

NEWS

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CLYDE SHANKS

Planning Development

NORTHERN IRELAND'S NEW COUNCILS

WHAT DOES IT MEAN FOR PLANNING?

ALSO INSIDE

ROYAL PORTRUSH

ARC21 WASTE
INFRASTRUCTURE

MOY PARK CONTINUES
ITS GROWTH

AND MORE





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PLANNING LAW

NEW COUNCILS WHAT DOES IT MEAN FOR PLANNING?

WELCOME TO THE FIRST EDITION OF THE CLYDE SHANKS NEWSLETTER. TODAY WE ARE LAUNCHING WHAT WILL BE A REGULAR LOOK AT DEVELOPMENT WE ARE PLANNING FOR CLIENTS ACROSS NORTHERN IRELAND.

April 1st marks the start of significant change in how planning will be administered in Northern Ireland. The new 11 Councils formally begin their journey as decision makers for nearly all planning applications across the province.

Their planning committees will no longer be consulted by DoE Planning – they will decide planning applications and will do so against a backdrop of considerable change in planning law that raises requirements for applicants in how they go about the business of preparing for a planning application submission.

The rules around the planning status of certain types of development are changing to facilitate a more proportionate response from the new Councils in how they consider proposals placed before them.

That distinguishes between local, major and regionally significant development. Only the latter and potentially the more controversial of major developments will remain with a retained strategic unit within DoE Planning HQ.

Community consultation will be an integral aspect of major planning application preparation – all housing schemes of more than 50 dwellings, outside town centre retail development proposals over 1000 sq. m. and sites of more than 1 ha for all other development will need to be shared with local communities and their views sought. That will also be the case for all development which requires environmental impact assessment.

In practice the new Councils' planning committees will be tasked with considering their professional planning officers' advice, weighing that against public opinion and deciding whether to agree or disagree with that recommendation.

“
COMMUNITY CONSULTATION IS TO
BECOME AN INTEGRAL ASPECT OF MAJOR
PLANNING APPLICATION PREPARATION
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A radically new feature of the revised system is the introduction of costs in the Planning Act – catching up with established practice elsewhere in the UK.

In simple terms if a Council decides to reject its own professional advice it could find itself having to pay for all of the professional costs involved in an applicant successfully appealing that decision before the Planning Appeals Commission.

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NEW COUNCILS

WHAT DOES IT MEAN FOR PLANNING?

That is likely to place a sobering brake on the Councils acting unreasonably given the potential financial penalties. A key message in advance of the switchover to the new Councillors is the need for consistency in decision making and understanding the importance of both local development plan and wider strategic planning policy.

Councils will also be handed the reins and responsibility for preparing new development plans for their respective areas.

Here again there are substantial changes to the approach with 15 year development plan periods setting big picture strategic decisions (amongst them housing numbers and distribution across a Council area; town centre boundaries and retail core issues; employment land and distribution) to be debated and agreed **before** progressing with a stage two specific zoning review.

The eye catching headline is the ambitious target of start to finish development plans within three and a half years. That's about 10 years faster than the previous DoE prepared plans!

All this comes at a time when developers are still finding their cash flow feet and construction steadily recovering. It will require the shrewd to keep a weather eye on progress with the new development plans to ensure a presence to influence the important early strategic stage and then to follow up in promoting land to secure land use zonings.

It is a time of major change. Change that brings decisions back to accountable locally elected Councils.

There will inevitably be a bumpy start as the new procedures become established and a rise in planning appeals is a likely reaction.

We are ready to respond to the changes and guide our growing client base through the new requirements.

If you or your clients are planning development please get in touch. We hope you enjoy Issue 1.

Best regards, Clyde



RESIDENTIAL

HARBERTON PARK

One of the most valuable residential sites in Northern Ireland will shortly commence construction. We secured reserved matters approval for 140 houses on the former Showgrounds site at Balmoral for our client, the Royal Ulster Agricultural Society (RUAS) prior to Christmas.

Developers Blue Horizon Developments / Hilmark Homes have secured the opportunity to develop the site and are presently out to tender with contractors prior to a start on site of a first phase of 19 dwellings fronting Harberton Park. It is anticipated that construction could commence as early as June 2015.

The site will deliver a quality housing development that reflects this highly desirable location and will positively respond to the attractive detached and semi-detached housing style in the wider area.

