as part of application ref. LA05/2023/0313/F) in order to replace with a raised ridge height. Again, structurally, the cost involved to achieve this whilst making the building structurally sound was considerable and not deemed worthwhile. This small garage has now been demolished and will be replaced with planting to retain privacy to clients and neighbours amenity.

We would like to make it clear to planning that the approved footprint of this dwelling remains the same. Scale, layout and materiality remain as per the approval with external walls built to current standards to create a safe, energy efficient home for our clients. There will be no change to the overall appearance of the dwelling.

We hope that this serves to provide a degree of comfort to the aforementioned neighbour. We understand their concerns as they aren't aware of the above and the fact that what is being built is as per the approval.

We look forward to your response.

Kind Regards,

Nuala Cranney



KRIS TURNBULL

**NUALA CRANNEY
ARCHITECT**

Kris Turnbull Studios
 135 Lisburn Road, Belfast, BT9 7AG
 tel +44 (0)28 9068 8600
www.kristurnbull.com



From: Planning Office planning@lisburncastlereagh.gov.uk
Subject: RE: 24108/C 43 Edentrillick Road, Hillsborough - REF. LA05/2021/1298/F
Date: 10 December 2025 at 13:11
To: [REDACTED]

Thank you for your email, Jonathan Marley has left the Council.

I have forwarded your email to the Senior Planners.

Regards

Sharon Doherty
 Business Support
 Planning Unit

From: Nuala Cranney [REDACTED]
Sent: 10 December 2025 12:58
To: Planning Office <planning@lisburncastlereagh.gov.uk>
Subject: 24108/C 43 Edentrillick Road, Hillsborough - REF. LA05/2021/1298/F

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Kind Regards,

Nuala Cranney



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Kris Turnbull Studios
135 Lisburn Road, Belfast, BT9 7AG
tel +44 (0)28 9068 8600
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From: Patrick Savage Patrick.Savage@lisburncastlereagh.gov.uk
Subject: RE: 24108/C - 43 Edentrillick Road REF. LA05/2021/1298/F
Date: 17 December 2025 at 11:59
To: [REDACTED]

Nuala, could you give me a call, building control visited the site this morning and new foundations were being poured.

Thanks

Paddy



Patrick Savage

Principal Planner

Planning Unit

Tel: 02892447571

Mobile Number: 07769164904

Lisburn & Castlereagh City Council
 Civic Headquarters, Lagan Valley Island, Lisburn BT27 4RL
www.lisburncastlereagh.gov.uk



/lisburncastlereagh



/lisburnccc

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From: Nuala Cranney [REDACTED]
Sent: 11 December 2025 13:18
To: Patrick Savage <Patrick.Savage@lisburncastlereagh.gov.uk>
Subject: 24108/C - 43 Edentrillick Road REF. LA05/2021/1298/F

You don't often get email from n.cranney@kristurnbull.com. [Learn why this is important](#)

RE. PLANNING PERMISSION REF. LA05/2021/1298/F

Hi Patrick,

Getting in touch about the dwelling at 43 Edentrillick Road, Hillsborough. We have discussed yesterday's developments with the client and they have made direct contact themselves with all surrounding neighbours. Nikolay Peev is very much a well respected member of the community and the neighbours are all in support of the family home our client is building. He has also directly contacted his neighbour, Wayne, who now understands the situation and agreed to retract his correspondence. We understand the initial concern, but now that Wayne is satisfied that the dwelling is to be built to the proportions approved by planning he is happy that a complaint is not required.

We would like to work together with yourself in order to expedite the current situation to achieve the best outcome for all involved. We are very aware that there is a contractor on site with employees that will be affected in terms of job retention within the local area if a huge delay arises.

Could you confirm if it would be possible to submit an NMC post permission to cover the change we require? The reason we ask this is that the final outcome

will not be materially different to what we have permission to build. We would like to make it clear that it was never our intention not to retain these walls, but following structural advice and the amount of asbestos embedded within the makeup of the house it was deemed the most appropriate action in this case. Layout, scale and massing are to remain as per the existing permission.

Look forward to your response,

Nuala



KRIS TURNBULL

NUALA CRANNEY
ARCHITECT

Kris Turnbull Studios
135 Lisburn Road, Belfast, BT9 7AG
tel +44 (0)28 9068 8600
www.kristurnbull.com



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From: Nicola McLarnon [REDACTED]
Subject: Fwd: 24108/A1 Correspondence
Date: 4 August 2026 at 12:17
To: Stephen Watt [REDACTED] Kris Turnbull [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Nuala Cranney [REDACTED]
Date: 17 December 2025 at 14:23:11 GMT
To: Nicola McLarnon [REDACTED]
Subject: 24108/A1 Correspondence

Hi Patrick,

Thanks for your email. Can you please forward to us formal correspondence in relation to the site at 43 Edentrillick Road? It would be helpful for all parties if we could have sight of this.

Can you also please advise of the date of the proposed site visit in January so that we can pass this on? We will be speaking with the contractor as a matter of urgency.

Kind Regards,

Nuala



KRIS TURNBULL

NUALA CRANNEY
 ARCHITECT

Kris Turnbull Studios
 135 Lisburn Road, Belfast, BT9 7AG
 tel +44 (0)28 9068 8600
www.kristurnbull.com



+ RECEIPT OF ENFORCEMENT NOTICE +
18th December 2025.

From: Patrick Savage Patrick.Savage@lisburncastlereagh.gov.uk
Subject: RE: 24108/C 43 Edentrillick Road, Hillsborough
Date: 18 December 2025 at 08:59
To: [REDACTED]
Cc: Laura McCausland Laura.McCausland@lisburncastlereagh.gov.uk, Michael Vladeanu Michael.Vladeanu@lisburncastlereagh.gov.uk

Nuala, thank you for your email. To confirm the Council have opened an enforcement case to investigate the breach of planning at 43 Edentrillick Road, Hillsborough, reference number [REDACTED]. An officer will visit the site early in the new year.

Previously you had advised the Council that the existing foundations were remaining, please see photograph taken yesterday by the Building Control Officer which clearly demonstrates that foundations have been dug etc for a new dwelling.

As you are aware planning application LA05/2021/1298/F was for Proposed extension and alterations to existing property to include raised ridge, single storey rear extension and facade alterations. What is been developed on site appears to be a replacement dwelling as none of the existing structure or its foundations remain and no permission is in place for this proposed development.

On a without prejudice basis I refer you to The Councils Local Development Plan Strategy and in particular Policy COU 3 Replacement Dwellings:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.

My advice to both you and your client is that should you continue to develop the site **you do so at your own risk** as it would appear the development is wholly unauthorised and would appear to be contrary to planning policy.

Once the site has been visited in the new year by an enforcement officer the Council will write to your client. As there is no dwelling, I would be grateful if you could provide contact details for same.

I trust this is helpful.

Patrick



Patrick Savage
 Principal Planner
 Planning Unit
 Tel: 02892447571
 Mobile Number: 07769164904

Lisburn & Castlereagh City Council
 Civic Headquarters, Lagan Valley Island, Lisburn BT27 4RL
 www.lisburncastlereagh.gov.uk

www.lisburncastlereagh.gov.uk



/lisburncastlereagh



/lisburnccc

LCCC process all personal data that you provide in accordance with the UK Data Protection Act and the EU General Data Protection Regulations. For further details please visit our website.

From: Nuala Cranney [REDACTED]
Sent: 17 December 2025 17:03
To: Patrick Savage <Patrick.Savage@lisburncastlereagh.gov.uk>
Subject: 24108/C 43 Edentrillick Road, Hillsborough

You don't often get email from [REDACTED] [Learn why this is important](#)
 Hi Patrick,

Thanks for your email. Can you please forward to us formal correspondence in relation to the site at 43 Edentrillick Road? It would be helpful for all parties if we could have sight of this. We will be speaking with the contractor this evening.

Kind Regards,

Nuala



KRIS TURNBULL

**NUALA CRANNEY
 ARCHITECT**

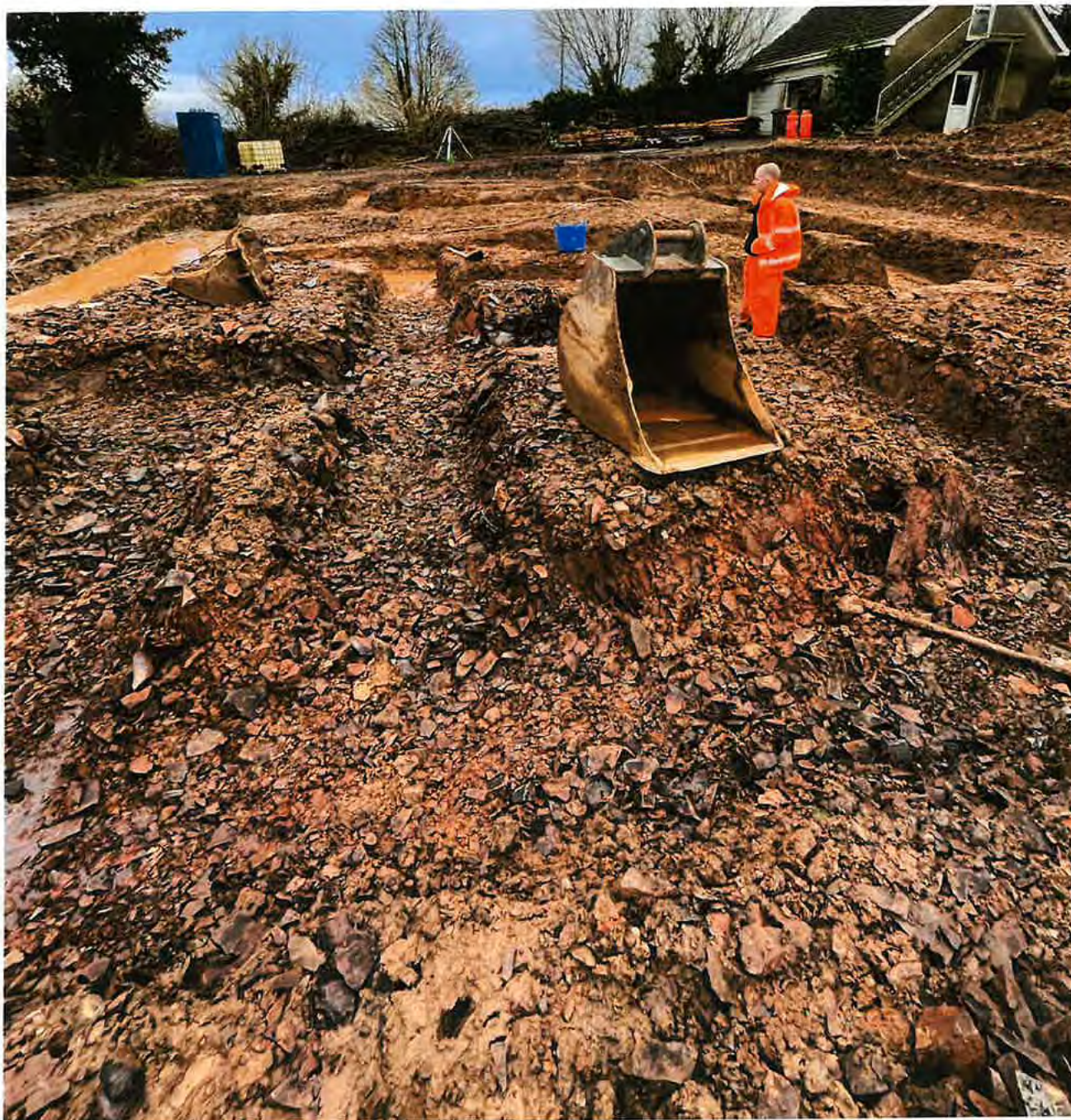
Kris Turnbull Studios
 135 Lisburn Road, Belfast, BT9 7AG
 tel +44 (0)28 9068 8600
www.kristurnbull.com



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→ GARAGE BUILDING STILL REMAINING. ↖





17 October 2025
09:50



LIVE



NIE - ON SITE DECOMMISSIONING
ELECTRIC ON SITE.
17th October 2025.



17:49



23 October 2025

09:52



76

LIVE



ASBESTOS WORKS COMMENCING
ON SITE.

23rd OCTOBER 2025.



Appendix 2



Our Ref: CD/PG/RB

File Ref No: FP/2025/0422

03 September 2025

Kris Turnbull Studios
135 Lisburn Road
Belfast
BT9 7AG

**NOTICE, FOR BUILDING REGULATION PURPOSES,
OF ITEMS REQUIRING AMENDMENT
BEFORE GRANTING OF APPROVAL**

Dear Sir/Madam

**RE: GROUND AND FIRST FLOOR EXTENSION WITH BALCONY, INTERNAL ALTERATIONS
AND GARAGE FIRST FLOOR ALTERATIONS at 43 Edentrillick Road Hillsborough FOR Dr
Nikolay and Justyna Peev**

**Be advised due to the existing building being demolished to at least ground floor level this
application will now be assessed as a "New Dwelling".**

Part A

Regulation 9 – Giving of notices and deposit of plans

- Be advised due to the existing building being demolished to at least floor level this application will now be assessed as a "New Dwelling".
- Provide a Sectional Detail (Scale 1:20) for ground floor construction at external wall construction. Clearly label all elements.
- Provide a Sectional Detail (Scale 1:20) for balcony roof construction at external wall construction. Clearly label all elements. Are details for cold bridging adequate?
- Provide a Sectional Detail (Scale 1:20) for balcony construction at external first floor wall construction over dining room at double beams. Clearly label all elements.
- Provide a Sectional Detail (Scale 1:20) for roof at dormer construction. Clearly label all elements.
- Provide full details of proposed "Renolit Alkorplsn".

Part C

Regulation 26 – Site Preparation and Resistance to Contaminants

- The location of the dwelling falls within a radon area. Please provide full construction details and specifications for same.

Regulation 28 – Resistance to moisture and weather

- Indicate cavity trays where roofs abut cavity walls.

Part D

Regulation 30 – Stability

- Adequacy of existing foundation and walls to be determined on site. (Please note on drawings).

Part E**Regulation 33 – Means of escape**

- Paragraph 2.23 revised July 2025 –

A dwellinghouse should be provided with either –

(a) smoke alarms complying with **BS EN 14604** and a heat alarm or alarms complying with BS 5446-2 installed in accordance with paragraphs 2.25 to 2.33; or

(b) an automatic fire detection and fire alarm system complying with BS 5839-6 of at least Grade **D2** Category LD2 standard including a smoke alarm **or alarms in every habitable room** and a heat alarm or alarms in every kitchen.

- Indicate smoke detection to back hall.

Part F**Regulation 39 – Conservation measures**

- Provide manufacturers details and indicate on plan the Air Source Heat Pump.
- Detail heating arrangement controls

Part H**Regulation 55 – Provision of Stairs in Buildings**

- Provide full construction details for staircase, handrails and guarding.

Regulation 56 - Stairs, Ladders, Ramps and Landings

- Provide details of rise and goings of all external step

Regulation 57 – Guarding

- The balcony guarding should not be readily climbable. Please provide full details that show compliance.

Part K**Regulation 65 – Means of ventilation**

- Provide details of the ventilation strategy (WVHR) for the dwelling

Part L**Regulation 71 – Discharge of products of combustion**

- Indicate flue position for the outdoor gas fire.

Part N**Regulation 80 – Sanitary Pipework**

- Please indicate access for clearing blockages to the first floor WC branch pipes.
- The WC branch pipes should not be connected internally.
- SVP should be 900mm above any window opening that is within 3m of the vent. Please clarify SVP in relation to roof lights.

Regulation 81 – Underground foul drainage

- Provide a drainage layout and specification. for assessment. Please include invert levels.
- Specify waste pipes passing under floor slabs to be 100mm internal diameter.

Part R**Regulation 91 – Access and Use**

- Detail provision for level access.

Single Garage

Part A

Regulation 9 – Giving of notices and deposit of plans

- Provide a sectional detail (1:20) for the junction of new walls on existing garage walls.

Part D

Regulation 30 – Stability

- Adequacy of the existing foundation and walls to be determined on site. (Please note on drawings)
- The building proportions appear to be outside the scope of Technical Booklet D, 2012, section 4C.5. Please provide structural justification.

Part E

Regulation 33 – Means of escape

- The first-floor office should not be accessed through the garage. Please reconsider.
- An emergency egress window is required to the first-floor office.

Regulation 35 – Internal fire spread – Structure

- Detail proposals to achieve full 30-minute fire resistance to the floor over the garage.

Part F

Regulation 39 – Conservation measures

- Detail heating arrangements and control.
- Detail floor insulation for office at first floor.

Double Garage

Part A

Regulation 9 – Giving of notices and deposit of plans

- Is gym and store heated? If so, fully detail heating and insulation arrangements.
- Provide first floor plan for room over garage.
-

Part D

Regulation 30 – Stability

- Adequacy of the existing foundation and walls to be determined on site. (please note on drawings)
- The building proportions appear to be outside the scope of technical booklet D, 2012, section 4C.5. Please provide structural justification.
- Structural engineer drawings indicate trussed rafters to room in roof (Drawing 03A). Architectural drawings indicate cut roof. Please clarify and fully detail.

Regulation 35 – Internal fire spread – Structure

- Detail proposals to achieve full 30-minute fire resistance to the floor over the garage.

Part K

Regulation 65 – Means of ventilation

- Provide specification and indicate mechanical ventilation to wc room.

Part N

Regulation 80 – Sanitary Pipework

- Fully detail and indicate drainage for wc room.

With reference to your proposal submitted on the 18 February 2025 under Article 13 of The Building Regulations (NI) Order 1979, you are advised that the plans cannot be approved for the following reason(s).

To assist with our reassessment of your amended proposals it would be helpful if all amendments were clearly highlighted on **one copy only** of two resubmitted plans. This will allow for speedier processing of your application.

If you have any queries in dealing with this correspondence, please do not hesitate to contact the surveyor dealing with your application Paul Gribben.

Yours faithfully

Paul Gribben.
Building Control Surveyor

This letter may be regarded as a Notice of Rejection for the purposes of Article 13. You are advised of your right to appeal under Article 17 of the above Order to the Department of Finance, Properties Division, Building Regulations Unit, 6th Floor Goodwood House, 44-58 May Street, Belfast, in writing, in respect of any matters specified within 56 days.

C.c. Dr Nikolay and Justyna Peev
43 Edentrillick Road
Hillsborough
BT26 6PG

Lisburn & Castlereagh City Council Building Control Services

Submission Advice Note

In the event that works have or are about to be commenced prior to the review of a Building Notice submission or the assessment of a Full Plans submission, this Advice Note has been provided to advise you of matters that may affect those works proposed. Further to an assessment of a Full Plan submission issues identified that may influence this project should be addressed on site. For your information we have also attached a copy of our Inspection Advice Note that should be provided to those proceedings with these works.

We would draw your attention to the fact this application only relates to the requirements of the Building Regulations (NI) 2012 (as amended). You may also require approval under other legislation not administered by the Council's Building Control Services. For example, planning permission for the proposed works may be required in which case a separate application should be made to the Council's Planning Service. Water Discharge Consent may be required from the Northern Ireland Environment Agency and consents and licences for roads may be required from Transport NI. Please note that under The Water & Sewage Services (NI) Order 2006 as amended; Water & Sewage Act (NI) 2016; as off the 23rd May 2016 any person proposing to connect 2 or more properties drainage system to the public sewer will require written approval. A mandatory Sewer Adoption (Article 161) issued and authorised by NI Water will be required prior to any connections being made. <http://www.niwater.com/sewers/asp>. This list is non-exhaustive. It is your personal responsibility to seek and obtain all necessary approvals for the proposed works. The Council accepts no responsibility or liability.

Where your application refers to a new dwelling or development you should contact this office as soon as possible with proposals for postal numbering/street naming.

It should be noted that any deviation from the submitted documentations may or may not require a separate and new application with amended details/information provided to this service.

When works are completed and are in compliance with the Building Regulations you will be issued with a Completion Certificate. This is an important document and should be kept safe as failure to have such may prejudice any possible future conveyance or mortgage application.

If your approval relates to the erection of two or more buildings that are or contain dwellings, you should be advised that where work has not commenced (works beyond foundation) on each building within 3 years from the date of deposited plans this service will declare the plans as being of no effect under Article 19 of the Order. Each building on the deposited plan will be considered as if a separate deposited of plans had been made for each building.

Should your application relate to the installation of drainage not adopted, the local authority is required to be notified to allow for the inspection of all private sewers. If the proposed works require compliance with those regulations relating to the resistance to the passage of sound and where such compliance is to be obtained by way of appropriate testing, the results of such tests are to be provided to the local authority within 5 days of the completion of such testing.

Subject to the works proposed the applicant (unless otherwise stated) will be invoiced for inspection fees as required under Building (Prescribe Fees) Regulation (NI) unless they have been paid on submission.

Contact Details

T. 028 9244 7300

W. www.lisburncastlereagh.gov.uk

Technical Helpline 028 9244 7372

E. building.control@lisburncastlereagh.gov.uk

Lisburn & Castlereagh City Council Building Control Services

Inspection Advice Note

If you propose to carry out works either by Full Plans or Building Notice application, you are required by the Building Regulation (NI) 2012, Regulation 12 to inform the Council of commencement and completion of certain stages of the works as follows. However, in certain cases some of these inspections may not be relevant or required. Please contact the Building Control Service for further clarification.

- | | |
|--|--|
| 1. Notice of commencement | 6. Prior to covering any structural element |
| 2. Foundation excavation | 7. Prior to covering any sound insulation measures |
| 3. Placing of hardcore before covering | 8. Occupation of the building |
| 4. Placing of damp proof course | 9. Completion of the works |
| 5. Placing of drains (incl. unadopted) | |

When requesting an inspection, sufficient notice must be given to allow Building Control Services the opportunity to inspect the works, this is no sooner than the next working day. The Council, subject to resources will endeavour to carry out all requested inspections but reserve the right to prioritise when and if required.

Working days for inspections are currently Monday to Friday (excluding public holidays). Office hours are Monday to Friday 9.00am to 5.00pm

In line with our service commitment, Building Control Services will also seek to carry out inspections at key stages as the work progresses. This will help to ensure the work is carried out in compliance with the requirements of the Building Regulations. **It is the responsibility of the applicant to ensure that all works are inspected as appropriate, prior to completion of those works.**

During their initial and subsequent site visits, Building Control Surveyors will identify the further stages of work requiring inspection. It is important to keep in contact with the Surveyor who is dealing with your application during the progress of the work so they can advise on building regulatory matters. This may avoid contraventions of the Regulations on site and will be of particular value if works are being carried out under Building Notice or Full Plans applications where works are not yet approved, or where they differ from approved plans.

How do I request an inspection?

