

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

PLANNING AND DEVELOPMENT SERVICES COMMITTEE

4 MARCH 2004

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 3 pm on the above date.

PRESENT:

Aldermen M Carten, J Dolan and G Robinson. Councillors A Brolly, L Cubitt, M Coyle, B Douglas (in the chair), G Mullan, J Rankin and E Stevenson.

IN ATTENDANCE:

Committee Clerk, Chief Technical Services Officer and Senior Technical Officer. Mr A Brown and Mr J Duffy, Planning Service and the Town Clerk

APOLOGIES:

Councillors F Brolly, M Donaghy, D Lowry, B Brown and M McGuigan.

MINUTES:

Minutes of meeting dated 5 February 2004 were approved and signed on the proposal of Councillor Cubitt, seconded by Alderman Robinson.

PLANNING STRATEGY FOR NORTHERN IRELAND - FLOODING POTENTIAL:

The chairman welcomed Mr Joe Nicholson, Principle Engineer and Mr Craig Rankin, Engineer, Rivers Agency for Northern Ireland to the meeting. Mr Nicholson explained that the Rivers Agency was an Executive Agency within the Department of Agriculture and Rural Development and the statutory drainage and flood defence authority for Northern Ireland. He stated that the aims of the agency was to improve social conditions and to support economic development in Northern Ireland through:

- reducing risk to life and damage to property from flooding from rivers and the sea; and
- preserving the productive potential of agricultural land.

Mr Nicholson explained that the main objectives of the agency was to identify flooding risks and execute works to minimise such risks, to execute work programmes in an environmentally sympathetic manner and conserve and enhance the natural environs of watercourses wherever possible. He added that as an engineer, he was consulted by the Planning Service regarding river-related problems, including flooding potential. Mr Nicholson stressed where possible, prevention was

always better than cure and that the Northern Area Plan currently being developed would take into consideration flooding difficulties.

Mr Nicholson explained that while Council was concerned at the number of planning applications refused due to flooding issues, there were guidelines and the Rivers Agency was guided by rules set by Assembly in making judgements. He explained that in recent years, England and parts of Europe had seen a significant rise in water levels and accordingly action was required to protect community and industrial use. He added that insurance companies were becoming stricter with claims arising from flooding and often cover was not provided. He added further, that the government favoured the robust stance taken by the River Agency.

Responding to Councillor Mullan, Mr Nicholson stated that the area most at risk from flooding from the River Roe was at Crindle. He pointed out that in November 1998, 50 houses had to be evacuated. He said that there was a scheme proposed for the area and it was hoped a favourable decision would be made in the coming year.

Councillor Coyle queried the regulations regarding land for sport where risk to life was minimal. Mr Nicholson confirmed that the Rivers Agency had no problem with recreational lands, including changing rooms built in flood potential areas. He added it was when people intended to live and occupy homes on such lands that Rivers Agency had to look at risk to life potential.

Councillor Cubitt pointed out that there had been many replacement dwellings build in Crindle and that these people had lived there a long time, yet new houses were turned down because of their proposed location on the flood plain. Mr Nicholson explained that whilst 100 year flooding event was average, there could be large floods in consecutive years. He also stated that the bypass was not a major barrier to flooding but its impact on flooding potential would be reviewed under Northern Area Plan.

Mr Adrian Brown, Planning Service explained to members that the Planning Service current policy was contained in the Planning Service publication 'A Planning Strategy for Rural Northern Ireland' and while in the past some houses had been approved, if Planning Service had advice from the Rivers Agency, these would have been refused. He added that the Planning Authority had 2 cases under consideration at the moment and it was not just a case of people lived there all their lives but if a flooding event took place, the emergency services would have to rescue these people. Councillor Mullan suggested it was difficult to argue for approval for these cases. He added while the welfare and risk to life was important, it was understandable that people get frustrated at so many refusals issued.

Mr Brown confirmed to members that policy number PPS15 was currently being developed through consultations and that Council would be invited to have an input in the policy within the next 6 to 9 months.

