

**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 7 March 2022 at 10.02 a.m.**

**PRESENT:**

Present in Chamber:

Councillor A Swan (Chairman)

Alderman J Tinsley (Vice-Chairman)

Aldermen WJ Dillon, D Drysdale, O Gawith and A Grehan

Councillors J Craig, M Gregg, U Mackin, and J Palmer

**IN ATTENDANCE:**

Present in Chamber:

Head of Planning and Capital Development

Principal Planning Officer (RH)

Senior Planning Officer (MB)

Member Services Officer (PS)

Member Services Officer (CR)

Present in Remote Location:

Director of Service Transformation

Senior Planning Officer (RT)

Legal Adviser – B Martyn, Cleaver Fulton & Rankin

**Commencement of Meeting**

The Chairman, Councillor A Swan, 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 those making representations on planning applications would be attending the meeting remotely as would the Legal Adviser.

The Head of Planning and Capital Development advised on housekeeping and evacuation procedures after which the Members Services Officer read out the names of the Elected Members in attendance at the meeting.

*(Alderman J Tinsley arrived at 10.05 am)*

1. Apologies

It was agreed that apologies for non-attendance at the meeting would be recorded as follows – Alderman D Drysdale had advised he would be late as had Councillor J Palmer.

2. Declarations of Interest

The Chairman, Councillor A Swan 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:

- The Chairman, Councillor A Swan referred to LA05//2020/0617/F stating that he had spoken to the applicant but had expressed no opinion.
- Alderman O Gawith referred to LA05/2021/0423/O stating that the applicant was a friend and he had requested a deferral.

After the meeting the following declarations were made by way of submission of a completed Declaration of Interest Form:

- Councillor U Mackin referred to LA05/2020/0617/F stating that he was on the Board of Lagan Valley Regional Park.
- Alderman J Tinsley referred to LA05/2020/0617/F stating that the applicant had spoken to him but he had made no commitment. He also referred to LA05/2020/1056/F stating that he had met with an objector and listened to their concerns but had made no commitment, he also referred to LA05/2020/0011/O stating that the applicant had contacted him but he had made no commitment.

At this stage the meeting was adjourned from 10.10 am to 10.15 am to address technical issues with the cameras in the Chamber.

The Chairman, Councillor A Swan then advised 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 LA05/2020/1056/F.

He explained 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.

### 3. Minutes of the Planning Committee Meeting held on 7 February 2022

It was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed that the minutes of the Committee meeting held on 7 February 2022 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.

The Head of Planning and Capital Development then advised of the following:

- (i) Application LA05/2017/0021/F has been withdrawn from the schedule to allow for the consideration of new information.
- (ii) Application LA05/2021/0423/O had been withdrawn from the schedule to allow for the consideration of new information.
- (iii) LA05/2018/0862/F had been withdrawn from the schedule as an Order from Court quashing the earlier decision had not yet been received.
- (iv) LA05/2021/0928/) had been withdrawn from the schedule due to special personal and domestic circumstances that prevented the agent from attending the meeting.

*(Councillor J Palmer arrived at 10.25 am).*

- (1) LA05/2020/0617/F - Proposed two infill dwellings and garages (Amended Form) Between 184 and 188 Hillhall Road, Lisburn

The Senior Planning Officer (RT) presented this application as outlined within the circulated report. She advised that the application had previously been deferred.

The Committee received Mr A Stevens 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 issues arising are the principle of development and design issues.
- He outlined how he considered the policy had been met.

- He referred to similar examples which had been approved in the area.
- He outlined why he considered the proposal would not lead to a ribbon of development.
- He described how the application would integrate.
- He urged approval.