There are several ways in which inspections can be requested from Building Control. Details of telephone and helpline numbers are shown below, along with E-mail and websites address.

Required information

When requesting an inspection please provide the following relevant information.

- | | |
|--|----------------------------------|
| • File reference number | • Site number (if applicable) |
| • Contact name | • Address of the works |
| • Contact telephone | • Details of inspection required |
| • Date the inspection is to be carried out | |

Contact Details

T. 028 92447300
W. www.lisburncastlereagh.gov.uk

Technical Helpline 028 9244 7372
E. building.control@lisburncastlereagh.gov.uk

PROPOSED:
GROUND FLOOR
DEMOLITION PLAN
Scale: 1:200px
RE: 24_108: PRO. ALTERATIONS AT 43 EDENTRILICK ROAD, HILLSBOROUGH



LEIGH & CASTLEBELL
BUILDING CONTROL
21 AUG 2024
REF FP/25/0422

TENDER ISSUE
SUBJECT TO STATUTORY APPROVAL
NOTE: ALL BUILDING FABRIC TO BE
DEMOLISHED AND APPROPRIATELY
REMOVED FROM SITE

A		Full demolition proposed		24 07 24	
Author		Approved		Date	
Kris Turnbull		Kris Turnbull		24 07 24	
PRO. ALTERATIONS OF EXISTING DWELLING AT 43 EDENTRILICK ROAD, HILLSBOROUGH PROPOSED GROUND FLOOR DEMOLITION PLAN					
Kris Turnbull					

Lisburn & Castlereagh City Council

Planning Committee – Addendum	
Date of Committee	07 September 2026
Committee Interest	Local Application – Call in
Application Reference	LA05/2026/0089/F
District Electoral Area	Downshire West
Proposal Description	Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works
Location	43 Edentrillick Road, (directly opposite and to the north of No 46) Royal Hillsborough, BT26 6PG
Representations	None
Case Officer	Michael Vladeanu
Recommendation	Refusal

Summary of Recommendation

1. During consideration of the application at the 03 August 2026 planning committee meeting, Members raised a number of questions regarding the circumstances which resulted in the demolition of the former dwelling, including the structural condition of the building, the asbestos identified within it and the evidence available to demonstrate how and why the demolition occurred.
2. Following discussion, Members agreed to defer the application for one month to allow the applicant to submit further information in respect of the circumstances surrounding the sequence of the demolition works that resulted in the building being destroyed.

Further Consideration

3. Since Members decision to defer the application, at the date of writing this addendum report, no further information or evidence has been submitted by the applicant or agent to be considered.

4. The previous advice set out at paragraphs 48-62 of the original remains unchanged.
5. Officers previously concluded that the evidence submitted did not demonstrate that the former dwelling had been destroyed because of an abnormal, unforeseen or unplanned event of the nature envisaged by the exception contained within Policy COU3. It is further noted that the extent of the demolition works including grubbing up and pouring new foundations went far beyond what was required to deal with the asbestos.
6. The information instead indicated that advice had been obtained during the tender and construction process regarding the advantages of constructing a new structure and that there were various opportunities for the works to be paused and further planning advice sought before the dwelling was demolished.
7. The demonstrable harm now is that there are only a limited range of residential types that will be allowed in the open countryside. A new dwelling must be justified in accordance with the requirements of policy COU1. Officers cannot have regard to something that is destroyed and where no clear trail of evidence in respect of the cause and extent of the damage has been provided.

Conclusions and Recommendation

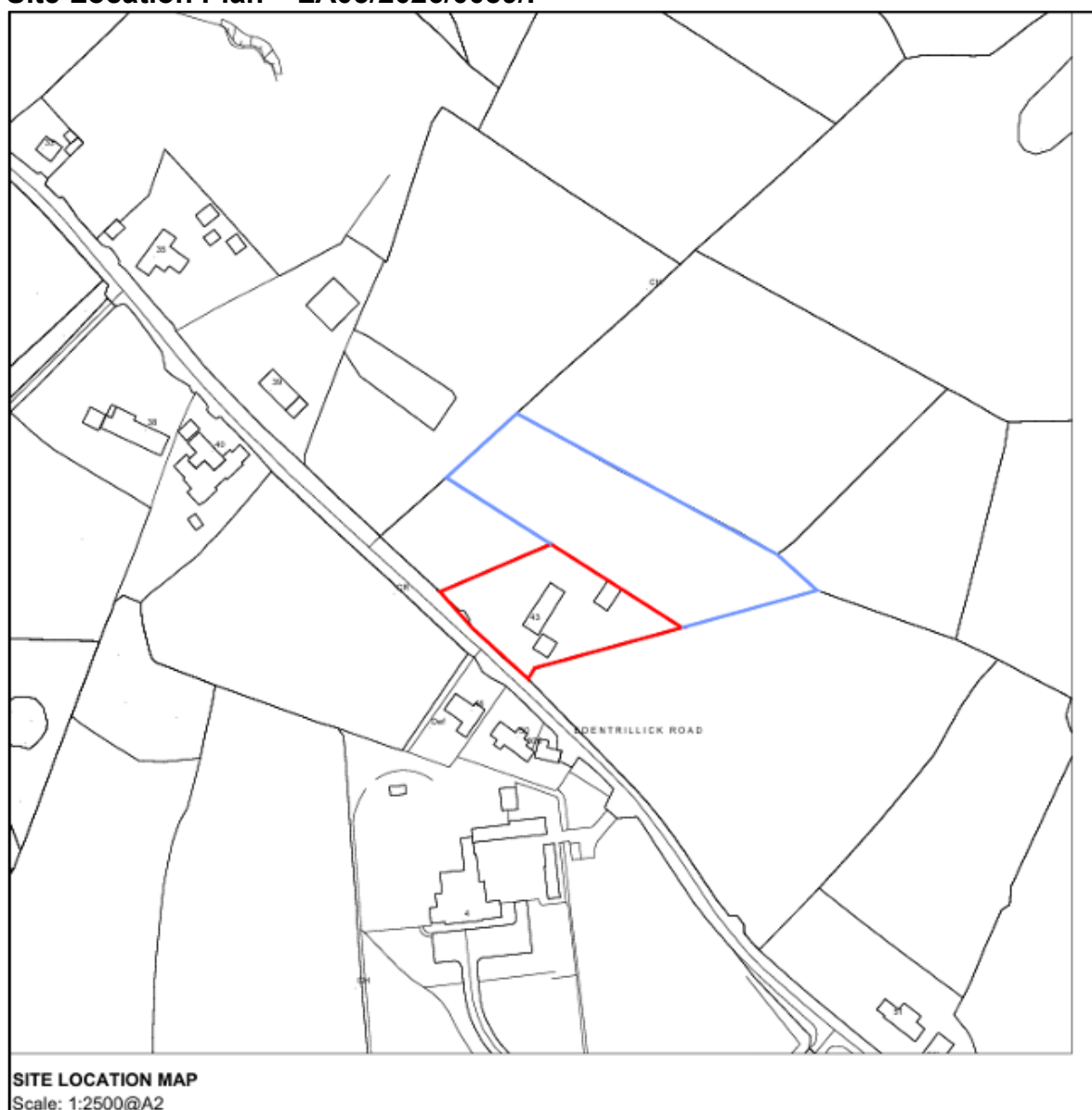
8. The information contained in this addendum report should be read in conjunction with the Planning Officer's report previously presented to Committee on 03 August 2026 and the advice previously provided by officers remains unchanged.
9. The recommendation therefore remains refusal for the reasons set out in the original Planning Officer's report.

Reasons for Refusal

- 10 The reasons for refusal set out in the original report remain unchanged and to include:
 - The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to Policy COU3 of the Lisburn & Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

- The proposal is contrary to Policy COU8 of the Lisburn & Castlereagh City Council's Plan Strategy in that, the development would create a ribbon of development.
- The proposal is contrary to criterion (e) of Policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that if built the dwelling would have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2026/0089/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	3 August 2026
Committee Interest	Local Application (Called in)
Application Reference	LA05/2026/0089/F
Date of Application	27 January 2026
District Electoral Area	Downshire West
Proposal Description	Erection of replacement dwelling (to replace previously damaged dwelling) solar panels to roof of existing garage, upgraded access arrangement and all associated site works
Location	43 Edentrillick Road, (directly opposite and to the north of No 46) Royal Hillsborough, BT26 6PG
Representations	None
Case Officer	Michael Vladeanu
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented with a recommendation to refuse as the proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.

3. The proposal is also contrary to Policy COU3 of the Lisburn & Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
4. The proposal is contrary to Policy COU8 of the Lisburn & Castlereagh City Council's Plan Strategy, in that the development would create a ribbon of development.
5. The proposal is contrary to criterion (e) of policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that if built the dwelling would have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

6. The application site extends to approximately 0.34 hectares and is located on the north-eastern side of Edentrillick Road. A former 1.5-storey red brick dwelling has been demolished, the site cleared and foundations have been poured for a new building.
7. An outbuilding is located to the east of the foundations. It has side steps providing access to a first-floor doorway, with ground-floor access below. The front elevation at ground-floor level contains double garage doors and a window.
8. The southern, northern and most of the eastern boundaries were comprised of mature vegetation. The western boundary, adjoining the road, also includes mature trees and planting.
9. Access is from an existing entrance toward the northwestern corner. The site rises from the roadside to a level plateau and remains relatively flat throughout.

Surroundings

10. The site is located outside of any defined settlement limit in the open countryside. The land is mainly in agricultural use, and the character of the immediate area is rural in nature. There is however evidence of a local build-up of roadside development with a ribbon of houses extending along both sides of the Edentrillick Road.

Proposed Development

11. Full planning permission is sought for the erection of a replacement dwelling, solar panels to roof of existing garage, upgraded access arrangement and all associated site works.
12. The following documents have been submitted in support of the application:
 - Application Form
 - Biodiversity Checklist and Ecological Statement
 - Preliminary Ecological Appraisal
 - Supporting letter from agent setting out policy justification for recently demolished building
 - Letter from McCurdy Structural Design Ltd setting out justification for demolition
 - Supporting Planning Statement
 - Floor plans and elevations

Relevant Planning History

13. The Planning history associated with the application site is set out in the table below:

Reference	Description	Location	Decision
LA05/2021/1298/F	Proposed extension and alterations to existing property to include raised ridge, single storey rear extension and façade alterations	43 Edentrillick Road, Hillsborough, BT26 6PG	Permission Granted
LA05/2023/0313/F	Proposed alterations to existing garages to provide ancillary home office and gym	43 Edentrillick Road, Hillsborough, BT26 6PG	Permission Granted

Consultations

14. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
NI Water	No objection
NIEA Natural Environment Division	No objection
LCCC Environmental Health	No Objection
NIEA Water Catchment Unit	No objection

Representations

15. No representations have been received.

Local Development Plan

16. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the requirements of the local development plan, and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

17. It is stated at Part 1 of the Plan Strategy that:

‘Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.'

18. The site is located in the countryside in the Lisburn Area Plan (LAP). The site remains in the open countryside in both BMAP (2004) and subsequent revision to the draft (2014).
19. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

20. The following operational policies in Part 2 of the Plan Strategy also apply.
21. The proposal is for a replacement dwelling. Policy COU1 – Development in the Countryside states:

'There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.'

22. In accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU8, COU15 and COU16 of the Plan Strategy.

Replacement dwellings

23. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation, if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met:

- a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*
- b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building;*

c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

Infill/Ribbon Development

24. Policy COU8 Infill/Ribbon Development states that;

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. For the purpose of this policy, a substantial and continuously built-up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming substantial and continuously built up frontage must be visually linked.

Integration and Design of Buildings in the Countryside

25. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

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

Rural Character and other Criteria

26. Policy COU16 – Rural Character and other Criteria states;

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity.*
- g) *all necessary services, including the provision of non-mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Access and Transport

27. The proposal requires the alteration of an existing access to a public road. Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

28. The justification and amplification states:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Natural Heritage

29. A biodiversity checklist and Preliminary Ecological Appraisal have been submitted in support of this application. Policy NH2- Species Protected by Law states:

'European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species, and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.'

30. Policy NH5 – Habitats, Species or Features of Natural Heritage Importance states:

'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:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*
- h) wetlands (includes river corridors)*

i) other natural heritage features worthy of protection including trees and woodland.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.'

Waste Management

31. The application form indicates that the water supply will come from mains, with surface water being disposed of via a sustainable drainage system and foul sewage disposed of by a septic tank.

32. Policy WM2 - Treatment of Wastewater states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non-main sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Integrated Renewable Energy

33. Proposals for all new developments should integrate micro-generation and passive solar design in its design. Policy RE2 of the Plan Strategy states:

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro-generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Regional Policy and Guidance

34. The SPPS Edition 2 was published in December 2025. It is the most recent Planning policy, and it is stated at Paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

35. Paragraph 3.8 of the SPPS states:

The guiding principle for planning authorities 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 demonstrable harm to interests of acknowledged importance.

36. This proposal is for a replacement dwelling. Bullet point two of paragraph 6.73 of the SPPS states:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

37. It is further stated at paragraph 6.78 of the SPPS that:

'Supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.'

38. Paragraph 6.232 of the SPPS Edition 2 states that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies".

39. There are no implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is new and the need for integrated renewable energy was taken account of in the preparation of policy within the LDP Plan Strategy.

40. Whilst not policy, the following retained regional guidance documents remain material considerations:

Building on Tradition

41. Paragraph 5.1.3 of Building on Tradition states that:

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long-established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access,

water and power etc. but will also have well-established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

42. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

43. It also notes with regards to visual integration that the following points be considered:

- *Work with the contours (not against them)*
- *Look for sheltered locations beside woodland*
- *Make use of natural hollows*
- *Avoid full frontal locations where bad weather can damage buildings*
- *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
- *Look for sites with at least two boundaries in situ and preferably three*
- *Look for sites that face south (easy to achieve good passive solar gains).*

44. It also includes design principles that have been considered as part of the assessment:

- *Get the size and scale right relative to what is existing.*
- *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
- *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.*
- *Retain existing hedgerows, boundaries and mature vegetation.*
- *Acknowledge building lines and informal setbacks.*
- *Maximise rural landscape treatments such as graveled lanes and driveways, grass verges and local native species for new planting.*

45. With regards to wastewater treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata.

In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved.

Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Development in the Countryside

Policy COU3 – Replacement Dwellings

46. The proposal is described as a site for a replacement dwelling, and the first step of the policy test normally is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
47. It was observed during the site inspection that the former dwelling which once stood on the site had been completely demolished and the site cleared. Foundations were also poured for a new building. Consequently, there is no building remaining on the site capable of exhibiting the essential characteristics of a dwelling and no building which represents a replacement opportunity. Accordingly, the proposal fails the first test of policy COU3 in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
48. The policy does provide that, in cases where a dwelling has recently been destroyed, for example through an accident or fire, planning permission may be granted for a replacement dwelling where sufficient evidence is provided regarding the status and previous condition of the building together with the cause and extent of the damage.

49. In support of the application statement setting out a planning justification for the demolition works along with the observations of a structural engineer setting out reasons why the existing structure could not carry the load of a first-floor extension and detailing asbestos found in the eaves and around the windows needed to be removed.
50. The Planning Statement outlines that:
- *On 15th March 2022 the applicant was granted planning permission [LA05/2021/1298/F] for a proposed extension and alterations to their existing property to include raised ridge, single storey rear extension and façade alterations. This was granted subject to the normal 5 years expiry date, in accordance with section 61 of the Planning Act 2011.*
 - *In June 2025, new appointed consultants, Kris Turnbull Studios (KTS) produced a tender package for these works and sent to three contractors for pricing (Newmac Construction, MNH, Paul Gilbride). It is worth noting at this point that the initial tender package completed by KTS was in respect of the aforementioned planning approval and involved the retention of the walls in question. As such, from first appointment, and before further exploratory work took place, it had been the full intention of the applicant with KTS to carry out the work as approved with the retention of the external walls.*
 - *The three contractors separately carried out site visits to inspect the dwelling and garages.*
 - *Each of these contractors expressed concerns over the integrity of the existing construction, (which involved partial demolition of external brick walls), and advised to obtain an asbestos survey.*
 - *In July 2025, a completed asbestos survey was received (Annex 5). KTS were made aware that there is Asbestos Insulating Board (AIB) intertwined within the core brick and mortar of the main walls of the building.*
 - *KTS had discussions with the structural engineer (Michael McCurdy) and contractors and it was determined that the contractors could not build off the existing wall portions. The construction strengths of the portions of existing walls and foundations could not be easily ascertained, with an element of risk remaining of cracking or other defects by incorporating these elements into new structure. [See attached letter provided by structural engineer at annex 6]*
 - *In light of the discussion above, the applicant sought a qualified asbestos contractor to remove the asbestos. It was noted that the extent and type of*

removal required was more onerous than expected, increasing removal costs significantly from what had been anticipated.

- *They applicant spent £12k to facilitate the appropriate removal of all asbestos by an approved contractor, [with the cost escalating due to the fact that it was the more dangerous type of substance found]. These works resulted in partial collapse and demolition of the external walls.*

51. The agent then goes onto explain at paragraphs 6.12 to 6.17 of the Planning Statement that the demolition is recent having occurred in the past six months and that the dwelling was destroyed by the removal of asbestos, leading to the collapse and demolition of this dwelling.
52. The agent further states at paragraphs 6.15 to 6.17 that the policy is not so prescriptive that it excludes destruction because of a risk to health and that sufficient evidence about the status and previous condition of the building and the cause and extent of the damage is available to allow planning permission to be granted.
53. Whilst the submitted information explains the sequence of events leading to demolition, officers are not satisfied that the proposal falls within the limited exception contained within Policy COU3 relating to dwellings that have been destroyed.
54. It is the officer's learned experience that this policy applies to dwellings that are destroyed where something abnormal, unknown or not planned such as a fire or an accident occurs and the building is so damaged that it is beyond repair.
55. Having read the supporting evidence it appears at the tender stage that the applicants took advice from their appointed design team and potential contractors that there was greater certainty that a new structure would be capable of accommodating the proposed first floor accommodation if this was a newbuild project.
56. The correspondence from the structural engineer does not recommend that the building is destroyed on the grounds of health and safety. The building was not in imminent danger of collapse and a risk to the public.
57. The asbestos survey was carried out before the building was demolished and the schedule of works at Appendix A describes asbestos in the window packer below a timber window cill in three rooms, an embedded pipe in the west wall in another and asbestos cement in the lining panel to timber door and panel above door in another. The report does not recommend full demolition of all the walls in these rooms. It is further noted that none of the works were classified as red requiring urgent removal or amber requiring immediate encapsulation.

58. The balance of the asbestos was in the eaves externally and the roof was to be removed anyway to facilitate the first-floor extension.
59. Officers do not agree with the applicant's assertion that the dwelling was 'destroyed' because of the risk from asbestos. There is no photographic evidence of the demolition works or method statement describing how the works were carried out. No statutory declarations are provided from the contractor to confirm what works beyond those identified in the report resulted in the collapse of the ground floor structural walls.
60. It is the officer's assessment that the dwelling was knowingly destroyed as rebuilding the dwelling was the preferred method of construction based on the advice received at the tender stage of the project. There is no evidence to suggest that the applicants sought advice from the planning authority to establish whether planning permission would be required for the changes in the project. There was an opportunity to pause and make an informed decision on how best to proceed. The Council became aware of the demolition work following receipt of a complaint.
61. There is no dwelling on the site to replace the explanation and supporting information submitted by the applicant regarding the circumstances surrounding its demolition is not considered to meet the requirements of policy COU3 for a dwelling that has recently been destroyed.
62. The applicant has also referred to the previous planning permissions relating to alterations and extensions to the dwelling. Whilst this grant of planning permission remains extant, it can only be material if it is capable of being implemented. There is no dwelling to extend, and the planning history consequently has no weight as a material consideration.

Policy COU8 – Infill/Ribbon Development

63. The justification and amplification of Policy COU8 described a ribbon as:

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development

64. Whilst not shown on the site location plan officers confirmed during site inspection that a dwelling has recently been erected and is occupied immediately west of the application site at 41 Edentrillick Road, approved under planning reference LA05/2018/1152/F. As mentioned above, where two buildings front a road and are positioned beside one another, there may be a tendency to ribboning. Should planning permission be granted, the proposed dwelling and No. 41 Edentrillick Road would comprise two dwellings fronting onto Edentrillick Road and positioned

beside one another. It is therefore considered that the proposal would create a ribbon of development, contrary to policy COU8 of the Plan Strategy.

Policy COU15 - Integration and Design of Buildings in the Countryside

65. The proposed dwelling is of a scale, massing and design that is comparable with other dwellings in the locality, for example at 41 and 44 Edentrillick Road. Furthermore, the application site is well contained by mature established boundary vegetation on all sides, which provides effective screening of the site from surrounding areas along the Edentrillick Road. Whilst the proposal would introduce a dwelling on a currently vacant site, the existing landscaping would ensure that it would not appear as a prominent feature in the landscape. The dwelling would also be well screened from long range views from Edentrillick Hill and Knox Road due to a combination of the intervening built development on the southern side of Edentrillick Road, established mature boundary treatment at the site and rising Land levels. As such it is considered that criterion (a) is met.
66. The proposed dwelling would be sited to cluster with the existing garage building on site and adjacent dwelling 30m west of the site at 41 Edentrillick Road. Criterion (b) is considered to be met.
67. The existing trees and vegetation provide a suitable degree of backdrop for a replacement dwelling to integrate and blend in with the landform. In addition, a condition would be placed on any approval requiring this vegetation to be retained to ensure that a suitable degree of natural backdrop is provided for any potential dwelling at the site. Criterion (c) is met.
68. The site features long established natural boundaries along all of its boundaries in the form of hedgerows and mature trees. These trees provide a suitable degree of enclosure and are due to be retained as part of the proposal as shown in drawing No. 02. Criterion (d) is considered to be met.
69. Whilst new landscaping is proposed along the rear amenity area and the vehicular turning area, the development would not rely on this landscaping for integration due to the retention of the existing vegetation within the site. Criterion (e) is met.
70. With regards to design, the proposed dwelling adopts a simple linear form with a pitched roof and gabled elevations. The use of light render, natural stone cladding, grey framed windows and a slimline tiled roof provide a simple and appropriate palette of materials matching those seen on the neighboring dwelling at 41 Edentrillick Road. The proposal is of an appropriate scale and design for its rural setting. It is also noted that planning permission was granted under application LA05/2021/1298/F for substantial alterations and extensions to the former dwelling which incorporated a similar contemporary design. Whilst the previous approval does not establish the principle of development, it is considered to be a material consideration in assessing the design of the proposal which is considered to be acceptable and would therefore meet criterion (f).

