

Data Protection Officer
Mid and East Antrim Borough Council
The Braid
1-29 Bridge Street
Ballymena
BT43 5EJ

Section B. Your Details

Q1. Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)

Please only tick one

- ☐ Individual *(Please fill in the remaining questions in the section, then proceed to Section F.)*
- ☐ Organisation *(Please fill in the remaining questions in the section, then proceed to Section D.)*
- ☒ Agent *(Please fill in the remaining questions in the section, then proceed to Section E.)*

Q2. What is your name?

Title

Mr

First Name **(Required)**

Dermot

Last Name **(Required)**

Monaghan

for MBA Planning on behalf of CYM Properties

Email

dermot@mbaplanning.com

Q3. Did you respond to the previous Preferred Options Paper?

- ☐ Yes ☒ No ☐ Unsure

Section C. Individuals

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Section D. Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name **(Required)**

Your Job Title / Position **(Required)**

Organisation / Group Address (if different from above)

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Section E. Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

Please provide details of the individual, organisation or group that you are representing.

CYM Properties

Client Contact Details

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

Town (Required)

Ballyclare

Postcode (Required)

BT39 0RA

Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

Please only select one.

☐ Agent ☐ Client ☒ Both

Section F. Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section M.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be **unsound** having regard to the **soundness tests** in Section M. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally.

Section J. Type of Procedure

Q5. Please indicate if you would like your representation to be dealt with by:
(Required)

Please select one item only

- ☐ Written (Choose this procedure to have your representation considered in written form only)
- ☒ Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Section K. Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

Sound

If you consider the Plan Strategy to be Sound and wish to support the Plan Strategy, please set out your comments below.

(Required)

Section L. Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.

Q6. If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness_version_2_may_2017.pdf

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

Continued on next page.

Section M. Tests of Soundness (Required)

Procedural tests

- ☐ P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- ☐ P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- ☐ P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- ☐ P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

- ☒ C1. Did the Council take account of the Regional Development Strategy?
- ☐ C2. Did the Council take account of its Community Plan?
- ☒ C3. Did the Council take account of policy and guidance issued by the Department?

Coherence and effectiveness tests

- ☐ CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.
- ☒ CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- ☐ CE3. There are clear mechanisms for implementation and monitoring.
- ☒ CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

Section N. Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to inform us that you consider more than one part of the draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Policy number(s)

Policies SGS3, SGS9, HOU5 & OSL2

(and/or)

Relevant Paragraph number(s)

(and/or)

District Proposals Map

Map 1

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

See attached report.

If you consider the draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the draft Plan Strategy sound.

**Mid & East Antrim Borough Council
Local Development Plan 2030**

Response to Draft Plan Strategy

On behalf of CYM Properties

December 2019

1. Introduction

1. This is a response to the Draft Plan Strategy (DPS) of the Mid & East Antrim Borough Council Local Development Plan (LDP) 2030.
2. It is on behalf of CYM Properties, who own land at Gortnageeragh Road, Cargan, which benefits from a live planning permission for 57 units (G/2006/0930/F) that appears to have been overlooked in formulating Policy SGS3 'Strategic Allocation of Housing to Settlements'.
3. This response primarily relates to Policy SGS3 and Appendix A of the DPS, which sets out the 'Broad methodology for Strategic Housing Allocation'.
4. It also comments on Policies HOU5 'Affordable Housing in Settlements', SGS9 'Open Space Strategy' and OSL2 'Greenways'.

2. Regional Policy Context

5. Section 8(5) of The Planning Act (NI) 2011 states that in preparing a Plan Strategy, the Council must take account of the Regional Development Strategy (RDS) and any policy or advice contained in guidance issued by the Department.
6. **The RDS** is an overarching planning framework that provides the strategic context for where development should take place. Among other things, it sets out regional guidance (RG) and spatial framework guidance (SFG) that should be taken into account in preparing LDPs and planning policies.
7. RG8 is to 'manage housing growth to achieve sustainable patterns of residential development'. This encourages the use of a Housing Evaluation Framework to assist judgements on the allocation of housing growth.
8. This framework is set out in Table 3.2 and involves the following tests:
 - Resource test (existence of community assets and physical infrastructure);
 - Environmental Capacity Test (environmental assets of the settlement, flooding potential, and potential to accommodate future outward growth without significant environmental degradation);

- Transport Test (potential for integrating land use and public transport and walking and cycling routes to help reduce reliance on the car);
 - Economic Development Test (the potential to facilitate an appropriate housing and jobs balance);
 - Urban and Rural Character Test (the potential to maintain a sense of place, and to integrate new development in a way that does not detract from the character and identity of the settlement);
 - Community Services Test (the potential to underpin and, where necessary, reinforce the community service role and function of the settlement).
9. SFG13 is to 'sustain rural communities living in smaller settlements and the open countryside'. A key aim is to encourage 'sustainable and sensitive development'.
10. **The Strategic Planning Policy Statement (SPPS)** is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. It was agreed by the NI Executive and was judged to be in general conformity with the RDS.
11. Paragraph 6.139 of the SPPS relates to the process for allocating housing land in LDPs. It states that this should be informed by (among other

things) the RDS Housing Growth Indicators (HGIs), the RDS housing evaluation framework (HEF) and existing housing commitments.

12. Paragraph 6.143 relates to affordable housing and states that *"the development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing"*.

