
Appeal References:	(1) 2018/A0202 (2) 2018/A0203.
Appeals by:	Mr Iain Carston, Carston Undertakings Ltd.
Appeals against:	(1) The refusal of full planning permission. (2) The refusal of outline planning permission.
Proposed Development:	(1) Construction of access road to serve proposed cemetery development, including associated site works and landscaping. (2) Site for new cemetery including ancillary reception building, maintenance depot, attenuation pond, bridges, new vehicular access, parking, waste water treatment works, associated infrastructure works and demolition of existing farm buildings.
Location:	(1) Land north-east of No. 29 Carnaghliass Road, Dundrod. (2) Land north of No. 10 Quarterland Road sandwiched between Carnaghliass Road and Quarterland Road, Dundrod.
Planning Authority:	Lisburn & Castlereagh City Council.
Application References:	(1) LA05/2017/0974/F. (2) LA05/2016/0700/O.
Procedure:	Written representations and Commissioner's site visit on 16 February 2021.
Decisions by:	Commissioner Mark Watson, dated 15 April 2021.

Decisions

1. Both appeals are dismissed.
2. In reaching these decisions, I have, as required by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, taken into consideration the environmental information presented in relation to the appeal proposals.

Preliminary Matters

3. The Environmental Impact Statement (EIS), EIS Addenda and other previously submitted supporting evidence for the proposed developments stated that the cemetery site would produce a yield of just over 31,000 plots on 15.71 hectares of developable area, with a total anticipated operating period of circa 75 years. This was predicated on 1000 burials per annum and 2.4 potential burials per plot. The Non-Technical Summary that accompanied the EIS also contained this quantum of plots. The information contained in the second EIS Addendum referred to a plot size in line with the recommended 5.06m² (Pollution Potential of Cemeteries – Draft Guidance EA, R&D Technical Report P223).

4. However, the Appellant's Statement of Case and Rebuttal Statement both refer to the proposed cemetery having capacity for between approximately 13,418 and 17,444 burial plots based respectively on plots calculated at 11.7m² or 9m² per grave. No specific explanation for the significant reduction in the quantum of plots was provided beyond a comment on 'latest space requirements', presumably in reference to the Belfast City Council 9m² plot size. The Council considered that the reduction in the number of plots represented a new matter, not before the Council at the time of the Council taking its decision and therefore was contrary to Section 59 of the Planning (NI) Act 2011.
5. Section 59 of the Planning Act (NI) 2011 prohibits the introduction of a matter by a party to the proceedings that was not before the Council at the time the decision was made unless that matter could not have been raised before that time, or that its not being raised before that time was a consequence of exceptional circumstances. The size and quantum of plots form an inherent part of the overall proposals. However, the potential reduction in the quantum of plots does not in my opinion represent a new matter, but rather simply a reduction in the number of plots, a matter which was already before the Council at the time the decision was made. I am not persuaded that a reduction in plot numbers would contravene Section 59 of the Act.
6. However, the Council also pointed to the change in plot numbers potentially impacting upon the various calculations and assessments contained within the EIS, EIS Addenda and other supporting information. The EIS stated that the proposed cemetery would operate over a period of up to 77 years, with the development carried out over 5 phases. The Council also stated that the operational phase of the appeal development could also be greatly curtailed in duration arising from the reduced plot quantum, with a consequent intensification of effects as a result. It cited the example of the Drainage Assessment which calculated discharge rates based on 1.93 hectares of impermeable area within the entire site. The Council stated that it was unclear if the increase in plot sizes and consequent reduction in quantum of plots would alter this assessment. It also pointed to the potential for effects arising from the consequent intensification of operational impacts due to the curtailment of the operating time to anywhere between 13.9 years and 43 years, depending on a variety of statistics.
7. Despite my above conclusion regarding Section 59, I agree with the Council that the proposed reduction in grave plots could have implications for the overall site in terms of its development and potential impacts. I am not persuaded that this appeal is the correct vehicle for considering such a reduction given the lack of updated information pertaining to the potential effects of the reduced plot quantum and potential intensification of use over the shorter overall operational period. Nevertheless whilst my consideration to the development as a whole must be in respect to the plot quantum as originally submitted, I shall also briefly address the need for the reduced level of provision in the interests of completeness.

Reasons

8. The main issues in these appeals are whether or not the proposed development would:
 - be acceptable in principle, including determining the appropriate policy context for consideration of need;
 - adversely impact on tourism in the area;
 - adversely impact on the rural character of the area;
 - adversely impact on the natural environment;
 - adversely impact on the historic environment;
 - be suitable for the site in terms of hydrology and drainage, whilst avoiding any potential contaminant leakage into local water supplies; and
 - prejudice road safety.

Policy Context

9. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18 May 2017 and consequently BMAP must be disregarded. The Lisburn Area Plan 2001 (LAP), despite its vintage, now operates as the local development plan (LDP) for the area the site lies in. The site lies within the open countryside. There are no policies or proposals within the LAP material to the appeal development.
10. A further consequence of the aforementioned Court of Appeal judgement is that the draft BMAP, published in 2004, is a material consideration in the determination of this appeal. In draft BMAP (dBMAP) the appeal site lies within the countryside and is not zoned for any purpose. The Council's evidence referred me to Policy PU1 of dBMAP. That draft policy related to cemetery provision and linked to a proposed new cemetery site designation LN10 at Drumbeg, which had been deemed most suitable for a new cemetery to meet the requirements of the then Lisburn City Council and Belfast City. Both Policy PU1 and designation LN10 were objected to and considered at the dBMAP Inquiry. The Council's evidence stated that the Commission in its Inquiry Report recorded that the then Department of the Environment (DoE) withdrew both the draft designation and Policy PU1. The Commission stated in its Report that any future cemetery proposals could be considered under prevailing regional policy. It is likely that, should dBMAP be adopted at some point in the future, Policy PU1 and the proposed cemetery designation at Drumbeg would not form part of the adopted plan. There are no other policies or proposals pertinent to the appeal development in dBMAP.
11. Objectors raised matters that fall to be considered under Planning Policy Statement 2 – Natural Heritage (PPS2), Planning Policy Statement 3 – Access, Movement and Parking (PPS3) and Planning Policy Statement 6 – Planning Archaeology and the Built Heritage (PPS6). Other matters raised fell under Revised Planning Policy Statement 15 – Planning and Flood Risk (PPS15) and Planning Policy Statement 16 – Tourism (PPS16). There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) and those of PPS2, PPS3, PPS6, PPS15 and PPS16 in respect of the appeal developments. The same is the case in respect of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). The aforementioned PPSs remain applicable to the appeal development. The precise policy context under

which need for the appeal development should be assessed will be addressed in paragraphs 14 to 19 below.

The appeal sites

12. The appeal sites comprise a large area of land situated between the Carnaghliiss and Quarterland Roads totalling approximately 38.8 hectares. Much of the land is improved grassland in agricultural use, with some plantation woodland also. There is a farm complex situated within the site. The cemetery site is bisected by the undesignated watercourse Coopers Water which flows ultimately into Lough Neagh. Mature trees or hedgerows provide boundaries between many of the constituent fields of the cemetery site and also along the river corridor. There is a rath in proximity to the eastern site boundary, which is a scheduled monument. The B154 Quarterland Road abuts the southern boundary of the cemetery site, with a partially curved horizontal alignment across the site frontage. The application site relating to the Carnaghliiss Road alternative access comprises portions of several agricultural fields situated between the southern side of the public road and the cemetery site to the north. The proposed access point is approximately 78m north of No. 29 Carnaghliiss Road. The relevant section of the road is fairly straight in horizontal alignment, though lies within a dip. The appeal sites lie to the east of the small settlement of Dundrod.

The proposed development

13. The appeal development comprises two elements; an outline planning application for the cemetery site and a full application for an alternative access for occasional use. The cemetery site entails development of an ancillary reception building, maintenance depot, attenuation ponds, bridges, a new vehicular access onto Quarterland Road, parking, waste water treatment works, associated infrastructure and new landscaping. 15.72 hectares of the total site would be given over to burial plots, divided into five zones, with a phased development over time. The development would also entail demolition of the farm complex located within the site area during a later phase. The alternative access would entail an access and roadway from the cemetery site onto the Carnaghliiss Road to the north of the main site. It is proposed that this access would only be utilised during the Ulster Grand Prix racing event.

The principle of development

14. The Council and Appellant disagreed as to the correct policy context for the assessment of need for the appeal development. The Council's first reason for refusal was framed around Policy CTY1 of PPS21, with Objectors' related concerns also based on that policy. The Appellant however considered that Policy PSU8 *New Infrastructure* of the Planning Strategy for Rural Northern Ireland (PSRNI) was the correct policy against which to consider the appeal development.
15. In respect to non-residential development in the countryside the SPPS at section 6.74 indicates that other types of development in the countryside apart from those specified therein should be considered as part of the development plan process in line with the other policies set out within the SPPS. Policy CTY1 of PPS21 states that 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. It further states that planning permission will be granted for non-residential development in the countryside in a number of cases, including a necessary community facility to serve the local rural population. The appeal

developments do not neatly fall into any of the specified types of development listed under CTY1. The policy goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. It also states that there are a range of other types of non-residential development that may be acceptable in principle in the countryside and proposals for such development will continue to be considered in accordance with existing published planning policy. Policy PSU8 of PSRNI remains an extant published planning policy.