71. In terms of ancillary works, as there are services on the site which served the previous dwelling, the proposal does not include many ancillary works. Given that the site is in existing residential use, and as there are residential dwellings along this part of Edentrillick Road, ancillary works would not look out of place in this context. DfI Roads were consulted on the application and following a review of the submitted plans, they have no objections to the proposal, subject to conditions. As such, it is unlikely that there would be a need for ancillary works including the use of retaining walls that would be unable to integrate into the site. As a result, it is considered that the proposed development would comply with criterion (g).

Policy COU16 – Rural Character and Other Criteria

72. For the reasons outlined above at paragraph 68 it is considered that the dwelling would not be unduly prominent in the landscape and hence would be in accordance with criterion (a).
73. As noted previously at paragraph 66, the proposal would cluster with an existing building on site and neighbouring dwelling at 41 Edentrillick Road. Criterion (b) is met.
74. A suitable designed proposal would be capable of respecting the traditional pattern of settlement exhibited within the area which features relatively large dwelling set within modest plots fronting onto the Edentrillick Road. Criterion (c) is considered to be met.
75. In terms of criteria (d), the proposal would not mar the distinction between a settlement and surrounding countryside. The site is sufficiently removed (2.88km) from the closest settlement limit of Drumlough Road. Criterion (d) is considered to be met.
76. Whilst the proposed dwelling is considered to be of an appropriate design, officers consider that the proposal would have an adverse impact on rural character because the dwelling if built would create a ribbon of development with the adjacent building at 41 Edentrillick Road as both buildings would be sited beside one another fronting onto the Edentrillick Road which is detrimental to the rural character and criterion (e) is not met. Ribboning
77. The closest residential dwelling to the application site is 41 Edentrillick Road. It is located approximately 34 metres from the proposed dwelling at its closest point, with mature boundary vegetation separating the two sites. Whilst there is a first-floor window proposed on the western elevation of the proposed dwelling this would serve a void and as such no concern is raised. Given the separation distance no concern is raised regarding loss of light or overshadowing. LCCC Environmental Health has been consulted on the application and raise no objection. Criterion (f) is considered to be met.

78. As per the application form, surface water is to be disposed of via a soakaway, and foul sewage is to be disposed of via a septic tank. DAERA Water Catchment Unit, NI Water, LCCC Environmental Health, DfI Roads have been consulted on the details of the application. All consultees are content with the proposal subject to recommended conditions where necessary. Criterion (g) is met.
79. As outlined in paragraph 74 above, no concern is raised with regards to the impact of ancillary works on the rural character of the area. The ancillary works associated with the proposal would be limited when viewed from the main public road and therefore likely to integrate with the surroundings, and it is also the case that these ancillary works are unlikely to adversely impact on rural character in this case. Criterion (h) is met.
80. The vehicular access to the site would derive via the alteration of an existing access onto the Edentrillick Road. DfI Roads have been consulted and offer no objection to the development subject to the inclusion of conditions and informatives with any approval. As such, criterion (i) is met.

Access and Transport

Policy TRA2 - Access to Public Roads

81. As per the details submitted with the application indicated on the application form, the proposed scheme would involve the alteration of an existing access onto Edentrillick Road, which is a public road.
82. In-curtilage parking and turning would be accommodated within the site which would allow vehicles to enter and exit the site in forward gear.
83. DfI Roads were consulted as part of the processing of the application. In their final consultation response of 02 March 2026, DfI Roads offered no objection to the development, subject to the inclusion of stipulated conditions, as per their consultation response, with any approval.
84. Based on a review of the information and the advice from DfI Roads, it is accepted that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic and complies with Policy TRA2 of the Plan Strategy.

Natural Heritage

Policy NH2 – Species Protected by Law

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance

85. The application form requires confirmation as to whether the applicant or agent is aware of the presence of any species protected under the Wildlife (Northern Ireland) Order 1985 (as amended) on the application site. In this instance, the agent answered 'No'.
86. A Northern Ireland Biodiversity Checklist was submitted in support of the application. A number of responses within Parts 1 and 2 were identified as 'Yes',

thereby triggering the requirement for Part 3 to be completed by a suitably qualified ecologist. Part 3 advises that protected species may be present within the site or the Zone of Influence of the proposed development and, applying the precautionary principle in accordance with NIEA, CIEEM and Bat Conservation Trust guidance, recommends that a Preliminary Ecological Appraisal (PEA) be undertaken to determine the potential presence of protected species.

87. Subsequently, a PEA was submitted for consideration which concludes that, given the nature and location of the proposed development, there would be no significant impact on any sensitive ecological features present on the site.
88. Officers find no reason to disagree with the conclusions raised within the PEA and note that the mitigations set out within section 5 of the PEA could be condition in the event of an approval to protect protected species and their habitats on site.
89. It is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage and protected species importance and as such, the policy requirements of policy NH2 and NH 5 of Plan Strategy are met.

Waste Management

Policy WM2 – Treatment of Wastewater

90. The detail submitted with the application (Application Form and Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by a sustainable drainage system, and foul sewage is to be disposed of via a septic tank.
91. Therefore, it would be applied as an informative with any approval.
92. DAERA Water Catchment Unit provided a response which to standing advice which would be included on any approval. When read in conjunction with the Environmental Health Unit response with no objection it is accepted that there is sufficient room in the site to accommodate a septic tank and soakaway subject to securing the requisite statutory approvals.
93. NI Water were also consulted as part of the processing of the application and offer no objection to the proposal.
94. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Wastewater.

Integrated Renewable Energy

95. A RE2 Statement has not been submitted with the application. However, it is noted that the proposed dwelling and associated works would be required to comply with all relevant Building Regulations performance standards, ensuring that the development meets modern expectations for energy efficiency. The walls, windows, and construction detailing would collectively enhance the dwelling's thermal performance. The dwelling's principal elevation, which hosts the majority

of habitable rooms' primary windows, would be east/southeast facing, which would optimize natural daylight and passive solar gain thereby reducing energy demand. In addition, solar panels are proposed to be installed on the rear roof slope of the detached garage building.

96. Taking the above into account, the proposed development, through its energy-efficient design, and south facing orientation is considered to be consistent with the objectives of Policy RE2 and Paragraph 6.232 of the SPPS Edition 2.
97. All relevant policies have been considered.

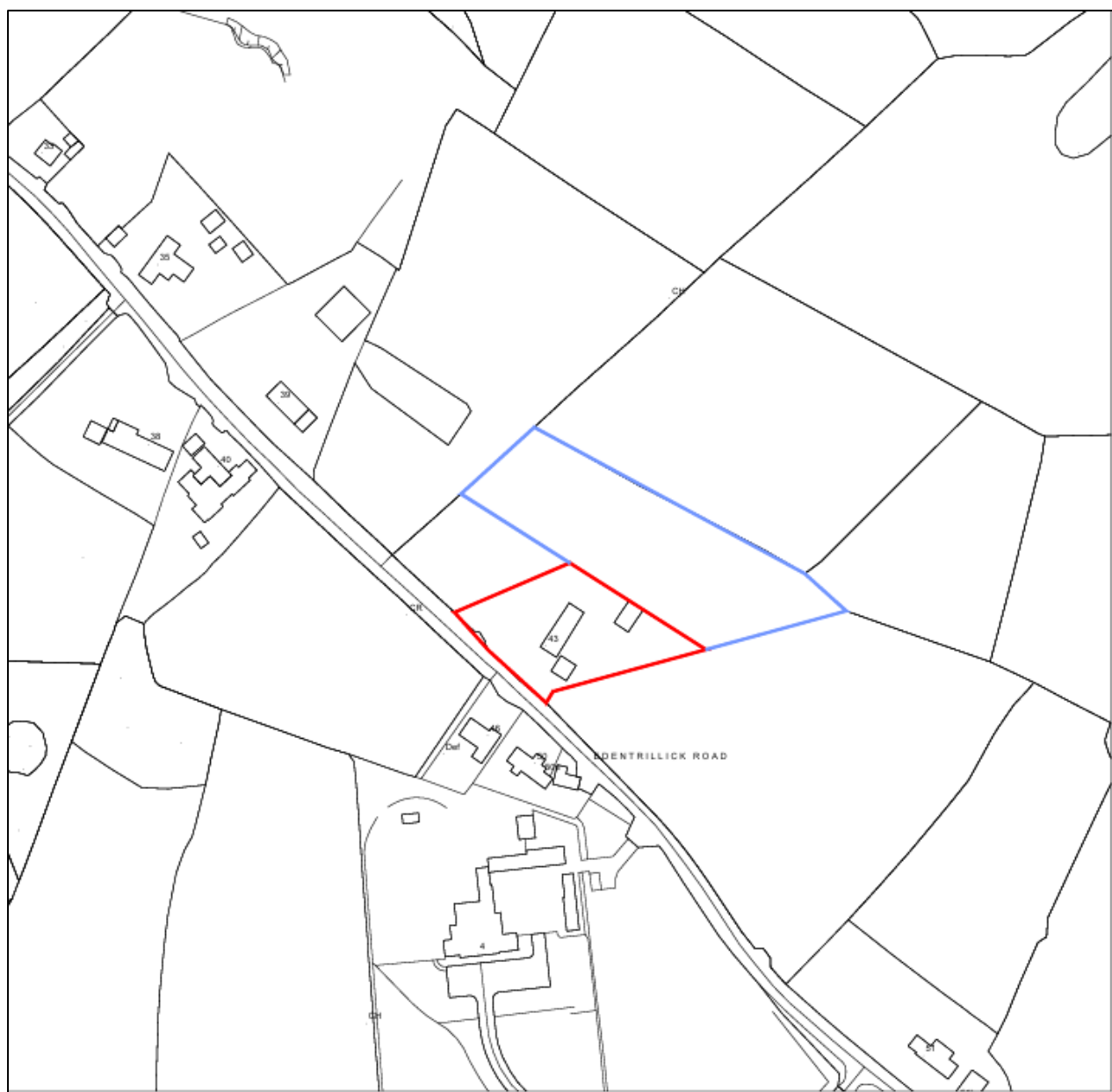
Conclusions and Recommendation

98. For the reasons outlined above, the proposed development is recommended for refusal as it fails to satisfy the requirements of policies COU3, COU8, and COU16 of the Plan Strategy. Consequently, as the proposal is not one of the types of residential development acceptable in the open countryside it is also contrary to policy COU1.

Reasons for Refusal

99. The following reasons for refusal are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to Policy COU3 of the Lisburn & Castlereagh City Council's Plan Strategy, in that there is no building on site to be replaced which exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
 - The proposal is contrary to Policy COU8 of the Lisburn & Castlereagh City Council's Plan Strategy in that, the development would create a ribbon of development.
 - The proposal is contrary to criterion (e) of Policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that if built the dwelling would have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2026/0089/F



SITE LOCATION MAP
Scale: 1:2500@A2

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 October 2026
Committee Interest	Local (Called-In)
Application Reference	LA05/2024/0505/O
Date of Application	24 June 2024
District Electoral Area	Downshire East
Proposal Description	Proposed development comprised of two replacement dwellings with garages
Location	Lands located 40 metres north northeast of 80 Ballynahinch Road, Dromara. Co. Down
Representations	None
Case Officer	Michael Vladeanu
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented to the Planning Committee with a recommendation to refuse in that the proposal is contrary to policy COU1 of the Lisburn & Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
3. The proposal is also contrary to policy COU3 of the Lisburn & Castlereagh City Council Plan Strategy in that the building to be replaced does not exhibit the essential characteristics of two dwellings.

Description of Site and Surroundings

Site

4. The site is located on the northern side of the Ballynahinch Road set approximately 80 metres back from the edge of the road. It is accessed via a

private lane which serves another dwelling and is bounded on all sides by mature vegetation and a post and wire fence.

5. Within the site is a single storey building comprised of stone walls, wooden fenestration and corrugated metal sheeting roofing. The building has several openings to the front and rear elevations.
6. Following internal inspection, the building appeared to be in agricultural use. Agricultural equipment and stored materials were observed within the southern portion of the building with no internal walls present and there was no clearly identifiable fireplace, hearth or internal chimney arrangement. The middle and northern portions contained concrete agricultural pens, and it was observed that a doorway linking these portions had been blocked up by brickwork. Internally, the building largely comprised exposed stone walls and there were no evident internal partition walls defining individual domestic rooms. No furniture or other readily identifiable domestic features were observed and there was no clearly identifiable fireplace, hearth or internal/external chimney present. The southern section contained a large barn-style door opening and a small window opening on the front elevation, while other window and door openings to the front and rear elevations were evident throughout the building, some of which had been subsequently blocked up.

Surroundings

7. The site is located within the countryside, and the surroundings area primarily rural in character. A residential dwelling and associated outbuildings are located directly west of the application site.

Proposed Development

8. This application seeks outline permission to demolish an existing building and erect two replacement buildings with garages.
9. The following additional information has been submitted in support of the application:
 - Application form
 - Planning Support Statement
 - Support Document
 - NI Biodiversity Checklist & Extended Ecological Statement, ATECNI, updated June 2024
 - Support Information, ATECNI, dated 11 June 2024
 - Emergence Bat Survey, Black Dog Ecology, dated September 2025
 - Site Location Plan

Relevant Planning History

10. The following planning history associated with the site is set out in the table below:

Reference Number	Description	Location	Decision
S/2000/1438/O	Site for dwelling	Adjacent to 80 Ballynahinch Road Dromara Dromore	Refused
S/2002/0349/F	Replacement Dwelling	80 Ballynahinch Road, Derry, Dromara, Northern Ireland, BT25 2AL	Approved
S/2003/0512/F	Replacement dwelling with amended house type previously approved under S/2002/0349	Site adjacent to 80 Ballynahinch Road, Dromara	Approved

11. It is noted that planning permission S/2002/0349/F approved an off-site replacement dwelling. The proposed building subject to be replaced under this application was intended to be removed to accommodate the replacement dwelling as part of the S/2002/0349/F application.

Consultations

12. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
Environmental Health	No objection
NI Water	No objection
NIEA Natural Environment Division (NED)	No objection
NIEA Water Management Unit (WMU)	No objection
Historic Environment Division (HED)	No objection
Shared Environmental Services (SES)	No objection

Representations

13. No representations have been received on this proposal.

Local Development Plan

14. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

15. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

16. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan (LAP). Draft BMAP remains a material consideration.
17. The site is located in the countryside in the Lisburn Area Plan (LAP). In both draft BMAP (2004) and subsequent revision to the draft (2014) this site was also located the open countryside.
18. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
 - (b) resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
 - (c) protect the established rural settlement pattern and allow for vibrant sustainable communities.*
19. The following operational policies in Part 2 of the Plan Strategy also apply.
 20. The proposal is for a replacement dwelling. Policy COU1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

21. In accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU15 and COU16 of the Plan Strategy.

Replacement Dwellings

22. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13. In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that

an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

Integration and Design of Buildings in the Countryside

23. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

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

Rural Character and other Criteria

24. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road*

safety or significantly inconveniencing the flow of traffic.

Access and Transport

25. The proposal requires the alteration of an existing access onto the public road. Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

26. The justification and amplification states:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Natural Heritage

27. As the existing building is being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. Supporting ecological reports are submitted with the application.
28. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect the, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

29. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

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:
a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Waste Management

30. A package treatment plant is proposed and Policy WM2 - Treatment of Wastewater states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Integrated Renewable Energy

31. The most recent edition of the SPPS (Edition 2 December 2025) advises that in plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies. Policy RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which

integrates renewable energy technology including micro- generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Regional Policy and Guidance

Regional Policy

32. The SPPS edition 2 was published in December 2025. It is the most recent planning policy, and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

33. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities 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 demonstrable harm to interests of acknowledged importance

34. This proposal is for replacement dwellings. Bullet point two of paragraph 6.73 of the SPPS states that:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

35. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

36. Paragraph 6.232 states that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

Retained Regional Guidance

37. Whilst not policy, the following guidance document remain a material consideration.

Building on Tradition

38. Paragraph 5.1.3 of Building on Tradition states that:

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

39. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

40. It also notes with regards to visual integration that the following points be considered:

- *Work with the contours (not against them)*
- *Look for sheltered locations beside woodland*
- *Make use of natural hollows*
- *void full frontal locations where bad weather can damage buildings*

- *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
 - *Look for sites with at least two boundaries in situ and preferably three*
 - *Look for sites that face south (easy to achieve good passive solar gains).*
41. It also includes design principles that have been considered as part of the assessment:
- *Get the size and scale right relative to what is existing.*
 - *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
 - *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.*
 - *Retain existing hedgerows, boundaries and mature vegetation.*
 - *Acknowledge building lines and informal setbacks.*
 - *Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.*
42. With regards to wastewater treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Replacement Dwellings

43. The first step of the policy test of policy COU3 is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

44. The agent has submitted a supporting document with various Griffith valuation ledgers, map extracts and census returns. The valuation ledgers detail that the proposal site incorporates site 36a and 36b. An overview of the detail is provided below:

Reference	Date	Occupiers & Description of Tenant
PRONI VAL/12/B/20/9A	1865 – 1879	36 (land) Robert Rodgers
PRONI VAL/12/B/20/9B	1880 – 1892	36a (House) – John Browne 36b (House) – John Stafford
PRONI VAL/12/B/20/9C	1893 – 1908	36a (House) – Browne 36b (House) – John Stafford
PRONI VAL/12/B/20/9D	1909 – 1929	36a (House) – James Trousdale 36b (not detailed) – James Trousdale

45. The support document also provides an extract from the historic map viewer dated 1916 which would appear to show the building in situ as well as John Stafford and David Gray family 1901 & 1911 Census return-party copy extract.
46. Policy COU3 outlines that for the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings. Taking the above information into account, it would appear that the building on site was used as a dwelling at one point however policy COU3 requires that the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
47. The justification & amplification of this policy states:
- The essential characteristics of a dwelling includes original features such as doors/ window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms.*
48. The applicant seeks permission for two replacement dwellings at the site. All external structural walls are substantially intact and the building is divided into three distinct sections, and the applicant has not clearly demonstrated which section relates to each replacement dwelling as proposed.
49. In respect of the southernmost section of the building, the applicant has submitted photographs which are stated to show evidence of a former chimney/fireplace together with domestic-scale openings. The internal photographs submitted do not clearly demonstrate the presence of a fireplace,

hearth or chimney arrangement and no internal partitions defining individual rooms are evident.

50. Furthermore, the southernmost section is characterised externally by a large barn-style door opening and a single small window opening and presents as an agricultural outbuilding rather than a dwelling. Whilst the small window opening may be of a domestic scale, this feature alone does not demonstrate that the building has the essential characteristics of a dwelling.
51. Regarding the middle section of the building whilst an opening appears to have existed between this section and the northernmost section of the building, this has been subsequently blocked up. The section displays clear evidence of agricultural use, including the presence of cattle pens. No internal partitions defining individual rooms are evident, nor is there any evidence of a fireplace, chimney or other domestic features. Whilst some openings remain within the external walls, officers are not satisfied that these features, either individually or cumulatively, demonstrate that this section presently exhibits the essential characteristics of a dwelling.
52. The northernmost section of the building similarly displays characteristics associated with agricultural use, including the presence of cattle pens. The gable wall contains no evidence of a chimney, fireplace or flue and a number of openings have been blocked up. No internal partitions defining individual rooms are evident. Having regard to the overall appearance and condition of this section, officers consider that it presents as an agricultural building and are not satisfied that it presently exhibits the essential characteristics of a dwelling as required by policy COU3.
53. The building whilst substantially intact with all four walls and roof remaining, is considered to be an agricultural outbuilding.
54. Policy COU3 refers to the retention and sympathetic refurbishment, with adaptation, if necessary, of non-listed vernacular dwellings in the countryside which will be encouraged in preference to their replacement in accordance with Policies COU4 and HE13. This part of the policy is not engaged as it has been considered that the building does not exhibit the essential characteristics of a dwelling and is considered to be an agricultural outbuilding.
55. Taking account of all of the information submitted, including the Griffiths Valuation Records, historic mapping, census records and additional photographic evidence, officers accept that the building may have been used as a dwelling in the past. However, policy COU3 requires that the building to be replaced presently exhibits the essential characteristics of a dwelling. Whilst certain features identified by the applicant have been considered, the building as a whole displays clear evidence of having been adapted for agricultural purposes. The southern section is characterised by a large barn-style door opening and lacks internal room divisions. The middle and northern sections contain cattle pens and similarly lack internal partitions defining individual rooms, fireplaces, chimneys or other readily identifiable domestic features, and

as such for these reasons it is considered that the building presently does not exhibit the essential characteristics of one or more dwellings as required by policy COU3 and the tests associated with COU3 are not met.

56. Turning to the criterion that are applied to all replacement cases, the proposed replacement dwellings are required to be sited within the established curtilage of the existing building.
57. During the site visit, the site was observed to be enclosed on all sides by post and wire fencing and accessed via an agricultural field gate. The building's curtilage appears to comprise the grassed areas to the front, side and rear, with the post and wire fencing defining its extent. Although no indicative site layout plan has been submitted, the red line is drawn tightly around the site boundary and access. If approval were recommended, a condition could require the dwellings to be accommodated within the existing enclosed site. On this basis, criterion (a) is considered to be met.
58. As the application seeks outline permission, no detailed siting or design proposals have been submitted at this stage.
59. In relation to criterion (b), the site is set back approximately 159 metres from Ballynahinch Road. Although the land rises from the roadside, the application site itself is relatively level and is partly screened by existing boundary vegetation. The site would also not be readily visible from Mullaghdrin Road East due to intervening topography and vegetation. Any views of the replacement development would be read against the backdrop of mature vegetation surrounding the site and the existing dwelling at 80 Ballynahinch Road.
60. The existing building is single storey and has a footprint of approximately 115.8 square metres. While no indicative layout or scale has been provided, the scale and footprint of the existing building are sufficient to accommodate two modest single storey dwellings within the site. The supplementary planning guidance to the Plan Strategy identifies a minimum floorspace of 35 square metres for a single storey one-person/one-bedroom dwelling and 50 square metres for a two-person/one-bedroom dwelling. On this basis, the existing building has sufficient floorspace to accommodate two modest dwellings without requiring a scale of development that would appear materially greater than the existing building.
61. Having regard to the existing building's scale, the level nature of the site, the surrounding mature vegetation and the existing built context, it is considered that two dwellings could be accommodated without resulting in a visual impact significantly greater than the existing building. The precise siting, scale and design could be controlled at reserved matters stage. Criterion (b) is therefore capable of being met.
62. As explained earlier, this is an outline application, and no design details have been submitted. That said and without prejudice to the view expressed in

relation to principle of development, a new dwelling could be designed to be of high quality appropriate to the rural setting at this location. For this reason, criterion (c) is capable of being met.