3. Cargan's Housing Allocation

13. Policy SGS3 'Strategic Allocation of Housing to Settlements' makes provision for 4,614 dwellings within the Mid & East Antrim Borough Council area from 2018 to 2030. This figure is DfI's 2016-based HGI for the area from 2012-2025 projected forward on a pro rata basis.
14. However, it appears that this allocation does not take account of the fact that a certain amount of land allocated will not be available for development. As Appendix A (page 315) of the DPS notes, the HGIs are guidance rather than a cap and in seeking to meet housing need, it would be prudent to over allocate by 15-20% to take account of the non-availability of land. This would help avoid housing land shortages and over-inflated prices.
15. Policy SGS3 allocates only 16 houses to Cargan for the period 2018-2030. The methodology for this is set out in Appendix A. 8.5% of the HGI is allocated to the 11 villages in the District (including Cargan) and this is split amongst them according to their %age of total village households with adjustments made following application of the RDS HEF.
16. Cargan's allocation for 2012-2030 is 35 and this is adjusted down to 32 following application of the HEF, which indicates that the Council scored Cargan unfavourably in relation to the majority of villages.
17. The Council has estimated that 16 housing units were completed in Cargan from 2012-2018 and arrived at the SGS3 allocation of 16 units by deducting this completion figure from the 2012-2030 allocation (32).
18. Table A3 states that there is live planning permission for 6 residential units in Cargan at April 2018 (based on the Council's Housing Monitor). However, the Council has not taken account of the live permission for 57 units at Gortnageeragh Road, Cargan (ref: G/2006/0930/F) – see Annex 1.
19. CYM Properties have recently acquired this site and obtained evidence confirming that commencement works were carried out in order to keep the planning permission alive. The works included stripping top soil, excavation of foundations for 2 of the approved houses and provision of the access and visibility splays (involving infilling with rock to raise the level of the field at the point of access and laying stone).
20. The excavation works are confirmed by Building Control – see Annex 2. Comparison of aerial photographs from 2013 and 2015 (see Annex 3) shows where the soil was stripped and the access in place.
21. CYM Properties intend to develop this site in the near future. The fact that the DPS has not taken account of this commitment in allocating housing under Policy SGS3 means that it is unsound under test C3 by not giving effect to paragraph 6.139 of the SPPS.
22. The permitted units should be included within Cargan's housing allocation in Policy SGS3 and the site should then be identified for inclusion within the SDL in the Local Policies Plan (consistent with the extant Ballymena Area Plan).

4. Merits of the Site & a Higher Allocation for Cargan

23. A higher housing allocation for Cargan would not only be logical (given the live planning permission) and in accordance with the SPPS, it would also accord with the RDS HEF.

24. Cargan is assessed against this in Table E2 of Technical Supplement 3 'Housing' of the DPS and it has scored joint second lowest of all villages in the Borough – only Clough had a worse score. Having regard to the HEF tests, it should have a much higher score than awarded in Appendix A.

25. In relation to **resources** and **community services**, it is noted that Cargan benefits from water supply from Dungonnell Reservoir to the east of the village while there is a waste water treatment plant adjacent to it that was upgraded in 2011. The village has the following facilities:

- Convenience store with butchery, deli counter, ATM & fuel pumps;
- Beauty salon;
- Bar & restaurant;
- Hot food bar;
- Primary school;
- Soccer pitch;
- Outdoor gym;
- Play park;

- Picnic site (about 270m to south of village & connected by footway);
- Walking & hiking route (the Drum, owned by the Woodland Trust);
- GAA pitches (0.6 miles to south of the village & connected by a footway);
- Community building (adjacent to GAA pitches with clubrooms, fitness suite and a facility for Glenravel Community Playgroup).

26. In relation to **environmental capacity** and **urban & rural character**, Cargan can accommodate growth by development of the CYM Properties site at Gortnageeragh Road. It has the following benefits:

- It is within the SDL in the extant Ballymena Area Plan;
- It has a live permission for 57 residential units (G/2006/0930/F) and so is obviously suitable for development;
- It is not within the 1 in 100 year flood plain and is not at risk from reservoir flooding or flooding due to climate change;
- It is not affected by any wildlife designations;
- There are no important features of built heritage in the immediate surroundings;
- There are no access issues;

- The surrounding land uses are residential and agriculture – there are no uses incompatible with housing;
- Trees along the site's northern and eastern boundaries provide a buffer to visually contain the settlement, whilst also providing a mature setting for a quality residential development – see aerial photograph below;
- The site slopes gently down to the Gortnageeragh Road from the northern corner and sits below the level of the majority of development within the village. This combined with the mature trees means that development would not adversely affect the character of the area.

in the surrounding countryside. Ballymena (a Main Hub as per the RDS) is only 10 miles away and has significant employment opportunities. Cargan is well connected to Ballymena by the A43 and the frequent bus service.

29. In allocating such a low number of units to Cargan under Policy CS3, the DPS did not take proper account of the RDS HEF and is therefore unsound under test C1. The subject site can facilitate the sustainable growth of Cargan in accordance with RG8 and SFG13 of the RDS.

Figure 1: CYM Properties site at Gortnageeragh Road, Cargan



27. In relation to **transport**, the site is connected to the facilities identified above by footways. Cargan is strategically located on an A-class road – the A43 between Ballymena and Cushendall – and is served by a regular bus service to both towns (Service 150 on a frequency of x7 on weekdays and x3 on Saturdays). The site is only a 200m walk from the bus stops at Cargan Crossroads.