MATTERS ARISING:

Mr Duffy reported that the following applications were still under consideration by the Planning Service:

B/2001/0401/O – proposed site for 4 dwellings adjacent to 5 Priory Lane, Dungiven (Mr M Coyle);

B/2001/0580/F – retention of change of use from rear garden to fuel oil distributor unit, 166a Clooney Road, Greysteel, Limavady (Vale Fuels);

B/2003/0132/LB – proposed new sun lounge, Ballymaclary House, 573 Seacoast Road, Magilligan (Mr Boyd);

B/2003/0217/F – erection of 2 No. semi detached dwellings beside 20A Pollysbrae Road, Largy, Limavady (R Wilson);

B/2002/0230/F – Domestic store for tractor/trailor mover, quads, garden equipment etc, 40 Laurel Road, Glack, Limavady (Mr S Canning);

B/2002/0542/F – proposed roads and site layout for industrial/commercial development, Dowland Road, Limavady (Moylehill Properties Ltd);

B/2003/0406/O – site for dwelling adjacent to 23 School Road, Greysteel (Mr M Lynch);

B/2003/0526/O – site for traditional rural dwelling with detached garage/store, Belraugh Road, Moneyguiggy, Drumsurn, Limavady (Mrs Dudgeon);

B/2003/0466/F – erection of housing development of 12 townhouses and 2 apartment blocks, 94/96 Irish Green Street, Limavady (Mr S Mullan);

B/2003/0076/F – erection of shooting range consisting of 9 lane 125 m indoor pistol range, 8 lane 25 m outdoor pistol range, 15 lane 200 m outdoor range and clay pigeon trap with associated landscaping and carparking, lands to rear of 17 Corrick Road, Dungiven (Northern Ireland Target Sports Association);

B/2003/0544/O - site for dwelling, north of playing field in Killane road, Limavady (Mrs L Bradley);

B/2003/0738/0 - site for dwelling 30 m to north east of 918 Glenshane Road, Carn, Dungiven (Mr S O'Kane)

B/2003/0754/F - Erection of one and a half storey dwelling with detached double domestic garage (Mr & Mrs R Millar)

B/2003/0698/F - site for replacement traditional one and half storey dwelling with detached garage/store at 77 Bolea Road, Mullane, Limavady (Mr J Caskie);

B/2003/0739/0 - site for dwelling adjacent to 26 Teeavan Road, Crabarkey, Dungiven (Mr F McCloskey);

B/2003/0774/0 - extension to existing terrace of dwellings to form new dwelling adjoining 7 Crawford Square, Limavady (Mrs S Armstrong);

B/2003/0786/0 - erection of replacement dwelling north east of 83 Ballyquin Road, Limavady, (Messrs D & R Forgie & Hylands).

Members welcomed the change of opinion to a recommended approval in respect of the following applications:

B/2002/0621/O – site for traditional rural dwelling and garage, 100 metres southwest of 133 Glenhead Road, Magheramore, Limavady (Mr B Maclurg);

B/2003/0562/F – erection of dwelling and domestic garage, site adjacent to 62 Craighrath Road, Eglinton (Mr L King);

Members noted that the following applications had been withdrawn:

B/2003/0525/O – site for traditional rural dwelling with detached garage/store, Belraugh Road, Moneyguigg, Drumsurn, Limavady (Mrs Dudgeon);

B/2003/0493/O – site for traditional two storey rural dwelling with detached garage/store 150, north of 38 and 40 Mill Road, Drumsurn, Limavady (Mr C Feeney).

Members noted refusal of the following application:

B/2003/0551/F - erection of temporary portacabin for beauty therapy use, 31 Mitchell Park, Dungiven (Mr F McTaggart);

SCHEDULE OF PLANNING APPLICATIONS: (deferred applications – see appendix)

Members welcomed the change of opinion to a recommended approval in respect of the following applications:

B/2003/0556/F - extension to existing porch of dwelling and erection of front and back garden wall (Ms A Granleese).

B/2003/0614/F – erection of bungalow and detached garage 306 m north east of 130 Bolea Road, Largantea, Limavady (Mr & Mrs McDonald);

Members noted the recommended refusal of the following applications:

B/2003/0709/0 - site for dwelling and garage approximately 200 metres south west of 219 Foreglen Road, Muldonagh, Claudy (Mr H Reilly);

B/2003/0712/O - site for 4 dwellings adjacent to 474 Seacoast Road, Ballymullond, Limavady (Mr N Morrison). Mr Brown reported that the Planning Service's decision to refuse this application remained unchanged and undertook to hold the application for 10 days to allow the developer to amend the scheme.