63. For the reasons outlined above, the proposal is contrary to Policy COU3 in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Integration and Design of Buildings in the Countryside

64. Criterion (a) of Policy COU15 requires new buildings in the countryside not to be prominent features in the landscape. Having regard to the siting of the proposal, its partial screening by existing boundary vegetation, which can be conditioned to be retained and its relationship with existing buildings, it is unlikely that two replacement dwellings would be prominent in the landscape. Criterion (a) is therefore considered to be met.
65. The replacement dwellings would be sited to cluster with the existing dwelling and outbuildings associated with 80 Ballynahinch Road directly west of the site. Criterion (b) is therefore considered to be met.
66. Whilst no landscaping plan has been provided it is considered that criteria (c), (d) & (e) could be met in that, the site is bounded by existing natural mature vegetation which could be conditioned to be retained and the existing development to west of the proposal building afford sufficient screening to help any new development to integrate into the existing landscape.
67. Whilst this is an outline application and no design details have been provided, it is considered that a dwelling could be designed to be appropriate to this rural location. Criterion (f) is capable of being met.
68. Having regard to the topography of the site, it is considered that any ancillary works associated with the development could be designed so as to integrate with their surroundings. All the other ancillary works associated with the installation of a septic tank/treatment plant underground and connecting to existing overhead utilities which are an existing feature of the landscape would be minimal as they are exhibited in close proximity to the site thus criteria (g) is capable of being met.
69. In light of the above, it is considered that the proposal meets the requirements of Policy COU15.

Rural Character and Other Criteria

70. For the reasons outlined above at paragraph 60, it is considered that two replacement dwellings if approved, could be designed so as to not appear

unduly prominent in the landscape. Criterion (a) is capable of being met.

71. Again, for the reasons outlined within the context of Policy COU15, a new dwelling if approved would cluster with an established group of buildings and as such, criterion (b) is capable of being met.
72. In terms of criteria (c), a suitably designed proposal would be capable of respecting the traditional pattern of settlement exhibited within the area as the building can be replaced in-situ.
73. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside. The site is sufficiently removed from any surrounding settlement limit.
74. For the reasons outlined earlier in the report a suitably design pair of dwellings could be accommodated at the site without causing harm to the rural character of the area. Criterion (e) is capable of being met.
75. The closest neighbouring dwelling is located at 80 Ballynahinch Road approximately 32 metres from the application building to which it is separated from by an agricultural field and boundary vegetation. Given this separation distance, intervening vegetation and a suitable designed dwelling with appropriate window placement it is considered that the development could be accommodated without having an adverse impact on residential amenity. Criterion (f) is capable of being met.
76. During site inspection and on review of detail provided on the P1 Form it is concluded that criteria (g) and (h) can be met in that, all of the proposed services are provided underground or from existing overhead lines therefore no adverse environmental impact will be created, nor will any ancillary works harm the rural character at this location. Water Management Unit and EHO have both been consulted on the proposal and have raised no objections to the proposal.
77. Criterion (i) has been adhered to in that, DfI Roads have been consulted and offer no objection to the proposed development.
78. It is considered that the proposal complies with policy COU16.

Access and Transport

79. The application form details that the proposal is required to alter an existing access onto a public road. It is noted that the Ballynahinch Road is not a Protected Route.
80. DfI Roads have been consulted and offer no objection subject to standard conditions.

81. Having regard to the detail of the application and advice from DfI Roads, it is considered that the proposal will not prejudice road safety or inconvenience the flow of vehicles. The policy requirements of Policy TRA2 can be met

Natural Heritage

82. A Biodiversity Checklist and Extended Ecological Statement and an Emergence Bat Survey has been submitted in support of the application. NED have been consulted on the application and in their last consultation response dated 20 January 2026 advise that they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions. SES have also been consulted on the applicant and state that 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.
83. Officers have no reason to disagree with the advice from the consultees and as such it is considered that the proposal complies with policy NH2 and NH5 of the Plan Strategy and the proposed development will not result in an unacceptable adverse impact on or damage to habitats, species or features of Natural Heritage Importance.

Waste Management

84. Turning to Policy WM2, the application form details that water connection would be through the public mains, that the storm water would be disposed of via soakaway/sustainable drainage system and that the foul would be disposed of via a package treatment plant/septic tank.
85. Environmental Health were consulted and offer no objections and advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
86. Consideration of flood risk is included as a criterion for assessment in policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
87. It is considered that the proposal would not create or add to a pollution problem or create or add to flood risk. The proposal complies with policy WM2.

Integrated Renewable Energy

88. Policy RE2 of the Plan Strategy supports development proposals which integrate renewable energy technologies into their design, layout and siting, where appropriate.

89. Officers would consider that the proposed dwellings would be subject to the latest revision to the building control regulations which requires the applicant to incorporate low carbon technologies. Should other renewal energy proposals come forward once the dwellings are built, the applicant has an opportunity to use the permitted development to integrate renewable energy and low carbon technologies. For these reasons it is considered that the proposal is capable of meeting the requirements of policy RE2.

Conclusions

90. For the reasons outlined above, the proposed development fails to satisfy the requirements of policies COU1 and COU3 of the Lisburn & Castlereagh Plan Strategy.

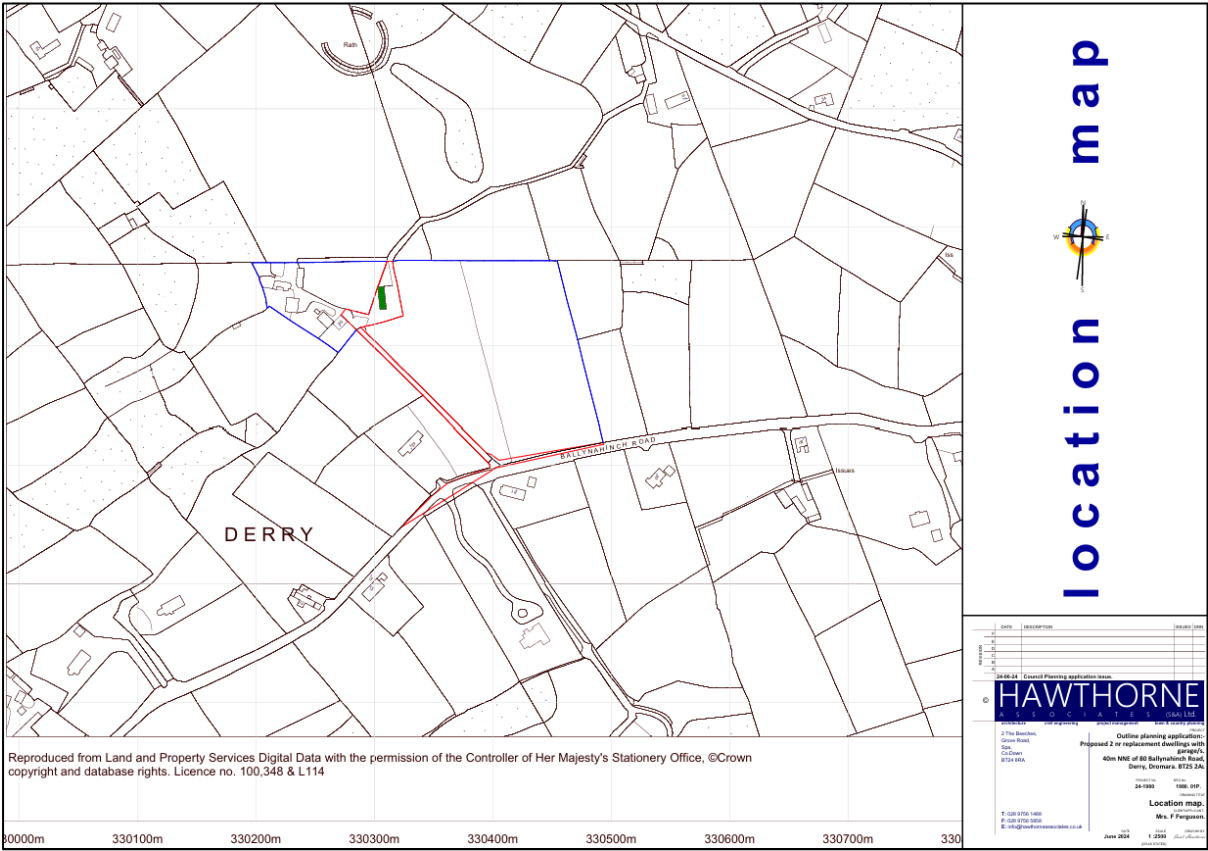
Recommendations

91. It is recommended that planning permission is refused.

Refusal Reasons

92. The following refusal reasons are recommended:
- The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
 - The proposal is contrary to Policy COU3 of the Lisburn & Castlereagh City Council Plan Strategy in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Site Location Plan – LA05/2024/0505/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 October 2026
Committee Interest	Local (Called-In)
Application Reference	LA05/2025/0839/F
Date of Application	17 November 2025
District Electoral Area	Killultagh
Proposal Description	Proposed dwelling (change of house type to dwelling approved under LA05/2021/0020/RM)
Location	Site adjacent to 16 Magees Road, Ballinderry Upper, Lisburn, BT28 2JE
Representations	Five objections
Case Officer	Michael Vladeanu
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policy COU1 of Lisburn & Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed dwelling is acceptable in the countryside and will contribute to the aims of sustainable development.
3. The development will also integrate sympathetically with their surroundings and encompass an appropriate design, in accordance with Policy COU15.
4. The development will not cause a detrimental change to, or further erode the rural character of an area, and will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance/ loss of light, in accordance with Policy COU16.
5. The proposal complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic.

6. The proposal complies with policies NH2 and NH5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known priority habitats, species or features of Natural Heritage Importance.
7. The proposed development complies with policy tests set out in policy WM2 of the Plan Strategy in that the detail demonstrates that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.
8. The proposal complies with Policy RE2 as renewable technologies are incorporated into the design, and the scheme will be constructed in line with current NI Building Regulations and the DfC Design Standards which emphasises sustainable design and energy efficiency.

Description of Site and Surroundings

9. This 0.4-hectare site is located on the western side of Magees Road and is comprised of a mostly rectangular shaped parcel of land which currently forms part of a larger roadside agricultural field. The land within is generally flat throughout
10. Roadside hedging is present along the eastern boundary of the site. The western boundary is also defined by mature hedging and vegetation. The northern boundary is undefined and opens up onto the agricultural paddock with the southern boundary is defined by the residential curtilage of 16 Magee Road.
11. In terms of surrounding context, the application site is located immediately north of the residential dwelling at 16 Magees Road and its associated detached garage and detached agricultural style outbuilding.
12. The site is bounded by open fields to its north, west and east with the area being rural in character and predominately agricultural in use characterised by drumlin topography.

Proposed Development

13. Full planning permission is sought for a proposed change of house type to dwelling approved under LA05/2021/0020/RM. The proposal includes amendments to the siting, scale, design and landscaping of the approved development.
14. The following documents have been submitted in support of the application:
 - Application Form
 - Biodiversity Checklist

- Full suite of plans

Relevant Planning History

15. The planning history associated with the application site is set out in the table below:

Reference	Description	Location	Decision
LA05/2024/0593/CLUED	Commencement of works to planning application LA05/2021/0020/RM for approved 2 storey dwelling	Approx 50m north east of 16 Magees Road Upper Ballinderry Lisburn	Consent Granted
LA05/2023/0883/F	Proposed change of house type to dwelling approved under LA05/2021/0020/RM	Adj to Magees Road, Ballinderry Upper, Lisburn, BT28 2JE	Permission Granted
LA05/2021/0020/RM	Proposed dwelling and garage	Approx 50m north east of 16 Magees Road Upper Ballinderry Lisburn	Permission Granted
LA05/2018/0453/O	Proposed farm dwelling under PPS21	Approx 50m northeast of 16 Magees Road Upper Ballinderry Lisburn	Permission Granted
LA05/2016/0283/O	Proposed farm dwelling	150 metres north of junction of Magee's Road and Chapel Road Aghalee	Permission Refused

16. Outline planning permission was first granted for a dwelling on a farm on 16 August 2018 under planning reference LA05/2018/0453/O. Approval of Reserved Matters was subsequently granted on 23 August 2022.
17. A Certificate of Lawfulness for an existing Use (CLUED) was certified confirming building works were carried out as per the above referenced planning permission (LA05/2023/0883/F).

18. The works carried out comprised the excavation of the foundations for the detached garage, the construction of a new access and implementation of sightlines along the roadside.
19. Officers are satisfied that the development has commenced and that this planning history is an important material consideration to be weighed in the assessment of this proposal.
20. This proposed development is an alternative proposal to the LA05/2023/0883/F grant of planning permission for a change of house type. Whilst this planning permission does not time expire until 31 January 2030 in light of the history of a CLEUD there is no need to assess the material weight to be afforded to this history as a fallback position.

Consultations

21. The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No Objection
DfI Roads	No Objection
NI Water	No Objection
DfI Rivers	No Objection
NIEA Water Management Unit	No Objection

Representations

22. Five letters of objection have been submitted in respect of the proposal from two third parties. The following issues have been raised:
 - Application does not comply with Policy COU10 / CTY10 as the site is no longer part of an active farm holding and has been sold off
 - Proposal represents a new dwelling rather than a genuine change of house type, including changes to siting, design and scale
 - Concerns regarding precedent and previous planning history, including refusal LA05/2016/0283/O on grounds of ribbon development and lack of clustering
 - Proposal fails to respect the established pattern of development along Magees Road and would appear incongruous
 - Scale and design of the dwelling are considered excessive and uncharacteristic of the area

- Concerns regarding non-compliance with countryside policies including COU15 and COU16
- Issues raised in relation to wastewater, septic tanks and potential impact on local water environment
- Concerns that submitted supporting information is inaccurate/misleading (including use of AI generated imagery)
- Application considered to undermine the integrity of previous approvals and planning policy through incremental changes
- Concern regarding siting of the dwelling forward of the established building line and proximity to neighboring property.
- Potential impact on neighboring amenity, particularly in relation to repositioning relative to adjacent shed/barn
- Threat of legal challenge (Judicial Review) if the application is approved

Local Development Plan

23. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

24. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

25. In accordance with the transitional arrangements, the Local Development Plan is the Lisburn & Castlereagh Plan Strategy 2032 and the Lisburn Area Plan (2001). Draft BMAP remains a material consideration.

26. In the Lisburn Area Plan 2001, draft BMAP (2004) and the subsequent revision to draft BMAP (2014), this site is located within the countryside.
27. New residential development is proposed in the open countryside. Strategic Policy 01 - Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

28. Strategic Policy 06 - Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

29. Strategic Policy 09- New Housing in the Countryside states that:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

30. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

31. This is an application for a single dwelling in the open countryside. Policy COU1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

32. No supporting information is submitted with the application to allow the proposed development to be assessed against any of the policy requirements of COU2 to COU10 and the applicant relies entirely on the previous planning history as a material consideration to justify the proposed development.

Integration and Design of Buildings in the Countryside

33. Policy COU15 - Integration and Design of Buildings in the Countryside states;

'In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

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

Rural Character and other Criteria

34. Policy COU16 – Rural Character and other Criteria states;

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Access and Transport

Access to Public Roads

35. A new access is proposed onto the public road. Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving Direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Waste Management

Treatment of Wastewater

36. A new package treatment plant is proposed. Policy WM2 - Treatment of Wastewater states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient

capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Natural Heritage

Species Protected by Law

37. A biodiversity checklist is submitted with the application. Policy NH2- Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.'

Habitats, Species or Features of Natural Heritage Importance

38. Policy NH5 – Habitats, Species or Features of Natural Heritage Importance states;

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:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*

- h) wetlands (includes river corridors)*
- i) other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Renewable Energy

39. All proposals for new development must integrate renewable technology into their design. Policy RE2 Integrated Renewable Energy states:

Planning permission will be granted for a development proposal which integrates renewable energy technology including microgeneration and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

Regional Policy and Guidance

Regional Policy

40. The SPPS Edition 2 was published in December 2025. It is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

41. It is stated in paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

42. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities 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 causes demonstrable harm to interests of acknowledged importance

43. Further to this, paragraph 6.232 states that:

In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.

44. There are no implications for this proposal following the publication of the SPPS Edition 2, only paragraph 6.232 is new and the need for integrated renewable energy was taken account of in the preparation of policy within the LDP Plan Strategy. Requirements of policy RE2 are considered later in the report.
45. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

Building on Tradition

46. With regards to countryside development, Building on Tradition paragraph 7.2.0 notes:

A design should consider every aspect of a new or existing building, its site and setting in order to achieve a successful outcome that considers the wellbeing of the natural environment and responds to the needs of the client. Achieving quality outcomes is as much about the design process as the quality of the site and resources available.

47. It also notes that:

- *Buildings should be sited in a sheltered area to take advantage of the potential for energy conservation and renewable energy generation within residential development. The orientation should incorporate the most frequently used rooms e.g. kitchen/living/dining and family rooms to the south side of the house*
- *Reduce the house to the minimum size required to meet day to day needs*
- *Make the shape of the house as compact as possible; the greater the volume of the building the more surface area it has to lose or gain, heat from*
- *Smaller windows should be used in north facing elevations. On the south elevation, larger windows will increase solar gain, but this has to be weighed against heat losses in the winter and a risk of overheating in the summer*
- *In order to reduce heat losses, unheated spaces such as conservatories, green houses and garages which are attached to the outside of heated rooms can act as thermal buffers, the temperature of the unheated space being warmer than that outside.*

Development Control Advice Note 15 – Vehicular Access Standards

48. The policies in PPS 3 are replaced by the Plan Strategy. However, the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It states (Paragraph 1.1);

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

Development in the Countryside

Policy COU1 – Development in the Countryside

49. Policy COU1 states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.
50. No information is supplied in support of the application to demonstrate that the proposal meets any of the other forms of acceptable residential development specified under policies COU2 to COU10. No policy reason is provided in support of the application to justify a grant of planning permission for a new dwelling at this location.
51. Notwithstanding that this proposal does not fall within any of the acceptable categories of residential development, the recent history of CLEUD is weighed as a material consideration and it has been accepted by the Council that the development approved under LA05/2021/0020/RM was lawfully commenced under LA05/2024/0593/CLEUD in September 2024.
52. Given this evidential context, the issue of whether there is a lawful fallback arises. In considering the issue of fallback, officers are mindful of the detailed consideration of the principles by McCloskey LJ in re Christine Alexander [2018] NIQB 55, and the two stage "Gambone" test to be objectively considered and the subject of objective evaluative planning judgment.
53. The first stage of that approach is to decide whether or not the way in which the land may be developed is a matter which amounts to a material consideration. Only if that test is met, do officers turn to the second stage.
54. The second stage is when officers must consider what weight should be attached to it. The threshold applied is one of theoretical possibilities. Officers are also mindful that the weight which might be attached to it can vary materially from case to case and will be particularly fact sensitive.
55. In terms of the first stage, regard must be had to the lawful implementation of the reserved matters permission, that represents a lawful fallback position permitting the construction of the dwelling and garage granted planning permission in August

2022 which can be fully constructed on site given this permission was deemed to have lawfully commenced and is therefore extant. Neither decision was challenged. The principle of a dwelling and garage on this site has been lawfully established.

56. For these reasons, it is concluded that these factors are material considerations and it is considered that the first stage of assessment is met.
57. With regards to the second stage, and the weight to be attached to these material considerations, and applying the threshold of theoretical possibility, officers consider that significant weight should be given to these material considerations. The consent has been lawfully granted and implemented, can re-commence and complete. Applying evaluative planning judgment, officers consider that these factors comfortably exceed the threshold of theoretical possibility, justify the application of significant weight to the principle of development having been established and that objections predicated upon the principle of development cannot be sustained.
58. For these reasons, the planning history and the lawful fallback, that it represents a significant material consideration afforded determining weight in the assessment of this proposal against policies that would otherwise preclude development.
59. Nevertheless, that fallback assessment is also relevant to the separate issue of the assessment of the change of house type, and to the extent to which the proposed change of house type represents an unacceptable change in the policy context to be addressed as set out above. Consequently, Policies COU15 and COU16 remain relevant policy considerations, as do the principles in Building on Tradition discussed below.

Policy COU15 - Integration and Design of Buildings in the Countryside

60. Criterion (a) relates to whether the new dwelling would be a prominent feature in the landscape. The proposed dwelling is sited to partially overlap the dwellings approved under LA05/2021/0020/RM and LA05/2023/0883/F. The change of house type reduces the scale of development from a two-storey detached dwelling, with a ridge height of 8.8 metres as approved under LA05/2021/0020/RM, to a one-and-a-half-storey dwelling, with rooms accommodated in the roofspace and a maximum ridge height of 8.3 metres. The bulk of the frontage is also broken up by the single-storey side extension, ensuring that the dwelling would not appear as one continuous bulky form.
61. A one-and-a-half-storey detached domestic garage is also proposed. It would have a ridge height of approximately 6.9 metres, set below the ridge height of the proposed dwelling, and as such would not appear as a prominent addition to the site.

62. Whilst the proposed development is sited closer to the road than the previous approval, the development would be viewed in the context of the existing built form to the south-west at 16 Magees Road, comprising an agricultural-style outbuilding, a double garage and a detached dwelling. The proposed dwelling would also be partly screened from Chapel Road by the existing buildings at 16 Magees Road and from Magees Road by existing roadside vegetation. Furthermore, as shown on Section Plan drawing no. 03a, the ridge height of the proposed dwelling would align with that of the neighbouring dwelling to the west and would therefore not appear as a prominent addition within the streetscape.
63. Given the above, it is not considered that the dwelling or garage would be a prominent feature in the landscape and criterion (a) is met.
64. The proposed dwelling would be sited to cluster with the existing dwelling and outbuildings associated with the adjacent neighbour to the west 16 Magees Road. As such criterion (b) is met.
65. With regard to criterion (c) it is considered that the proposed buildings would blend with and be seen in the context of the existing outbuildings and dwelling associated with 16 Magees Road directly west of the application site. The existing natural vegetation along the rear boundary of the site, which is due to be retained as per drawing no. 02c would also provide a suitable backdrop for the proposed development. The development is considered to comply with criterion (c).
66. The site features long established natural boundaries along its rear boundary and partly to its front roadside boundary although it is noted that the front boundary vegetation is to be removed and replanted to accommodate the visibility splays to serve the development. Notwithstanding this, it is considered that the existing vegetation and buildings to the west of the site provide a suitable degree of enclosure for the buildings to integrate into the landscape. Criterion (d) is met.
67. Whilst new landscaping in the form of a native hedgerow is proposed along the northeastern and eastern boundaries as well as sporadic tree planting across the site, taking the above paragraph into account it is not considered that the proposed development would rely primarily on the use of this new landscaping for integration. Criterion (e) is met.
68. The design of the proposed dwelling has been assessed against the principles set out within Building on Tradition. The dwelling incorporates a number of traditional rural design characteristics, including pitched roofs, projecting gable elements, chimneys, vertically proportioned openings and a simple rendered finish. Although the dwelling has a comparatively broad frontage, its overall massing is broken down through a series of subordinate elements rather than presenting as a single uninterrupted block. The one and a half storey form, with accommodation principally contained within the roof space, also assists in reducing its apparent scale.

