

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn, on Monday 12 April 2021 at 10.32 a.m.

PRESENT:

Present in Chamber:

Alderman O Gawith (Chairman)

Alderman D Drysdale (Vice-Chairman)

Aldermen WJ Dillon, A Grehan and J Tinsley
Councillors U Mackin, and A Swan

Attending Remotely:

Councillors M Gregg, J McCarthy, J Palmer

IN ATTENDANCE:

Present in Chamber:

Principal Planning Officer (RH)

Member Services Officer (PS)

Member Services Officer (MC)

Attendance Clerk(RN)

Present in Remote Location:

Director of Service Transformation

Head of Planning and Capital Development

Senior Planning Officer (RT)

Senior Planning Officer (MB)

Legal Adviser:

B Martyn - Cleaver Fulton & Rankin

LCCC

P McCormick – Economic Development

B Courtney – Sports Services

A list of Consultees and Members of the planning applicant team(s) attending is included at Appendix 1

Commencement of Meeting

The Chairman, Alderman O Gawith, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

He stated that Planning Officers, the Council's Legal Advisors and those speaking for or against the applications would be attending the meeting remotely.

The Principal Planning Officer advised on housekeeping and evacuation procedures. The Member Services Officer then read out the names of the Elected Members in attendance at the meeting.

At this stage the Chairman, Alderman O Gawith invited those present to stand and observe two minute silence as a mark of respect in light of the recent death of His Royal Highness Prince Philip, Duke of Edinburgh.

1. Apologies

It was noted that Councillor J Craig and Councillor J Palmer had advised that they would be arriving late.

Councillor J McCarthy arrived at 10.36 am

"In Committee"

It was proposed by Alderman O Gawith, seconded by Alderman D Drysdale and agreed that Legal Advice be obtained "in committee", in the absence of members of the press and public being present. The livestream was paused.

Legal advice was received and noted.

Resumption of Normal Business

It was proposed by Councillor A Swan, seconded by Alderman D Drysdale and agreed to come out of committee and normal business was resumed. The livestream recommenced.

2. Declarations of Interest

The Chairman, Alderman O Gawith, then stated that Members of the Planning Committee (by virtue of being Members of the Council) had significant private or personal non-pecuniary interest in Planning Application LA05/2020/0048/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on this application. He advised that, as all Members had the same interest in this case, it was not considered necessary for each Member to individually declare their interest.

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for those Members attending remotely.

The following Declarations of Interest were made:

- During the course of the meeting Alderman A Grehan advised that she was on the Board of the NI Housing Executive.

3. Minutes of the Planning Committee Meeting held on Monday 1 March 2021

It was proposed by Alderman J Dillon, seconded by Alderman D Drysdale and agreed that the minutes of the Committee meeting held on Monday 1 March 2021 as circulated be signed.

Minutes of the Special Planning Committee Meeting (Pre Determination Hearing) held on Monday 22 March 2021

It was proposed by Alderman D Drysdale, seconded by Alderman J Dillon, and agreed that the minutes of the Special Committee meeting (Pre Determination Hearing) held on Monday 22 March 2021 as circulated be signed.

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

The Chairman reminded Members that they needed to be present for the entire determination of an application. If absent for any part of the discussion they would render themselves unable to vote on the application.

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

- (i) LA05/2018/1154/O) – Proposed mixed use development to include new housing (1300 dwellings) and commercial floor space (754,000 square feet) 1.6km M1 – Knockmore link road, riverside parkland and ancillary works on lands at Blaris, Lisburn (lands between existing M1 junction 8/A101 roundabout and Moira Road/Knockmore Road junction).
- (ii) LA05/2018/1155/F – Construction of a new link road (1.6m) connecting the existing M1 junction 8/A101 roundabout to existing Moira/Knockmore Road Junction on Lands at Blaris, Lisburn (lands between existing M1 junction 8/A101 roundabout and Moira Road/Knockmore road).

The Principal Planning Officer (RH) presented the above two applications together as outlined within the circulated report.