28. **Employment** in Cargan is provided by the businesses identified above, the Primary School, Playgroup and farms

5. Regional Greenway

30. Policies SGS9 'Open Space Strategy' and OSL2 'Greenways' refer to regional greenways including a Ballymena to Cushendall route. District Proposals Map 1 shows this going through the CYM Properties site along the route of the old railway line.
31. However, this is not consistent with the layout of the permitted development – see Annex 1. The route of the greenway should be changed to take account of the permitted scheme.

6. Affordable Housing

32. Policy HOU5 'Affordable Housing in Settlements' states that *where a need for Affordable Housing is established by the Northern Ireland Housing Executive (NIHE) or other relevant housing authority through a Housing Needs Assessment; proposals for housing developments of 10 dwellings or more, or on a site of 0.2 hectare or more, will only be permitted subject to meeting the following quota:*
- *Main and Small Towns: 20% Affordable Housing*
 - *Villages and Small Settlements: 10% Affordable Housing.*
33. This policy is vague and does not state who would be responsible for delivery or funding of the affordable housing. Nor does it indicate that viability will be taken into account.
34. We note that in 2014 the Department issued a draft planning policy on affordable housing (PPS22) and carried out consultation on this. It then instructed the Three Dragons consultancy and Heriot-Watt University to undertake further consultation and provide a report.
35. The report issued in December 2015 and concluded (among other things) that, *"outside Belfast (and its immediate environs) there is no capacity in viability terms to introduce affordable housing. Values will need to increase substantially to allow for this"*.

36. Values have not increased substantially since this study and there does not appear to have been any similar analysis undertaken to inform this policy in the DPS.

37. There is a very real possibility that such a policy could render housebuilding on many sites within Mid & East Antrim unviable, which would decrease house building rates and result in unmet housing need, contrary to the RDS and SPPS.

38. This policy also appears to be inconsistent with the SPPS because it (the SPPS) states that affordable housing need should be satisfied by zoning land or indicating that a proportion of site may be required though key site requirements – it does not suggest that affordable housing need should be addressed through broad brush, vague policies like that proposed.

39. The SPPS approach would allow local circumstances to be taken into account in satisfying affordable housing need, which will be critical to the success of an affordable housing policy in NI given the history of residential segregation.

40. The DPS itself acknowledges that there are “complexities around the delivery of affordable housing” and states that “supplementary planning

guidance may be prepared in the future”. The purpose of this is to “provide greater clarity” on the issue of affordable housing.

41. Given the potential social and economic ramifications for the District, it would be irrational to bring forward such a significant policy without any proper evidence base and in such vague terms that the justification and amplification of the policy itself acknowledges that greater clarity is required.

42. This policy is therefore unsound in that:

- It does not take account of policy issued by the Department (the SPPS), contrary to soundness test C3;
- It is not realistic and not founded on a robust evidence base, contrary to soundness test CE2;
- It is not flexible to enable it to deal with changing circumstances (such as price fluctuation and development viability), contrary to test CE4.

Annex 1



PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: G/2006/0930/F

Date of Application: 29th September 2006

Site of Proposed Development: Site opposite Gortnageeragh Glen, Gortnageeragh Road, Cargan, Co. Antrim

Description of Proposal: Residential development of 57 dwellings, consisting of 2 detached houses, 32 semi-detached houses, 3 terraced townhouses, 5 No. blocks of 20 apartments

Applicant: McCavana Developments
Address: C/O Agent
Big Design Architecture

Agent: Big Design Architecture
Address: 12 Novara Park
Belfast Road
Antrim
BT41 1PA

Drawing Ref: 01, 04/1, 05/1, 06/1, 07/1, 08/1, 09/1, 10/1, 11/1, 14/3, 15/1, 16/1, 17/1, 18/1, 19/1, 20/1, 21/1, 22/1, 29/1, 30/8, 34, 35, 36, 37, 40, 41, 42/3, 43/3, 44/1, 45, 46, 49/2, 50/2, 54/1, 55, 56, 57/2.

Document No: 01, 02, 03.

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit.

2. No dwelling hereby approved shall be occupied until such times as the receiving Waste Water Treatment Plant has sufficient capacity to serve this development or an interim Sewerage

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See also Explanatory Notes attached



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Treatment facility has been provided on site. Where an interim Sewerage Treatment facility is required this will require consent to discharge under the terms of the Water (Northern Ireland) Order 1999.

Reason: To ensure the provision of adequate sewerage treatment infrastructure to serve the proposed development and in the interests of public health.

3. The common open space and landscaped areas indicated in green in Figure 2 of stamped approved Landscape Management Plan Document No.01 bearing Planning Service date stamp 13 February 2009 shall be managed and maintained in perpetuity by a Management Company supported by a charitable trust or properly constituted residents association with associated management arrangements, or other such arrangements agreeable to the Planning Service in accordance with the attached draft Legal Agreement (Document No. 02 date stamped 23 February 2009). A signed copy of the Legal Agreement (in accordance with the stamped agreed Management Plan Document No. 01 date stamped received by Planning Service 13 February 2009) shall be submitted to and agreed in writing with Planning Service prior to occupation of any of the residential units hereby approved.

Reason: To ensure successful establishment and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

4. All soft and hard landscaping incorporated in the stamped approved landscape plans, Drawing Nos. 55 and 56 bearing Planning Service date stamp 13 February 2009 and Drawing No. 57/2 bearing Planning Service date stamp 04 March 2009, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

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 Department, 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 Department gives its written consent to any variation.