69. The proposed elevations are considered to provide an appropriate balance between traditional rural form and a contemporary dwelling. The projecting gables, stepped roof and subordinate single storey elements break down the scale of the dwelling, while the window portions, chimneys and roof detailing provide visual coherence. The design also reflects characteristics in nearby development, including the dwelling at 16 Magees Road and that at 23 Chapel Road, and is therefore considered to respond appropriately to its rural location.
70. The detached garage has been designed with a simple pitched roof form and external finishes which would correspond with those of the dwelling. Notwithstanding its one and half storey scale, it would remain clearly subordinate to the dwelling in both height and visual prominence and would read as an ancillary outbuilding within the site. Its design is therefore also considered consistent with the principles of Building on Tradition.
71. The external finishes, including blue/black slate, smooth render, painted timber facias and bargeboards, aluminum rainwater goods, are considered appropriate to the countryside setting and in keeping with the adjacent dwellings at 16 Magees Road and 23 Chapel Road.
72. The proposal would not introduce a discordant or overly dominant built form into the rural landscape and would respect the established pattern, scale and appearance of development within the area, which is one of detached dwellings with outbuildings which this proposal would replicate. Criterion (f) is met.
73. Given the nature of the site in respect of its relatively flat topography, the required ancillary works would integrate well with their surroundings. All the other ancillary works associated including connections underground utilities and overhead utilities would be minimal and in any event are already present serving the adjacent neighbouring dwelling. Thus criterion (g) has been met.
74. Given the above, the development complies with the provisions of Policy COU15 of the Lisburn & Castlereagh Plan Strategy.

Policy COU16 - Rural Character

75. As outlined at paragraphs 60-63 the dwelling would not be unduly prominent in the landscape. Criterion (a) is met.
76. As noted previously at paragraph 64, the proposed dwelling would cluster with the established group of buildings in the immediate vicinity of the application site. Criterion (b) is met.
77. In terms of criterion (c), the proposal would respect the traditional pattern of settlement exhibited within the area which is one of detached dwellings and outbuildings which this proposal would replicate. The principle of development has been established and implemented through the CLUED. Criterion (c) is met.

78. The proposal is located within the countryside outwith any defined settlement limit. The closest settlement limit is Aghalee which is located approx. 1.695km to the southwest of the site. Given this separation distance and nature of the development of a single garage and dwelling it is not considered that the proposal would mar the distinction between a settlement and surrounding countryside or result in urban sprawl. Criterion (d) is met.
79. There are no concerns with regards to the proposed development in terms of potential adverse impact on rural character. The principle of development on the application site has previously been established and accepted and there are no concerns in relation to the proposed design of the dwelling/garage as set out in paragraphs 68-72. It is considered that the proposed development represents a betterment in terms of rural design and visual integration when compared to the fallback position. The reduction in ridge height, revised massing and 1.5 storey form result in a dwelling which is less visually intrusive. Criterion (e) is met.
80. The closest residential dwelling to the application site is 16 Magees Road. It is located approximately 31.2 metres from the proposed dwelling at its closest point, with a large agricultural style building and 1.5 storey detached double domestic garage in between. Given the 1.5 storey scale of the proposed dwelling, set in from the common boundary and separation distance it is not considered that the development would lead to a loss of light or appear overbearing to 16 Magees Road. With regards to overlooking, it is noted that there is a first-floor window on the side elevation serving bedroom one which would face the neighbour to the west. However, any views from this window would be onto the large outbuildings associated with No. 16 and not directly into any habitable rooms or private amenity space, given this and the separation distance mentioned above it is not considered that the development would lead to harmful overlooking of any neighboring property. LCCC Environmental Health has been consulted on the application and raise no objection. Criterion (f) is considered to be met.
81. As per the application form, surface water is to be disposed of via a soakaway and foul sewage is to be disposed of via a package treatment plant. DAERA Water Management Unit, NI Water, LCCC Environmental Health, DfI Rivers and DfI Roads have been consulted on the details of the application. All consultees are content with the proposal subject to recommended conditions where necessary. There is no reason to disagree with regards to the provision of necessary services having significant adverse impact on the environment or character of the locality. Criterion (g) is considered to be met.
82. As outlined in paragraph 73 above no concern is raised with regards to the impact of ancillary works on the rural character of the area. The ancillary works associated with the proposal would be limited when viewed from the main public road and therefore likely to integrate with the surroundings, and it is also the case

that these ancillary works are unlikely to adversely impact on rural character in this case. Criterion (h) is met.

83. The vehicular access to serve the site would derive from a new access onto Magees Road to the southeastern corner of the site. DfI Roads have been consulted and offer no objection to the development subject to the inclusion of conditions and informatives with any approval. As such, criterion (i) is met.
84. The development complies with the provisions of Policy COU16 of the Lisburn & Castlereagh Plan Strategy.

Access and Transport

Policy TRA2 - Access to Public Roads

85. The proposal includes a new vehicular access via Magees Road. There is no change in access arrangements from the earlier application.
86. Visibility splays of 2.0 metres by 60 metres in each direction along Magees Road and sufficient in curtilage parking/turning are displayed on the site layout plan 02c. It is acknowledged that Magees Road is not a Protected Route.
87. DfI Roads were consulted as part of the processing of the application. In their consultation response of 15 December 2025 DfI Roads offer no objection to the proposal on the grounds of road safety or traffic progression. Based on a review of the planning history, observations from the site visit and taking account of the advice of DfI Roads, officers are satisfied that the requirements of policy TRA2 are met.

Waste Management

Policy WM2 – Treatment of Waste Water

88. The detail submitted with the application (Application Form and Plans) indicates that the source of water supply is to be from the Mains. Surface water is to be disposed of by soakaways, and foul sewage is to be disposed of via a package treatment plant.
89. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 10 December 2025, they offer no objection to the proposal.
90. Standing Advice from DAERA Water Management Unit is applicable to this form of development.
91. Consideration of flood risk is included as a criterion for assessment in Policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment or drainage assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

92. NI Water were also consulted as part of the processing of the application. In their final consultation response, they offer no objection to the proposal. Informatives would be included with any approval.
93. Based on a review of the information and advice received from consultees, officers are satisfied that there are no concerns insofar as it relates to the treatment of Wastewater. The requirements of policy WM2 are met.

Natural Heritage

94. It is noted that the application site was not occupied by any buildings at the time of site inspection, and no demolition works are proposed.
95. It is further noted that the application site currently benefits from mature natural boundaries that are to be retained and additional planting is proposed.
96. The submitted P1 Form asks if the individual completing the form (in this case the agent) is aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended). The agent has selected 'No.'
97. A Biodiversity checklist has been submitted in support of the application in which the agent has selected no' for each question in Part 1 and Part 2.
98. From the information submitted and observations from site inspection, there does not appear to be any natural heritage feature or protected species impacted by the proposed development.
99. The proposal is considered to satisfy policies NH2 & NH5.

Renewable Energy

100. The dwelling has been orientated to maximise solar gains, with the main glazing elements facing east and southeast.
101. The proposal will be subject to the latest revision of the building control regulations. This requires the applicant to incorporate low carbon technologies. The applicant can use permitted development rights to integrate renewable energy and low carbon technologies into the development once the dwelling is occupied.
102. For these reasons it is considered that the proposal is capable of meeting the requirements of policy RE2.

Consideration of Representations

103. Five objections to the proposal have been received.
104. The main issues of concern from the objections and the officer's response is provided below:

Application does not comply with Policy COU10 / CTY10 as the site is no longer part of an active farm holding and has been sold off

The principle of development on this site has already been established through the granting of outline permission LA05/2018/0453/O (16 August 2018) and reserved matters approval LA05/2021/0020/RM (23 August 2022). A Certificate of Lawfulness (LA05/2024/0593/CLUED) confirms that lawful commencement has taken place in accordance with Section 169 of the Planning Act (NI) 2011. Given that the principle for a new dwelling and garage has been established on this site and the applicant proposes a change of house type for a previous permission, it is accepted that there is no demonstrable harm in principle for granting a dwelling at this location.

Proposal represents a new dwelling rather than a genuine change of house type, including changes to siting, design and scale

A change of house type application is a full planning application and may include amendments to siting, scale and design. The principle of a dwelling is already established. The amended proposal is considered acceptable in terms of character, residential amenity, natural environment and road safety.

Concerns regarding precedent and previous planning history, including refusal LA05/2016/0283/O on grounds of ribbon development and lack of clustering

The planning history is a material planning consideration and has been fully considered. While LA05/2016/0283/O was refused, subsequent approvals LA05/2018/0453/O and LA05/2021/0020/RM established the principle of a dwelling on this site, and lawful commencement has been confirmed under LA05/2024/0593/CLUED. The dwelling clusters with the existing buildings associated with No. 16 Magees Road. The siting partially overlaps previously approved positions and does not give rise to ribbon development concerns.

Proposal fails to respect the established pattern of development along Magees Road and would appear incongruous

The principle of a dwelling is established. The amended design is considered to integrate appropriately with the character of the area. Due to its scale and siting, the dwelling would not appear visually prominent or incongruous within the streetscape.

Scale and design of the dwelling are considered excessive and uncharacteristic of the area

The scale and design have been reduced and refined during the processing of the application. The proposal now presents as a 1.5 storey dwelling with a lower ridge height than previously approved. The design accords with Building on Tradition and reflects the characteristics of nearby dwellings, including No. 16 Magees Road and 23 Chapel Road.

Concerns regarding non-compliance with countryside policies including COU15 and COU16

The amended proposal has been assessed against Policies COU15 and COU16 and is considered to comply with the relevant criteria.

Issues raised in relation to wastewater, septic tanks and potential impact on local water environment

Wastewater is proposed to be treated via a package treatment plant. NI Water, LCCC Environmental Health and DAERA Water Management Unit have been consulted and raise no objections. There is no evidence to contradict the professional advice of statutory consultees.

Concerns that submitted supporting information is inaccurate/misleading (including use of AI generated imagery)

The 3D images within the Design and Policy Statement are indicative only. The assessment is based solely on the formally submitted and numbered plans on the Planning Register.

Application considered to undermine the integrity of previous approvals and planning policy through incremental changes

This is a full planning application and has been assessed against all relevant policy and material considerations. The planning history has been taken into account. No policy conflict arises from the amendments proposed.

Concern regarding siting of the dwelling forward of the established building line and proximity to neighboring property.

There is no established building line along this part of Magees Road or Chapel Road. The dwelling sits broadly in line with existing outbuildings to the south and reads as part of the existing built context. The siting is therefore considered appropriate.

Potential impact on neighboring amenity, particularly in relation to repositioning relative to adjacent shed/barn

The nearest dwelling (No. 16 Magees Road) is approximately 31.2m away, separated by a large agricultural building and a 1.5-storey domestic garage. Given

the separation distance, boundary offset and 1.5-storey scale, the proposal would not result in overshadowing or overbearing impact. The first-floor side window faces outbuildings rather than private amenity space or habitable rooms and therefore does not give rise to harmful overlooking.

Threat of legal challenge (Judicial Review) if the application is approved

The possibility of legal challenge is not a material planning consideration. The Council has followed due process, and the amended scheme is considered acceptable when assessed against the Plan Strategy and all other material considerations.

Conclusions and Recommendation

105. It is recommended that planning permission is approved.

Conditions

106. The following conditions as recommended:

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 vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02C, published to the Planning Register on 20 March 2026, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, 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

4. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 02c, published to the Planning Register on 20 March 2026 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall 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

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users

6. The existing natural screenings of the site, as indicated on approved drawing No. 02c published to the Planning Register on 20 March 2026, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interest of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

7. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the first planting season after the dwelling is occupied in accordance with approved Drawing No. 02c published to the public Planning Register on 20 March 2026.

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

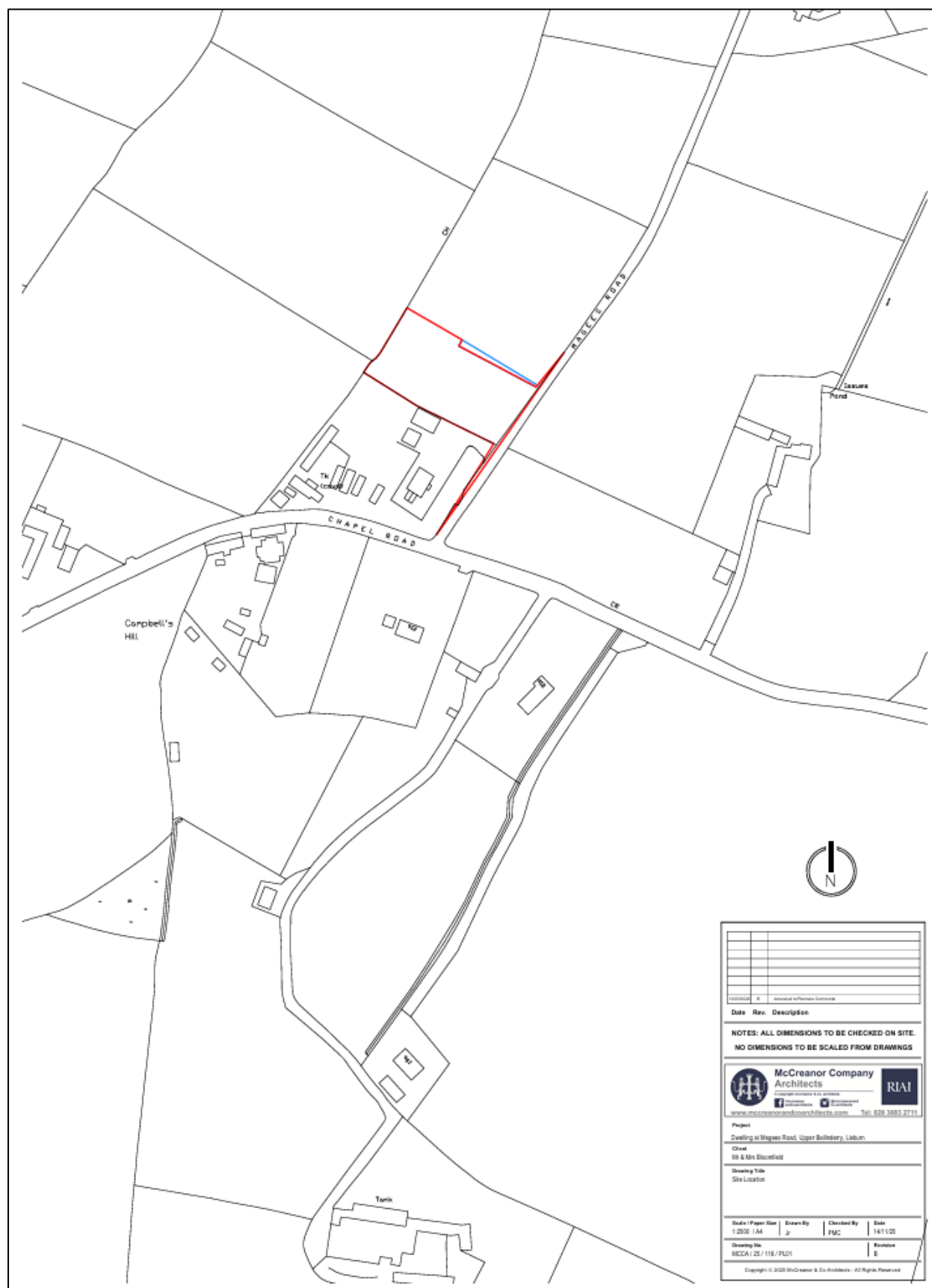
8. If any retained or proposed tree/hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees/hedgerow in the same location and of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

9. The garage shown on Drawing Nos. 02c, 04a and 03a, published to the Planning Register on 20 March 2026, shall be permanently used for the purpose's ancillary to the dwelling.

Reason: To stop the creation of additional dwelling in the countryside

Site Location Plan – LA05/2025/0839/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 October 2026
Committee Interest	Local (Called-In)
Application Reference	LA05/2024/0483/F
Date of Application	18 June 2024
District Electoral Area	Killultagh
Proposal Description	Proposed farm dwelling, with associated double garage and entrance gate
Location	180m to the west from 7 Old Moira Road, Ballinderry
Representations	No representations have been received
Case Officer	Michael Vladeanu
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented to the Planning Committee with a recommendation to refuse in that the proposal is contrary to policy COU1 of the Lisburn & Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
3. The proposal is also contrary to criterion (c) of Policy COU10, criterion (b) Policy COU15 and criterion (b) Policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.
4. It is further considered that the proposal would not comply with criteria (b) of policy TRA 2 and criterion (ii) of policy TRA3 in that it has not been demonstrated that access to the site cannot be reasonably achieved from an adjacent minor road and the proposal has not been demonstrated to constitute an acceptable farm dwelling capable of benefiting from the relevant exception for access to a Protected Route.

Description of Site and Surroundings

Site

5. This 0.16hectare site is located at lands approximately 180 metres west of 7 Old Moira Road, Ballinderry and is an irregular shaped parcel of land which is currently used for the purposes of agriculture.
6. There were no buildings on the land at the time of the site inspection however two agricultural outbuildings directly southeast are separated from the application site by a low mature hedgerow.
7. The site is currently accessed via an agricultural field gate, which provides access from the A26. A gravel laneway runs along the northwestern and western boundary of the site which provides access to the agricultural buildings mentioned above.
8. The western and southern boundaries of the site are defined by a wooden fence. The eastern boundary is defined by a low mature hedgerow with the northern boundary undefined as the site forms part of a larger field.
9. In relation to topography, the land tends to moderately decrease in gradient from north to south, with the application site seen as relatively flat with a slight increase towards its northern boundary.

Surroundings

10. The site is located within the countryside, and the surroundings are rural in character, with the surrounding land in agricultural use.

Proposed Development

11. This application seeks permission for the erection of a farm dwelling, with associated double garage and entrance gate.
12. Additional information submitted in support of the application is as follows:
 - DAERA Farm maps
 - Hedgerow Agrobricultural Impact Assessment
 - Phase 1 Extended Ecology Survey and Assessment
 - Supporting Ecology Statement
 - NI Biodiversity Checklist
 - Drainage and Flood Risk Assessment
 - Schedule 6 Approval from DfI Rivers
 - Planning Statement

Relevant Planning History

13. There is no relevant planning history associated with the site.

Consultations

14. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DfI Rivers	No objection
LCCC Environmental Health	No objection
NI Water	No objection
DAERA	No objection
NIEA Water Management Unit	No objection
NIEA Natural Environment Division	No objection
Historic Environment Division	No objection

Representations

15. No representations have been received.

Local Development Plan

16. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

17. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1

states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

18. In accordance with the transitional arrangements the existing Local Development Plan is the Lisburn Area Plan. Draft BMAP remains a material consideration.
19. The site is located in the countryside in the Lisburn Area Plan (LAP). The site remains in the open countryside in both BMAP (2004) and subsequent revision to the draft (2014).
20. This is an application for a new farm dwelling with detached garage in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
 - (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
 - (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*
21. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

22. This is an application for a farm dwelling and garage in the countryside. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11-COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development. Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 COU16.

23. In accordance with the requirements of Policy COU1, the application falls to be assessed against Policies COU10, COU15 and COU16 of the Plan Strategy.

Policy COU10 – Dwellings on Farms

24. Policy COU10 – Dwellings on Farms states:

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

a) the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years

b) no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

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

The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years

25. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*

- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

26. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Access and Transport

27. The proposal requires the alteration of an existing access to the Moira Road which is a protected Route. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

28. Policy TRA3 – Access to Protected Routes states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal in the following circumstances

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

Natural Heritage

- 29. A biodiversity checklist, Hedgerow Agrobricultural Impact Assessment, Phase 1 Extended Ecology Survey and Assessment, and a Supporting Ecology Statement have been submitted in support of this application.
- 30. Policy NH2 Species Protected by Law states:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*

- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect the, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

31. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

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:
a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Waste Management

32. The submitted information details that the foul sewerage would be disposed of via a septic tank and surface water drainage via a soakaway.
33. Policy WM 2 - Treatment of Wastewater states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Historic Environment and Archaeology

34. The site falls within the consultation zone of ANT059:071 – Rath. Policy HE4 states:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

Flooding

35. There is an undesignated watercourse located approximately three metres adjacent to the eastern boundary of the site. The application is also accompanied by a Drainage and Flood Risk Assessment dated 22nd November 2024. Policy FLD2 – Protection of Flood Defence and Drainage Infrastructure states that:

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

36. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) a residential development of 10 or more units*
- b) a development site in excess of 1 hectare*
- c) a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development⁴³ where:

- it is located in an area where there is evidence of historical flooding*
- surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Renewable Energy

37. The most recent edition of the SPPS (Edition 2 December 2025) advises that in plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies. Policy RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which integrates renewable energy technology including micro- generation and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have

Regional Policy and Guidance

38. The SPPS Edition 2 was published in December 2025. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

39. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities 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 demonstrable harm to interests of acknowledged importance.

40. With regards to dwellings on farms. Paragraph 6.73 of the SPPS states:

‘Provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years’.

41. It is further stated at paragraph 6.78 of the SPPS that:

‘Supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside’.

42. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

Retained Regional Guidance

43. Whilst not policy, the following guidance documents remain material considerations.

Building on Tradition

44. With regards to farm dwelling and visually linked, Building on Tradition guidance notes:

To reduce the impact of a new building in the countryside, new buildings are required to be “visually linked”, or sited to cluster with an established group of buildings on a farm. These should be positioned sensitively so as form an integral part of that building group, or when viewed from surrounding vantage points, the new building reads as being visually interlinked with those buildings.

45. It also notes that:

- *Site the house as close as possible to the existing cluster*
- *Locate the house so that it relates to existing established field boundaries*
- *Respect and reinterpret traditional patterns of siting, scale, massing and form*
- *Link where possible to existing mature hedges and/or stands of mature trees*

46. With regards to wastewater treatment, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of

drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Development Control Advice Note 15 – Vehicular Access Standards

47. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

Dwellings on Farms

48. The application form indicates that the Farm Business Number was allocated in April 2015. DAERA were consulted as part of the processing of the application. In their consultation response of December 2025, DAERA confirm the following:
- The Farm Business ID identified on the P1C Form has been in existence for more than 6 years.
 - It confirms that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years and the application site is on land for which payments are currently being claimed by the farm business
49. Having regard to the advice from DAERA, officers are satisfied that the farm business is active and has been established for at least six years. Criterion (a) of COU10 has been met.
50. A search of Council planning records for the lands on the farm maps, confirms that a dwelling was approved under planning application reference LA05/2021/0343/F on 15 June 2021.
51. A Land Registry check was carried out for the approved dwelling which confirmed the land was transferred to a third party on 19 July 2024. This date is after the submission date of the current application, 13 June 2024. Having regard to the wording of criterion (b), which states that '*no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application*' (my emphasis), this cannot be considered a sell-off for the purposes of the policy, as it occurred after the application had been submitted.