The Committee received Councillor D Honeyford who wished to speak in opposition to LA05/2018/1154/O and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He had been excited to see the road being progressed but disappointed at the content of the mixed use application.
- The area zoned for Economic use had been drastically reduced in the application.
- The balance had, in his option, been pushed out of sync.
- The application is without healthcare and the industrial use has been reduced.
- He felt that the balance was too far in favour of the developer's preference.

Councillor Honeyford then responded to Members' queries as follows:

- Alderman D Drysdale asked whether Councillor Honeyford was objecting to the mixed use element, and how many developers was he aware of applying for permission to construct an industrial site, he asked whether Councillor Honeyford was aware of the cost of constructing an industrial unit. Councillor Honeyford responded that this application was mixed use but was mainly for housing with a token industrial element. He said that the split was not 50/50, as the policy suggested, and that some of it lay outside the development site and would never be utilised. He felt that the economic elements had been squeezed to allow for more profitable housing. He emphasised the prime location of this site and his dismay that it was being used for housing.
- Councillor U Mackin referred to Councillor Honeyford's written submission seeking clarification on the term 'relative' at point 5. Councillor Honeyford responded that BMAP had required that 50% of the development be industrial, some of the provision lies outside the development and could be discounted. With the aid of a map he outlined the area referred to. He said that he could not understand how this could be approved and outlined other anomalies within the proposal.
- Councillor U Mackin once again sought clarification of the term 'relative' and was advised that he was referring to the reduction in the split between housing use and industrial use.
- Alderman J Dillon felt that some of the comments made by Councillor D Honeyford had been incorrect and asked what period of time he had used to carry out his research. Councillor D Honeyford responded that he had been pushing for development land on this site since his election in May 2019.
- Alderman J Dillon asked Councillor D Honeyford if he supported the application for the road and he responded that he did.
- Alderman J Dillon then asked how the road could be built without the surrounding development to which Councillor D Honeyford responded that the 50/50 apportionment requirement was not met and that the road was a separate issue.
- Alderman D Drysdale asked whether Councillor D Honeyford was aware of how much industrial land was available and how much was actually required and Councillor Honeyford responded that he did not however this

was a regionally strategic location, there were lots of smaller pockets of industrial land available, but this was a major industrial zone.

The Committee received The Right Honourable Sir Jeffrey Donaldson MP who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He said that given the strategic importance of the site he felt it was important for him to indicate his support as he was MP for the area.
- The road is one of the most important pieces of infrastructure which the Lisburn area will have developed for quite a number of years.
- He outlined the limits of the potential for development in Lisburn which is focused to the West.
- He said he was keen for Lisburn to grow and this road was vital to the growth of the town.
- Lisburn has the longest waiting lists for housing in Northern Ireland, the progression of this application will free up other areas as well which could be used for social housing.
- It will create jobs.
- It is located close to the Maze Long Kesh (MLK) site.
- If employment is created then people will need homes to live in.

The Right Honourable Sir Jeffrey Donaldson MP then responded to Members' queries as follows:

- Alderman D Drysdale asked whether the speaker had any concerns at traffic impact and was advised that he considered that the road had the potential to reduce the impact of this. He felt it would encourage the use of public transport as it linked with the Knockmore Rail halt.
- Alderman A Grehan referred to social housing and Sir Jeffrey's comments that this application would free up other lands which could be used for social housing, she asked if he was aware of how much land was available in Lisburn for housing? Sir Jeffrey responded that he felt that shopping habits would negatively impact on the city centre and he considered that we needed to encourage city centre living in future and look at ways of increasing this if we are to support our city centres.
- Alderman O Gawith queried whether this contradicted with earlier comments made and was advised that it did not. Social housing could be focused on the city centre where the infrastructure existed and where there was greater control.
- Councillor M Gregg asked whether Sir Jeffrey did not think that so many homes located close to the M1 would negatively impact traffic and also asked whether he considered that social housing should not be located in out of town areas. Sir Jeffrey responded that he had stated that he wanted to encourage social housing in city centres. He said that he felt that there was a balance to be struck, but considered that there was plenty of scope to attract people working in Lisburn to those developments and that they might not all be commuters.