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

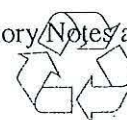
6. The existing trees indicated with a tree number and highlighted to be retained on Drawing No. 55 date stamped 13 February 2009, shall be retained at the minimum heights stated for each numbered tree in the submitted Tree Survey and Report (Document No. 03 date stamped 29 September 2006) and allowed to grow on except for Trees Nos. 77, 78, 79, 81, 82, 83 and 88 which are to be felled to maintained site safety as recommended in the submitted Tree Survey and Report (Document No. 03 date stamped 29 September 2006).

Reason: To ensure the continuity of amenity afforded by existing trees.

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7. The erection of fencing for the protection of any retained tree as indicated on Drawing No 55 date stamp received 13 February 2009 shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be at least 2.3 metres high, comprising of a scaffolding framework, verticals positioned no more than 3.0 metres apart driven into the ground approximately 0.6 metres, braced to resist impacts, supporting weldmesh panels, fixed in a manner to avoid easy removal as shown in BS 5837 2005, Figure 2. Fencing shall be erected at a distance of the outermost limit of the branch spread plus 1 metre or as per recommendations given in BS 5837 (2005), Table 2, whichever is the further from the tree. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Department.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

8. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Department. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

9. If any retained tree dies within 3 years from the date of the occupation of the building for its permitted use, another tree or trees shall be planted at the same place and (that/those) tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Department.

Reason: To ensure the continuity of amenity afforded by existing trees.

10. The existing hedgerows along the north eastern, south eastern and north western boundaries of the site as indicated on Drawing No 55 date stamp received 13 February 2009, shall be retained at a minimum of 2 metres.

Reason: To ensure the continuity of amenity afforded by existing screening to the site.

11. Notwithstanding the provisions of the Planning (General Development) Order (NI) 1993, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road other than those indicated on stamped approved Drawing No.57/2 date stamp received 04 March 2009.

Reason: To preserve the visual amenity of the estate.

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12. The Private Streets (Northern Ireland) Order 1980.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 54/1 bearing the date stamp 27 January 2009.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. The applicant's attention is drawn to the attached information note from Northern Ireland Electricity.
4. In these conditions, 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars.
5. The applicant's attention is drawn to the attached Private Streets- Standard Details.
6. Private Streets Order (Northern Ireland) 1980
Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.
7. In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the Roads Service Street Lighting section at County Hall, Coleraine before any construction work commences.
8. It is a Roads Service requirement that all structures which fall within the scope of the current version of BD2 Technical Approval of Highway Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division
9. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is: Ballykeel Depot, 190 Larne Road Link, Ballymena, BT42 3HA. A deposit will be required.

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See also Explanatory Notes attached



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10. All construction plant and materials shall be stored within the curtilage of the site.
11. It is the responsibility of the developer to ensure that:
 - surface water does not flow from the site onto the public road.
 - the existing roadside drainage is accommodated and no water flows from the public road onto the site.
 - surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.
12. Developers should be aware of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001 which came into effect on 1 May 2001. The attached leaflet outlines developers responsibilities relating to this amendment. Design for any Street Lighting schemes will require approval from Roads Service's Street Lighting Consultancy, 40a Benson Street, Lisburn (028 92626644).
13. Developers should be aware of all the requirements of the Private Streets (Construction) Regulations (Northern Ireland) 1994 and particularly that a person who intends to construct a street shall not commence work until he has:-
 - (a) deposited with Roads Service six sets of the plans mentioned in Article 16, paragraph 2; and
 - (b) received Roads Service approval of those plans in writing.
14. Developers should be aware of the Water Service powers under article 17 of the 'Water and Sewerage Services (Northern Ireland) Order 1973' as introduced by the 'Water and Sewerage Services (Amendment) ((Northern Ireland) Order 1993' to require the developer to enter into an Article 17 Agreement. A copy of the completed Article 17 Agreement and the associated layout plan of the sewers, as approved by Water Service, must be lodged with Roads Service before any work on streets or sewers commences.
15. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
16. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
17. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

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18. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
19. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
20. There will be a general presumption against the erection of buildings or other structures over the line of culverted watercourses. Any proposal for such requires the written consent/approval of the Rivers Agency. Failure to obtain such approval is an offence under the Drainage Order which may lead to prosecution or other statutory action as provided for.
21. The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which states that it is an offence to intentionally kill, injure or take any wild bird. It is also an offence to take, damage or destroy the nest or egg(s) of these birds or to disturb bird(s) while they are building, in or at a nest, or whilst they have dependant young. Where the bird is included in Schedule 1 of the Order any offence is liable to a special penalty.
22. The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally kill, injure or take any wild animal included in Schedule 5 of this Order which includes the badger and all species of bat. It is also an offence to disturb these animals or obstruct access to their place of refuge, or damage or destroy anything which conceals or protects their place of refuge. If there is evidence of badger or bat activity on the site, all work must cease immediately and further advice must be sought from the Wildlife Inspector, Environment and Heritage Service, Klondyke Building, Cromac Avenue, Gasworks Business Park, Lower Ormeau Road, Belfast, BT7 2JA.
23. Public water supply available, subject to Water Service approval to connect. If required a connection will be granted on approval of a completed Water Service Application Form and payment of the Department's standard charge. Contact Water Service's Customer Services Unit to obtain an application form, or telephone Waterline on 0845 7440088.
24. Surface water sewer available, subject to Water Service approval to connect. If required a connection will be granted on approval of a completed Water Service Application Form and payment of the DRD's standard charge. Contact Water Service's Customer Services Unit to obtain an application form, or telephone Waterline on 0845 7440088.
25. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 1973, as amended 1993, consultation with Water Service is essential at design stage with regard to the following matters:
 - foul water and surface water sewerage (Article 17 agreement) requirements;
 - existing sewer crossing the site. (6m wayleave each side of pipe to be retained)

Contact Water Service's Customer Services Unit or telephone Waterline on 0845 7440088.