16. The Council considered that PSU8 did not apply to cemeteries given they did not represent infrastructure. The Objectors' representative agreed with this position. Policy PSU8 of PSRNI does not provide a specific definition of what constitutes new infrastructure, but cites several examples, namely new roads, sewage treatment works, water sources and electricity generation. The examples given in the amplification text for Policy PSU8 are a non-exhaustive list, thus other instances of what might constitute infrastructure for the purpose of the policy would have to be considered on their own merits. The same is the case with the now superseded Policy PSU15 of PSRNI, which related to infrastructure costs. That policy also provided a non-exhaustive list of what might constitute infrastructure, but again did not preclude a new cemetery from being considered as infrastructure. The Council drew my attention to Policy PSU1 of PSRNI which relates to community needs. Whilst a new cemetery could be considered to serve a community need, that does not preclude it from also being infrastructure. Whilst the Council in undertaking its EIA determination concluded that the appeal development did not fall under the infrastructure projects category, such a determination does not mean that a cemetery cannot be infrastructure.
17. The Council provided the Cambridge English Dictionary definition of the word infrastructure: '*the basic systems and services, such as transport and power supplies, that a country or organisation uses in order to work effectively*'. I am not persuaded that a cemetery necessarily falls outwith a basic service that a country or organisation would use in order to work effectively. The Council also pointed to cemeteries being referenced within Annex A of Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation as a potential type of open space of public value. However, that does not demonstrate that a cemetery is not new infrastructure, as many areas can function as open space whilst also serving a different primary purpose.
18. Although appeal decision 2005/A0475 on land opposite 3 & 5 Lisburn Road, Moira referred to the cemetery and crematorium as a community facility that served an urban catchment rather than the rural area it would be located within, that decision was decided on its evidential context. Policy PSU8 was not addressed in that decision. The Council referred to *Peacebound Ltd v Horsham DC* 2015 PAD 49. Although the development of a crematorium was referred to as a facility, that development did not include a cemetery use, so the matter of whether a new cemetery represented infrastructure was not a consideration. The statutory definitions provided by the Council from the Planning Act 2008 (applicable to England and Wales) and the Planning (Scotland) Act 2019 both give definitions of infrastructure that are non-exhaustive. None of the above assists the Council's case.

19. I consider that whilst a cemetery fulfils an obvious community need, it is also of vital importance to the quality of life of society as a whole as a place to bury loved ones, provide a place of general commemoration and, over the passage of time, become a place of historical interest. From the evidence and my own assessment I consider that a proposal for a cemetery can represent new infrastructure and that the appropriate policy context for the assessment of need for the appeal development is to be found under Policy PSU8 of the PSRNI.
20. Policy PSU8 of PSRNI states that the need for new infrastructure including extensions to existing facilities will be balanced against the objective to conserve the environment and protect amenity. The amplification text for PSU8 states that in dealing with specific proposals the decision maker will wish to be satisfied that there is an overriding regional or local requirement for the development and that a thorough exploration of alternative sites has been carried out. The amplification text goes on to list a number of criteria that will be of importance to the consideration of applications under PSU8:
- need for the facility;
 - impact on the environment – in particular the visual and ecological impacts;
 - impact on existing communities;
 - impact on the natural or man-made heritage;
 - existence of alternative sites or routes; and
 - provision to mitigate adverse effects.
- In my assessment of the appeal development these criteria will be addressed at various points throughout the consideration.
21. The Appellant's case is that the appeal development is intended to serve a catchment area comprised of the Lisburn & Castlereagh City Council (LCCC) area, Belfast City Council (BCC), particularly the north and west parts of the City and the Glengormley part of Antrim & Newtownabbey Borough Council (ANBC). The Appellant pointed to the strategic location of the appeal site in relation to these council areas as a factor in its identification, along with the pressing needs of North and West Belfast, as well as Glengormley. It is intended that the proposed development would serve a sub-regional need and the Appellant pointed to the overall shortage of burial land within the catchment area taken as a whole, even when a 40% flat rate for cremations is applied when measured against the 2016 death rate. The Appellant's evidence was that the overall capacity of council maintained cemeteries within the catchment was 7.8 years. The Appellant's position is that the appeal development would provide 15.7 hectares of burial space yielding 31,072 plots based on 800 plots per acre (based on the EIS information).
22. The Council stated that within LCCC the standard burial plot measures approximately 1.2m by 2.74m resulting in an area approximately 3.2m², including the headstone. This is a smaller plot size than the lowest value given for the proposed development of 5.05m² as stated in the EIA. BCC in its appeal submissions stated that it increased its allowance for an average grave from 7.5m² to 9m². It also then added a 30% uplift to the overall land requirement for ancillary features and infrastructure, though it was not specified what these entailed. The Appellant's appeal evidence utilised BCC plots sizes. Whilst no information was provided on the average plot size for ANBC graves, it is apparent that different councils utilise differing plot sizes.

Lisburn and Castlereagh City Council

23. Within the LCCC area the Council stated that the number of deaths per annum has ranged between 1100 and 1200 over the period of 2008 – 2018. The number of burials over the same period was 404 per annum across 10 municipal graveyards. This number included the purchase of new plots and the reopening of existing graves. The Appellant considered that in real terms LCC only has 2 years and 5 months of supply remaining, which is at Blaris. It is unclear whether this calculation took into account reopening of existing plots for additional burials.
24. The LCCC's own Expression of Interest (EoI) for further cemetery capacity, issued in August 2017, gave a stated minimum of 5.85 hectares of land with an estimated average of 200 new plots per annum being required to meet its anticipated requirements. This was predicated on a projected population increase of 12% between 2017 and 2032, including a 9% increase in the number of over 65s.
25. Both the Council and Objectors pointed to a consented, privately run cemetery and crematorium at Lisburn Road, Moira (refs. S/2010/1021/O and S/2013/0093/RM) which was granted permission for just under 8500 plots. Following further investigation of ground conditions it was determined that the approved site could not accommodate the full planned capacity as the originally anticipated burial depths could not be achieved. A subsequent application (ref. LA05/2017/0311/F) was granted for an extension to that site, however there was no net increase in plots as the extension application was approved on the basis of achieving the original plot yield, but over a wider area of land. A more recent Proposal of Application Notice was submitted to LCCC seeking to extend the Moira site to a capacity of 19,330 plots (LA05/2019/0243/PAN) which I am told was received generally favourably. The Objectors' representative stated that no planning application for that extension is being pursued at this time as there is no need for that level of provision.
26. Whilst the Appellant pointed to the approved crematorium being unable to proceed until legislation is changed to facilitate private operation of such facilities, it does not follow that the cemetery component itself could not be utilised, even if, as the Appellant suggested, it has yet to be implemented. This in itself was disputed by the Objectors' evidence, which stated that the permission had been implemented as the main access has been created onto the Lisburn Road, including a road widening scheme. Regardless, I do not accept that the Moira site's viability is compromised by a present inability to proceed with the crematorium aspect of the development or its presently private ownership.
27. The Appellant considered that the Moira cemetery's location was outside the standard assumed 10 mile driving distance, thus unsuitable for providing for the need for BCC and ANBC. It was further stated that it would be unsuitable to serve BCC and ANBC as the plots would be taken up by LCCC burials. However, that does not follow as one would expect the take up of plots to occur when a need arose, rather than simply being allocated or sold exclusively to LCCC residents. Whilst the location and distance from ANBC would render the Moira site inconvenient to those in Glengormley part of ANBC, I note that the existing facilities with capacity within that borough would be no less convenient to travel from Glengormley to than the appeal site. I am not persuaded that the Moira site's location would necessarily dissuade some from BCC seeking to bury deceased there, particularly given the good transport linkages from Belfast to Lisburn. The

Appellant pointed to the difference in the price of a grave in LCCC compared to those outside the district. The stated difference is 3.6 times the total cost for a non-resident of LCCC to purchase a grave in LCCC. Whilst this may be the case, that is a policy matter for LCCC and I am not persuaded that this in itself justifies the appeal development. For the reasons given I disagree that the Moira site should be discounted from the capacity in LCCC.

28. Blaris Cemetery has 540 plots remaining and I am told the Council has commenced a capital project to increase capacity by 750 spaces. The evidence stated that the design team has been appointed and the project is expected to take 2 years. It is anticipated that this additional capacity will provide resilience for 5 years. Whilst no planning application has yet been lodged, there is nothing to suggest that such an application could not ultimately be successful, though I accept that in the interim existing capacity would continue to diminish through ongoing burials.
29. Roselawn Cemetery and Crematorium lies within LCCC though it is operated by Belfast City Council. According to the evidence some LCCC residents in urban Castlereagh are interred there, with LCCC operating an assistance subsidy for those using Roselawn. Though it is reasonable to assume this accounts for a modest proportion of all burials within the LCCC area, the BCC evidence stated that Roselawn records indicate a growing preference of cremation for residents in urban Castlereagh. LCCC also pointed to the cemetery at Comber Graveyard having met the burial needs for urban Castlereagh residents, though it is now at capacity. LCCC pointed out that Loughview Cemetery, Comber, which also serves urban Castlereagh has significant capacity. Whilst this may be so, I have no evidence as to what level of LCCC burials would be taken up at that location.
30. The advent of the Covid-19 pandemic required the Council to consider additional supply resilience requirements. The LCCC evidence stated that as of 10 July 2020 some 554 Covid-19 deaths had been reported, with 49 of those within LCCC. Whilst this figure has likely increased since the submission of appeal evidence, there is nothing to suggest a pressing need for additional graves, especially given the likelihood of the reopening of some existing graves for further burials as well as continued cremations. Notwithstanding the ongoing pandemic, the submitted evidence is persuasive that whilst LCCC may not have an immediate supply for up to 25 years, it certainly has a consented supply more than adequate for that period, with capacity at Blaris and the consented Moira site providing more than twice the capacity needed to meet its stated requirement of 200 new plots per annum. Even accounting for an increase in mortality, I am not persuaded that LCCC faces a critical supply issue commensurate with the level stated by the Appellant.
31. The Appellant pointed out that the appeal site had been entered in the LCCC EoI process, but rejected for Stage 2 as it had not yet received planning permission. Whilst the Appellant may have issue with this decision and the fact that only the consented Moira site remains in the EoI process, these matters are between the Appellant and LCCC.