Members noted that the following applications had been withdrawn:

B/2003/0510/F - change of use from vacant land to domestic land including erection of domestic garage and new access at 270A Drumsurn Road, Limavady (Mr J McAuley);

B/2003/0759/0 - site for traditional single storey cottage style rural dwelling and detached garage/store located 180 metres south east of 122 Polly's Brae Road, Bovevagh, Limavady (Mr T Simpson);

B/2003/0768/0 - site for traditional rural bungalow with detached garage/store 280 metres north of 25 Mullaghmesh Road, Feeny (Mr M Deane).

SCHEDULE OF PLANNING APPLICATIONS: (New applications – see appendix)

Mr Brown answered various questions on the applications listed on the schedule and the recommendations were accepted, subject to the following:

B/2003/0793/0 - site for dwelling adjacent to 13 Turmeel Road, Crabarkey, Dungiven (Mr F Donaghy). Mr Brown reported the recommended refusal of this application as the site failed to integrate and there was no evidence to support this site in a Green Belt area. Mr Brown added the Road Service had expressed concern regarding access to the site. Noted.

B/2004/0011/F - retention of 22 year old seasonal caravan sales yard adjacent to 63 Broad Road, Cahery, Limavady (Mr E Colton). Mr Brown reported the recommended refusal of this application as was previously decided and appealed. He added there was no change in circumstances or policy and saw no reason to defer this application or to hold an office meeting. Noted.

Site/Office Meetings: Site/office meetings were arranged for Tuesday 16 March 2004 commencing at 10.00 am for the following applications:

B/2004/0012/0 - site for dwelling to rear of 22a Polly's Brae Road, Limavady (Mr G Wilson);

B/2004/0026/0 - site for dwelling opposite 99 Curragh Road, Brishey, Dungiven (Mr S McCloskey);

B/2003/0502/0 - site for 2 semi-detached self-catering holiday chalets rear garden of existing self-catering dwelling at 47 Tircreven Road, Tircreven, Magilligan, Limavady (Mr P Smyth). This application was recommended for refusal on the Planning Schedule of November 2003. It was agreed to have an office meeting to clarify issues with both applicant and objectors.

BUILDING REGULATIONS APPLICATIONS (schedule enclosed):

The District Chief Building Control Officer's report detailing applications approved, acknowledged and issued between 2 February 2004 and 27 February 2004 was tabled and noted.

ROADS:

The Town Clerk tabled letter dated 6 February 2004 from the Divisional Roads Manager regarding items raised by members at a meeting on 8 December 2003. The following points were raised thereon:

A37 Broad Road Junction with Greystone Road: Members expressed concern at the number of cars attempting to access the A37 Broad Road Junction with Greystone Road at peak times and suggested this could result in a serious road accident. It was agreed that the Town Clerk request the Road Service to carry out a detailed survey on the number of cars queuing at this location and the duration of the delay.

Bus Station Loop off Main Street: Councillor Cubitt proposed, seconded by Alderman Robinson that the Town Clerk write to the Roads Service requesting a presentation of various options to manage traffic at the bus station loop off Main Street.

The following points were also raised.

Street Lighting on By-pass: Members commented on the increasing numbers in people using the by-pass for walking. It was proposed by Councillor Stevenson, seconded by Councillor Cubitt that the Town Clerk write to the Roads Service regarding having the footpaths raised to protect users from traffic and to highlight the need for additional lights along the full length of the by-pass.

Car Parking and Rallying on By-Pass: Councillor Mullan pointed out his concerns regarding drivers parking on the by-pass to view cricket matches at Limavady Cricket Club. Members agreed that this could cause road safety difficulties for other users of the by-pass.

Members also highlighted the danger of young people using the by-pass for rallying and creating a danger for other users. Councillor Mullan proposed, seconded by Alderman Robinson that the Town Clerk write to the Police Service of Northern Ireland explaining Council's concerns.

Dungiven - Disabled Car Users: Councillor Coyle commented on the problems disabled drivers encountered while attempting to leave their cars in Dungiven. He explained that the snowfall of the previous week has left parts of the disabled parking bays and the footpath on the right hand side of the town hard packed with slippery ice and snow. He added that while some shops cleaned directly outside their shop door, a few people had still fallen.