- Councillor U Mackin referred to BMAP and the recommended 50/50 split between housing and industrial use, he asked whether Sir Jeffrey considered that the employment capacity of the MLK site was material. Sir Jeffrey confirmed that he did and that the Draft Development Framework recognised the connection and he felt that the development of the proposed road would then create a transport connection. He stated that the proposal would integrate the MLK site more fully into the development of Lisburn. He said that the MLK site could not be ignored due to its proximity and if we are going to encourage people to Lisburn and grow the city we need be able to house them.
- Councillor J McCarthy asked whether Sir Jeffrey shared any of Councillor D Honeyford's concerns that this application loses some of the economic benefit potential and was advised, by Sir Jeffrey, that he did not. He responded that the bigger picture needed to be taken on board. He agreed that this was a strategically important site but the MLK site also had to be considered. Sir Jeffrey said that he believes it would be developed and could not be ignored when considering this proposal. He said that he felt this application was realistic and acknowledged changes which had taken place since BMAP.
- Alderman O Gawith referred to the social housing aspect and information on waiting lists. The NI Housing Executive wished to see 20% of housing committed to affordable housing combinations or 10% to social housing, he asked for Sir Jeffrey's comment on this. Sir Jeffrey responded that work and focus needed to be given to the provision of social housing. However, he asked who would fund this road if it is not a developer. He said that the commercial aspect of this application cannot be ignored. Most housing developments do not include major infrastructure and this is what makes this application unique. He said that the Committee needed to weigh this when making their decision.
- Alderman A Grehan said that she understood the comments made however her concern was at the difficulties experienced by young people trying to purchase houses in the Lisburn area. She asked what Sir Jeffrey's thoughts were on the inclusion of more affordable housing in the application. Sir Jeffrey responded that he agreed that more affordable housing was needed, however we also need to ensure that the provision of the road can be funded. We might wait decades for this road to be developed as the Department for Infrastructure will not fund it. He emphasised that the provision of the road would open up other potential locations for affordable housing.

The Committee received Mr C Shanks, Mr B Daly and Mr G McBurney who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- The key element was that the applications are vital to unlocking the city's potential and that of the area.
- The proposal will open up the MLK site and provide connectivity in and around the city centre.
- The developer is investing £12m in the road and nothing can happen without it. There is also investment in Translink as well as the housing provision.

- Jobs have not been created in recent years which indicates that the current mix is wrong.
- There are compelling material considerations and the potential was enormous.
- He encouraged support to approve.

Mr Shanks and Mr Daly then responded to Members' queries as follows:

- Alderman J Tinsley sought clarification on the breakdown of the mixed use development and then referred to the road seeking information on the junction improvements incorporated. Mr Shanks clarified the split within the 750,000 sq ft mixed use development which he said had been provided at the pre-determination hearing on 22 March 2021 and Mr Daly provided information on junction improvements associated with LD1.
- Alderman A Grehan referred to affordable housing asking if the percentage could be increased. Mr Shanks responded that the developer had given considerable thought to the balance of housing. He clarified that there was no planning policy regarding the inclusion of affordable housing and explained that the 10% included had been done so on a voluntary basis. The actual delivery, he stated, would be considered at the Reserved Matters stage and he then went on to outline the developer's financial commitment to the road and to Translink.
- Councillor M Gregg said that he had been going to ask whether the developer would be amenable to the inclusion of 20% affordable housing but given the response to Alderman A Grehan's question, his has also been answered. He sought more information on the contribution to Translink. Mr Shanks provided some information on sustainable travel and public transport alternatives which had been supported financially by the developer.
- Alderman D Drysdale sought clarification on the phasing of the houses and industrial units and sought confirmation that a valuation of the industrial units may come in at a lower value than the cost of building them. Mr Shanks responded that this was an outline planning application, the phasing program would come later. Regarding the valuation, he felt that securing planning permission would have a transformative effect and interest would be generated.
- Councillor U Mackin referred to the open space provision and asked whether a cycle path or foot path could be included between housing at the top right hand corner of the map onto the Moira Road and was advised that land ownership might be an issue but it could be considered.
- Alderman O Gawith sought clarification on cycle lane provision and was assured that this was continuous.
- Alderman J Tinsley referred to the river park and asked how it would be managed, he also asked whether Mr Shanks would agree that affordable housing and social housing were two different things. Mr Shanks responded that the long term management of the river park would be considered under the Section 76 Agreement and that housing could be further discussed at the Reserved Matters stage.