Mr Stevens then responded to Members' queries as follows:

- Councillor U Mackin referred to the refusal reason regarding the pattern of development, he also referred to design issues raised and sought comment. Mr Stevens responded that the Planning Unit had focused on adjacent properties when considering the pattern of development, however he considered that a wider view needed to be taken and in that context he considered that the two sites did respect the pattern of development on the road. He stated that Lagan Valley Regional Park was the dominant factor and referred to other significant houses in the area which had been approved which, he stated, raised issues of consistency.
- Alderman J Tinsley referred to the red line and No 184 asking if there was room for another house to be built there, he was advised by Mr Stevens that this was not the case and Mr Stevens went on to explain the constraints.
- Alderman J Dillon sought clarification on the instances of precedent referred to. With the aid of one of the slides Mr Stevens went on to outline the applications he had been referring to which he stated had been approved in a similar context, he said that it was his opinion that inadequate weight had been attached to these approvals.
- Alderman J Dillon said that the Planning Unit had outlined the reasons why there was a difference with these examples and he asked whether the two sites under consideration lay within the Area Plan. Mr Stevens used a slide to indicate the various Plans under consideration in each of the four cases.

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

- Councillor U Mackin referred to visual impact and explained that he considered these two dwellings would not be particularly visible when travelling along the road from either direction. The Head of Planning and Capital Development, with the aid of a slide, went on to provide context for the reason for refusal and explained that it was important to understand the weight to be attached to policy context offered by BMAP. He said that the challenge was the two discreet nodes on the Hillhall Road. He highlighted these two sections on a map and explained the importance of maintaining a gap between them. He explained how the buildings would be visible and how it had been considered that the proposals would lead to a ribbon of development.

During the ensuing debate, the following comments were made:

- Alderman J Dillon said he had come to the conclusion that the recommendation made by the planning officer was the correct one.
- Councillor A Swan said that in this case he would concur with Alderman J Dillon and stated that he did not consider that there were any reasons to vote against the recommendation.
- Councillor M Gregg agreed with the previous comments. He said he felt the slide showing the other four applications in the area were different and that this proposal would result in urban sprawl.

The Committee, having considered the information provided within the report of the Senior Planning Officer and by those making representations, agreed by a unanimous vote to refuse the application as outlined in the Officer's report.

#### Adjournment of Meeting

The Chairman, Councillor A Swan, declared the meeting adjourned at 11.05 am

#### Resumption of Meeting

The Chairman, Councillor A Swan declared the meeting resumed at 11.15 am

- (2)            LA05/2020/1056/F - Extension of burial plot spaces at three locations within existing cemetery, Blaris Road, Lisburn.

The Principal Planning Officer (RH) presented this application as outlined within the circulated report. She advised that the application had previously been deferred.

There were no speakers on the application.

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

- Alderman J Tinsley sought clarification on the timescale for the additional works to be carried out and was advised that the removal of the trees would need to be done first with the planting following after that.
- Councillor M Gregg said that for him the removal of so many trees was an issue. He asked whether there was another reason for removing them and whether the Council had a policy on the replacement of trees.

At this stage the meeting was briefly adjourned from 11.30 am to 11.35 am to address technical issues.

- The Head of Planning and Capital Development advised that there was currently limited space in the cemetery and some difficult decisions had needed to be made to address a pressing need. He highlighted information available on the planting plan and explained the reasons for removal of the trees had been balanced against the pressing need for

burial space. He went on to outline how the new trees would be planted in the various locations and which trees were to be retained.

- Alderman J Dillon said that this was a necessary application, the trees could be replaced and they were all relatively young trees.
- Councillor M Gregg said that this was useful information and asked for confirmation that the same number of trees or more would be replaced and also whether there was a retrospective element. The Head of Planning and Capital Development responded that there was no retrospective element and he explained that the Director would provide further clarity on the Council policy on the removal of trees, the only information he had at the moment was the planting plan which had already been outlined.
- Alderman O Gawith referred to a comment within the report which stated that there was no significant risk of flooding. He sought to understand what if any risk existed to enable such a conclusion to be reached. He also sought clarification on the increased capacity which would be created. The Head of Planning and Capital Development explained that the site was relatively close to the River Lagan and as such necessary reports needed to be done to demonstrate flood risk. The Principal Planning Officer then provided information on the consultation responses received. The Head of Planning and Capital Development explained the rationale in respect of the increased capacity highlighting that this was the first phase of a wider scheme and was necessary to meet an immediate and pressing need.