Belfast City Council

32. From the submitted evidence, BCC has been seeking additional burial capacity for a significant period of time. An initial Scott Wilson review commissioned by BCC identified three brownfield sites within Belfast City, but these were not deemed large enough and given the industrial heritage of the sites, likely to raise issues with excavation and removal of contaminated soils, as well as potentially high acquisition costs. The same review identified a shortfall of burial space in North and West Belfast.
33. The submitted evidence is that between 2005 and 2010, 15 sites were identified, with 4 ultimately being considered in detail. These 4 were ruled out for various reasons and an extension to Roselawn was facilitated in 2009 through the purchase of additional lands. The Appellant stated that whilst this was to have provided an additional 30 years of capacity, the planned expansion of the cremation facilities there will reduce the burial capacity there to between 4 and 7 years remaining supply. I am told that BCC continued to seek a large single site through an Eol in 2010, which ranked the appeal site as its preferred site in 2011. Despite commissioning several specialist reports to investigate the site's suitability, in 2014 BCC chose not to proceed further given the potential costs for submitting a planning application. BCC commissioned a further study in 2014 – 2016 which recommended a review of burial policy and included a reduction in forward planning years, a smaller catchment size, more flexible burial policy and a search for a smaller site to address the identified needs in North and West Belfast.
34. The current BCC Eol process, which commenced in 2019, seeks a minimum of 5.5 hectares of land to serve North and West Belfast. The Appellant's site is one of 4 sites entered in that Eol process. The Appellant stated that all 4 are outside the BCC area as the ground conditions within BCC do not support a new cemetery. The Appellant's evidence is that whilst the other 3 sites are undisclosed, 2 of them require planning permission and physical ground investigations. According to the Objectors' representative, the consented Lisburn Road, Moira site in LCCC is 1 of the 4 sites under consideration by BCC. The BCC Eol process is ongoing and according to BCC has been delayed by the Covid-19 pandemic.
35. The submissions from BCC in respect to the appeal development state that BCC's agreed policy is to have a forward planning period based on a shorter period of 20-25 years with reviews every 5 years to ensure an ongoing 10 year supply. It stated that, following its initial response in December 2016 to the outline planning application subject of this appeal, matters arising since then required a review of remaining burial land at Roselawn to be carried out. This included an increase in the allowance for an average grave from 7.5m² to 9m² as a working assumption for operational reasons. BCC commissioned an independent review in January 2019 utilising burial and cremation statistics up to 31 December 2018. A remaining supply of 6729 graves at Roselawn was determined and projections assessed against three scenarios of supply. These were:
 - Scenario A – based on the 284-average figure for grave sales over the period of 1998 – 2018;
 - Scenario B – based on a total of 441 (derived from the Scenario A average figure plus 50% of the annual figure for earth burials at the City, Dundonald and Knockbreda cemeteries allocated to Roselawn – 284 + 157); and
 - Scenario C – based on the 855 highest figure for grave sales (1972) over the period 1955 – 2018.

BCC also determined a need to maintain a capacity of 3000 graves as a reasonable contingency in line with local emergency arrangements.

36. According to the BCC submission Scenario A would give a 23.6 year supply at Roselawn without the 3000 grave supply contingency and 13.1 year supply with the contingency included. Scenario B would give a 15.2 year supply without the contingency and 8.4 year supply with the contingency included. Scenario C would give a 7.8 year supply without the contingency and 4.3 year supply with the contingency included. Using these projected scenarios to meet a 10 year supply as at January 2019, no shortfalls occurred under Scenario A and no shortfall under Scenario B without the contingency. A shortfall of 0.8 hectares (1.6 years) did occur under Scenario B with the contingency included. Under Scenario C a 2.2 hectare (2.2 years) shortfall occurred without the contingency and a shortfall of 5.7 hectares (5.7 years) occurred with the contingency included. These calculations however do not include a 5 year lead-in period, during which a site can be identified, approval secured and developed.
37. BCC provided further calculations for the land requirement for a 10 year supply, including the lead-in period, under the above three scenarios, which were respectively determined to require 6.83, 8.66 and 13.51 hectares when including the contingency requirement. These calculations were done prior to the Covid-19 pandemic and by BCC's own admission will require updated once the pandemic is over. Although one cannot be definitive about which scenario is most likely, I find Scenario C, which was based on the highest historic sales figure to be least likely, particularly when compared to more recent grave sales from 1998-2018 and BCC's statement of a growing preference for cremation for those in urban Castlereagh. Scenario B may not be entirely robust as the annual figure for earth burials does not account for those who may have purchased plots in advance. I consider Scenario A to be the most realistic given its basis in average grave sales over a more recent time period.
38. Whilst LCCC pointed to a BCC acquired site in North Belfast of 4.5 hectares in size, I note the approved application on it for a shared space building comprised mainly of community and leisure uses (ref. LA05/2016/2207/F). Whilst that development has not been implemented the permission remains live until 21 March 2022. Even if the permission does expire, it does not follow that the site in question would ultimately be suited for a cemetery use.
39. The Appellant's telephone survey of 10 funeral directors in the Belfast area identified growing concern for the level of cemetery provision, particularly in North and West Belfast. It also showed favourable consideration of the appeal development in terms of its location. In my opinion funeral directors would be predisposed towards proposals for a new cemetery, so I place limited weight on this evidence. I note that the BCC appeal submissions neither support nor object to the appeal developments, despite the Appellant stating that the appeal site represents BCC's preferred site and the difficulties that council has had in acquiring a new cemetery site.
40. The Appellant pointed to the geographical disparity in Belfast cemetery provision, with Roselawn being the only cemetery in BCC offering new graves for sale. A letter of support from the Member of Parliament for West Belfast stated that Belfast City Cemetery in West Belfast is full, whilst Milltown Cemetery, also in

West Belfast, has very limited capacity. It went on to state that St Joseph's Cemetery is available only to parishioners and that Roselawn offers no practical benefit to West Belfast given its position outside BCC. Another letter of support from the Member of Parliament for North Belfast lent support to the appeal development, citing similar information pertaining to North and West Belfast. Both elected representatives pointed to the impact of the Covid-19 pandemic reinforcing the need for the appeal development. Whilst I have no reason to doubt the local knowledge provided by these elected representatives, I am not persuaded that it provides the full picture in respect of capacity taking into account the numerical evidence provided and additional capacity for cremation interment within columbarium facilities.

41. LCCC pointed to several churches within the three council areas with such facilities, or seeking to erect such facilities. The LCCC evidence stated that Holy Cross Catholic Church on Crumlin Road, Belfast could provide 261 niches for cremated remains. It went on to state that St Patrick's Church, Belfast has an internal columbarium with capacity for 496 cremated remains. An application for a columbarium at St Joseph's, Hannahstown Hill is under consideration. Whilst it is difficult to quantify the total capacity for storage of cremated remains within columbariums, it would no doubt obviate the need for some level of burial space provision.
42. LCCC pointed to a lack of information on death, burial and cremation rates for North and West Belfast and where and how burial requirements in those parts of the City are presently met. I agree that such information would be of assistance in assessing the remaining capacity in BCC. Whilst it may be the case that BCC has faced a chronic shortage of burial land and the plan process has not addressed this over the years, I am not persuaded of the need for the appeal development solely on this basis. The Appellant's projection that BCC could run out of burial land as soon as 2024 is the worst case scenario which does not fully consider cremations, or use of existing graves for further burials. Nor does it follow that the perceived shortages within LCCC and the Glengormley part of ANBC would necessarily divert burials into BCC, thus depleting the remaining supply at an even quicker rate. Whilst BCC's EoI process is ongoing and the council has to date been unable to achieve its desired 10 year supply and even though its stated desire for a smaller site than in its previous EoI does not preclude a site of the size of the appeal development, I am not persuaded that these matters in themselves demonstrate a need for the appeal development and its level of provision.

Antrim and Newtownabbey Borough Council

43. According to the Appellant's evidence the existing burial capacity at Carnmoney Cemetery had been exhausted as of 31 May 2020. The evidence indicates that as capacity is reached at Carnmoney subsequent burial requests will be directed to alternative cemeteries in Crumlin, Sixmile Antrim, Ballyclare and Rashee, Ballyclare. The Appellant considered that this left the urban area of Glengormley with no local burial capacity. LCCC pointed out that it understands that Carnmoney Cemetery can still be utilised for burials in graves already allocated and that new plots will be available for cremated remains. I note that ANBC secured permission of reserved matters for a crematorium facility and ancillary development (ref. LA03/2018/0091/RM) on land at Doagh Road, Newtownabbey. Although not yet implemented, it will in time afford further capacity for cremation within the borough.