Adjournment of Meeting

The Chairman, Alderman O Gawith declared the meeting adjourned at 12.35

Resumption of Meeting

The Chairman, Alderman O Gawith declared the meeting resumed at 12.45. There then followed a question and answer session with the planning officers during which the following issues arose:

- Alderman O Gawith sought clarification on the extent of the cycle lane and the Principal Planning Officer provided clarification based on detail provided in the Design and Access Statement. The cycle way extended along the entire length of the link road and there was no central reserve associated with the four lane stretch of the road.
- Alderman J Tinsley sought clarification on the management of the river park. The Principal Planning Officer explained that paragraph 372 of the planning officer's report addressed this issue. The Head of Planning and Capital Development further explained that this was not unusual for the management and maintenance of parks and open spaces to be protected by means of a planning condition at the outline planning stage and for the detail to come forward as part of the subsequent application stage.
- Alderman A Grehan asked whether it was known how much land was zoned for housing in the Council area and in the City Centre and how easy it was to change the zoning of land. The Head of Planning and Capital Development responded that the amount of land zoned for housing was detailed in the Local Development Plan. He went on to outline the projected housing need. In respect of the City Centre he further stated that there was a general presumption in favour of housing but it was more usual to see proposals coming forward on unzoned land that had been previously developed.
- Councillor M Gregg referred to paras 68 and 69 of the report and sought clarification. The Head of Planning and Capital Development explained that the Department for Infrastructure had requested that no decision issue until they had an opportunity to consider whether the applications should be called in after the Council had made its decision.
- Councillor M Gregg then asked what the proportion of land zoned for employment in the Council area was and the Head of Planning and Capital Development responded that this had been identified as part of the Employment Land Review and confirmed that he did not have the figure to hand but would have it checked for accuracy before concluding the Q&A for this application.
- Councillor M Gregg referred to policy HS2 of PPSS 12 which referred to social/affordable housing and asked whether it would be relevant to this application. The Head of Planning and Capital Development stated that that particular policy did not apply outside settlement limits but that most of the housing proposed in this application was within settlement limits. He elaborated on the definition of affordable housing and what was required of the Council in terms of meeting the policy. A consultation had taken place with the NIHE, affordable housing was volunteered and there were options open to the Committee in striking a balance between the level of social and intermediate housing delivered on the site. There was no policy to fix the proportion of affordable housing at 20%.

- Alderman A Grehan sought clarification on the process outlined above on the affordable housing position which was provided by the Head of Planning and Capital Development who advised that the NIHE project housing need on a 5 year basis and the specific requirements for meeting this would be considered at the time that applications for approval of reserved matters are received. It was not possible to speculate on the type of housing that might be required to meet a need two years from now.

During the above discussion Councillor J Palmer arrived at 12.57 pm

“In Committee”

It was proposed by Alderman O Gawith, seconded by Alderman D Drysdale and agreed that Legal Advice be obtained “in committee”, in the absence of members of the press and public being present. The livestream was paused.

Legal advice was received and noted.

Resumption of Normal Business

It was proposed by Alderman D Drysdale seconded by Councillor A Swan and agreed to come out of committee and normal business was resumed. The livestream recommenced.

At this stage the Head of Planning and Capital Development advised that the area figures in respect of industrial land were as follows – 275.5 hectares are available and that 44.5 hectares will be required to meet the Councils projected employment land needs. In short, there was a surplus of employment land zoned within the Council area based on the findings of the review.