Given the rather limited extent of larger residential sites in recent years it is great to have secured this high profile permission for the RUAS who will be utilising the receipt from the site to fund its relocation plans to its new Balmoral Park home at Maze Long Kesh.



AGRI-FOOD

MOY PARK

Since January 2014 Clyde Shanks has been working in partnership with Moy Park to facilitate its regional expansion of poultry houses across Northern Ireland.

Due to the continued demand for local chicken Moy Park has launched a major grower expansion programme, which aims to increase breeder and broiler growing capacity in Northern Ireland by up to 400 poultry houses by the end of 2016.

To date 107 applications have been submitted across 19 of the 26 former Council areas with 67 approved, providing an additional 118 houses.

Key aspects of the project undertaken by us include day to day managing and monitoring of applications with the aim of expediting the planning process to achieve prompt turnaround times. To date 15 applications have required an accompanying Environmental Statement which we have co-ordinated with input from various technical experts including Air Quality and Ecological consultants.

There have been a number of hurdles to overcome including securing legitimate outlets for poultry litter and ensuring that proposals do not have a negative impact on both designated and undesignated habitats by way of ammonia deposition.

The project is currently undergoing a significant administrative change with the disbandment of a dedicated team within the Ballymena Area Planning Office, 'The Moy Park Strategic Project Team' (MPSPT), with decision making now falling to individual case officers within each Council.

On 20th March 2015 Moy Park arranged a training day attended by both DoE Planning and the Northern Ireland Environment Agency (NIEA) in order to highlight best practice achieved to date with the aim of moving forward with the same pro-activeness and pragmatism.

Moy Park has some further 70 applications to come forward in 2015/2016.



RETAIL

SUPERSTORE INQUIRY, MAGHERAFELT



March also saw our involvement in a five day long Magherafelt superstore Inquiry for our client Merit Investments.

Merit is proposing a 40,000 sq. ft superstore at Moneymore Road in the town and issues relating to retail impact, traffic and access, noise, landscape and character and amenity matters were all the subject of evidence to the Hearing. That saw local traders confirm the mainly basket nature of shopping within the town centre.

It also heard of the lack of like for like foodstore offer in Magherafelt town centre and the limited impact the proposed superstore would have on the town centre as a whole.

The bulk of trade to the proposed new store is expected to be diverted from the existing Tesco outside the town centre and from attracting back substantial leakage of expenditure that is presently going to existing food stores in Cookstown.

The Planning Appeals Commission has indicated that it will now work towards having its report of recommendation on the proposed superstore to the DoE Minister before the end of June 2015. We await with interest what that will say and how the DoE Minister will respond.

WASTE

ARC21 WASTE INFRASTRUCTURE

We have been advising our client, the Becon Consortium, on a project first for Northern Ireland in seeking planning permission for a £240million integrated waste management facility required for the arc21 region that combines the technologies of MBT (Mechanical and Biological Treatment – the recovery of all materials of recyclable value) and EfW (Energy from Waste – utilising residual waste as a fuel to generate heat and electricity).

Our role in this project has involved the co-ordination and production of a comprehensive Pre-Application Discussion (PAD) submission and consultation process including the most wide ranging public consultation exercise to be undertaken for a major development project in Northern Ireland.

A full planning application was submitted to DoE Planning in March 2014 and we have been responsible for proactively managing the consultation process and engaging with consultees and DoE Strategic Projects Team to build on the helpful and detailed feedback received as part of PAD. The PAD process has proved invaluable to the project, ensuring familiarity with the proposal and minimising further information requirements at application stage as far as practicable.

All consultees have now responded favourably on the application and DoE Planning is currently working towards having their report of recommendation to the Minister in the coming weeks.

ANAEROBIC DIGESTION (AD)

It is very pleasing to have been involved in over 50 AD projects throughout Northern Ireland since 2012 ranging from 250kW through to 5MW energy generation via energy from waste. Our clients include Stream BioEnergy, Supermix, Drenagh Estates, Amber Green, SDS Power, Homecare Ireland and FLI Energy.

The projects include both 'onfarm' and 'centralised' AD utilising agricultural and putrescible waste feedstocks.

Our role varies from pre-application advice in respect of site selection, due diligence on approved schemes to preparation of full planning application submissions.