44. The LCCC evidence states that there remains sufficient capacity for up to 17 years within ANBC, presumably divided between the aforementioned other cemeteries within the borough. I am not persuaded that the appeal sites' location would prove particularly convenient for those residing within the Glengormley area as opposed to the other cemeteries within this borough given the distance and travel time involved, irrespective of the catchment area the Appellant utilises. ANBC made no representations in respect of the appeal developments. However, from the totality of the submitted evidence, although one part of ANBC may have a localised deficit in burial provision, in my judgement the council area as a whole does not.

Assessment of alternatives

45. The Appellant's EIS included an assessment of 17 alternative sites, which it stated was based on BCC's own search over the years. This was supplemented by an additional widened site search carried out by the Appellant of 8 further potential sites within the urban footprint of the project catchment area. I will address the BCC site search assessment first.
46. Drumbeg A (the site which was initially proposed in dBMAP for cemetery use but ultimately withdrawn by the then DoE) was determined to be unsuitable given its location within the Lagan Valley Regional Park, overhead power lines and concerns that ground conditions could give rise to potential impacts on the groundwater aquifer. It ranked 6th out of 12 in the BCC long list. The Drumbeg B site underwent Tier 1 and 2 site assessment of ground conditions, however presence of sandy soils gave the potential for instability and leaching. The site was also surrounded by a number of environmental designations. Despite scoring highly, it did not proceed to Tier 3 investigation. The Lagmore site, ranked 12th of 12, was steeply sloping and despite some suitable geological conditions, was deemed unsuitable given the potential for storm water run-off into a recently constructed housing development and the site also had access problems. The Ligoniel site, ranked 11th of 12, was small, located upon a ridge and had potential access issues. Most of the site lay within two environmental designations and a recent housing development had reduced the amount of available land. These sites were all dropped from the BCC list.
47. The Hightown site was determined as having ground conditions that did not prevent a cemetery use and good public transport and reasonably straightforward access. However, a Tier 2 assessment revealed rock close to the surface over much of the site and there was potential for pollution to a nearby watercourse. The then Newtownabbey Borough Council did not wish to use this site as a cemetery. Despite having ranked 3rd of 4 on the shortlist, the site was ultimately dropped and no Tier 3 investigation proceeded. The Dargan site was deemed an inappropriate environment for a cemetery. The Knockagoney site, ranked 10th of 12, was deemed unsuitable as a consequence of access issues, its steeply sloping nature in part of the site and would be highly visible from the Sydenham Road and Belfast City Airport.
48. The Ballyregan site, ranked joint 7th of 12, was found to have suitable ground and access conditions, though a potential pollution issue pertaining to a nearby watercourse was an issue and it was a slightly open site on a hill, with a view available from a road 2km to the south. BCC did not pursue any further. As development had already begun on the Carrowreagh site for a different use it was deemed unsuitable. The Lisleen site, which was the largest in the initial 12

assessed, scored well in terms of ground conditions despite some drainage issues in low lying areas. Despite some potential access conditions the site did not have any environmental designations and was public transport accessible. Site investigation proceeded to Tier 3 and it ranked 1st of 4 in BCC's scoring. However, following the 2010 review BCC downgraded its preferential scoring for the site, as a need for cemetery provision had been identified in North and West Belfast, with the site's East Belfast location reducing its attractiveness to a less favoured option.

49. The Ballydollahan / Purdysburn site had suitable soil conditions but had pylons on the site and was split in two by the public road, necessitating two accesses. It ranked joint 7th on a list of 12 sites but was not pursued further. The Knockbracken site was well screened but had the Young Offenders Centre adjacent and had potential access issues. Ground conditions were deemed suitable but the site was ranked joint 9th out of 12 and not pursued. The Beechvale site was excluded from further investigation due to too much rock close to the surface. The Moira site (the same one as has permission for a cemetery and crematorium) was considered unsuitable due to its distance from the BCC catchment and particularly North and West Belfast. A site at Manse / Church Road, despite having been a graveyard site during World War 2, was not taken forward to the BCC long list scoring exercise.
50. Dundrod A ranked 5th out of 12 sites, but following the rescoring exercise relating to North and West Belfast, became joint 1st with the appeal site. However, as the site had only come to BCC's attention later in the process, BCC did not take the site forward for further ground test conditions.
51. The Nutts Corner site was also brought to BCC's attention much later in the site search process and although being suitable in terms of access, raised objections from the then Antrim Borough Council and following Tier 3 ground investigations, two thirds of the lands were deemed unsuitable. The site was dropped from the search.
52. In respect to the Appellant's widened search to include urban footprints within the catchment, four sites at Comber Rd, Dundonald, Ballynahinch Rd, Carryduff, Antrim Rd, Mallusk and Lissue Rd were all zoned for employment or employment / industry. These were judged unsuitable in terms of their size and on land use policy grounds. The Blaris Rd site was zoned as a Major Employment Location with a requirement for the developer to provide major road infrastructure, thus deemed unsuitable on land use policy grounds and road infrastructure.
53. A site adjacent to Holywell Hospital, Antrim possessed good public transport links and was not zoned for any particular use in the LDP. However, the ground conditions were not known and it was not centrally located within the catchment, in particular in respect to the most pressing need within the identified catchment of the appeal proposal. Access was judged to be problematic for a development of this size. The same rationale was used to discount a site adjacent to Antrim Hospital, despite having no access issues. A large site to the rear of Junction One was partly formerly playing fields and thus protected open space under prevailing planning policy. Ground conditions were unknown and again its location was not central to the project catchment.

54. The Appellant's assessment of alternatives within the EIS primarily focuses on meeting the need of BCC. I do not generally disagree with the assessment of the BCC assessed sites within the EIS. The down-scoring of the Lisleen site due to its East Belfast location is explained by BCC's preference for provision to serve North and West Belfast. Though that is not to say that the Lisleen site, or a smaller version of it, could not assist with provision within the wider BCC area.
55. In respect to the additional sites assessed by the Appellant, the primary focus on meeting BCC needs, along with the Appellant's catchment, skews consideration against the 3 sites in Antrim, two of which were judged unsuitable only due to their position within the project catchment and a third being partially restricted by an open space land use on a section of that overall site. Whilst the ground conditions of these sites are unknown, there remains the potential that one or more might prove suitable for a new cemetery use. Although several of the additional assessed sites are presently zoned for specific uses within the BCC area, the Council is preparing a new LDP, which could allow for consideration of new cemetery provision. Whilst I acknowledge the difficulties in ground conditions within the BCC area, which may necessitate a site outwith the BCC area, to my mind the Appellant's catchment is an artificial one devised specifically to support the application subject of this appeal, rather than a response to the particular and differing capacity and provision situations of the three council areas in question.
56. Additionally, setting aside arguments about rationalising land use through a single site considered to be strategically located, the project catchment and overall analysis is such that it presupposes that a single large site is best suited to serve the needs of the three councils within the catchment. It does not consider whether, for instance, the Appellant's suggested need within ANBC could be met by a smaller site borne from, for instance, investigation of the 3 aforementioned Antrim sites. Whilst I would accept that a thorough exploration of the majority of the BCC sites has taken place, I am not so persuaded in respect of the Antrim based potential sites and the skewed analysis resulting from the Appellant's particular chosen project catchment.
57. The Appellant's assessment of alternatives understandably does not include the 2 other sites presently under consideration in the BCC EoI process, as they are not publically known. However, it does not follow that despite the appeal sites' stated favourable factors, including ground conditions, location relative to the three council areas and proximity to North and West Belfast, that these are demonstrative that the appeal sites represent the best or only viable option for a new cemetery, thus justifying the appeal developments on the basis of need.

Conclusions on overall need for the proposal

58. The Appellant stated that based on NISRA death projections an estimated 154,467 people will die within the catchment of the proposed cemetery between 2018 and 2043, based on a growing aging population. Notwithstanding that a certain proportion of that figure has already become deceased since 2018 until now, the catchment is one encompassing several council areas of the Appellant's own devising. It does not follow that everyone within that catchment estimated to die would necessarily be buried rather than cremated, nor that some small proportion could end up being buried elsewhere for various reasons, including within church graveyards. Whilst the Appellant pointed to the growing number within the catchment population with no particular religion, I am not persuaded that

the stated 4% increase in non-religious population suggests a preference for neutral burial plots over, for instance, cremation. The Appellant's assessment on a prescribed catchment wide basis paints a worse picture than that when assessed against each council's own remaining capacity, particularly given the implications of the different plot sizes used by BCC and LCCC.