During the ensuing debate, the following comments were made:

- Alderman D Drysdale said that the developer was taking a risk, he said that he felt there would be benefits of this proposal to the wider province. He was aware that there was demand for industrial units and he would be supporting the recommendation.
- Alderman J Dillon said that this is the most significant application to come before the Committee for many years. He said that the road was of strategic importance and that the commercial development came with it. He felt that the economic growth of Lisburn depended upon it as it would open up the MLK site and the rail link as a result. He said that we needed to think big, think to the future and grasp the opportunity, he said that he fully supported the recommendation.
- Councillor A Swan concurred with comments made in relation to encouraging living within the City Centre. Regarding the industrial development, it was apparent to him that there was a surplus of industrial

zoned land and the proximity of the MLK site was material and therefore he would be supporting the recommendation.

- Councillor U Mackin concurred with previous speakers. He felt the link road was vital, it would alleviate many current issues. Regarding the housing and industrial mix he considered that the proximity of the MLK site was a material consideration and in order to support future development he said he would be supporting the recommendation.
- Alderman A Grehan said that she found the information provided at today's meeting very useful. She acknowledged that the road was vital but voiced her concern at affordable housing provision in Lisburn. She proposed asking for a condition to be included seeking an additional 5% of affordable housing to be included. The Head of Planning and Capital Development explained that he did not think this would be possible given that the 10% of affordable housing already included by the applicant had been done so on a voluntary basis. He explained that the proposal would rise or fall based on what was in front of the Committee, he advised that the other option would be to defer the proposal pending further discussions with the developer on this point.

Alderman A Grehan then proposed deferring the determination of the application pending further discussions with the applicant in an effort to increase the amount of affordable housing inclusion to 15%.

- Councillor M Gregg said that he agreed with previous comments, however, he still had concerns at the amount of industrial land being handed over to housing. He went on to outline some discrepancies he had noticed stating that the future potential the road may unlock was not for consideration today. He felt there was not enough weight for him in the argument to justify the amount of industrial land being used for housing and he could not support the recommendation.
- Alderman D Drysdale sought clarification on the need to defer the determination as proposed by Alderman A Grehan emphasising that developers were reluctant to build industrial units and stating that the Committee needed to take opportunities when they arose. He gave some examples of this in other areas.
- Alderman J Dillon referred to the presentation given by the Principal Planning Officer stating that it has been excellent, he appealed to Alderman A Grehan to re-consider her proposal to defer the determination of the application.
- Councillor A Swan highlighted industrial lands in Dundonald which nobody wanted to develop.
- Alderman J Tinsley said that he felt that the housing was the key to unlocking the potential of the road. The Developer needs the houses to build the road, he felt he would be supporting the recommendation.
- Councillor M Gregg said that the Committee was here to provide sustainable development and sacrificing the employment land was too high a price. He would have supported a higher mix of employment land versus housing.
- Alderman A Grehan then said that, taking all comments made on board, she was reluctant to delay this application and was content to withdraw her proposal but encouraged that discussions take place with the developer with a view to a voluntary increase in the amount of affordable housing to be included. The Head of Planning and Capital Development was invited to

respond by the Chair. He reinforced his earlier comments in terms of social housing need and explained that the 10% volunteered did not preclude other mixed tenure housing coming forward and that this was the experience of the Council on sites like LD1 which could take the actual provision beyond the projected figure.

- Councillor M Gregg asked at which point conditions could be discussed, the Head of Planning and Capital Development responded that comments on this would be welcome at this stage. Councillor M Gregg asked whether Drainage Plans and information on the phasing of the industrial units could be conditioned and the Head of Planning and Capital Development referred Councillor Gregg to the relevant paragraphs in the report which outlined how these would be managed.

(i) LA05/2018/1154/O – Proposed mixed use development to include new housing (1300 dwellings) and commercial floor space (754,000 square feet) 1.6km M1 – Knockmore link road, riverside parkland and ancillary works on lands at Blaris, Lisburn (lands between existing M1 junction 8/A101 roundabout and Moira Road/Knockmore Road junction).