52. A search of the other lands owned by the farm business, as identified on the farm maps, has not identified any other dwellings or development opportunities sold off within 10 years of the date of the application.
53. Criterion (b) of Policy COU10 is therefore considered to be met, as no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application.
54. Criterion (c) of Policy COU10 requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm.
55. The applicant contends that the proposed dwelling is intended to cluster with two existing buildings to the east of the site. Whilst these buildings have been part of the farm holding for at least six years, they do not benefit from planning permission, and no Certificate of Lawfulness of Existing use or Development (CLUED) has been submitted to demonstrate their lawful status. Consequently, officers are not satisfied that the buildings relied upon constitute an established group of buildings on the farm for the purposes of Policy COU10 criterion (c).
56. A review of historic aerial imagery available on Google Earth indicates that the buildings relied upon by the applicant have been present on the land since approximately 2002. At the officers site visit, the two buildings relied upon by the applicant were present on the land. The larger building comprises a steel-framed agricultural structure with a corrugated sheet roof and cladding, concrete floor and open sided sections. Internally, fixed metal livestock gates and penning were observed, with further gated livestock handling areas and concrete/hardstanding immediately surrounding the building. These features are consistent with an agricultural/livestock handling use. The building was vacant and no livestock were observed on site. A smaller rendered building is also located immediately adjacent to the larger structure and appeared ancillary to it in terms of its siting, scale and relationship to the main agricultural building. A further small structure is also present within the site however, given its lightweight construction, open fronted form and temporary nature, it is not considered to constitute a building for the purposes of this assessment.
57. Whilst the historic imagery demonstrates that the buildings have been physically present for a considerable period, and the larger building displays agricultural characteristics, the applicant has not provided evidence demonstrating the planning status of the buildings or establishing that they are reasonably necessary for the operations of the farm. Their physical presence and apparent agricultural use are acknowledged however, these matters do, in themselves, establish that the building constitute an established group of farm buildings of the purposes of criterion (c).
58. The applicant has submitted legal representations, including reference to the Planning Appeals Commission decision 2022/A0027, contending that a

Certificate of Lawfulness of Existing Use or Development (CLUED) is not a prerequisite to demonstrating compliance with Policy COU10 criterion (c).

59. Officers note that the Planning Appeals Commission decision cited by the applicant (2022/A0027) concerned a retrospective application for the extraction of basalt within an existing quarry, together with the retention of associated operational development including processing plant, weighbridge, site offices, access roads, landscaping and site restoration works.
60. The appeal did not relate to a farm dwelling, nor did it involve consideration of the specific requirements of Policy COU10 criterion (c) concerning the siting of a farm dwelling and visual linkage or clustering with an established group of farm buildings. As such, whilst the Commissioner's comments regarding the assessment of evidence in the absence of a Lawful Development Certificate have been noted, officers consider that the factual circumstances and policy context of that appeal are materially different from those of the current application and therefore attach limited weight to it in determining compliance with Policy COU10 criterion (c).
61. It is acknowledged that the Commissioner, in that appeal, concluded that the assessment of a fall-back position did not necessarily depend upon the existence of a Lawful Development Certificate and that the evidence before him could instead be assessed. However, that decision does not establish that the mere physical presence of buildings, in the absence of planning permission or a statutory determination of lawfulness, is sufficient to satisfy a policy requirement requiring an established group of farm buildings.
62. Of particular relevance is Planning Appeals Commission decision 2022/A0161 which concerned a proposed dwelling associated with an equine farm business and was assessed against the requirements of former Policy CTY10 – Dwellings on Farms. At paragraph 6.18 of the decision the Commissioner considered whether an existing shed could form part of an established group of buildings and stated:

Policy CTY 10, criterion (c) requires that any new dwelling on a farm should be either visually linked or sited to cluster with an established group of buildings on the farm. Paragraph 5.41 of the justification and amplification of the policy advises that “to help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from the surrounding vantage points, it reads as being visually linked with those buildings”. Even if I had found there to be a bona fide equine business, there are two buildings associated with the appeal site; the shed and the dwelling (No. 3 Castle Meadows Drive). The Council has referred to a former appeal decision 2014/A0014. That case appears to consider the lawful status of buildings in that instance. However, the evidence

proffered in that appeal case is not before me. Nevertheless, the Council has advised that the shed does not appear to benefit from planning permission. Furthermore, no testimony or verification has been submitted by the Appellant, to confirm that the shed is lawful. Therefore, in the circumstances of this case, I cannot consider this building to be established. The policy advises that it will not be acceptable to position a new dwelling with buildings which are on a neighbouring farm holding. Thus, there remains only one building, the Appellant's own dwelling, which can be considered pursuant to criterion (c). Criterion (c) refers to a "group of buildings" (emphasis added) and there remains only a single lawful building, to visually link or cluster the proposed dwelling to. Consequently, there is no established group of farm buildings where the appeal site is located. Therefore, the first test of criterion (c) is not met.

63. Officers consider this decision to be directly relevant to the current application. Whilst historic aerial imagery indicates that the buildings relied upon have been physically present since approximately 2002, no planning permission, Certificate of Lawfulness or other evidence has been submitted to demonstrate their lawful status. Their longstanding physical presence and apparent agricultural use are noted however, having regard to the Commissioner's reasoning in appeal 2022/A0161, officers are not satisfied that the buildings have been demonstrated to constitute an established group of buildings for the purposes of Policy COU10 criterion (c).
64. It is the officer's judgement that the interpretation of criterion (c) is that the buildings relied upon to demonstrate compliance with the policy should be lawfully established. In this case, whilst the buildings are physically present, they do not benefit from planning permission and no CLUED has been submitted. Accordingly, officers are not satisfied that the applicant has demonstrated that the proposed dwelling would cluster with an established group of buildings on the farm and criterion (c) is not met.
65. Policy COU10 provides an exceptional provision whereby consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated that there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstratable health and safety reasons or verifiable plans to expand the farm business at the existing building groups. In this case, no evidence has been submitted to demonstrate that there are no other suitable sites available elsewhere on the farm or at an out farm. Furthermore, no demonstrable health and safety reasons supported by appropriate independent evidence has been provided, nor have verifiable plans for expansion of the farm business at an existing building group been provided. Accordingly, officers are not satisfied that the exceptional circumstances provided for within Policy COU10 have been demonstrated.

66. The applicant's Planning Statement contends that the exceptional provision does not apply because the proposed dwelling is intended to cluster with the two buildings identified on the farm. However, for the reasons set out above, officers are not satisfied that those buildings have been demonstrated to constitute an established group of buildings for the purposes of criterion (c). Consequently, in the absence of an established group of buildings with which the dwelling can appropriately cluster, the exceptional provision of Policy COU10 is relevant to the assessment and the applicant has not demonstrated that its requirements are met.
67. Access to the site is via the use of an existing access to a public road, which is noted as being altered. The dwelling would be accessed from the Moira Road by an in-situ laneway and so no concern is raised.

Integration and Design of Buildings in the Countryside

68. The proposed dwelling is set on the southern section of a large field on the eastern side of the Moira Road. It would be well screened from view from the Old Moira Road due to the large mature roadside trees which are present to the west of the site. There may be some short distance views of the dwelling from road users travelling along the Old Moira Road in a southerly direction where there is a break in the roadside vegetation to the access of the site. However, it is noted that the site lies at a lower level than the road (approximately 5 metre difference) and any views of the dwelling would be seen against the existing agricultural building directly southeast. The dwelling would also be well screened from longer range views along the Crewe Park Road and the Old Moira Road due to a combination of rising land levels and mature field boundary vegetation which screen the site from public vantage points. Taking the above into account, it is not considered that the dwelling would be a prominent feature in the landscape and criterion (a) is met.
69. The proposed dwelling would be sited beside an agricultural building and an outbuilding to the southeast of the site. However, for the reasons set out above at paragraphs 54-59 these buildings are not considered to be established as they do not benefit from planning permission or a CLUED. As such criterion (b) is not met as the dwelling would not be sited to cluster with an established group of buildings.
70. Existing boundary treatment along the southern and eastern field boundaries is considered to provide a suitable backdrop for a new dwelling to integrate into the landscape when viewed from public vantage points. Criterion (c) is met.
71. The field edge is defined by wooden fencing and hedgerow to the south, west and east. The northern boundary is undefined. The site layout and landscape plan show all existing hedgerow and trees are to be retained and augmented, and there will be new post and rail fencing with native species hedgerow and trees along the western and northern boundaries. It is thought that the in-situ buildings to the east, the existing and proposed planting, along with the tree belt to the east and west, will assist in integrating the dwelling into its surrounding

and provide a substantial degree of enclosure, therefore it will not primarily rely on the use of new landscaping for integration. Criteria (d) and (e) are met.

72. A full set of drawings has been submitted for assessment. The proposed dwelling is two storey in scale and is based around a relatively simple and compact principal form, with subordinate projections. It incorporates a hipped roof form and avoids an overly complex or fragmented footprint. The proposed dwelling is of a substantial scale however, having regard to the size of the site and the surrounding mature vegetation, the overall scale and massing are considered capable of being accommodated within the rural setting.
73. In considering the detailed design of the dwelling, regard has been had to the principles contained within Building on Tradition. Although the dwelling incorporates a number of projecting elements, these remain subordinate to the main two storey form and the dwelling retains a coherent overall design. The hipped roof provides a consistent roof profile across the dwelling, while the elevations incorporate vertically portioned windows openings which are generally regularly arranged and remain subordinate to the solid wall areas. The solid to void relationship is considered appropriate and avoids an excessively glazed or overtly contemporary appearance.
74. The proposed external materials comprise smooth render, natural stone, natural slate roofing and cream uPVC windows, doors and rainwater goods. The use of render, natural stone and slate provides a restrained palette of materials and in keeping with other dwellings in the vicinity of the site for example in line with the two dwellings approved under planning reference LA05/2021/0880/F which were currently under construction at the time of the site visit with one dwelling substantially complete.
75. The surrounding area does not exhibit one uniform architectural style or roof form. Nearby dwellings such as those mentioned above and at 7 Old Moira Road include large modern two storey dwellings with detached ancillary outbuildings, together with more traditional dwellings incorporating hipped or partially hipped roof forms respectively. The proposed two storey scale and hipped roof would therefore not introduce a form of development which is alien within the locality. The proposal is considered to sit comfortably within the varied built character evident in the surrounding area.
76. A single storey garage is also proposed with the application, and it will sit to the side of the dwelling. It can accommodate two vehicles, with double doors along the front elevation. This building follows a similar design to the main dwelling in terms of style and finishes and is thought to be an acceptable ancillary building within the curtilage of the site. Criterion (f) is met.
77. Ancillary works will be minimal as the proposal will utilise the existing laneway and there is an agricultural access into the field. It is also noted that there is unlikely to be a significant amount of cut and fill as the site where the dwelling is to be located is relatively flat. Accordingly, criterion (g) is met.

Rural Character and other Criteria

78. For the reasons discussed above at paragraph 68, the proposal would not be a prominent feature in the landscape. Criterion (a) is met.
79. As set out within paragraph 62-67 and 68, the proposed dwelling is not sited to cluster with an established group of buildings and therefore criteria (b) is not met.
80. It is considered that the proposal would respect the traditional pattern of settlement exhibited in the area, in that the proposed scheme adopts a pattern of dispersed rural dwellings and farm buildings. Criterion (c) is met.
81. The proposal is located approx. 1.46km from the nearest settlement limit of Glenavy and as such is not near the edge of the settlement limit and would not mar the distinction between a settlement and surrounding countryside, or otherwise result in urban sprawl. Criterion (d) is met.
82. For the reasons set out at paragraphs 70-75 it is considered that a dwelling here would not have an adverse impact on the rural character. Criterion (e) is met.
83. The closest neighbouring dwelling to the site is 7 Old Moira Road which is located approx. 180m to the west. Given this separation distance and the intervening mature vegetation and agricultural buildings it is not considered that the proposed dwelling would have an adverse impact upon any neighbouring dwelling. Criterion (f) is met.
84. In respect of criteria (g) and (h) all of the proposed services are to be provided underground or from existing overheads lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the necessary ancillary works should not harm the character of the area as they are already a feature of the landscape at this location. Criteria (g) and (h) are met.
85. This application proposes to alter an existing access onto the Moira Road which is a protected route. DfI Roads have been consulted on the details and raise no objection to the access arrangements. Ample parking and turning space is provided to the front of the dwelling and it is noted that the garage is of a scale to accommodate parking for two vehicles. As such, it is considered that access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic. Criterion (i) is met.

Access and Transport

86. The detail provided within the application and drawings illustrates that the scheme proposes to alter an existing access onto the Moira Road which is a protected route.
87. As per drawing no. 05/1 visibility splays of 2.4 metres by 151 metres are proposed in both directions. Parking is also available to the front of the dwelling

for three cars to enter, park and turn safely.

88. Given the scale of the development a Transport Assessment Form or Transport Assessment was not required for this application and DfL Roads in their response have not identified any concerns in relation to the principle of using this access. Based on a review of the information submitted with this application and advice from DfL Roads who have raised no objections it is considered that the proposed complies with Criterion a) of Policy TRA2 in that the proposal would not prejudice road safety or significantly inconvenience the flow of vehicles.
89. Criterion b) of Policy TRA2 requires that the proposal would not conflict with Policy TRA3 Access to Protected Routes. The Moira Road is identified as a Protected Route and the application proposes the alteration and intensification of an existing vehicular access onto that road. Policy TRA3 seeks to restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes. In relation to Other Protected Routes outside settlement limits, planning permission will only be granted in the circumstances specified by the policy.
90. In the case of a farm dwelling, Policy TRA3 provides that access must first be considered from an adjacent minor road. Only where access cannot reasonably be achieved from an adjacent minor road will a proposal be required to make use of an existing vehicular access onto the Protected Route. The policy therefore establishes a sequential approach, with access from an adjacent minor road to be considered before reliance is placed upon an existing access onto the Protected Route.
91. The proposal would utilise and alter an existing access onto the Moira Road. Whilst DfL Roads have raised no objection to the proposed access arrangements on road safety grounds, this relates to the requirements of Policy TRA2 and does not, in itself, demonstrate compliance with the separate policy requirements of Policy TRA3. The applicant has not submitted evidence demonstrating why access could not reasonably be achieved from an adjacent minor road, including nearby routes such as Carnkilly Road to the north, Old Moira Road to the east or Crewe Park Road to the south.
92. Furthermore, the exception contained within Policy TRA3 (ii) applies specifically to a farm dwelling or a dwelling serving an established commercial or industrial enterprise. For the reasons set out at paragraphs 48-67 above, officers are not satisfied that the proposal has demonstrated compliance with Policy COU10 and consequently it has not been demonstrated that the development constitutes an acceptable farm dwelling for the purposes of Policy TRA3(ii). The proposal therefore cannot rely upon that exception without first establishing the policy basis for the farm dwelling itself.
93. Therefore it has not been demonstrated that access cannot reasonably be achieved from an adjacent minor road, nor has the proposal demonstrated that it constitutes an acceptable farm dwelling under Policy COU10 capable of

benefiting from the exception provided by Policy TRA3(ii). Consequently, the proposal also conflicts with criterion (b) of Policy TRA2.

Natural Heritage

94. The application form requires confirmation as to whether the applicant or agent is aware of the presence of any species protected under the Wildlife (Northern Ireland) Order 1985 (as amended) on the application site. In this instance, the agent answered 'No'.
95. A Northern Ireland Biodiversity Checklist was submitted in support of the application. A number of responses within Parts 1 and 2 were identified as 'Yes', thereby triggering the requirement for Part 3 to be completed by a suitably qualified ecologist. Part 3 advises that an Ecology Statement and a Phase 1 Extended Ecology Survey has been prepared.
96. The Phase 1 Extended Ecology Survey concludes that, given the nature and location of the proposed development, there would be no significant impact on any sensitive ecological features present on the site.
97. NIEA Natural Environment Division have also been consulted on the application and on consideration of the proposal NED are content that there is unlikely to be a significant impact on protected and/or priority species and habitats, subject to recommended conditions which can be placed on any decision notice should the application be recommended for approval.
98. It is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage and protected species importance and as such, the policy requirements of policy NH2 and NH5 of Plan Strategy are met.

Waste Management

99. The information submitted with the application details the water supply will be from the main, the surface water will be disposed of via a soakaway and that a septic tank is proposed to deal with the foul sewerage.
100. DAERA Water Catchment Unit provided a response which to standing advice which would be included on any approval. When read in conjunction with the Environmental Health Unit response with no objection it is accepted that there is sufficient room in the site to accommodate a septic tank and soakaway subject to securing the requisite statutory approvals.
101. NI Water were also consulted as part of the processing of the application and offer no objection to the proposal.
102. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Wastewater.

Historic Environment and Archaeology

103. The site falls within the consultation zone of ANT059:071 – Rath. HED have been consulted on the application and make the following comment:

Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and Lisburn & Castlereagh City Councils LDP Plan Strategy archaeological policy requirements.

104. Officers have no reason to disagree with the advice of the statutory consultee, and it is considered that the development would not have a detrimental impact on the historic environment or archaeology.

Flooding

105. The Flood Maps (NI) indicates that the development does not lie within the 1 in 100-year fluvial flood plain including the most up to date allowance for climate change. DfI Rivers have reviewed the submitted Drainage and Flood Risk Supporting Statement, dated 22nd November 2024, and have no reasons to disagree with its conclusions. Given this, officers consider that FLD1 is satisfied.
106. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. There is an undesignated watercourse located approximately 2 meters adjacent to the eastern boundary of the site. DfI Rivers have been consulted on the details and advise that Site Layout drawing number 02/2 shows the development to be suitably distanced from the undesignated watercourse with the required maintenance strip in place. As such, it is considered that Policy FLD2 is satisfied.

Integrated Renewable Energy

Policy RE2 – Integrated Renewable Energy

107. A RE2 Statement has not been submitted with the application. However, it is noted that the proposed dwelling and associated works would be required to comply with all relevant Building Regulations performance standards, ensuring that the development meets modern expectations for energy efficiency. The walls, windows, and construction detailing would collectively enhance the dwelling's thermal performance.
108. Taking the above into account, the proposed development, through its energy-efficient design, and south facing orientation is considered to be consistent with the objectives of Policy RE2 and Paragraph 6.232 of the SPPS Edition 2.
109. All relevant policies have been considered.

Conclusions

110. For the reasons outlined above, the proposed development is recommended for refusal as it fails to satisfy the requirements of policies COU10, COU15, COU16, TRA2 and TRA3 of the Plan Strategy. Consequently, as the proposal is not one of the types of residential development acceptable in the countryside, it is also contrary to Policy COU1.

Recommendation

111. It is recommended that planning permission is refused.

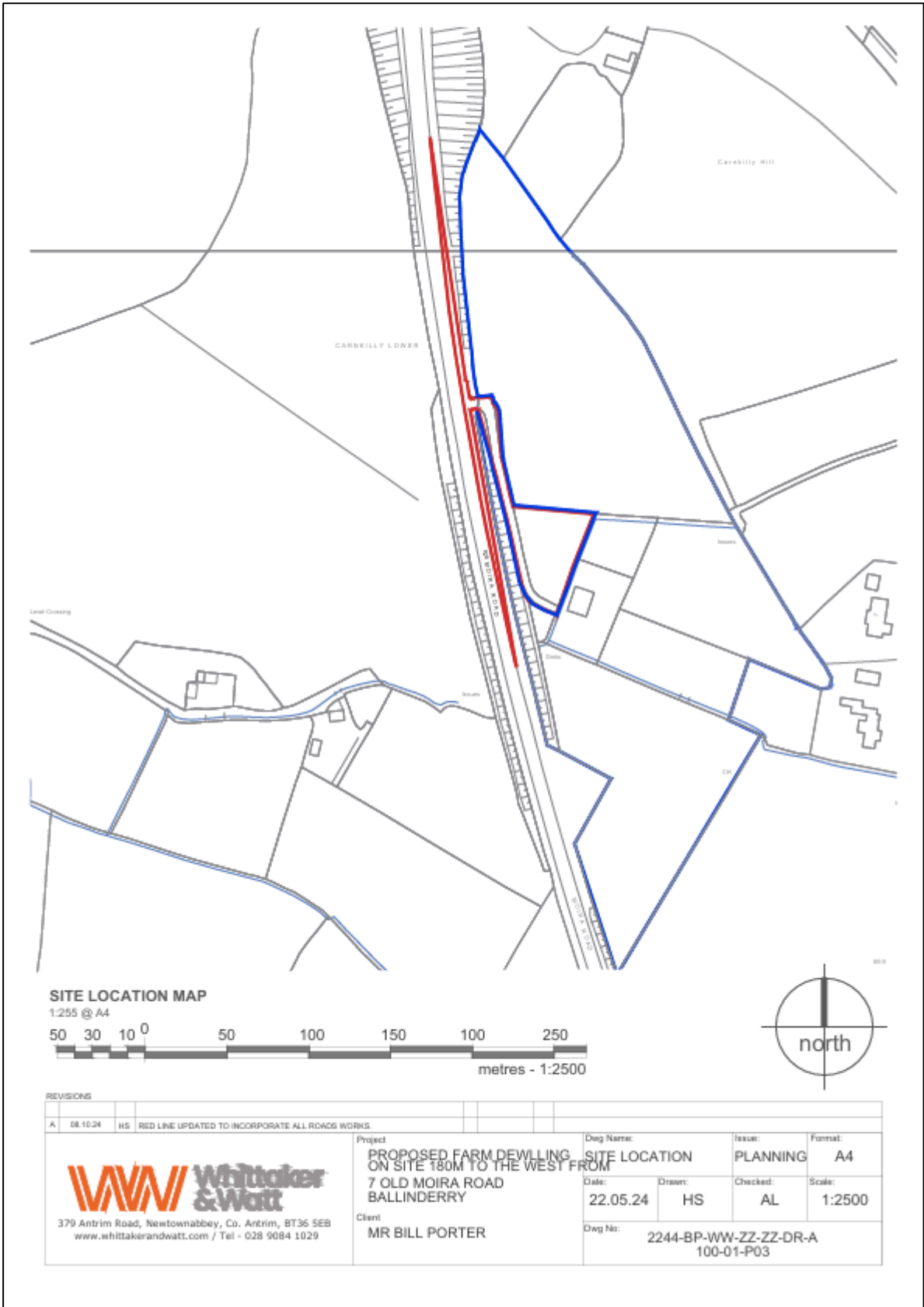
Reasons for Refusal

112. The following refusal reasons are recommended:

- The proposal is contrary to Policy COU1 of the Lisburn & Castlereagh City Council's Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
- The proposal is contrary to criterion (c) of Policy COU10 of the Lisburn & Castlereagh City Council's Plan Strategy, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and that health and safety reasons exist to justify an alternative site, or verifiable plans exist to expand the farm business to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
- The proposal is contrary to criterion (b) Policy COU15 of the Lisburn & Castlereagh City Council's Plan Strategy, in that the proposed dwelling is not sited to cluster with an established group of buildings.
- The proposal is contrary to criterion (b) Policy COU16 of the Lisburn & Castlereagh City Council's Plan Strategy, in that the proposed dwelling is not sited to cluster with an established group of buildings.
- The proposal is contrary to Policy TRA2 b) of the Lisburn & Castlereagh City Council Plan Strategy in that it has not been demonstrated that the proposal would not conflict with Policy TRA3 Access to Protected Routes.