*(Alderman D Drysdale arrived at 11.50 am)*

At this stage the Director of Service Transformation clarified that the Council had a two for one replacement policy in respect of the removal of trees. He outlined that the Council was represented on a wider project board which was considering cemetery provision at a sub-regional level.

- Councillor J Craig said that he felt that the Council Policy should have been highlighted within the circulated reports.
- Councillor U Mackin sought reassurance regarding the contamination issue. He referred to an application made by Belfast City Council for a cemetery at Drumbeg which had been refused due to potential contamination. With the aid of a slide, the Head of Planning and Capital Development highlighted the location of plots, the topography and other relevant information explaining that the plots, with the exception of four, did not go beyond the current line of plots. Members were reassured that this issue had been considered by the Planning Unit and statutory consultees. He also highlighted the impact of modern engineering techniques which have opened up other pockets of land to be utilised.

During the ensuing debate, the following comments were made:

- Councillor M Gregg stated that he was now content with the proposal given the replacement arrangements outlined. He said he felt that officers could be trusted to ensure this is adhered to. He said it was good to see the Council planning ahead for cemetery provision.

- Councillor J Craig said he would have liked to have seen the tree replacement policy referred to in the report however he was now content.
- Alderman Dillon also confirmed that he was content, he said he had been a member of Council when the cemetery was originally developed and recalled that there were parts which were unable to be developed due to water table levels.
- The Chairman, Councillor A Swan confirmed that he also was content.

The Committee, having considered the information provided within the Report of the Principal Planning Officer agreed by a unanimous vote to approve the application as outlined in the report and subject to the conditions stated therein.

- (3) LA05/2019/0782/F - Proposed alterations to existing residential home to include two storey front and rear extensions with associated site works, new access and rear parking. Works are to incorporate the grounds of adjacent dwellings at 2 & 4 Ashley Park (Amended plans) at Residential Home, 19 Church Road Carryduff.

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

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

- She said that she was speaking on behalf of local residents.
- The focus of the objection was on the new access which would impact the residents of Ashley Park.
- The group had no objection to the concept only to the access coming from a residential cul-de-sac.
- The proposal will change the character of the park, there would be nuisance from the home activities and also from construction.
- The site entrance does not allow for the passing of two large vehicles.
- She highlighted inaccuracies in the naming of the cul-de-sac in earlier documentation.
- He highlighted that there was already traffic congestion on Church Road.
- She advised that it was the amenity space to the front of the Ashley Park residents which was utilised by them rather than that at the rear.

Ms Allen then responded to Members' queries as follows:

- Alderman D Drysdale sought clarification on the orientation of the houses and volume of traffic experienced currently. Ms Allen outlined the orientation and explained that traffic was currently fairly light.
- Councillor J Craig asked her to confirm that her main objection was to an additional entrance on Ashley Park. Ms Allen stated that the new entrance would be the only one as the Church Road entrance would be closed to facilitate the extension construction. Councillor Craig then sought

clarification on the location of the new entrance and Ms Allen outlined that two dwellings at the entrance to the cul-de-sac would be removed to allow for the entrance to be created.

- Alderman J Tinsley sought clarification of the use of the residents' amenity space and was advised that residents of Ashley Park had already lost amenity space when the road was built and therefore they tended to use their front gardens rather than the rear gardens.

The Chairman, Councillor A Swan advised the Committee that Alderman M Henderson and Councillor N Anderson had hoped to attend the meeting to make representations on this application but were both unfortunately unable to do so. However they had requested that their written submissions be taken on board by the Committee in making its determination.

The Committee received Mr R Downey 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 advised that the proposed access was at the entrance to Ashley Park so would have minimal impact on the remainder of the cul-de-sac.
- He advised that PSNI accident statistics indicate one collision of a slight nature at the location.
- Regarding issues of amenity, he said that the home had been there for decades with no issues.

There were no questions for Mr Downey from the Committee.