Many submissions require supporting documentation across a number of environmental disciplines include odour, air quality, noise and landscape assessments. Typically our role involves the co-ordination and production of a comprehensive Pre-Application Discussion (PAD) submission and consultation with key stakeholders in bringing forward any AD proposal.

AD technology is relatively new and can generate third party objection particularly where putrescible waste is proposed. Focused consultation with local Councils and key stakeholders can inform and remove mis-conceptions around actual environmental impacts and make for a smoother journey through planning.

A recent example involves our involvement in a bespoke 3MW Centralised AD plant located outside Ballymena. It attracted substantial local objection but we secured planning permission within five months of submission by meeting with objectors and ensuring that the proposal was fully explained and understood.

This project secured prizes for us at both the Action Renewables Awards in Belfast and Green Apple Awards in London in the Best Renewables Project category 2014.

“

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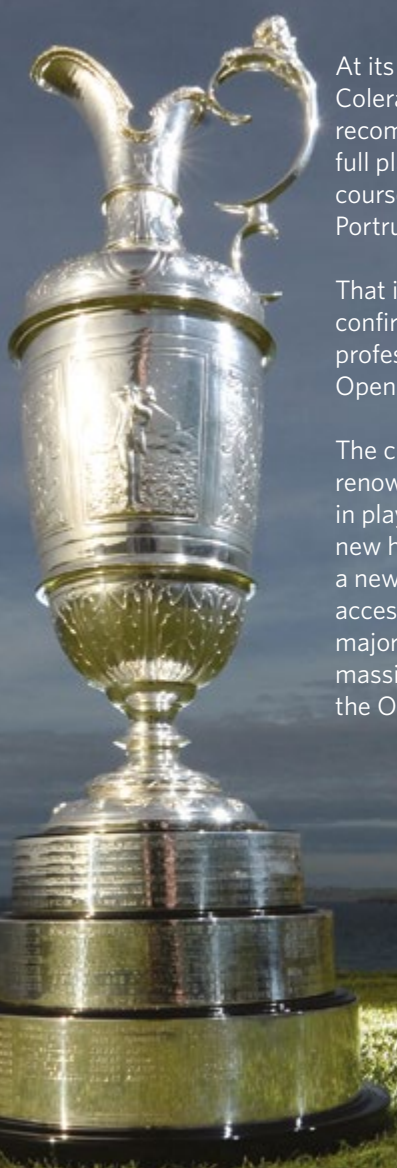
WIND FARMS

One of the sectors that will feel the change in planning that the 1st of April will bring most keenly is the wind energy sector. As all but the largest wind farms (those over 30 Mega Watts) will be assessed by the new Councils it has generated concern amongst developers that the weight of public opinion may lead Councils to look less favourably on wind farm proposals, particularly in the early days of the new system, leading to more refusals and longer processing times. There is also concern that the emerging development plans will seek to designate areas where there will be a blanket ban on wind farms, as well as the threat of the yet to be published Strategic Planning Policy Statement watering down or removing the significant weight policy currently affords to the wider benefits wind energy can deliver.

These concerns have certainly contributed to an increase in the number of wind farm planning applications being appealed to the Planning Appeals Commission, and we are presently involved in several appeals for sites in County Antrim and County Derry. The appeals process provides developers with more certainty around timing, greater priority with the planners and their consultees and ensures proposals are considered by a totally independent decision maker.

We are also handling a large number of planning applications for single wind turbines. Our clients include Green Energy Wind, Aircore and Evander Ltd. The scale of these turbines means that they will fall below the Major application threshold and the power to determine them will likely be delegated to the Council planners. This should ensure that decisions can be taken in a timely manner as applications will typically not have to be formally presented to the Council.

ROYAL PORTRUSH GOLF CLUB



At its March 2015 planning committee meeting, Coleraine Borough Council agreed DoE Planning's recommendation to approve our application for full planning permission for changes to the golf course layouts and related infrastructure at Royal Portrush Golf Club.

That is a key milestone in moving towards formal confirmation from the R&A on when the biggest professional golf tournament in the world, the Open Championship, will return to Royal Portrush.

The changes involve two new holes on the world renowned Dunluce links taking in land currently in play on its sister Valley links and three further new holes in its revised layout. They also include a new green keeper's compound and new internal access routes to update the site to a world class major championship standard and enable the massive infrastructural logistics associated with the Open to be catered for.