- The proposal is contrary to criterion (ii) of Policy TRA3 of the Lisburn & Castlereagh City Council Plan Strategy in that it has not been demonstrated that access to the site cannot be reasonably achieved from an adjacent minor road and the proposal has not been demonstrated to constitute an acceptable farm dwelling capable of benefiting from the relevant exception for access to a Protected Route.

Site Location Plan – LA05/2024/0483/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	05 October 2026
Committee Interest	Council Interest
Application Reference	LA05/2026/0560/F
Date of Application	06 July 2026
Proposal Description	Amendment to approved application LA05/2025/0798/F for the provision of an emergency and maintenance vehicular entrance onto Church Road
Location	Carryduff Primary School, Killynure Road, Belfast, BT8 8EE
Representations	None
Case Officer	Helen McGuinness
Recommendation	Approval

Summary of Recommendation

1. The application has been referred to the Planning Committee for determination in accordance with the Protocol for the Operation of the Planning Committee as the application has been submitted by the Council and therefore has an interest in the proposal.
2. The previous application for a new synthetic sports pitch is amended to allow a vehicular entrance onto Church Road for the purpose of emergency access and for maintenance.
3. The proposed development which is comprised of the provision of dropped kerbs on Church Road, the insertion of two sets of gates and the laying of a bitmac surface satisfies the requirements of policy TRA2 of the Plan Strategy and will not prejudice road safety or significantly inconvenience the flow of vehicles.
4. The proposal complies with policies NH2 and NH5 of the Plan Strategy as it has been demonstrated that the development will not harm protected or priority species or result in the unacceptable adverse impact on or damage to known priority habitats or features of natural heritage importance.

Description of Site and Surroundings

Site

5. The site lies within the grounds of Carryduff Primary School, and the land is currently in use as a grass sports pitch.
6. The site can be accessed via the school entrance along Killynure Road to the east. An additional access was noted to the northwest corner of the site via Church Road.
7. The site topography is relatively level throughout.
8. During the site inspection, the boundaries are noted as follows:
 - North- mature treeline and metal fencing
 - West- metal fencing
 - South- undefined, bordering existing mobile school units
 - East- undefined

Surroundings

9. The surrounding area is mixed in use along Church Road with Carryduff Presbyterian Church opposite and the nearby Library and shopping centre. Residential properties are located to the southeast of the site, beyond the school grounds.

Proposed Development

10. Full planning permission is sought for an amendment to approval application (LA05/2025/0798/F) for the provision of an Emergency and Maintenance vehicular entrance onto Church Road. It is noted that there are minor changes to boundary treatment and landscaping to accommodate the access.
11. The application is also supported by a:
 - Biodiversity Checklist and accompanying Ecological Statement (MCL Consulting) September 2025
 - Drainage Assessment (ADD Consulting) December 2025
 - Tree Survey Report (January 2026)

Relevant Planning History

12. The relevant planning history associated with the site is listed below:

Reference Number	Description	Location	Decision

LA05/2025/0798/F	New synthetic sports pitch to include 6m high ball stop fencing, 15m high floodlighting columns with floodlights and new pedestrian entrance onto Church Road.	Carryduff Primary School, Killynure Road, Belfast, BT8 8EE	Permission Granted 24/03/2026
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Consultations

13. The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objection
DFI Roads	No objection
DFI Rivers	No objection
LCCC Tree Officer	No objection
NI Water	No objection

Representations

14. None received

Local Development Plan

15. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

16. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption, the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

17. In accordance with the transitional arrangements, the development plan is the Plan Strategy and Carryduff Local Plan. Draft BMAP remains a material consideration.
18. The site is situated within the Settlement Development Limit of Carryduff in the Carryduff Local Plan. This remains unchanged in draft BMAP. No other designation applies to the site.
19. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

20. Strategic Policy 06 Protecting and Enhancing the Environment states:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

21. The following operational policies in Part 2 of the Plan Strategy apply.

Access and Transport

22. The proposal involves the construction of a new vehicular access onto a public road.
23. Policy TRA2 Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Natural Heritage

24. The proposal details the removal and replanting of trees on the site. A biodiversity checklist and ecological statement were submitted with the application.
25. Policy NH2 Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and*
- b) it is required for imperative reasons of overriding public interest; and*
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species, and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

26. It is further stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance 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:

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*
- f) features of the landscape which are of major importance for wild flora and fauna*
- g) rare or threatened native species*
- h) wetlands (includes river corridors)*
- i) other natural heritage features worthy of protection.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Regional Policy and Guidance

Regional Policy

27. The SPPS Edition 2 was published in December 2025. It is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

28. It is stated a paragraph 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

29. The operational policies in Part 2 of the Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
30. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.
31. It states that:

...the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.
32. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities 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 demonstrable harm to interests of acknowledged importance
33. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
34. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.
35. Paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.
36. Paragraph 6.182 of the SPPS further states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.
37. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

Assessment

New Access onto a Public Road

38. The proposal seeks permission for a vehicular access to Church Road for emergency access and maintenance and includes a dropped kerb, new entrance and visibility splays of 2.40 metres by 43 metres in both directions. At the back of the public footpath is a pair of entrance gates with a small area of hardstanding measuring approximately 29 square metres behind. A second pair of gates are proposed in the boundary fence to the playing field.
39. A consultation response returned from DfI Roads confirms no objection to the proposed development on the grounds of road safety or traffic impact.
40. As the proposed access will be for emergency and maintenance vehicles only it will be used infrequently and unlikely to conflict with pedestrian and road users. Access is controlled by two set of gates which can be kept locked when the entrance is not in use. The hardstanding can only accommodate one vehicle.
41. The previous approval for a playing field is not altered other than to insert a pair of gates in the boundary fence and there is no loss of open space that requires further assessment.
42. As such, it is considered having regard to the advice of DfI Roads and the form and nature of the proposed development that it will not prejudice road safety or significantly inconvenience the flow of vehicles. Criteria a) of TRA2 has been met.

Natural Heritage

NH2 Species Protected by Law

NH5 Habitats, Species or Features of Natural Heritage Importance

43. The proposed development is linked to an earlier application that required 10 Poplar trees to be retained with crown spread reduction and the removal of four others. It is now proposed to remove all the Poplars and replace them with six hornbeams. The proposed replanting will not follow the existing spacing as room is required for the insertion of new hardstanding and two sets of gates.

Hornbeams are better suited to an urban location adjacent to a synthetic pitch and the planting over time will contribute to the landscape setting.

44. A biodiversity checklist has been submitted as part of this application along with an accompanying ecological statement prepared by MCL Consulting which states the following:

Habitats and Flora

The site red line boundary consists solely of amenity grassland in the form of an existing sports pitch, with a small area of hardstanding in the form of access road within the school grounds. Several species were identified within the grassland including dandelion, creeping buttercup, common daisy, white clover and bramble. A treeline of mature poplar trees also runs along the Northern and Eastern boundary of the site.

Protected and Notable Species

*A systematic search was carried out for evidence of site potential, and up to 30m beyond, to support protected mammal species such as badger (*Meles meles*), bats (*Chiroptera spp.*), otter (*Lutra lutra*), pine martin (*Martes martes*) and red squirrel (*Sciurus vulgaris*). Other protected species included within the search are smooth newt (*Lissotriton vulgaris*), common lizard (*Zootoca vivipara*) breeding and nesting birds, Lepidoptera species and listed plant species.*

There was no evidence of protected or notable species of plants or animals found on site at the time of survey.

Birds

Trees, hedgerows, and scrub are of importance to breeding and nesting birds. Removal/trimming of hedgerows, trees and scrub during the breeding season will negatively impact nesting birds. This is in direct violation of Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence. Should any tree felling, hedgerow removal and/or scrub clearance be required, it should be kept to a minimum and undertaken outside of the breeding season (1st March – 31st August).

45. The trees to be felled are not protected by a tree preservation order. No impact on any species protected by law or any natural heritage feature is identified as a result of the trees being felled.
46. It is considered based on a review of the submitted information that the policy requirements of NH2 and NH5 are met, and the proposal will not likely harm any protected species or result in the unacceptable adverse impact on or damage to known priority habitats, species or features of natural heritage importance.

Consideration of Representations

47. None are submitted that require assessment

Conclusions and Recommendation

48. For the reasons outlined above, the recommendation is to approve planning permission as the proposal is in accordance with the requirements of policies detailed in the preceding paragraphs of the report.

Conditions

49. The following conditions are recommended:

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 vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03b, published on the Planning Portal on the 23 September 2026, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, 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.

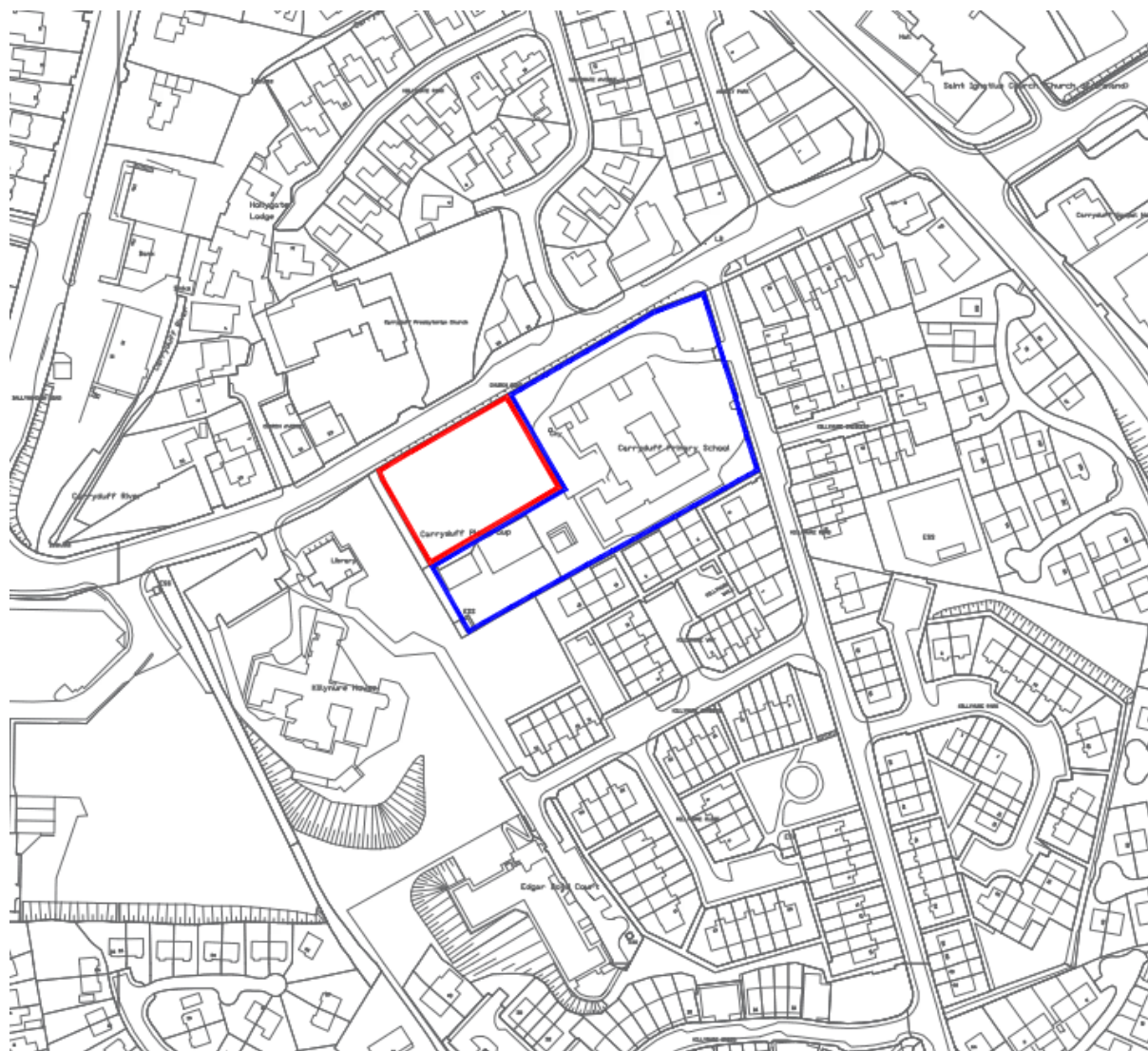
4. The planting shall be carried out in accordance with the approved plan Drawing No. 03B published to the portal on 23 September 2026 and the appropriate British Standard or other recognised Codes of Practice. The planting shall be carried out within the first planting season after the access is operational.

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

5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or

becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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



Committee:	Planning Committee
Date:	5 October 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – August 2026

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (see Appendix) summarising the position for each indicator for the month of August 2026.
2. This data is unvalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.
3. Members will note that the performance against the statutory target for local applications for August 2026 was 23 weeks. The smaller number of applications processed in August is reflective of a number of leave commitments, but the Unit remains on target to have an annual processing time of less than 20 weeks for this financial year.
4. There also remains a focus on reducing the number of older applications as this is retained as a performance improvement objective for the Council.
5. Members will note that there was no opportunity to perform against the statutory target for major applications for August 2026. Our performance in year to date remains 116.3 weeks.
6. While the average processing times for major applications increased in the first quarter this reflects the fact that four older applications were issued. Only one new major application was received in the same period.

	7. Enforcement is reported separately on a quarterly basis but for completeness Members are advised that the Council remains on target to achieve the statutory target of processing 70% of cases within 39 weeks. In August 66.7% of cases were decided in 39 weeks.	
2.0	<u>Recommendation</u> It is recommended that the Committee notes the information in relation to the August 2026 Statutory Performance Indicators.	
3.0	<u>Finance and Resource Implications</u> There are no finance or resource implications.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report outlining progress against statutory targets and RNIA is not required. .	

Appendices:	Appendix 2 – Statutory Performance Indicators – August 2026
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Statutory targets monthly update - August 2026 (unvalidated management information)
Lisburn and Castlereagh

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	0	-	-	87	51	16.0	47.1%	28	16	27.7	87.5%
May	0	2	111.0	0.0%	65	52	18.3	46.2%	19	14	19.8	85.7%
June	0	2	129.7	0.0%	61	77	20.4	44.2%	27	16	25.0	87.5%
July	0	0	-	-	41	64	13.3	54.7%	25	14	40.5	71.4%
August	0	0	-	-	50	49	23.0	26.5%	31	6	62.0	66.7%
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	1	4	116.3	0.0%	304	293	18.4	44.4%	130	66	25.1	81.8%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	5 October 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal against Enforcement Notice (LA05/2025/0139/CA)

1.0	<u>Background</u> 1. An enforcement notice for an alleged unauthorised side extension to building outdoor seating area and removal of car parking spaces; erection of a shed, container and refrigeration unit to the rear of the building and change of use of the building from pizza takeaway to restaurant on land at Cell Block Grill, Unit 1, 21 Maghaberry Road, Antrim was served on 25 February 2026. 2. Notification that an appeal had been lodged with the Planning Appeals Commission that the notice was appealed on grounds (d), (e) and (f) of Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). 3. The procedure followed in this instance was by informal hearing which took place on 21 July 2026. At the hearing the appellants withdrew grounds (d) and (e) and only the ground (f) appeal was pursued. 4. Members should further note the appellants did not appeal the notices on the ground (a) which would have dealt with the issue of whether planning permission could be granted retrospectively for the development. 5. In a decision received on 3 September 2026 the Commission confirmed that the appeal on ground (f) failed, and the enforcement notice was upheld and Part 4 varied to read – ‘Cease unauthorised restaurant/bar use within 60 days of the date this notice takes effect’. <u>Key Issues</u> 1. A preliminary matter was raised that the notice did not cover all the grounds of the appeal and the dates provided by all parties in relation to the operations. The Council advised it had no means to clearly ascertain when the change of use took place and the notice was constructed on the basis of what was known at the time it was issued. 2. Section 144(2) of the Act allows the Commission to correct any misdescription, defect or error in an enforcement notice, if it is satisfied that any correction can be made without injustice to the appellant or to the Council. The scope of any pending application is not a matter for the Commission in the appeal it confines itself to the breach as described in the notice. The Commissioner was satisfied that she could proceed with the hearing on the basis of the information available.
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3. Ground (f) describes the steps required by the notice to be taken to remedy the alleged breach of planning or to remedy any injury to amenity which has been caused by the alleged breach. The question for consideration by the Commissioner was one of whether the remedy in the notice placed too onerous a burden on the appellant.
4. The Commissioner agreed that the removal of the side extension was the only way to prevent the harm to the amenity of nearby residents. Ground (f) failed in respect of the side extension.
5. The Commissioner did however consider the last use of the unit was a pizza takeaway, and it was excessive and unduly onerous as the breach can be fully remedied by the restaurant ceasing to operate. On this basis ground (f) was varied to remove the words 'restore to pizza takeaway' from the notice.
6. Whilst planning enforcement remains a delegated function it is useful for Members to be kept apprised of the types of enforcement work officers are involved in.

2.0 **Recommendation**

It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.

3.0 **Finance and Resource Implications**

No cost claim was lodged by any party in this instance.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:

Appendix 3 – Enforcement Notice Decision – LA05/2025/0139/CA



4th Floor
92 Ann Street
Belfast
BT1 3HH

Phone: 028 908981055 (direct line)
Phone: 028 9024 4710 (switchboard)
Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

Lisburn & Castlereagh City Council
Local Planning Office

By Email

Our reference: **2025/E0081**
Authority
reference: **EN/LA05/2025/0139/CA**
3rd September 2026

Dear Sir / Madam

Re:

Appellant name: Mr. Kenneth Parker

Mr. Gareth Dick

Description: Alleged unauthorised side extension to building; outdoor seating area and removal of car parking spaces; erection of a shed, container and refrigeration unit to the rear of the building and change of use of the building from pizza takeaway to restaurant

Location: Land at Cell Block Grill, Unit 1, 21 Maghaberry Road, Antrim, BT67 0JF

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Robert Reilly
PACWAC Admin Team



Enforcement Appeal Decision

4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference:	2025/E0081
Appeal by:	Kenneth Parker and Gareth Dick
Appeal against:	An enforcement notice dated 25 th February 2026
Alleged Breach of Planning Control:	Unauthorised side extension to building; outdoor seating area and removal of car parking spaces; erection of a shed, container and refrigeration unit to the rear of the building and change of use of the building from pizza takeaway to restaurant.
Location:	Land at Cell Block Grill, Unit 1 21 Maghaberry Road, Antrim
Planning Authority:	Lisburn and Castlereagh City Council
Authority's Reference:	EN/LA05/2025/0139/CA
Procedure:	Informal Hearing on 21 st July 2026
Decision by:	Commissioner Carrie McDonagh, dated 3 rd September 2026

Grounds of Appeal

1. The appeal was brought on grounds (e), (d) and (f) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). The appellant subsequently withdrew grounds (e) and (d) at the hearing. The appellant has not appealed on ground (a) nor paid the relevant fee for a deemed application. Therefore, there is no retrospective planning application to enable me to consider policy related arguments including those related to residential amenity, the planning merits or economic considerations. This decision is issued in respect of ground (f) only.

The Notice

2. The enforcement notice (the notice) relates to Cell Block Grill, a restaurant located in Unit 1, an end unit within a block of single storey commercial units, with shared hard surface parking to the front and a communal service yard to the rear. Its front elevations comprise a dual front window and door arrangement. This is consistent with the third-party objector's references to units 1A and 1B having merged to operate as the Cell Block Grill business and accordingly, they argue their amalgamation should be included in the notice and the appellant's retrospective planning application dated 29th March 2026 for '*Retrospective Change of Use from Pizzeria takeaway and Chip Shop to Restaurant and retention of single-story side extension, outbuildings, extraction systems and outdoor seating area to front adjacent to parking area. (Amended Proposal and Plans)*' (The pending application LA05/2026/0214/F).

3. A third-party objector also considered the grey coloured storage structure, seen in the Council's photographs dated 23rd September 2025 to the rear of the side extension to be a further omission.
4. In respect of the notice, the Council did not seek the inclusion of either the amalgamation of the units or the grey storage structure. At the hearing, they advised that the alleged change of use from pizza takeaway to restaurant relates only to the restaurant seating and bar area (eastern section of the Cell Block Grill premises). That area was approved retrospectively under application LA05/2021/0140/F of 21st January 2021 for "*retention of change of use from butchers shop to hot food pizza take away*". The Council witness stated that at the date of their site visit on 23 September 2025, the western section of the premises, now used as the kitchen/take-away collection area, was operational as a chip shop/take-away. Based on google Streetview images provided they determined that use for preparation of food had been ongoing since at least 2012 (under the livery of 'Fridays') and thus it was excluded from the alleged breach.
5. At the hearing, all other parties provided conflicting timeframes for the units' merger via two internal openings, one at the servery and a second to the rear of the kitchen to a single premises, with the latest date, cited by a third-party supporter as 17th January 2026 prior to the notice dated 25 February 2026. The Council advised that they had no means to ascertain if the chip shop/take away remained a separate unit at that time of notice, as no return visit was undertaken prior to its issue.
6. Section 144(2) of the Act allows the Commission to correct any misdescription, defect or error in an enforcement notice, or vary its terms if it is satisfied that the correction or variation can be made without injustice to the Appellant or to the Council. It would be prejudicial to the appellant to vary the notice to include additional operational works comprising of the amalgamation of units or the erection of a storage area.
7. The scope or description of the pending application is not a matter for the Commission in this appeal. The matters under consideration relate only to the breach as described in the notice.