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

- Alderman D Drysdale said that the home had been there for many years, it was a house converted into a business and he asked if there was anything in legislation to prevent this. The Head of Planning and Capital Development used a map to highlight the location of the home and the housing wrapped around it. He said it was proposed to demolish two dwellings, create a new access and close up the existing access to facilitate the new extension. The home was essentially 'a place of residence', and it fitted into the area and could be located in residential areas. He said that the report highlighted the impact of the proposal on neighbouring residents and the question was whether the impact warranted a refusal. He said this had been considered by the officer and it had been decided that it did not.
- Alderman D Drysdale said that this was a commercial building and he asked whether the Planning Unit was sure that there was nothing in statute which limits this use. The Head of Planning and Capital Development said that the proposed use of the land had been assessed and officers could see no harm in the access arrangements from the neighbouring road.
- Councillor J Craig asked what the envisaged traffic movements were and why the residential amenity issue had been ignored by the Planning Unit.



The Head of Planning and Capital Development responded that these issues had been specifically identified when this application had been discussed at the last meeting and subsequently deferred to obtain further information on those issues. He then went on to summarise these and how they had been addressed in the Addendum Report. Mr S Cash from Dfl (Roads) was in attendance at the meeting and he explained the rationale regarding the potential number of trips and how these had been estimated. Councillor J Craig said that this was a substantial nursing home, he said his own experience contradicted the statistics provided by Dfl (Roads), he said that in addition to this there would be staff parking and the impact of shift working to be considered. The Head of Planning and Capital Development highlighted that this issue had also been addressed within the Addendum Report.

*(Alderman J Dillon left the meeting at 12.43 pm and returned at 12.50 pm)*

- Councillor J Craig said that the proposal was to replace two dwellings with a large facility, and he could not understand why Dfl (Roads) could not see this as an issue. The Head of Planning and Capital Development responded advising that the daily traffic movements calculated in respect of the two houses was 20 and the daily traffic movements calculated in respect of the nursing home was 25, he said that this was the independent advice which had been received from Dfl (Roads). Councillor Craig said that he questioned the accuracy of that information.
- Councillor U Mackin sought clarification on parking statistics within the report and on the use of the phrase 'the absence of alternative data on traffic'. He was advised that the Parking Standards document required 18 spaces to be provided in such a scenario, DCAN required 20 spaces to be provided. There were 17 spaces provided, however there was also on-street provision in the immediate location which also had good public transport links which it was felt provided mitigation. He acknowledged that it would be a challenge for residents to provide traffic surveys, however Mr Cash had confirmed that there had been no issues with residential homes in the area, he said that differences of opinion were normally addressed through contradictory evidence. Councillor U Mackin asked whether any evidence had been produced on the number of trips and he was advised by Mr Cash that there had been no evidence produced, this information had been calculated using a desk top exercise based on professional experience.
- Alderman D Drysdale asked whether planners were content that the new extension would fit into the surrounding area and he was advised that they were and that the proximity of the primary school also had an impact on their decision.
- At this point Ms Allen was permitted by the Chairman to address the Committee again and she stated that there have been no issues in the past because the entrance was not in the location proposed in this application.

During the ensuing debate, the following comments were made:

- Councillor J Craig said he had concerns at the response received from DfI (Roads). He said that this was anything but a small enterprise and he would have thought a traffic survey would have been required. He questioned the accuracy of the number of trips calculated per day, he felt there would be intensification and that the character of the area will have changed and for those reasons he could not support the recommendation.
- Alderman D Drysdale concurred however he stated that he was unsure whether there would be planning reasons to overturn the recommendation.
- Alderman J Tinsley said that the two houses being removed were at the end of the cul-de-sac and traffic would not be driving through it, he said that he would be supporting the recommendation.
- Councillor Swan said he concurred with Alderman Tinsley's comments and suspected that a lot of the fears expressed would not be realised.

The Committee, having considered the information provided within the Report of the Principal Planning Officer, and by those making representations, agreed by a vote of 6:3 with 0 abstentions to approve the application as outlined in the report and subject to the conditions stated therein.

#### Adjournment of Meeting

The Chairman, Councillor A Swan declared the meeting adjourned at 1.10 pm

#### Resumption of Meeting

The Chairman, Councillor A Swan declared the meeting resumed at 1.58 pm

- (4) LA05/2021/1178/F – Erection of dwelling house north and adjacent to 32 Killynure Road West, Killynure, Carryduff.