Application No. G/2006/0930/F

DC1001MW

Ballymena Planning Office



An Agency within the Department of the
Environment
www.doe.gov.uk

See also Explanatory Notes attached



INVESTOR IN PEOPLE



26. The applicant is advised to contact Water Service through its Customer Service's Unit or Waterline on 0845 7440088 upon receipt of this decision to discuss any issues of concern.
27. If during the course of developing the site the developer uncovers a pipe not previously evident the local Water Service should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe.

Dated: 16th June 2009



Application No. G/2006/0930/F

DC1001MW

Ballymena Planning Office



An Agency within the Department of the
Environment
an Bord Bliain

See also Explanatory Notes attached



INVESTOR IN PEOPLE

RESIDENTIAL DEVELOPMENT AT GORTNAGEERAGH ROAD, CARGAN

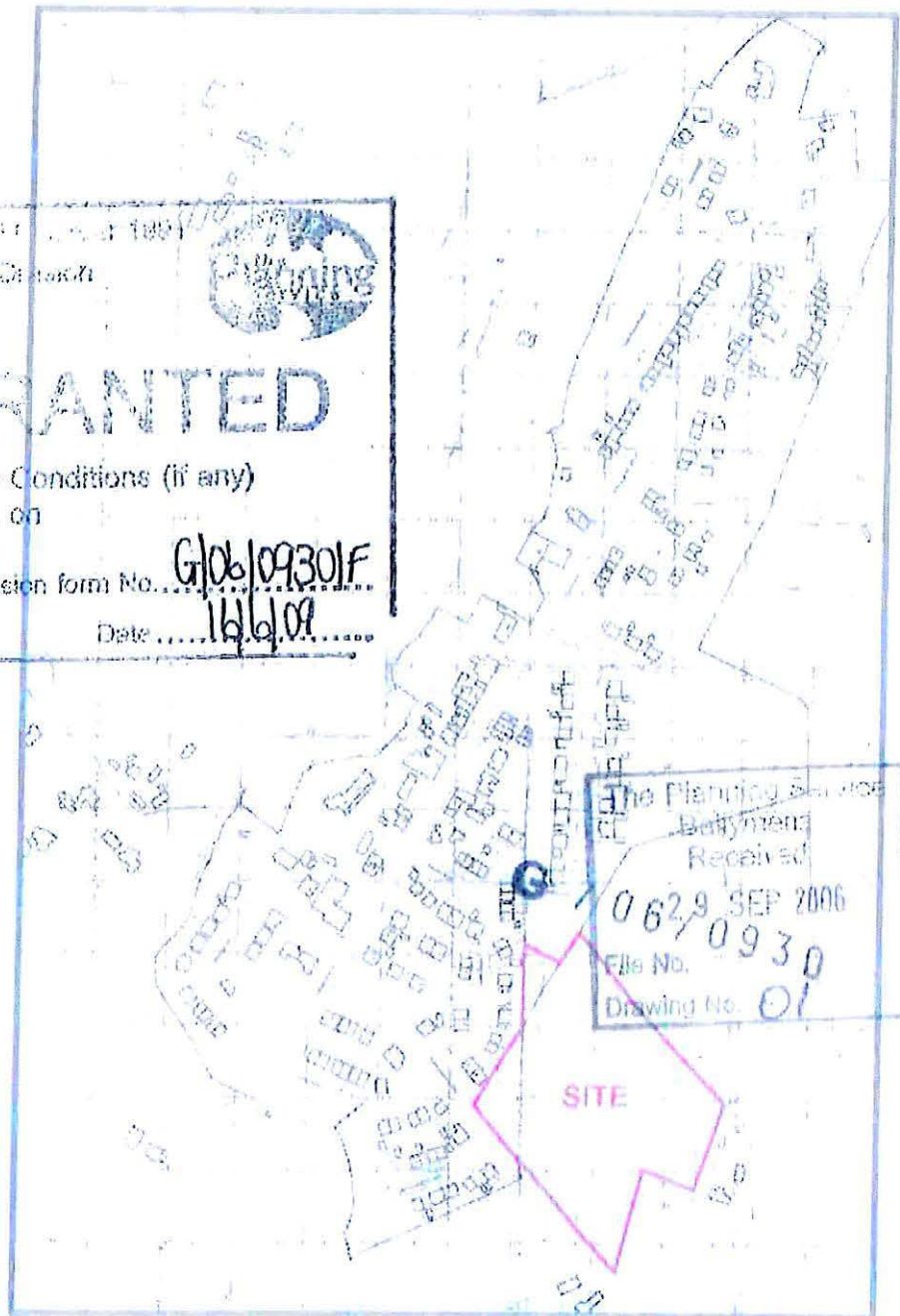
KEY TO SITE

1:5000

PLANNING
GRANTED

Subject to Conditions (if any)
as set out on

Decision form No. **G106/0930/F**
Date **16/6/09**



The Planning Service
Ballymore
Received

0629 SEP 2006
File No. **0930**
Drawing No. **01**

DRAWING TITLE		
SITE LOCATION MAP		
DRAWING No: 0522 / PA.01		
SCALE	DATE	DRAWN
1:1250	Sept 06	AK
REVISION:		