Committee, having considered the information provided within the report of the Principal Planning Officer and by those making representations, agreed by a majority of 8:1 with 0 abstentions to approve the application subject to the conditions outlined in the Officer's report.

(ii) LA05/2018/1155/F – Construction of a new link road (1.6m) connecting the existing M1 junction 8/A101 roundabout to existing Moira/Knockmore Road Junction on Lands at Blaris, Lisburn (lands between existing M1 junction 8/A101 roundabout and Moira Road/Knockmore road).

Committee, having considered the information provided within the report of the Principal Planning Officer and by those making representations, agreed by a majority of 9:0 with 0 abstentions to approve the application subject to the conditions outlined in the Officer's report.

Councillor J Palmer had returned to the meeting but was unable to vote as he had not been present for the entire discussion.

Adjournment of Meeting

The Chairman, Alderman O Gawith declared the meeting adjourned at 14.03

Resumption of Meeting

The Chairman, Alderman O Gawith declared the meeting resumed at 14.40

Alderman A Grehan and Alderman J Dillon did not return to the meeting.

- (iii) LA05/2020/0048/F – Phased demolition of existing Dundonald International Ice Bowl and redevelopment to include new Olympic size ice rink, ten pin bowling facility, children’s soft play area and adventure play area, primary healthcare facility, community/multi-function facilities, gymnasium, offices, food outlet and general support accommodation. To include the provision of new parking areas and reconfiguration of existing, an external play area and associated access, landscaping and site works at Dundonald.

The Senior Planning Officer (RT) presented this application as outlined within the circulated report.

The Committee received Ms Sarah Pearson who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- The existing facility had passed its expected life span
- This was a replacement facility
- She outlined the facilities it would offer
- It was of local and regional importance
- There was an opportunity to improve sustainability
- It would improve health and wellbeing
- It would sustain and add to local jobs and supply streams
- It would ensure the facility exists into the future

Ms Pearson then responded to Members’ queries as follows:

- Alderman J Tinsley asked whether the new construction would be outside the existing footprint and would it be taller in height. Ms Pearson said that the new building was located as it was to ensure that the existing operation could continue during construction, it would be demolished once the new building had been constructed. She confirmed that the new building was slightly taller in some areas but due to levels it would not be dominant.
- Alderman D Drysdale sought confirmation of some statistics within the report but was advised that this was outside the remit of the architect.
- Alderman D Drysdale asked whether it was expected that footfall figures would increase with the new proposal and was advised that it was envisaged that the improvements would offer so much more and would reinforce the facility’s regional status.
- Alderman O Gawith sought clarification on the substantial energy savings envisaged which were explained by Ms Pearson.
- Alderman O Gawith asked whether electric car charging points had been incorporated and was advised that there were 23 included.
- Councillor M Gregg sought clarification on water reclamation which was explained by Ms Pearson.
- Councillor A Swan asked how energy efficient the new system was and was advised that this would probably have the highest impact on savings. She went on to explain how savings would be achieved.

- Alderman O Gawith asked what the worst case scenario life expectancy of the new building would be and was advised that some elements will require replacing before others and throughout the lifespan, but the ethos is that of a building of longevity.

At this stage the Director of Service Transformation advised that the Head of Sports Services was available should members have operational questions and urged them to focus on planning considerations at this point in the proceedings.

There then followed a question and answer session with the planning officers during which the following issues arose:

- Councillor M Gregg referred to flooding which he was aware of in the past but which was not referred to in the report. The Head of Planning and Capital Development outlined that the purpose of the flood risk assessment was to ascertain the impact of the new construction and that the history of flooding in the area was addressed by means of mitigation in the form of a swale.

During the ensuing debate, the following comments were made:

- Councillor M Gregg said that this application is what sustainable development and public engagement looked like, everything fits and he said that he welcomed and supported it.
- Alderman D Drysdale concurred stating that this was a regional facility and it should pay for itself, he stated that he would be supporting it.
- Councillor A Swan said that this was an improvement on the status quo and he would be supporting the recommendation.
- Alderman J Tinsley stated that he would be supportive.