59. The Objectors' representative pointed to hidden capacity within the 'system' as the practice of purchasing grave plots for a family but not necessarily utilising them was up until recently still permitted. They also pointed to the fact that a single burial plot can accommodate more than one burial. The Objectors stated that a burial plot accommodates an average of 2.4 to 2.7 burials. The Appellant's own analysis made for similar provision per plot. The additional capacity for cremation at Roselawn, although yet to be implemented, will likely relieve pressure for burials within the catchment to some degree.
60. LCCC stated that in preparing its new draft plan strategy for the district it consulted BCC, ANBC and Ards & North Down Borough Council. Although those councils provided submissions, none referred to burial provision or any need for burial capacity outwith their own boundaries. The Appellant considered that this was merely a sign of acceptance from the councils that the LDP process was not the correct mechanism to secure new cemetery provision. Regardless of this opinion, even though the plan process has not yet yielded new cemetery provision for BCC, this in itself it would not justify the appeal developments. Whilst all councils have a responsibility to ensure adequate burial provision, the sub-regional need identified by the Appellant is not one necessarily recognised as such by any of the three relevant councils, all of which I am told liaise in respect of cemetery provision issues, even if little progress has been made in that regard between those councils.
61. In my judgement Blaris and the Moira site can more than adequately cater for burial provision within LCCC. The Moira site also has potential to assist BCC with its provision, even if not ideal for North and West Belfast. Whilst an assessment of alternative sites has been carried out, again, its outcomes are skewed in favour of BCC and the Appellant's catchment. Additionally, there are still another two sites, as well as the Moira site, still under consideration by BCC in its ongoing Eol process. There is no information available on those two other sites, thus I cannot be certain the appeal site represents the best option in that regard. Accordingly I am not persuaded that the PSU8 criterion pertaining to the existence of alternative sites or routes has been satisfied. The submitted evidence does not suggest ANBC has a supply shortfall when considered at the borough level.
62. From the totality of the submitted evidence I am not persuaded that there is a need that would justify the magnitude of burial provision the appeal development would afford. Notwithstanding my concern regarding potential impacts from the reduced level of provision based upon enlarged plot sizes and a reduced operational lifespan, as posited in the Appellant's Statement of Case, I am not persuaded that there would be a need for that level of provision either based on the evidence before me. For the reasons given above I am not satisfied that there is an overriding regional or local requirement for the proposed development, nor for the sub-regional requirement as framed by the Appellant. As Policy PSU8 of the PSRNI requires that the need for new infrastructure be balanced against the

objective to conserve the environment and protect amenity, I will conclude in respect of this policy once the other matters have all been considered.

Impact on tourism / racing events

63. Objectors pointed to the potential adverse impact on tourism in the area that would arise from the appeal development, specifically the impact on the motorbike racing that takes place annually. From the submitted evidence the Ulster Grand Prix, a longstanding week long race event, generates an estimated £2.5 million in spectator spend and over 10,000 commercial bed nights. Objectors also pointed to the social and cultural significance of the event within the locality and likelihood of it being compromised should the appeal development proceed. Similar concerns were raised by some Objectors as to the impacts on the Killinchy 100 race which runs in June.
64. The Objectors consequently considered that the appeal development did not satisfy Policy TSM8 of PPS16. Policy TSM8 states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. For the purposes of the policy, a tourism asset is described as 'any feature associated with the built or natural environment which is of intrinsic interest to tourists'. On a plain reading of this definition I am not persuaded that the Ulster Grand Prix or other such racing fixtures represent a tourism asset as envisaged under this policy as they are events utilising the public road network in a particular area rather than a feature associated with the built or natural environment. However, notwithstanding this, the racing fixtures in question undoubtedly represent events which attract many people to spectate, including tourists who may well also spend more time in the area or visit other places, with potential tourism spin-offs. The Ulster Grand Prix is also an event which significantly contributes to the local and wider economy. Thus whilst Policy TSM8 of PPS16 does not apply, the matter of potential harm to the Ulster Grand Prix and other racing events in the locality remains a material consideration before me.
65. In terms of any direct conflict with the races whilst underway, the proposed alternative access onto Carnaghliass Road is intended to facilitate access to the proposed cemetery without impediment to the actual race route. As suggested by the Appellant, the use of this alternative access and the measures necessary to alert those visiting the cemetery during those periods, including a management plan to be agreed with the Council, could be secured by condition in the event of permission being granted. The Appellant offered three scenarios in respect to operation of the cemetery during race periods:
- normal full operation of the cemetery using the alternative access;
 - limited operation of the cemetery using the alternative access, involving no funerals taking place and visitations only; and
 - full closure of the cemetery during race and practice days.
66. Whilst I take the Objectors' point that full closure of the cemetery could well prove distressing to those wishing to visit graves during race periods, either of the first two alternatives proffered by the Appellant would allow for continued operation of the cemetery without impediment to the racing event. For reasons given later in this decision in respect to traffic matters, I consider that the second option would

be best and could be conditioned in the event of permission being granted. I disagree with the Objectors' representative that use of the alternative access only during racing events and management of the same could not be secured using appropriately worded conditions. Nor am I persuaded that such conditions could not be monitored and enforced if necessary.

67. The greater matter is the potential incompatibility between operation of the cemetery and racing events. Objectors pointed to the potential conflict between the noise and activity arising from the racing and practice days and the expectation of tranquillity from those visiting the cemetery. It is without question that during racing events the normal rural ambience of the area would be greatly altered, thus there is potential for visitors to the cemetery to find such increased noise disruptive. Again, I am not persuaded that total closure of the proposed cemetery during such racing events would be the best solution, as this would be likely to distress those wishing to visit graves within that time period. The Cemetery Management Plan could include measures to make visitors to the cemetery aware in advance of the alternative access to the site during racing events, as well as the altered noise environment during such periods. Those then wishing to visit graves during the race period would have to be aware of this altered noise environment during such events and make their decisions accordingly.
68. Whilst there is the potential for friction between the Ulster Grand Prix or other races and the operation of the appeal development, I am not persuaded that potential noise complaints arising over the racing would adversely impact upon or jeopardise the ongoing viability of running the Ulster Grand Prix or other such races, or their continued contribution to the economic and cultural wellbeing of the locality. As such I am not persuaded that the refusal of planning permission for the appeal development on this basis would be justified. The Objectors' concerns in this respect are not sustained.

Rural character

69. The Council and Objectors raised issues pertaining to the impact on rural character arising from the appeal developments. The Council's concerns did not relate to the impact of the buildings themselves, which it was accepted could be addressed at reserved matters stage. Rather, the Council's concern related to the overall change in character arising from the nature of the development proposed with its access arrangements, its tarmacked roadways, bridges, the mounded area within the site, the stoned footpaths and the general, more manicured appearance, including tree lined avenues. Furthermore the Council pointed to the gradual inclusion of additional headstones as grave plots are utilised over time would also change the rural character. Objectors also raised issues that the nature and scale of the development would produce a longstanding commitment in the landscape and alter the character of Dundrod itself.
70. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It lists several instances where a new building will be unacceptable. As the impact of any buildings has been deemed acceptable for consideration at reserved matters stage, consequently assessment of the appeal developments under Policy CTY14 of PPS21 can only be in respect

to criterion (e): that the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

71. However, Policy PSU8 of PSRNI lists the impact on the environment – in particular the visual and ecological impacts, as a criterion of importance to the consideration of new infrastructure applications. Thus the Council's and Objectors' concerns regarding the impact of the appeal developments as a whole on rural character, including the potential impact on the character and setting of Dunderod itself, remain a material consideration.
72. Paragraph 5.82 of PPS21 states that in particular access arrangements can often raise awareness of and draw attention to new development. The Quarterland Road frontage is predominantly defined by a post and wire fence, some low cut hedge in parts and a wide grass verge. These features along with the road alignment and its level being slightly above that of the site itself, afford open views into large portions of the southern part of the appeal site when travelling either direction, though to a greater degree travelling south-west along Quarterland Road towards and across the site frontage. The access, regardless of its design which has yet to be detailed, would appear as a stark and urbanising feature at a prominent location along this section of road as a consequence of the placement of stone pillars, metal gates and railings, flanking a formalised avenue into the site.
73. Whilst the Appellant pointed to such views being confined to along the site frontage, that frontage is approximately over 150m in length, which I do not consider to be insubstantial when taken with the availability and field of depth of views into the site within that envelope. The Appellant considered that the visual effects of the development would diminish quickly over time, whilst views into the site would be precluded by the new wall, set back of the cemetery itself from the roadside and new planting along with retention of existing vegetation. Whilst the wall along the frontage would block views in parts of the site, the wall and entrance features themselves would remain an obtrusive feature. Doubtless the appeal development would be well maintained. However, that more formalised appearance along with the introduction of a network of roadways and paths, as well as the ordered and highly regimented appearance of expansive areas of gravestones would introduce a hard urban form across much of the site, even if the burial area was divided into five zones and the introduction of headstones occurred at a gradual pace alongside maturation of the new planting.
74. The proposed planting scheme would take some time to mature. Large areas of planting, much of it presumably well maintained in line with the expected clean and well-presented appearance of a cemetery, would also be somewhat visually at odds with the existing rural character of the area, which is quite open in nature. The nature of the landscape at this particular location is such that its development for a network of roadways and footpaths, with associated landscaping and planting would appreciably and detrimentally change the existing rural character of the area, even if the level of planting could, through the course of time, ultimately obscure much of the site interior. In my judgement the level of proposed landscaping and planting for visual mitigation purposes indicates the magnitude of the visual impact of the appeal developments in the first instance.
75. The alternative access would result in the removal of a sizeable section of approximately 150m of mature maintained hedgerow along the Carnaghliiss Road.

Whilst Policy CTY14 makes an exception for the impact of necessary visibility splays, the proposed stone pillars and metal gates, along with a section of estate railing would adversely impact on the existing rural character by creating a new built element that would readily draw the eye and indicate the presence of the wider cemetery development to the north, though I accept that existing and proposed vegetation would screen much of the cemetery itself and sections of the internal roadway to the cemetery from this public viewpoint. Despite the access point lying within a dip in the horizontal alignment of the road, proposed new planting to the rear of the visibility splays and views being peripheral to the direction of travel, nevertheless, sustained and transient views of the access would be available when travelling both directions along Carnaghliiss Road towards the access point.