AZMAN KHAIRUDDIN
Chartered Architect

big design
architecture

12 NOVARA PARK ANTRIM BT41 1PA
Tel: (028) 944 88 258
Mob: 0781 536 2541
email: bigdesign@bigfoot.com

RESIDENTIAL DEVELOPMENT AT GORTNAGEERAGH ROAD, CARGAN

MODULAR BICYCLE RACK

GALVANISED STEEL TUBULAR BIKE RACK
GLOSS PAINT FINISHED (MIDNIGHT BLUE)
BUFF COLOURED BLOCK PAVING SETS AS
BASE FOR BIKES
AREA 2300MM x 1600MM DEEP

MODULAR BICYCLE RACK
NOT TO SCALE

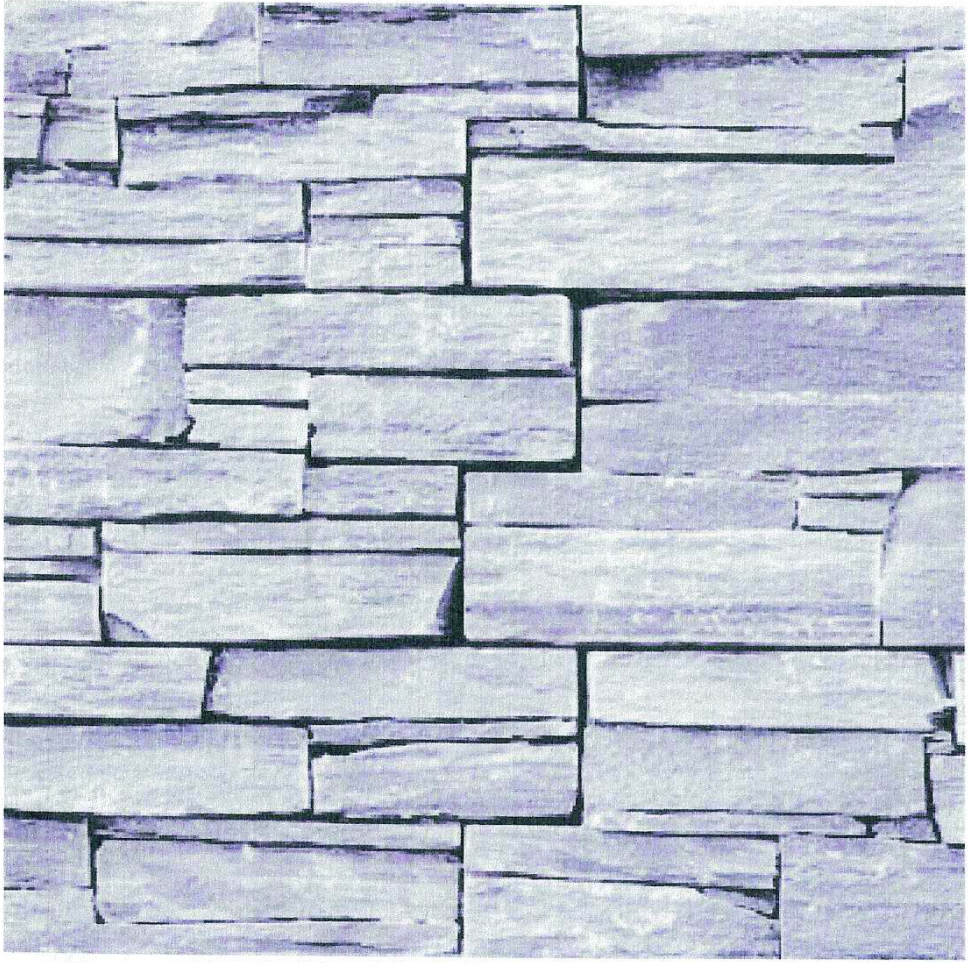


SITE LAYOUT/BLOCK PLAN
SCALE 1:500

EXAMPLE OF NATURAL STONE

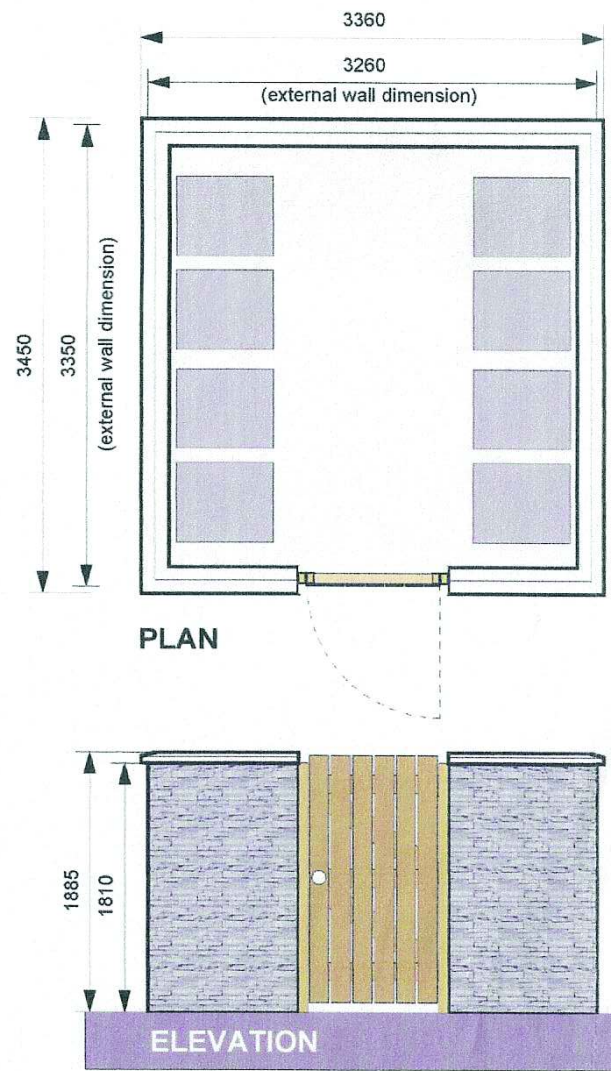
Example of natural stone finish to walls:
Doolin Grey Light Weight (large) Stick on Stone
(approx 40mm thick) or
Kilkenny Limestone (grey)