The Chairman reminded members that the dispensation under paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on this application. He advised that, as all Members had the same interest in this case, it was not considered necessary for each Member to individually declare their interest.

The Committee, having considered the information provided within the report of the Senior Planning Officer and by those making representations, agreed by a majority of 8:0 with 0 abstentions to approve the application as outlined in the Officer's report and subject to the conditions stated therein.

4.2 Submission of a Pre-application Notice (PAN) – proposed residential development including amenity space, landscaping, car parking, associated site works and access arrangement from Ballinderry Road development on lands 40 metres south of 27-37 Crescent Business Park

Members had been provided with information on the above Pre-application Notice and it was proposed by Alderman D Drysdale, seconded by Alderman J Tinsley and agreed that the information be noted.

4.3 Appeal Decision in respect of planning application LA05/2018/0071/F at Oughley Road, Saintfield.

Members had been provided with a copy of the appeal decision in respect of the above planning appeal which had been dismissed. It was proposed by Alderman D Drysdale, seconded by Alderman J Tinsley and agreed that the information be noted.

4.4 Appeal Decision in respect of planning application LA05/2019/1316/F

Members had been provided with a copy of the appeal decision in respect of the above planning appeal which had been dismissed. It was proposed by Councillor A Swan, seconded by Alderman D Drysdale and agreed that the information circulated be noted.

4.5 Order quashing a decision by the Planning Appeals Commission (PAC) for a proposed dwelling at Whinney Hill – LA05/2018/0161/O

Members were reminded that officers were directed to lodge judicial review proceedings against a decision by the PAC to grant planning permission for a dwelling at Whinney Hill. They were provided with information which advised that the PAC conceded the challenge and an Order had been received quashing the decision and advising that the application is remitted back to the Commission for re-hearing. The Commission had now written to the Council seeking copies of a supplementary statement by 23 April 2021.

It was proposed by Councillor U Mackin seconded by Councillor A Swan and agreed that the information circulated be noted.

In response to a question from Alderman J Tinsley the Head of Planning and Capital Development clarified the process.

4.6 Judicial Review Decision – LA05/2017/0633/O

Members had been provided with information on the above which grants leave for Judicial Review subject to a number of conditions being met.

It was proposed by Councillor M Gregg, seconded by Councillor J McCarthy and agreed that the Committee note the information circulated and also note that a further report may be required subject to the applicant meeting the requirements of the condition specified at paragraph 44(d).

4.7 Call for Evidence by Department for Infrastructure Planning for a review of the Implementation of the Planning Act (NI) 2011

Members were advised that the Department for Infrastructure (DfI) had an oversight role in respect of the operation of the Planning System in Northern Ireland. As part of this role it is required to review the implementation of the Planning Act. Members were provided with detail on the information requested together with a copy of the response and it was proposed by Councillor M Gregg, seconded by Councillor U Mackin and agreed by the Committee that the information be noted.

The Chairman, Alderman O Gawith, said he was pleased at the level of detail within the response. Councillor M Gregg concurred and thanked those concerned. The Director of Service Transformation assured members of the Committee that comments made over the years had been captured and included.

4.8 Correspondence from Minister Lyons on NIEA operating policy on ammonia emitting projects.

Members were provided with a copy of the above correspondence together with background information and it was proposed by Councillor A Swan seconded by Councillor U Mackin and agreed by the Committee that:

- (i) the content of the correspondence be noted;
- (ii) it be noted that the delay NIEA is experiencing is not expected to have an impact on the progression of the Council's emerging Local Development Plan or the processing of any planning applications currently with the Unit and determined; and
- (iii) It be noted that any delays as a result of NIEA's review of operational policy may in the short term impact adversely on the processing time of proposals for agricultural development involving the emission of ammonia where there is a lack of response from NIEA and the impact of the natural environment is known.