76. In terms of the effect on the character of Dundrod itself, although the appeal site is in proximity to the small settlement, the appeal site is not contiguous with Dundrod, nor are there visual linkages between the two. Despite the change in rural character I have already outlined above, I am not persuaded that the appeal developments would adversely affect the character of Dundrod itself given the lack of visual and physical linkages. It does not follow that the granting of permission for the proposed development would render the resultant cemetery synonymous with Dundrod. Nor am I persuaded that the increased activity in the locality would adversely impact on the inhabitants of Dundrod, again due to the separation between it and the appeal development.
77. However, notwithstanding the above, in my judgement the appeal developments would, when taken as a whole, result in an unacceptable visual impact, which would adversely affect the existing rural character of the area. The Appellant's visual analysis contained within the EIS, appeal evidence and other supporting information would not persuade me otherwise. Whilst the Council's second reason for refusal in each of the appeals is not appropriately framed, the Council's overall concerns relating to adverse impact on rural character, as well as those related concerns of the Objectors, are well founded. Notwithstanding the biodiversity betterment that would occur through the proposed new planting, for the same reasons as given above the appeal developments would not satisfy the visual impact limb of the second listed criterion of Policy PSU8. However, Policy PSU8 requires a balancing exercise be undertaken which shall be carried out in the concluding section of these decisions.

Impacts on the natural environment

78. Objections at the application stage pointed to impacts on ecology arising from the appeal development, though they did not elaborate to any great degree. The Appellant as part of the EIS included analysis of potential impacts on ecology in response to issues raised by Northern Ireland Environment Agency (NIEA) and the Objectors.
79. Policy NH1 of PPS2 states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or a listed or proposed Ramsar Site. The policy goes on to state that where a development proposal is likely to have a significant effect

(either alone or in combination) or reasonable scientific doubt remains, the Department (or in the case of these appeals, the Commission) shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Policy NH1 further states that appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site. This policy requirement derives from the Habitats Directive which establishes the requirement that any plan or project likely to have a significant effect on a European designated site shall be subject to an Appropriate Assessment (AA).

80. The Appellant provided a shadow Habitats Regulations Assessment (sHRA) – Stage 1 Assessment of Likely Significant Effects and Stage 2 Appropriate Assessment (AA) dated July 2020 along with their appeal evidence. Its purpose was to inform the competent authority's Habitats Regulations Assessment. The competent authority is now the Commission.
81. The appeal sites are not in or immediately adjacent to any Natura 2000 designated sites. The Appellant's submitted sHRA adopted a 15km zone of influence (Zol) due to the hydrological connectivity of the appeal site with Lough Neagh and the potential for use as a functionally linked habitat for certain species within the bird populations belonging to several designations. The sHRA identified 7 European sites within the Zol of the appeal sites:

Site	Distance from appeal site
Lough Neagh and Lough Beg Special Protection Area (SPA)	9.67 km
Lough Neagh and Lough Beg Ramsar	9.76 km
Rea's Wood and Farr's Special Area of Control (SAC)	11.98 km
Belfast Lough SPA	12.38 km
Belfast Lough Ramsar	12.38 km
Belfast Lough Open Water SPA	12.99 km
Montiagh's Moss SAC	14.80 km

82. The Stage 1 Assessment of Likely Significant Effects (LSEs) were identified to be:
- potential threats to qualifying features of the above 7 European sites which were considered to possibly arise from or be exacerbated by eutrophication or deterioration in water quality and aquatic habitats;
 - impact on supporting roosting or loafing habitats; and/or
 - loss of functionally linked land used as high tide roosts or for foraging for wader species or overwintering SPA birds.
83. The sHRA identified potential pathways of effect which were assessed for the construction, operation and decommissioning phases of the appeal development. It was concluded that a number of potential effects were identified to be likely significant effects in terms of the appeal development alone. In terms of in combination effects with other relevant plans and projects two potential effects were identified, firstly those of degradation of water supply and aquatic habitats resulting from surface water and secondly, waste water treatment works discharges to Coopers Water catchment and in-combination loss of functionally

linked land to development. The sHRA concluded that it was highly unlikely that such identified projects and plans would act in combination with the site to result in LSEs. The sHRA therefore concluded that the favourable conservation status of qualifying features or the designated sites would be unaffected as a result of any in-combination impact pathways of effect and LSEs are not anticipated. The sHRA did not carry forward any in-combination effects to AA stage.

84. The Stage 2 AA considered the potential effects as having LSEs alone under three stages: construction, operation and eventual decommissioning / post-operational phase. The assessment of the construction phase were assessed in respect to Lough Neagh and Lough Beg SPA/ Ramsar sites and the Belfast Lough SPA / Ramsar. The AA stated that the Belfast Lough SPA / Ramsar sites would only be assessed further for potential noise and vibration disturbance LSEs for the construction phases as they were not hydrologically linked to the appeal site.
85. The operational and decommissioning phases were assessed in respect to Lough Neagh and Lough Beg SPA / Ramsar sites only. The potential effects at construction phase included degradation of water quality and aquatic habitats due to spillages, leakages, as well as mobilisation of sediment in run-off and noise or vibration disturbance. Potential effects during the operation phase again included degradation of water quality via several different pathways: sediment run-off from grave digging, seepage of human corpse decomposition products, chemical contamination from graves (including metals such as gold, silver and preservatives such as formalin) and discharges from the new waste water treatment works (WWTW). Potential changes in hydrology due to new surface water drainage measures and discharges from the WWTW were also identified. During the decommissioning phase potential effects were identified as continued degradation of water quality and aquatic habitats through seepage of human corpse decomposition products via groundwater and from chemical contamination from graves.
86. The AA stated that a series of measures could be employed to mitigate any LSEs, with most measures relating to avoidance of surface and ground water pollution to Coopers Water due to hydrological connectivity with Lough Neagh and Lough Beg SPA / Ramsar sites. Retention of potential breeding areas in wet grassland and rush pasture would avoid any LSEs on qualifying birds. Other measures entailed a detailed Construction Environmental Management Plan (CEMP) to be prepared for approval prior to any commencement of construction, as well as a Biodiversity Management Plan (BMP) defining buffer zones along both sides of Coopers Water and other watercourses, as well as retention and management of hedgerows within the sites and marshy grassland. Regular water quality monitoring of Coopers Water was proposed to be undertaken during and following operation of the site and ultimately to be approved by NIEA. Strict adherence to all Net Regs Guidance for Pollution Prevention and Pollution Prevention Guidance was also advanced as being necessary whilst working on the sites. It was also stated that consent limits for discharge to Coopers Water from the proposed WWTW would be agreed prior to installation. These measures could be secured by appropriately worded planning conditions in the event of permission being granted.
87. I am satisfied that the sHRA and accompanying information takes into account the environmental impact of the scheme from its construction through to operation and eventual decommissioning. I note there are no objections from the relevant

statutory consultees to the proposed development, subject to various conditions that could be imposed in the event of permission being granted. As the competent authority responsible for the HRA under the Habitats Regulations I accept and adopt these conclusions. As such I find that the appeal development satisfies Policy NH1 of PPS2.

88. The supporting information for the appeal development included baseline surveys of the site ecology and several surveys relating to protected species animals, birds and bats. This information is supportive that the appeal development will not adversely impact on the various species assessed or their habitats. I have no evidence to suggest the contrary from Objectors.
89. The Appellant suggested that the appeal development could result in betterment of existing natural habitats over the existing use and condition of the site lands. The land within the appeal sites is typical of that used for modern intensified agriculture. I do not disagree that the additional planting and future conservation management of the site as a cemetery could provide for greater opportunity for nature conservation. A habitat management plan could be conditioned as part of any approval of planning permission to include protection of existing assets during construction and future management, whilst the aforementioned BMP could address the creation of various ecological habitats during the various phases of the development. I agree that such a plan could be submitted as part of the reserved matters when the detailed design is known. I have been given no evidence to demonstrate that the appeal development would upset or disrupt local wildlife. Again, I note no objections from the relevant statutory consultees, subject to imposition of conditions. I consider that the third party objections raised in respect of potential impacts on the natural environment are not sustained.

Impacts on the historic environment

90. General objections were raised as to impacts on the historic environment of the area. From the evidence before me there are no known archaeological sites within the area of the proposed alternative access route. The Appellant's EIS included an archaeology section which assessed the potential impacts on archaeology and the scheduled rath (ref. ANT 59:35) which occupies an area adjacent and south of the proposed alternative access onto Carnaghliss Road.
91. The assessment considered that there is the possibility that previously unknown, sub-surface archaeological remains could exist within the appeal sites. The EIS determined that a number of mitigation measures during construction phase be employed. These measures could be secured by condition in the event of permission being granted. No proposed mitigation measures for the operational phase of the appeal development were identified and the appeal development would not be directly impacting upon the rath itself as it lies outwith the appeal sites, with a suitable buffer employed. NIEA Historic Environment Division accepted the conclusions of the EIS. From the submitted evidence I am not persuaded that the appeal development would adversely impact on the local historic environment. This issue would not warrant the withholding of planning permission.