Example of supplier:
We Sell Stone .com : Glenmore Lodge Erne Drive,
Ederney, Co Fermanagh
Tel/Fax: 00 353 (0) 7198 22800 Mob: 086 170 2290 N.I.
079 120 843 86
Email: info@wesellstonen.com www:
wesellstonen.com



PARKING SPACE SCHEDULE

Accommodation Type	Quantity	Spaces Required	Total Required
(a)	(b)	(c)	(d) = (b) x (c)
Type 2A	2 bedroom	2	5
Type 2B	3 bedroom	3	7.5
Type 2C	3 bedroom	1	2.5
Type 3	3 bedroom	1	2.5
Type 4	3 bedroom	4	10
Type 5	4 bedroom	2	5.5
Type 5A Semi Detached	4 bedroom	4	11
Type 5A Detached	4 bedroom	1	3
Type 8+9	3 bedroom	5	12.5
Type 9A	3 bedroom	6	15
Type 12	3 bedroom	1	2.5
Type 14	3 bedroom	6	15
Type 14A	3 bedroom	1	2.5
Type A	2 bedroom	4	6
Type B	2 bedroom	4	6
Type C	2 bedroom	8	6
Type E	2 bedroom	4	6
Totals		6	118.5



BIN STORE
SCALE 1:50

BIN STORES

WALLS

NATURAL STONE TO MATCH THAT
USED ON DWELLINGS 100 MM THICK
CAPPED WITH PRECAST CONCRETE
SADDLE BACK COPING STONE

CLOSE BOARDED TIMBER GATE

125x19MM THICK SW TIMBER PLANKS
CHAMFERED TOPS SECURELY NAILED TO
TIMBER FRAME

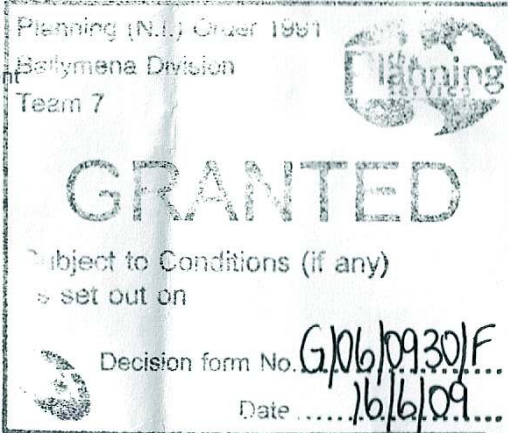
75x75MM THICK SW TIMBER POSTS WELL
DRIVEN INTO GROUND MINIMUM 900MM
CLOSE BOARDED TIMBER GATE LEDGED
AND BRACED USING 75x50MM THICK SW
TIMBER BOARDS

ALL TIMBER IS TO BE PRESERVATIVE TREATED

NOTES:

- ALL LEVELS ARE IN METRES ABOVE OS DATUM.
- ALL BIN STORES ARE EQUAL IN SIZE AND AS PER DETAILS OPPOSITE. TIMBER IS TO BE EXTERNALLY WEATHER TREATED IN PRESERVATIVE STAIN.
- ALL CYCLE RACKS ARE MODULAR SUPPLIER TO BE CONFIRMED BUT TO BE AS PER THE DETAILS OPPOSITE. COLOUR TO BE MIDNIGHT BLUE AND GLOSS FINISH. CAPACITY IS 6 CYCLES PER RACK.
- BLOCK PAVING SETS BUFF COLOUR TO BE 2.3M WIDE x 1.8M DEEP CAREFULLY BEDDED STRICTLY IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AS BASES FOR BICYCLES.
- GL = GROUND LEVEL
GFL = GROUND FLOOR LEVEL
- 46 = SITE NUMBER

- = BIKE STAND WITH BLOCK PAVING BASE
- = NATURAL STONE WALLED BIN STORE WITH TIMBER GATE



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Chartered Architect

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Tel: (028) 944 88 258
Mob: 0781 586 2541
email: bigdesign@bigfoot.com

PROJECT TITLE
RESIDENTIAL DEVELOPMENT AT
GORTNAGEERAGH ROAD, CARGAN

DRAWING TITLE
SITE LAYOUT, BLOCK PLAN

SCALE DATE DRAWN CHECKED
1:500 JAN 09 MW AK

DRAWING No:
0522 / PA.05(ii)

REVISION:
(i) Layout amended to match PSD drawing MW-Jan'09

NOTE: This drawing remains the copyright of the architect.
For submissions to the Planning Service, see scale as above.