Working closely with the R&A's design team significant work has been prepared to assess the ecological status of the site and ensure that the on-course works will be sensitively undertaken.

We have worked in partnership with DoE Planning, NIEA Natural Heritage and Transport NI to secure planning permission within four months of submission after a detailed pre-application information exchange. That follows a very responsive approach from all key decision makers in reviewing an extremely high quality and comprehensive planning application.

On foot of Minister Foster's recent announcement to achieve a £50million golf tourism boost by 2020 this permission paves the way for the hard work to now commence and make the Open return a reality.

“THIS PERMISSION PAVES THE WAY FOR THE HARD WORK TO NOW COMMENCE TO MAKE THE OPEN RETURN A REALITY.”

NEW SERVICE: GRAPHIC DESIGN

OUR WIDER OFFER TO OUR CLIENTS HAS BEEN SUBSTANTIALLY STRENGTHENED WITH THE APPOINTMENT OF RACHEL GRAHAM TO HEAD UP OUR GRAPHICS SERVICE.

Our core planning work has always prided itself on attention to detail and a focus on the quality of what we produce which is increasingly important. This runs across design concept statements, supporting planning statements, Environmental Statements and community consultation exhibition material.

Clients appreciate our bespoke focus on project and corporate branding and increasingly have seen our early work as the beginnings of initial marketing material for what they want to create and sell.

Changes to the planning process now require design and access statements for all development proposals and engagement with the local community on all major developments will increase demand for high quality graphical production to explain development proposals in a way that can quickly capture how they will reflect local character and respond successfully to it.

Blended with our team's wider planning experience and skills in engaging with local communities, local politicians and wider stakeholders our creative abilities to distil complex but key issues in a highly graphic and understandable manner sets us apart from our competitors.

Our offer is flexible to provide mainstream planning and wider branding. Our value to our clients is extending beyond supporting information to secure planning permission to preparing sales brochures for our expanding housing client base, for example.

“WE ARE ALSO GROWING BUSINESS ACROSS THE TOURISM & HOSPITALITY INDUSTRY, WORKING WITH RESTAURANTS, ACCOMMODATION, FESTIVALS AND COMMUNITY GROUPS AMONGST OTHERS”

Website branding and crafting bespoke solutions to powerfully express the messages clients want to deliver is extending our creative graphic design service across the development industry.

We are also growing business across the tourism and hospitality industry with restaurant, accommodation, festivals, community groups and other promotional work adding to the demands for our talented graphical design team.

If you need creative help to set your business and services apart from the rest please contact rachel@clydeshanks.com

We promise to exceed your expectations!



THE TEAM

OUR TEAM HAS GROWN TO QUICKLY BECOME ESTABLISHED AS ONE OF THE LARGEST PLANNING CONSULTANCIES IN NORTHERN IRELAND WITH A PROFESSIONAL STAFF OF 7.

We are active across all property sectors progressing projects in housing, renewable energy, agrifood, sports and leisure, retail, commercial, waste infrastructure, office and liquor licensing.

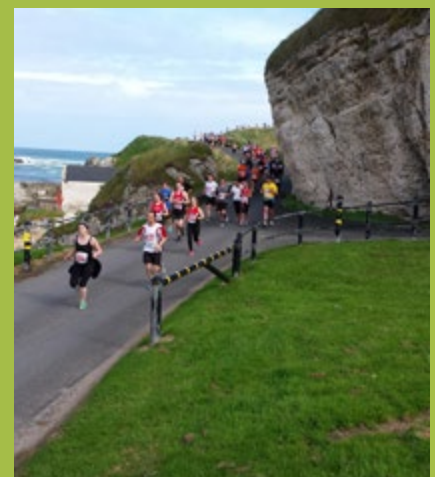
We work closely with architects across the province and have strong working relationships with property agents, solicitors, environmental consultants, transport engineers and other professionals.

As well as being a hard-working and commercially focused team we also like to play hard and have set individual challenges to complete exciting and gruelling runs for charity over the last few years.

Our chosen charities, Alzheimers Society and Cystic Fibrosis have benefited from our team's efforts with over £4500 raised in running the Rathlin and Causeway Coast half marathons in 2013 and 2014.

Sincere thanks is due to our very supportive and generous client and supplier network for helping us to raise such great sums!

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