Flooding, drainage & hydrology matters

92. The Objectors considered that the site was unsuitable for the appeal development given the soil type and also the micro-climate within which the site lay, which they

stated was prone to heavy rainfall arising from its position in relation to the Belfast Hills and Lough Neagh and the prevailing wind directions. Concerns were also raised regarding impacts on local water boreholes and wells from potential leachates from graves, with the Objectors' representative stating that the soil type of the site would not support the proposed development without resulting in severe drainage problems.

93. In respect to the weather climate in the area of the appeal sites, despite the statements from the Objectors regarding a microclimate, the Appellant's evidence, based on published Met Office rainfall data and published evapotranspiration data from 'Soil and Environment; Northern Ireland, 1997' suggests the climatic conditions in and around the appeal site locality are typical of other areas in Northern Ireland. I have no substantive evidence to suggest that the Appellant's incorporation of rainfall rates in its modelling carried out in the White Young Green analysis is not robust.
94. The Appellant submitted a Drainage Assessment and Flood Risk Assessment (FRA) to accompany the outline application, as well as Addenda in relating to the alternative access and in response to queries raised by statutory consultees. The FRA concluded that in respect to fluvial flood risk no development would take place within the 100-year return period floodplain plus 600mm freeboard and crossing over Coopers Water would be clear span bridges with soffit levels at 600mm above the 100-year return period flood level. In respect to pluvial flood risk, development on the site would be constrained to locations beyond the pluvial floodplain extents wherever possible and levels and gradients would be set to optimise collection and transfer of storm water runoff to the receiving watercourse. Whilst the Objectors pointed to the use of a water pump to keep a newly dug grave hole free from water, such potential temporary measures do not point to an inherent unsuitability of the ground for burials. Even if the use of such a pump would generate noise, if its use was required for a particular grave hole, its operation could be timed to avoid nearby funerals within the same part of the site.
95. The FRA also stated that following consultation with DFI Roads there were no reported problems with surcharging gullies or blockages at the site location. NI Water confirmed that its assets in the vicinity of the site have adequate capacity to serve the appeal development. In respect to the existing system of drains and small watercourses within the appeal sites, small portions of them may be culverted in accordance with exceptions allowed under policy within PPS15, whilst others would be removed where necessary. The FRA concluded though that the non-strategic nature of such watercourses was such that these works would have no material impact. I note no objections raised by DFI Rivers or NI Water and from the submitted evidence I am not persuaded that the appeal development would detrimentally impact on the existing drainage regime of the lands and surrounding lands to any material degree.
96. In respect of the private water borehole dug subsequent to the submission of the Appellant's EIS, notwithstanding the Appellant's position that the borehole is unlawful, additional borehole investigation in 2020 took place in order to inform the updated Private Water Supply Risk Assessment that accompanied the appeal submission. Its findings stated that there is little interaction between the appeal site and abstraction through the borehole.

97. The semi-quantitative risk assessment carried out in respect of the identified private water supply at No. 10 Quarterland Road identified minor to negligible risks from the proposed cemetery. The Appellant's evidence recommended mitigation measures which would if applied, reduce the likelihood of those risks identified to be unlikely. These measures were: submission of a detailed CEMP and the part-time presence of a hydrogeological clerk of works during key or sensitive works to ensure all mitigation measures are implemented during construction phase. These measures could be conditioned in the event of permission being granted.
98. In respect of foul water from the appeal development, the proposed on-site WWTW would be designed to treat any discharge appropriately. Whilst such works would be subject to separate consents, there is no evidence to suggest that a WWTW could not be designed to provide this function. A planning condition could be imposed requiring agreement of discharges prior to any development taking place.
99. Objectors feared that the flooding of burial plots could result in rapid movement of harmful chemicals into the water courses. The Appellant's investigation and monitoring entailed 40 trial pits and 12 boreholes completed in 2015. Those investigations indicated that groundwater was generally absent from the clay material in which burials are proposed, though minor seepages were noted below the burial zone, but determined to be laterally discontinuous. An intrusive investigation into shallow sub-surface drainage features was carried out in March 2018. The analysis determined that at depth groundwater was confined within the underlying bedrock aquifer by the clay rich overburden. The water levels in the bedrock aquifer were representative of the piezometric surface rather than the water table itself. The information showed that the risk of contamination migrating down into the basalt aquifer was reduced as the confined nature of groundwater meant there is an upward hydraulic gradient. Various buffer distances have been incorporated into the development for nearby boreholes, wells, springs and the river in order to mitigate risk to local water receptors. A number of suggested planning conditions to protect the water environment could be applied in the event of permission being granted. The Appellant's evidence is persuasive that the burial zone areas are underlain by sufficient depth of soil and suitable soil type that render it suitable for burials.
100. From the totality of the submitted evidence, in my judgement I am not persuaded that the appeal development would present a flood risk or result in displacement of flood water onto other surrounding lands, nor adversely impact on the existing local drainage system to any material degree. The use of a Groundwater Protection Plan to be produced for the construction phase to identify any perceived risks to the private water supply, identify pollution pathways and provide any recommended mitigation measures could be imposed, as suggested in the Appellant's expert evidence. I agree with the Appellant that the conditions suggested by the Department of Agriculture, Environment and Rural Affairs Regulation Unit (Land and Groundwater Team) would be precise and enforceable. They too could be imposed in the event of permission being granted. I consider that sufficient evidence has been presented to demonstrate that burials could take place without releasing potential contaminants into the agricultural drainage system. The Objectors' concerns pertaining to these matters are not sustained.

Traffic and road safety matters

101. Objectors raised issues concerning road safety and traffic impacts arising from the appeal development. They considered that the route from Belfast across the Belfast Hills to the appeal site was unsuitable for the level of traffic that would result, as well as the potentially dangerous driving conditions during winter along that route. Policy AMP2 of PPS3 states that 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 two criteria are satisfied. These are that: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The appeal proposals do not involve access onto a protected route thus the second criterion is not engaged.
102. Objectors pointed to the road alignment at Ireland's Corner on Quarterland Rd being dangerous and unsuitable for the main cemetery access. The proposed main entrance entails an access with visibility splays of 4.5m x 190m in both directions, with a 65m right turn lane. The Objectors considered that a longer right turn lane and increased visibility splays would be necessary to accommodate the level of traffic. Whilst the entirety of some larger funeral corteges seeking to cross the Quarterland Road in order to enter the proposed cemetery may not be able to fully occupy the right turn lane, it seems unlikely that large corteges would not be interspersed with other non-cemetery bound traffic, or be broken up to some degree as a consequence of funeral attendees not all departing for the cemetery at the exact same time. These factors would allow for breaks during which vehicles turning into the cemetery would not impede the flow of traffic on Quarterland Road, or present collision risks to other vehicles not cemetery bound. Whilst funeral corteges can at times be slower moving than ordinary traffic, I am not persuaded that such processions would invariably displace other motorists onto other local roads that Objectors considered were unsafe. This is due to the overall capacity of the road network and the likely spacing of funerals throughout a typical day of operation.
103. Collision statistics provided by the Appellant indicate that 17 collisions have occurred on Quarterland Road over a 5 year period, with 15 having taken place at corners. Only 5 of the 17 collisions have occurred between 09.30 and 16.30, which represent the period of time the proposed cemetery would be busiest. No objections were raised by DFI Roads. From my observations and the submitted evidence I am satisfied that the proposed access onto Quarterland Road would be sufficient to avoid prejudice to road safety. The detailed design could be addressed at reserved matters stage in the event of permission being granted.
104. Some Objectors suggested that visitors could choose to park outside the cemetery along the roadside if they only were visiting to quickly place a new wreath at a grave. Whilst such roadside parking would be irresponsible, the availability of parking within the appeal development and its more convenient location relative to the burial areas is such that I find this to be an unlikely scenario.
105. The Sycamore Road junction was raised by Objectors as a potential hazard in relation to its proximity to the main access for the appeal development. Whilst it was stated that the geometry and visibility from that junction with Quarterland Road is dangerous, it lies approximately 220m to the south-west from the proposed site access. Whilst accidents may have occurred at the Sycamore Road

junction, I am not persuaded that any slow moving traffic generated by the appeal development would increase risks at that junction, as much of it would be coming from the direction of Belfast, turning into the new cemetery some 220m before the Sycamore Road junction. Thus there would be no interaction between this traffic and any vehicles emerging from the Sycamore Road junction. The same would be the case for traffic leaving the proposed cemetery to travel back in the Belfast direction. In respect of traffic visiting the proposed cemetery coming the opposite direction, I am not persuaded that this traffic would pose a threat to traffic emerging from that junction as it would be on the opposite side of Quarterland Road from the Sycamore Road junction.