Preliminary Matters

8. At the hearing the appellant raised their dissatisfaction about not being provided with an opportunity to address the amenity concerns via the pending planning application prior to the issue of the notice. It was questioned whether it was expedient to proceed with the hearing because they were concerned that it could pre-determine the outcome of the planning application currently under consideration. The appellant also implied that all the information necessary to resolve the outstanding concerns of the Council and third parties had now been submitted.
9. Section 138 (1) of the Act states that an enforcement notice may be issued where it appears to the council
 - (a) that there has been a breach of planning control in relation to any land in its district; and
 - (b) that it is expedient to issue the notice, having regard to the provisions of the local development plan and to any other material considerations

10. As per Section 138 of the Act the expediency of enforcement action is for the Council to consider within their decision-making process and is not a matter for determination by the Commission.
11. Whilst the determination of the pending application remains outstanding, the notice stands independent of such a determination. Enforcement action is stayed by the submission of an appeal, and it is usual practice that a hearing proceeds regardless of the receipt of a planning application. There is no ground (g) appeal seeking to extend the period for compliance to allow for the pending application to be determined. Should that application be subsequently approved by the Council, the provisions of Section 148 of the Act, which relates to the effect of planning permission on an enforcement notice will apply.
12. Licensing matters raised by third parties are also outside of the remit of this appeal.

Ground (f) - The steps required by the notice to be taken exceed what is necessary to remedy the alleged breach of planning or to remedy any injury to amenity which has been caused by the alleged breach

13. The notice relates to both unauthorised operational development and a change of use to a restaurant. Section 140 (3) of the Act requires that the notice specify the steps required to be taken or the activities required to cease in order to achieve, wholly or partly certain stated purposes.
14. The question for consideration is whether the steps are necessary to remedy the injury to amenity caused by the side extension as erected (line 1), the seating area (line 2), the rear shipping container (line 3) and the use as a restaurant/bar (line 4) or if those breaches could be remedied by steps less onerous than those specified in the notice at Part 4.

Side Extension

15. The appellant argues that the demolition of the side extension is excessive because it is a visual improvement over what was previously an area of overgrown and unused land as confirmed by their survey prior to their purported restaurant licencing application in Autumn 2024 and their building control application Ref: FP/2024/1874 (completion certificate issued December 2024). He also argues that the operational hours are less than another take-away in the row and mitigation measures proposed within a recently submitted noise assessment resolves the the noise concerns raised in the Environmental Health Officer's (EHO) 2026 correspondence and referred to the installation of new ventilation equipment to the rear of the premises to mitigate odours from the kitchen exhaust systems. A third-party supported the position that the business is trying to alleviate the amenity concerns, including the cessation of patrons using the side extension late at night and replacement of two ventilation systems with a single energy efficient system at financial cost to the business.
16. The Council refer to the restaurant and side extension seating up to 76 patrons, arguing the introduction of this increased scale of dining would pose a potentially greater impact on the amenity of the area than patrons taking food away from the premises. They advised that the EHO has not had time to assess the acoustic information submitted in context of their residential amenity concerns.

17. The third-party objectors, both of whom are long term residents of Glenview, which is located to the rear of the premises, are the nearest residential receptors. As they are not aware of the design measures recently proposed to address noise out spill from storage containers or patrons using the side extension, or the proposed attenuation to mechanical ventilation fans, they reject the appellant's claims that odour and noise have been satisfactorily addressed. They refer to the appeal development having an intolerable impact on their family and work life including adverse odour, especially in their back bedrooms and back gardens and 'unbearable noise situations' when roof ventilation fans were left on all night and dispute that late night events have ceased permanently.
18. The flat roof side extension, accessed internally via a single doorway has been constructed in thermally broken black coloured aluminium curtain wall, with sliding doors on the front and side elevations. The physical layout envisages that the sliding doors can be left open to the outside, thus they create a potential source of noise out-spill from patrons. Ventilation fans are mounted to the rear of the premises. Behind the restaurant is the rear service yard, it contains the blue shipping container separated from the rear garden of dwellings at Glenview by a low wall with sections of short wooden panel fencing. Their rear gardens are short, with a typical arrangement including sitting out areas leading from rear doors and upper floor bedroom windows which look directly onto the service yard.
19. There was debate as to whether the appeal premises and its ventilation are the offending noise source when there is similar equipment on a Chinese takeaway premises in the same building row. However, given the relationship between the third-party properties and the appeal development, the lack of any existing noise attenuation measures, such as an acoustic fence and the timing of complaints which coincide with the opening of the restaurant and comments from EHO, I am satisfied that the appellants business is the source of third-party complaints.
20. Ground (f) cannot grant planning permission nor be used to argue planning merits or otherwise in the absence of a ground (a) appeal hence those matters are not before me. Regardless of the condition of the land on which the side extension was built, it nevertheless constitutes operational development that is a breach of planning control. The side extension is clearly a seating area for the restaurant and its use as such is a source of noise complaints. The removal of the side extension is the only way to prevent the harm to the amenity of nearby residents. Ground (f) fails in respect of the side extension.

Outdoor Seating Area

21. The appellant does not seek to retain the three wooden benches to the front of the side extension; their argument relates only to the required reinstatement of the land underneath to car parking based on the claim it was previously waste ground. The third-party supporter argues that the single parking space is not needed as there has always been ample parking and referred to the position of the adjacent pavement extending from the Maghaberry Road as evidence that difficulty with vehicle manoeuvring prevented parking at the eastern boundary.
22. The Council and the third-party objectors stated that, whilst not formally laid out with white lining prior to re-surfacing works in May 2025, the Streetview image dated June 2023, shows the area tarmacked in the same manner as the rest of the car park for the row, with a white car parked in this area prior to the current

business becoming operational and thus it has always been used and needed for car parking for all the businesses.

23. The appellant's argument does not correspond with the existing plans associated with their planning application currently under consideration, which shows customer car-parking where the picnic tables are currently positioned. Combined with the 2023 Streetview image, regardless of when it was white lined, which was before the benches were installed as confirmed by the September 2025 photographs, I consider it was in use as car parking prior to the breach thus the requirement to restore the parking space is therefore not excessive. Ground (f) fails in respect of the restoration of the parking space.

Shipping Container

24. In terms of the removal of the shipping container (blue coloured) along the eastern boundary, the appellant argued that it is essential to the business and the land on which it sits is not needed for any other purpose, recollecting it as an overgrown/unused fenced off area as per their existing site plan for the pending application. However, the Council and third-party objectors argue it was always part of the rear service yard. Whilst unable to direct me to any approved drawings that demonstrate the extent of the approved service yard, they refer to the site boundary and continuation of the service yard's surface colour beyond the rear of the premises in the google earth aerial imagery of 1st October 2024 and emphasised the concrete surface under the container as per the Council's 2025 photographs. Combined with my observations of the boundary position, I am satisfied that this area formed part of the service yard when the container was placed there.
25. A third-party objector refers to visual intrusion and noise disruption, in particular from the door banging due to the container's location half a metre from their rear boundary and protruding above their patio fencing, requiring the erection of wooden trellis panels in their garden.
26. I was given no persuasive evidence that the shipping container is necessary at this location or why the fridges/freezers and preparation counter/equipment storage found inside could not be placed within the premises. This appears a temporary overflow situation. As such, and given its impact on residential amenity its removal is not excessive. Ground (f) fails in respect of the removal of the shipping container.

Change of Use to Restaurant

27. The appellant accepted the third-party recollections that the previous pizza takeaway only contained a few stools, which did not constitute an incidental sit in area. The appellant however argued the requirement to cease the unauthorised restaurant/bar use is sufficient to remedy the change of use and as the unit was previously vacant, the requirement to '*restore to previous pizza takeaway*' is an unnecessary restriction due to the financial cost of reinstatement to a specific type of takeaway, with no guarantee the unit would be leased after such works. The third-party supporter argued that closing down a successful business just so it can reopen as a pizza takeaway is not in the public interest.
28. The Council argued that the use of the site should revert to the established use and operations that benefit from the permission LA05/2021/0140/F and are

controlled by conditions relating to suitable filtration and extraction systems, installation of a fat and grease trap and minimum flue distance of 20 metres to protect the amenity of neighbouring dwellings with respect to odour. However, the steps set out at Part 4 of the notice do not require that the unit operate in line with previous conditions, only that the use as a previous pizza takeaway is restored. The Council requested, at the hearing the addition of “*as approved in line with the conditions set out within the permission LA05/2021/0140/F*”.

29. Notwithstanding my on-site observations indicate differences between the locations of the existing installed equipment and that required by the original planning conditions and as illustrated in drawing 02, the planning merits, including whether there has been any material change in circumstances in relation to any conditions imposed by the EHO on a previous planning permission may only be considered pursuant to ground (a). This ground of appeal is narrowly concerned with whether the steps specified exceed what is necessary to remedy the breach of planning control. In these circumstances, I am bound by the limitations of the Act and cannot make the notice more onerous.
30. I have not been directed to any evidence to contradict the position of the appellant and third-party supporter that the ‘Maghaberry pizza’ unit, seen with closed shutters in the Council enforcement report and Google streetview image of June 2023 was vacant prior to their acquisition and construction work to the restaurant premises. Accordingly, the restoration to ‘previous pizza takeaway’ exceeds what is necessary to remedy the breach. Mindful that any such restoration via the notice would be uncontrolled as set out above, the breach can be fully remedied by the restaurant ceasing to operate. In any event, the pizza takeaway remains the last lawful use and the appellant can revert to that extant permission subject to its conditions, should he so desire. On this basis, ground (f) succeeds in respect of the restoration of the use as a previous pizza takeaway. The words ‘*and to restore to previous pizza takeaway*’ are removed from Part 4.

Decision

The decision is as follows: -

- The appeal on ground (f) fails in respect of the removal of the side extension, the restoration to car parking space and the removal of the shipping container.
- Ground (f) succeeds in respect of the requirement ‘*and restore to previous pizza takeaway*’ and the last sentence in Part 4 is varied to read ‘*Cease unauthorised restaurant/bar use within 60 days of the date this notice takes effect*’.
- The Enforcement Notice is upheld as varied at Part 4.

COMMISSIONER CARRIE MCDONAGH

List of Documents

Planning Authority: -	Statement of Case by Lisburn and Castlereagh City Council
Third Parties: -	Statement of Case by Mr G Young Statement of Case by Mr & Mrs Smith Statement of Case by Mr N Cromie

List of Appearances

Planning Authority: -	Caolan Beck, Lisburn and Castlereagh City Council Cara Breen, Lisburn and Castlereagh City Council
Appellant: -	Brian Crawford, BC Architecture
Third Parties: -	Mr G Young (local resident) Mr & Mrs Smith (local resident) Mr N Cromie (local resident)

Committee:	Planning Committee
Date:	5 October 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Notification by telecommunication operator(s) of intention to utilise permitted development rights.

1.0	<u>Background</u> 1. The Council is notified by Openreach of their intention to utilise permitted development rights to install communications apparatus at two locations within the Council area. 2. The works consist of the installation of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <u>Key Issues</u> 1. The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. 2. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on Decision Time to assist Members in understanding the scope and nature of the proposed works. 3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified.
2.0	<u>Recommendation</u> It is recommended that Members note the detail of the notifications specific to the sites identified.
3.0	<u>Finance and Resource Implications</u> There are no finance or resource implications.

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 4 – Notification from an Operator in respect of intention to utilise permitted development rights
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**List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
October Planning Committee**

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Openreach	BT	17 Edenturcher Road, Glenavy	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	13/08/2026
2.	Openreach	BT	32 Mosside Road, Dunmurry	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	14/08/2026
3.					
4.					

Committee:	Planning Committee
Date:	5 October 2026
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Committee for Infrastructure – Call for Evidence on a Proposed Tree Protection Bill

1.0

Background

1. The Committee for Infrastructure is seeking views on the Tree Protection Bill (**see Appendices**). Should the Bill proceed to Committee Stage, this evidence will help inform the Committee's detailed consideration.
2. The consultation identifies that the Bill sets out to:
 - Amend and strengthen primary legislation to provide enhanced legal protection for Northern Ireland's oldest and most significant trees and woodlands.
 - Reform the Tree Preservation Order (TPO) system to align with practice in England, Scotland and Wales by closing loopholes, ensuring consistent enforcement across local authorities and broadening designation criteria to reflect the full environmental, social and health benefits of trees.
 - Ensure legislative protections reflect the modern understanding of the role trees play in climate resilience and public health.
 - Protect ancient and long-established woodland by introducing enforceable safeguards against development, recognising these habitats as irreplaceable.

Key Issues

1. The Bill argues that Northern Ireland's current tree protection framework is weaker than elsewhere in the UK and is failing to adequately protect important trees and woodlands. Key concerns include:
 - Enforcement of Tree Preservation Orders (TPO's)
 - Continued loss of ancient and long-established woodland to development
 - Lack of specific legal protection for ancient trees
 - Poor monitoring and replacement of illegally felled trees
 - Limited public access to information about protected trees
 - Inconsistent implementation of tree protection measures across Councils.
2. Officers recognise the importance of protecting significant trees and woodlands and supports effective measures to prevent their unlawful removal or damage.
3. The Council has existing powers to protect selected trees or woodland if their removal is likely to have significant impact on the local environment and its enjoyment by the public.

	4. Officers note that this Bill, as drafted would considerably extend the existing statutory framework for tree protection and place substantial new duties on Councils without corresponding resources or funding. 5. A separate report to the Regeneration and Growth committee will set out recommendations on how the Council should respond to the Bill.	
2.0	<u>Recommendation</u> It is recommended that the Committee notes that a private Members bill is being brought forward and that a draft response is being considered by the Regeneration and Growth Committee.	
3.0	<u>Finance and Resource Implications</u> There is no resource implications attached to this report.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report for noting and an EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report for noting and an EQIA is not required.	

Appendices:	Appendix 5a – Tree Protection Bill (Private Members Bill) Appendix 5b – Explanatory and Financial Memorandum Appendix 5c – Draft Council Response (for separate agreement at the Regeneration and Growth Committee)
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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

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2. Provisional tree preservation orders
3. Penalties for contravention of tree preservation orders

Replacement of trees

4. Replacement of trees
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SUPPLEMENTARY PROVISIONS

13. Interpretation: general
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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”.

 (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
10 damage or wilful destruction of trees,”.

 (4) After subsection (1) insert—

 “(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
15 preservation order in respect of any tree which is an ancient tree.

 (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
20 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.”.

20

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.

(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.

(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”.

(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—

(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.

(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

(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

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).

(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;

“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

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;

“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—

“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

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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For more information please contact:

Northern Ireland Assembly
 Parliament Buildings
 Ballymiscaw
 Stormont
 Belfast BT4 3XX

Telephone: 028 90 521137
 Textphone: 028 90 521209
 E-mail: info@niassembly.gov.uk

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](#)

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

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.”



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For more information please contact:

Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90 521137
Textphone: 028 90 521209

E-mail: info@niassembly.gov.uk

Lisburn & Castlereagh City Council

Proposed Tree Protection Bill Comments

Planning Act (NI) 2011	Proposed Amendment	Comment
Clause 1 – Tree Preservation Orders: Councils		
S122	Extends the grounds for making a TPO to include ecosystem services	Currently, TPO's are imposed in the interests of amenity and the six criteria (potential threat, individual impact, wider impact, visibility, historical value and rarity) as outlined within the Council's Supplementary Planning Guidance. The term 'Ecosystems Services' is quite vague and should be clarified as it could be argued that every tree provides a positive benefit to people and the environment. Planning Officers do not have the expertise to assess this and would likely lead to additional resource and financial implications for the Council.
S122 (1)(a)	Extend the scope of a TPO to prohibit a person from 'knowingly causing or permitting' any of the prohibited acts	The Council would be generally supportive of the intention to make it an offence to 'knowingly causing or permitting' a prohibited act to a protected tree however it is unclear how this could be determined. Section 126 of the Planning Act (NI) 2011 already makes it a criminal offence to carry out unauthorised works to a tree in such a manner as is likely to destroy it. Currently, should a breach be identified, the Planning Enforcement Unit will pursue the landowner as well as those who have carried out the works to establish who the contravener is – there has never been any issues with this approach.
Insertion of new subsections	Provide for the protection of ancient trees into S122. 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. If the tree is found to be an ancient tree, the Council must make a TPO, unless the tree is dead – the condition, health or structural integrity of the tree is not grounds for refusing to make an order.	From a planning perspective, it is considered that ancient trees could already be protected under the existing TPO criteria and adding an additional criteria is likely to lead to significant resource implications for planners. There would also be additional financial implications for Councils in arboriculturist fees. Councils do not impose a TPO on an unhealthy tree – usually only those trees that are categorised as A or B by the arboriculturist are protected whilst Category C trees are only protected where they present no danger to the public and are of significant amenity value. Ancient trees should be afforded TPO protection if considered to be under threat however their heritage value should be recognised by a separate designation to safeguard them from neglect. This should be accompanied by financial support for landowners. Councils do not have the resources to do this.

S122(3)	A TPO takes effect on the earlier date which the order is confirmed by the council or the date on which it is deemed to have been confirmed in accordance with S123(2)(b)(ii).	S3 of The Planning (Trees) Regulations (Northern Ireland) 2015 outlines the procedures for making a TPO and S3(2)(c) advises Councils must allow for at least 28 days to allow for representations to be made. This time also allows the Council to fully assess the TPO and arrange an arboricultural survey. However, the majority of Councils will impose a Provisional TPO first which can give immediate protection if required.
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Clause 2 – Provisional Tree Preservation Orders

S123(2)(b)(i)	Provisional TPO deemed to be confirmed after 6 months where no objections have been received.	This amendment is considered unnecessary. The six month period protects the trees and gives the Council time to fully assess the TPO and then either confirm with or without modifications. Should it be found that the trees are not TPO worthy, it is acceptable to allow the TPO lapse. In some instances, a Provisional TPO is placed on trees that may be considered to be under threat whilst a planning application is being considered. This gives the Council an opportunity to protect non-TPO worthy trees until they can be protected by planning conditions. This proposed amendment would create unnecessary work for planning officers. Councils currently have no powers to revoke a TPO.
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Clause 3 – Penalties for contravention of Tree Preservation Orders

S126(1)	Provides that a person ‘knowingly causes or permits’ a contravention of the TPO.	As above. The addition of ‘knowingly causing or permitting’ would require additional resources to prove that a person caused or permitted a breach.
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Clause 4 – Replacement of trees

S125(1)	Replacement tree must be a ‘heavy standard of an appropriate species’. Landowner required to inform Council when replacement tree has been planted.	The replacement of a TPO tree with a heavy standard tree in all instances is considered to be too prescriptive. Trees are felled for a variety of reasons and the environment around the tree may have changed since the TPO was initially imposed. It is therefore preferable for each replacement tree to be considered on a site by site basis with suitable replanting that is likely to establish being recommended. There would be significant resource implications involved in monitoring replacement planting. Each Consent Notice will contain conditions relating to replanting. If this is not carried out, the landowner may be investigated by Planning Enforcement.
Insertion of new subsections	If replacement tree is damaged / diseased or removed within 5 years of	This is an extremely onerous task to place on the Council in relation to requiring the landowner to replant if not carried out by the contravener within 18 months and may have

	planting, the owner must plant a replacement tree. Where landowner is not responsible for the breach, duties are imposed on the person responsible for the breach. Landowner becomes responsible for replacement if not carried out within 18 months & may recover costs from contravener.	significant legal costs / implications. A replacement tree is protected by the TPO under which it was replanted and current legislation ensures that replacement planting is carried out by the contravener – Planning Enforcement may pursue until this is carried out.
Clause 5 – Council to inspect replacement trees		
S125(a)	Council should carry out annual inspection of replacement planting for 5 years to identify additional care /replacement or advising landowner of actions required to ensure tree becomes established. Landowner becomes responsible for replacement if not carried out within 18 months & may recover costs from contravener.	Planning Officers are not qualified to assess the health of trees or offer advice on tree-care. This would be a resource intensive requirement and would inevitably lead to additional financial costs to the Council in seeking arboricultural advice. As above, a replacement tree is protected by the TPO under which it was replanted and current legislation ensures that replacement planting is carried out by the contravener – Planning Enforcement may pursue until this is carried out.
Clause 6 – Enforcement of duties as to replacement of trees		
S164	Replacement tree must be a ‘heavy standard’ When a person fails to comply with an enforcement notice, Council may plant & recover costs from landowner. If this is not the contravener, the landowner can recover costs from contravener.	As previous, the replacement of a TPO tree with a heavy standard tree in all instances is not considered to be necessary. Trees are felled for a variety of reasons and the environment around the tree may have changed since the TPO was initially imposed. It is therefore preferable for each replacement tree to be considered on a site by site basis with suitable replanting that is likely to establish being recommended. Council would be reluctant to carry out replanting and recover costs as this would present significant financial, legal and resource implications.
Clause 7 – Tree Protection Map		
Insertion of new S128A to 128D	Requires DfI to make available online, free of charge, an online TPO map showing all TPOs & CA’s	LCCC already has an online map showing all TPO’s within the Council area. There should not be any issue with the Council providing GIS shapefiles of all TPO’s & CA’s to inform an NI wide TPO mapviewer.

	across NI, as well as the number of TPO applications received, approved, rejected by each Council. Each Council required to update every 3 months.	There is no need for Councils to provide TPO application information to DfI as all requests are logged on to MasterGov and DfI would be able to run reports and monitor as per their quarterly Planning Statistics reports.
Clause 8 – Determination of planning applications		
S45	Inserts new sub section to refuse applications that result in loss or deterioration of ancient or long established woodland / developments within 15m of such woodland / cause deterioration of ancient tree subject to TPO.	Generally agree although this would be more suited to inclusion within the Council's own SPG. It is quite prescriptive and it may be better to assess each application that impacts trees / woodland on a site by site basis. The Council is in the process of developing a Planning Validation Checklist and this will require all applications that impact on trees to be supported by a tree survey and Arb Impact and Method Statement. This should ensure that trees are appropriately protected during and after construction.
Clause 9 – Permitted Development		
Atle 3 of GPDO	Remove PD rights for development that involves the loss or deterioration of ancient or long established woodland or is within 15m of same.	Generally agreeable although this should be limited to only those sites that have been officially designated. Should also be extended to include sites with TPO trees.
Clause 10 – Ecosystem Services		
New Schedule 1A	Sets out the ecosystem services that may justify a TPO	As stated previously, the term 'Ecosystems Services' is quite vague and it could be argued that every tree provides a positive benefit to people and the environment. Planning Officers do not have the expertise to assess this and would likely lead to additional resource and financial implications for the Council. The current tried and tested criteria for imposing a TPO works well and it is considered there is no need to expand this.