Councillor Rankin confirmed he had been approached by residents of the Borough regarding snow on roads and pavements but was of the opinion that the Road Service should be congratulated on their efforts at clearing the snow.

Traffic Sensitive Streets: The Town Clerk tabled a letter from the Road Service in which it clarified that the Street Works (Northern Ireland) Order 1995 gave the Roads Service powers to designate certain streets as 'traffic sensitive streets' at particular time of day in relation to work being carried out. The Town Clerk confirmed that utility providers would have to give one-month notice as opposed to

one week before carrying out work and that they also needed to negotiate with Roads Service Traffic Section regarding timing of work. Members welcomed this change in powers, expressing that it was long overdue.

HOUSING:

Northern Ireland Housing Executive - Draft Corporate Plan 2004 - 2007, Business Plan 2004 - 2005: Members noted the contents within the above report in which the Northern Ireland Housing Executive set out their strategic aims for the next three years and their Business Plan, which establishes a series of key performance indicators to support their longer term strategic objectives. Noted.

AIRTRICITY DEVELOPMENTS NORTHERN IRELAND LIMITED:

The Town Clerk tabled a proposal from Airtricity Developments to erect a 50 m guy wired tubular steel wind monitoring mast and measuring equipment, located 1960 m south east of the junction of Gortnarney Road and Temain Road, Craiggore, Limavady. Noted.

ANY OTHER BUSINESS:

Use of Mobile Phones: The Town Clerk tabled a Health & Safety Instruction regarding the use of mobile phones. He explained that effective from 1 February 2004, it was illegal to use a mobile phone in a vehicle whilst driving or when the engine was running. He added that Council would not accept any liability for members who use their mobile phones while driving on Council business. He further added that that corporate manslaughter and corporate death claims were becoming more frequent and as Chief Executive he was to advise Council on Health & Safety issues. The Town Clerk confirmed to Councillor Coyle that the use of a 'hands free' set was permitted.

Draft Area Plan: The Town Clerk reported that the maps outlining the areas to be zoned would be available for viewing on a **strictly confidential basis** in his office members were advised to contact the Personal Assistant regarding viewing requests.

The Town Clerk referred to a request from Mr Michael Graham to meet with Council and have a response to the Draft Area Plan by 9 April 2004. Councillor Coyle proposed, seconded by Alderman Carten to hold the meeting on Tuesday 23 March 2004 at 7 pm.

Seal of Legal Document: It was proposed by Councillor Cubitt, seconded by Alderman Robinson to seal legal document regarding conveyance between Council and Mr Shane Gallagher for the former Highlands Primary School at Dromore.

Retail development of Limavady Cattle Market: The Town Clerk tabled a letter from Mr Kevin Cartin, Architect regarding presenting to Council proposals for the redevelopment of the Cattle Market and adjoining lands in Limavady. It was proposed by Councillor Rankin, seconded by Alderman Robinson to invite Mr Cartin to attend the Economic Development Meeting of Monday 5 April 2004.

Northern Ireland Local Government Agency: The Town Clerk tabled a request from Northern Ireland Local Government Agency regarding Council's opinions on the following:

1. *Free Travel Passes for Pensioners - Newry and Morne Council propose that a single free travel pass should be available for pensioners through the island of Ireland.*

Councillor Cubitt proposed, seconded by Councillor Coyle to adopt the proposal.

2. (a) *Removal of Abandoned Vehicles - Councils views is sought regarding the reduction in notice period required (currently seven days) under the legislation for removal of abandoned vehicles.*

(b) *If in agreement, how long should the notice period be? If a notice period for removal were eliminated entirely, would Council be prepared to store vehicles for a length of time prior to destruction, to enable owners to recover their vehicles if so desired?*

The Town Clerk suggested that Council might not wish to have additional costs of removing vehicles. Councillor Coyle questioned possibility of vehicles breaking down rather than being abandoned and the cost to Council for removing such vehicle. He added that seven days was not long for cars to be left abandoned and proposed that the Town Clerk write to Northern Ireland Local Government Agency requesting further consultation.

3. *Control of Cats - Council views is sought on the introduction of legislation for controlling feral cats.*

Members expressed the difficulties regarding this matter and agreed to support the introduction of appropriate legislation after normal consultation.

NEXT MEETING:

1 April 2004

THIS CONCLUDED THE BUSINESS

(The meeting ended at 5.15 pm)