4.9 Correspondence from TLT Solicitors in relation to correspondence to DfI regarding Battery Energy Storage Systems – Chief Planner update December 2020.

Members were reminded of information made available to them in February 2021 regarding the above and were provided with information on challenges to this in respect of this type of development. It was highlighted that, should the Council be required to participate in the process, there would be financial costs and resource implications associated with legal representation and officer input. It was proposed by Alderman D Drysdale, seconded by Councillor M Gregg and agreed that the information be noted.

4.10 Protocol for the Operation of the Planning Committee

Members were provided with an updated copy of the Lisburn and Castlereagh City Council Protocol for the Operation of the Planning Committee and were

advised that the document was subject to ratification at full Council on 27 April 2021 and it being effective from 3 May 2021.

It was proposed by Councillor M Gregg seconded by Councillor A Swan and agreed that the information circulated be noted.

4.11 Statutory Performance Indicators – February 2021

Members were provide with information on the above together with a verbal update from the Head of Planning and Capital Development. It was proposed by Councillor A Swan, seconded by Alderman J Tinsley and agreed that the information be noted.

Councillor M Gregg acknowledged how much work went into preparing Planning Applications and asked if there was any backlog. The Head of Planning and Capital Development said that there were some from 2020 and outlined some of the staffing issues which were impacting on this but assured that this was being managed in a structured manner. The Director of Service Transformation said that no-one was complacent and encouraged the Committee to continue with their scrutiny. He outlined some of the challenges facing the unit this year and how these were being addressed.

Alderman D Drysdale said he was surprised that no consideration or flexibility had been given to performance indicators given the current circumstances. He paid tribute to staff and voiced his support for them.

At the culmination of the discussion the Chairman, Alderman O Gawith thanked the planning team for their efforts.

Councillor J McCarthy left the meeting at 4.00 pm.

4.12 Planning Portal Update

Members had been provided with a report and a verbal update on the above and it was proposed by Councillor M Gregg seconded by Councillor U Mackin and agreed that the Committee note the progress to date in terms of the development of the project and that a key stage in respect of migrating data from the old system to the new had now been reached.

5. Confidential Business

The Chairman advised that the matters contained in the confidential report would be dealt with "In Committee" due to containing information to which a claim to legal professional privilege could be maintained in legal proceedings.

"In Committee"

It was proposed by Councillor M Gregg, seconded by Alderman D Drysdale and agreed that the following matters be considered “in committee”, in the absence of members of the press and public being present. The livestream was paused.

5.1 Non-determination Appeal in respect of planning application LA05/2020/0506

After consideration of the information provided within the circulated report and verbally by the Head of Planning and Capital Development, it was proposed by Alderman J Tinsley seconded by Councillor A Swan and agreed that the Committee support officers the approach to dealing with the planning appeal and that a further report be brought to the development committee for the reasons outlined in the report.

Resumption of Normal Business

It was proposed by Alderman J Tinsley, seconded by Councillor A Swan and agreed to come out of committee and normal business was resumed. The livestream recommenced.

During the above discussion Councillor J Palmer left the meeting at 16.25 returning at 16.26.

6. Any Other Business

There being no further business, the meeting concluded at 16.40 pm.

CHAIRMAN / MAYOR

Appendix 1

Consultees and applicant team Members in attendance

| Consultee | Department |
|------------------|---|
| L Walsh | DfI Roads |
| C Dickinson | DfI Roads |
| C O'Neill | DfI Roads |
| C Fearon | DfI Rivers |
| A Moore | NI Water |
| R Mooney | NI Water |
| R Kerr | Dept for Communities |
| R Harvey | LCCC Environmental Health |
| R Henry | LCCC Environmental Health |
| C O'Carroll | RPS (Highways and Transportation Unit) |
| D McGinnis | RPS |
| C O'Hara | RPS |
| S Carr | Irwin Carr Consulting |
| T Smith | Ecology Solutions (Ecologist for the developer) |
| | |
| | |
| M Ward | Barton Willmore (Master Planning) |
| C McHarrie | Barton Willmore (Landscape Planning) |