Annex 2

Martin Mallon

Subject: FW: Lands at Gortnageeragh Road, Cargan, Co. Antrim
Attachments: Receipt .pdf

Martin Mallon BSc (Hons) MRICS

Email.
Tel.
Mobile.



Subject to Contract & Without Prejudice

From: Drew Kyle <Drew.Kyle@midandeastantrim.gov.uk>
Sent: 01 August 2018 16:40
To: [Redacted]
Subject: RE: Lands at Gortnageeragh Road, Cargan, Co. Antrim

Philip

Following our earlier telephone discussion, I can confirm that a Building Regulations application was lodged for 2 no. semi-detached dwellings on this site (reference BA/2145/0068) which has not yet been approved.

A foundation inspection was carried out on both dwellings on 12th June 2014.

Please also find attached receipt for payment of £25 as received today.

I hope this answers your query.

Regards

Drew Kyle
Building Control Officer
Building Control – Mid Antrim Office
Unit 10 Galgorm Court | Fenaghy Road | Galgorm | Ballymena | BT42 1HW
☎: 0300 124 5000 ✉: drew.kyle@midandeastantrim.gov.uk



From: Smyth Phillip
Sent: 23 July 2018 15:34
To: Drew Kyle <Drew.Kyle@midandeastantrim.gov.uk>
Subject: FW: Lands at Gortnageeragh Road, Cargan, Co. Antrim
Importance: High

Drew,

Please see below – this is what I require for the lands.

We are seeking to find out if there have ever been any building control applications made, or inspections carried out in connection with the commencement of construction works on this site. We understand that there may have been inspections in and around May/June 2014 but we would welcome clarification on this point. The application would

Building Regulations Application

PLEASE USE BLOCK CAPITALS

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THE FORM

Type of Application (Tick as appropriate) Full Plans ☒ Building Notice ☐ Regularisation ☐

SECTION A - To be completed for all Applications.

Applicant's full name and address

Forename(s):

Surname: MCANAWA DEVELOPMENTS

Address: UNIT 2 CHURCHTOWN RD INDEEST

Town: TRANDALSPAIN

Postcode: BT 4 2PT

Tel: 02894478007

Fax:

Email:

Agent's name and address

Name: [REDACTED]

Address: [REDACTED]

Town: [REDACTED]

Postcode: [REDACTED]

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Official Use

Received:

Ref. No.

Plan Fee

Inspection Fee

Receipt No.

Description of Works

2 NO SEMI DETACHED DWELLINGS

Total Proposed Floor Areas:sq.m.

Use of Building / Extension

Proposed Use:

Address / Location of site

SITE OPPOSITE GORTNAKEERAGH CLEN

GORTNAKEERAGH RD

CARCAN (SITE 7 + 8)

Services

(a) Water Supply main

(b) Heating OIL

(c) Foul Sewage Disposal main

(d) Surface Water Disposal main

If an existing building, state present use:

If an existing building, is it classified as listed or a protected building under the Relevant Planning Legislation? Yes ☐ No ☒

Additional Information

Which "Deemed to satisfy" standards were used for fire safety design: BA2145/0068

Is it your intention to apply to have the sewers adopted under Article 161 of The Water & Sewerage Services (NI) Order 2006? Yes ☒ No ☐

Has the application been made? Yes ☐ No ☒

If yes please state the reference number:

SECTION B - Additional Information for a Building Notice.

Please give a brief description of any relevant materials, type of construction or services to be used in the proposed works.

For a new dwelling, or an extension:

Number of Storeys:

Floor area of new dwelling or extension

Basement:sq. m. Ground Floor:sq. m.

First Floor:sq. m. Second Floor:sq. m.

Note

You may be required to provide additional information as deemed necessary

SECTION C - Additional Information for Regularisation Certificate.**Description of Unauthorised Works**

.....

Date on which the works were
completed

Month _____ Year _____

SECTION D (Fees) - To be completed for all Applications.

PLAN FEES - calculation	Amount of Fee enclosed
Erection of <u>2</u> no. new dwellings/flats/maisonettes (area less than 250m ²) Number of different plan types <u>1</u>	138 - 00
Erection of a detached garage or carport not exceeding 40m ² (not exempt from Building Regulations)	
Installation of an unvented hot water system	
Extension or extensions of a dwelling not exceeding 20m ²	
Extension or extensions of a dwelling exceeding 20m ² but not exceeding 40m ²	
Extension or extensions of a dwelling exceeding 40m ² but not exceeding 60m ²	
Extension or alteration of a dwelling providing one or more rooms in the roofspace	
All other works requiring an estimated cost of works Estimated cost of building works £	
Erection of _____ no. new dwellings (area more than 250m ²) Estimated cost of building works £	
Total Fee £	138 - 00

Works to an existing building for the sole benefit of a person with physical disabilities may be exempt from fees.

Is exemption from fees being claimed? Yes ☐ No ☒

N.B. If Yes: Documented proof of disability will be required for domestic applications.

It is an offence under Article 21 (1A) of The Building Regulations (Northern Ireland) Order 1979 as amended to make false or misleading statements or to recklessly give a notice or certificate with an application.

Information provided as part of this application may be disclosed in response to a request under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

The Council, to which you have submitted this application form, collects the data for the purposes of the Building Regulations. This data may also be passed to other related Government Agencies. (Data Protection Act 1998)

I/We hereby submit this application under the Building Regulations (NI) 2000.

Signed: 
Applicant / Agent

Date: 11/6/14

For Council use only

Annex 3

Aerial photograph dated 7th June 2013



Aerial photograph dated 30th April 2015