106. In respect to the alternative access into Carnaghliiss Road, which is proposed only for use during racing events, Objectors raised issue with the comparably lower standard of visibility proposed. The proposed access would have 2.4m x 156m to the south-west and 2.4m x 152m to the north-east. These splays are predicated on a stated intent to avoid removing a stand of mature trees near the proposed access. DFI Roads considered this standard of visibility to be acceptable. Objectors considered that both accesses should have the same standard of visibility given that when the alternative access was in use the normal level of funeral traffic would still be utilising it.
107. It does not necessarily follow that the same level of traffic would use the Carnaghliiss Road access during racing events as visitors may wish to pay their respects after the racing event has ended. Given the road and its characteristics I consider that that the Appellant's suggested option for restricting operation of the cemetery to visitation only during these periods, through imposition of a planning condition, would be necessary in the event that permission is granted. Notwithstanding that some visitations may proceed during these race periods, the road speed and characteristics of the Carnaghliiss Road differ to those of Quarterland Road.
108. The Quarterland Road is a busier road with a differing geometry and slightly faster 85thile road speed than that of Carnaghliiss Road. The proposed access onto Carnaghliiss Road joins onto a straight section of rural road, which despite being within a wider dip in horizontal alignment, has a lower 85thile road speed than that of Quarterland Road. The majority of visiting traffic to the cemetery when the alternative access would be in use would be turning left into the access, without a need to cross the road. This is opposed to traffic using the main Quarterland Road access where a right turn into that access, crossing the road to do so, is necessary for the majority of visiting traffic. I note that according to the evidence there have been no collisions on this section of road from 2015 to 2019. A single collision was recorded by the Police Service NI on the Carnaghliiss Road over this period, which occurred 158m from Dundrod Road, injuring one person. The collision statistics do not support the proposition that Carnaghliiss Road is an unsafe road.
109. Taking these matters along with the estimated road speed and alignment of the road into account I am satisfied that the proposed visibility splays for the alternative access are sufficient to ensure a safe access for use during race periods, even if some local traffic is displaced onto Carnaghliiss Road during these periods and the road is used by heavy goods vehicles on a regular basis. For the same reasons as given above I am not persuaded that the lack of a proposed right

turn lane into the site for the alternative access would be necessary. The Objectors' evidence, including Mr Calvert's assessment would not persuade me otherwise.

110. The route from the Upper Springfield Road out of Belfast City and across the Belfast Hills to the proposed cemetery involves use of a rural road which, during winter and given its altitude at various points, can become more difficult to use, especially during wet or icy periods. However, this is the case with many roads at higher altitudes during inclement weather periods. It is safe to assume that those seeking to travel to the cemetery during such periods would be cognisant of the weather and resultant road conditions and drive accordingly if they chose to undertake the trip. I am not persuaded that bad weather or its potential effect on driving conditions for those travelling to the proposed cemetery from Belfast would warrant the withholding of planning permission.
111. Whilst the level of traffic arising from grave visits would increase over time as more of the proposed cemetery is filled, I am not persuaded that the road network would be unable to accommodate this increase given the capacity and design of the Quarterland Road and the wider road network. The Appellant's technical evidence on these matters is persuasive and was not rebutted by a roads expert. In respect to more intensive use, such as during religiously significant dates, were such spikes in traffic to occur they would be short-lived. I have not been presented with any substantive evidence to suggest that the road network would be unable to cope during these limited periods. The general impact on the road network arising from the appeal proposals is such that I am not persuaded that the appeal developments would significantly inconvenience the flow of traffic.
112. I note that DFI Roads raised no objections in its multiple responses in respect of the proposed developments, subject to the imposition of a series of conditions. From the totality of the evidence presented, including my own observations of traffic on both roads and the wider road network, I am not persuaded that the appeal developments would prejudice road safety or significantly inconvenience the flow of traffic. The development does not offend Policy AMP2 of PPS3 and the Objectors' concerns in respect to these matters would not warrant the withholding of planning permission.

Other matters

113. Agriculture is an activity that can generate noise and odours. The appeal sites are located in the countryside where agricultural activity is commonplace and to be expected. Existing farming practices in the locality have presumably not caused any significant issues in respect to noise or odours (such as during the spreading of slurry). There are also restrictions on the amount of slurry farmers can spread on land and only particular periods of time during which they are permitted to do so. I am not persuaded that even if complaints concerning noise or odours from agricultural activity on adjacent lands were to arise from those visiting graves at the proposed cemetery, that such complaints would be justified provided farmers were operating within normal parameters, including the permitted periods for slurry spreading. I am not persuaded that the appeal development would adversely impact on existing farming practices.
114. The Objectors pointed to the lack of a railway station and limited bus service to Dundrod, which made the appeal sites less sustainable as a location for a new

cemetery. Notwithstanding that many people generally travel to funerals by private transport, I note the appeal development includes the potential for a bus service provision. The evidence states that if such a service is to be agreed with Translink, then bus stops would be required in the vicinity of the main access, with pedestrian routes to the access. If however, a private bus provider was to be secured, then bus stops could be internal. In either event, I agree that the details of a bus service, including its specific stops and pedestrian linkages, could be secured by condition in the event of permission being granted.

Conclusions

115. Objectors considered that the proposed developments were of no benefit to the local community. Whilst this is not a policy requirement, Policy PSU8 of the PSRNI lists impacts on existing communities as a criterion to be considered. Given my consideration earlier in respect to potential impacts on the character and ambience of Dundrod, as well as the socio-economic aspects of the development assessed below, I am satisfied that this criterion has been considered and the appeal developments would not be at odds with it.
116. From information provided by the Appellant, construction cost of the appeal sites is estimated to be £34.6m split over five phases. Construction would directly support 345 construction job years, with a further 248 job years indirectly supported and 174 jobs induced as a result of the direct impact. This employment would generate £8m in wages and in total support £17m in wages across various sectors. Upon completion of all phases the development would support 6 full time employees (maintenance, administration and facilitating burials). The evidence estimated that in the 20 years following completion of all construction phases £500,000 of additional gross value added will be generated, £800,000 earned in wages and a total net impact of £1.3m in the ongoing operation of the development. The Appellant also pointed to the social and health and wellbeing benefits of a newly accessible green space, as well as the operation of a private sector cemetery reducing the burden off a local authority to secure burial plot provision.
117. For reasons given earlier, the impact on the natural and man-made heritage, as well as the provision to mitigate adverse effects have all been considered. These impacts I have judged to be acceptable, except in regard to rural character. Policy PSU8 requires that the need for the new infrastructure be balanced against the objective to conserve the environment and protect amenity. As I judge that the case of need for the proposed new infrastructure is not met and its visual impact on the environment to be unacceptable, neither limb of Policy PSU8 of PSRNI is met.
118. I am not persuaded that there are overriding reasons why the proposed cemetery and ancillary development is essential and consequently I find that it fails to meet Policy CTY1 of PPS21 and the related provisions of the SPPS. As the accompanying appeal relating to the alternative access is linked to and would serve the cemetery proposal, there is no justification for that development for the same reasons. The above stated economic and social benefits are not insubstantial, however, I am not persuaded that they outweigh the lack of policy support for the developments in principle. Whilst the Council's first reason for refusal for both appeals was framed on Policy CTY1 of PPS21 rather than PSU8,

nevertheless, the Council's objection pertaining to need and those related concerns of the Objectors are sustained in respect of both appeals.

119. Whilst a number of the Objectors' issues would not warrant the withholding of planning permission, the Council's and Objectors' concerns pertaining to the need for the development and the impact on rural character have been sustained to the extent specified and are determining. Despite the support for the appeal developments from a number of elected representatives, the potential betterment arising from the planting and landscape management on the site and the various socio-economic benefits, these matters would not outweigh the above objections. Accordingly for the reasons given above, both appeals must fail.

The decision for the outline planning permission appeal relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
1	Site Location Plan	1:2500	30/06/2016
2	Proposed Access Layout	1:500	30/06/2016
4	Landscape Proposals	1:2000	26/09/2017
7	Concept Plan – Reception Area	1:500	30/06/2016
9	Burial Development Plan	1:2000	30/06/2016
10	Detail of Entrance Avenue off Quarterland Road	1:500	30/06/2016
11	Concept Phasing Plan	1:2000	26/09/2017

The decision for the outline planning permission appeal relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
1	Ownership Map	1:1000	20/09/2017
2	Site Location	1:2000	20/09/2017
3	Site Layout	1:1000	20/09/2017
4	Landscape Plan	1:750	20/09/2017
5	Secondary Access Road - Section	1:50	20/09/2017
6	Landscape Proposals	1:2000	20/09/2017
7	Concept Phasing Plan	1:2000	20/09/2017
8	Race Week Access – Carnaghliiss Road	1:500	20/09/2017
9	Level Survey	1:1250	20/09/2017

COMMISSIONER MARK WATSON

Note: The validity of these decisions may be challenged by applying to the High Court for a judicial review. This must be done within three months of the date of the decisions.

List of Documents

Planning Authority:-

- 'A' Statement of Case (LCC)
- 'B' Statement of Case Appendices Booklet (LCC)
- 'C' Rebuttal Statement & Appendices (LCC)

Appellant:-

- 'D' Statement of Case & Appendices (Gravis Planning)
- 'E' Shadow Habitats Regulations Assessment – accompanying Statement of Case (WYG for Gravis Planning)
- 'F' Rebuttal Statement & Appendices (Gravis Planning)

Tier 3 Controlled Waters Risk Assessment – May 2016
Environmental Statement & Non-Technical Summary – June 2016
Environmental Statement Addendum & Non-Technical Summary – Sept. 2017
Environmental Statement Addendum & Non-Technical Summary – Mar. 2018

Third Parties:-

- 'G' Statement of Case & Appendix (Les Ross Planning on behalf of Objectors)
- 'H' Rebuttal Statement & Appendices (Les Ross Planning on behalf of Objectors)

- 'I' Statement of Case & Appendix (BCC)
- 'J' Rebuttal Statement (BCC)

- 'K' Letter of Support (Mr P Maskey MP)

- 'L' Statement Letter (L A Connolly – Objector)
- 'M' Rebuttal Letter (L A Connolly – Objector)

- 'N' Statement Letter (Ms S Young – Objector)