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

The Committee received Mr Gary Thompson 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 design appeared to be the issue with the application. He said this was surprising as it was similar to another approved application in the immediate location at No 30.
- He advised that the floor area was 351 sq metres which was not particularly large and smaller than what had been approved at No 30.
- He stated that the design reduced the mass however the applicant was prepared to reduce the garage and balcony if necessary.
- He said there was adequate amenity space included and he urged approval.

Mr Thompson then responded to Members' queries as follows:

- Alderman J Tinsley asked why the full information regarding groundworks had not been submitted and was advised that there was nothing additional to be shown other than what was submitted.

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

- Alderman J Tinsley asked what additional information the Planning Unit had requested and was advised that clarification had been sought on levels and cross sections however only one cross section had been received and they would normally expect to receive two in order for a proper assessment to be made.
- Councillor J Craig referred to the issue of size, scale and mass which had been raised when the applicant had highlighted similarities with the replacement dwelling at No 30, he sought comment on this. The Senior Planning Officer replied that the approval referred to had yet to be enacted. She said that the design approved was for a contemporary design with barn style elements which there were references to in Building on Tradition.

During the ensuing debate, the following comments were made:

- Alderman O Gawith suggested potentially deferring this to allow for the requested information to be provided. This was considered by the Committee but was not supported due to the fact that there were also issues with the design.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, and by those making representations, agreed by a unanimous vote to refuse the application for the reasons outlined in the Report.

(5) LA05/2020/0011/O - Proposed replacement of existing stone dwelling 275m south west of 15 Fort Road, Crumlin, Antrim

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

The Committee received Mr Raymond Jordan 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 building has been in family ownership since 1946.
- It has always been referred to as 'Uncle Joe's house'.
- He had employed a conservation expert to provide a report. This goes into the history of the building and was submitted to the Planning Unit.
- There are elements within the structure which point to human habitation.
- This has always been referred to as 'the herd house'
- The recommendation should be overturned by the Committee.

Mr Jordan then responded to Members' queries as follows:

- Councillor M Gregg asked what evidence there was to show that this had been a dwelling. Mr Jordan said that the nature of the building had changed over the years to accommodate farming practices and therefore the characteristics which identified it as a dwelling had been removed.
- Councillor J Palmer asked why the requested information had not been submitted to NIEA and NED as requested, he was advised that a bat report had been carried out and that another would be done in May.
- Alderman D Drysdale referred to the comment 'it has not been demonstrated that there would be no detriment to protected species' and asked if there were any reports to support the fact that there would be no detriment to protected species. Mr Jordan responded that a bat survey had been carried out and that the second one would be carried out in May.
- The Chairman, Councillor A Swan asked when the building had been Uncle Joe's house. Mr Jordan commented that he did not recall when but that it had always been referred to that as far as he could remember.

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

- Alderman D Drysdale asked what additional information would be required in terms of bat surveys and was advised that the survey submitted had been inadequate and that further information had been sought which could not be provided until May.
- Councillor J Craig asked whether the applicant had been provided with adequate time in which to provide the survey information. The Head of Planning and Capital Development advised that it would be normal practice to have two surveys carried out in the same season, this was a tried and tested procedure. However in this instance only one survey had been provided. He said that had not been considered reasonable for the Planning Unit to continue to wait until the next appropriate season to obtain a survey when the earlier report will have pointed to the need for additional survey information and the principle of development was not agreed.
- Councillor J Craig asked whether there was any evidence with respect to the uncle and he was advised that this was the first time the uncle had been referred to.
- Alderman J Tinsley sought clarification on the characteristics of a dwelling which were referred to by Mr Jordan. The Head of Planning and Capital Development said that these features were the corbelled brick work externally which support guttering, the internal roof structure and the internal flush rendering, the external harling and the high quality of the build and materials. However characteristics such as a chimney, domestic windows, internal partitioning were not present and neither was there any evidence of utilities all of which are considered to be essential characteristics of a dwelling house.
- Councillor J Palmer asked whether the committee could be sure that the request for information had actually been sent and the Head of Planning and Capital development confirmed that they had.

- Councillor U Mackin referred to the Planning Policy as interpreted by the consultant Mr Moore asking how this differed from the Planning Unit's interpretation. The Head of Planning and Capital Development proceeded to outline how the planners had interpreted the policy in this case whilst considering whether the essential characteristics of a dwelling were present.

During the ensuing debate, the following comments were made:

- The Chairman, Councillor A Swan said that he would be supporting the recommendation in this instance.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, and by those making representations, agreed by a unanimous vote to refuse the application for the reasons outlined in the report.

- (6) LA05/2017/0021/F – Demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing (amended information) at 531 Saintfield Road Belfast BT8 8ES.

The above item had been withdrawn from the schedule to allow for additional information to be considered.

- (7) LA05/2021/0423/O - Proposed new dwelling and 320m NW of 8 Clontariff Road, Upper Ballinderry, Lisburn, BT28 2JD

The above item had been withdrawn from the schedule to allow for additional information to be considered.

- (8) LA05/2018/0862/F - Proposed Infill site for 2 dwellings between 26 & 30 Magheraconluce Road, Hillsborough.

The above item had been withdrawn from the schedule to allow for additional information to be considered.

- (9) LA05/2021/0928/O – Site for a dwelling garage including ancillary siteworks 30m north of Garlandstown Road, Glenavy

The above item had been withdrawn from the schedule due to special domestic circumstances involving one of the speakers.

#### Adjournment of Meeting

The Chairman, Councillor A Swan declared the meeting adjourned at 2.51 pm

### Resumption of Meeting

The Chairman, Councillor A Swan declared the meeting resumed at 3.00 pm

#### 4.2 Item 2 - Statutory Performance Indicators – January 2022

Members were provided with information on the above and a verbal summary was provided by the Head of Planning and Capital Development.

Councillor M Gregg wished to acknowledge the efforts of officers and sought an update on the new Planning Portal. This was provided by the Head of Planning and Capital Development who said that the indicative time for going live was Autumn 2022 however there remained some issues to be addressed between now and then.

Councillor J Craig asked if there was any aspect of the Planning System which had fallen behind and he was advised that the unit had been focusing on the issue of Development in the Countryside given the ongoing issues and that this would have an impact and would require careful management.

There was some discussion on the process of calling in application and how this needed to be balanced in terms of local accountability.

It was proposed by Councillor M Gregg, seconded by Councillor J Craig and agreed that the information be noted.

#### 4.3 Northern Ireland Audit Office (NIAO) Report - Planning in Northern Ireland

Members were provided with a copy of a report published by the NIAO on 1 February 2022 which undertook a high level review of how effective the planning system was operating and how effectively it was being governed. They were also provided with a copy of the associated media release.

There was some discussion on the report and the Head of Planning and Capital Development said that there were lessons to be learned and he went on to advise that reports would ensue in due course in that respect.

Alderman A Grehan stated that, on considering the recommendations, she felt that a workshop should be held to discuss them. The Head of Planning and Capital Development said that this request would be taken on board.

Councillor J Craig said that he wondered how many applications failed due to being of poor quality. The Head of Planning and Capital Development said that Councils had been making the case for some time now that the bar for validating applications was very low and he then went on to outline how this was being addressed by way of legislative validation checklist.

It was proposed by Alderman D Drysdale seconded by Alderman J Tinsley and that the information be noted.

#### 4.4 Update on Planning Advice Note (PAN) on Implementation of Strategic Planning Policy for Development in the Countryside

Members were reminded of the background associated with issuing of the Planning Advice Note on the implementation of strategic policy for development in the countryside on 2 August 2021 and the events that had taken place since then. They were advised that in light of the disruption and cost being incurred by this Council, the Director of Service Transformation had written to the Chief Planner on 22 January 2022 inviting the department to:

- (i) Deal more fully with the issue of the withdrawal by addressing the period during which the PAN was in existence; and
- (ii) Ensure that all stakeholders including this Council were properly consulted with in relation to any further proposed changes to planning policy in future as ought to be the case.

Members were provided with a copy of the relevant correspondence and it was proposed by Alderman A Grehan seconded by Alderman J Tinsley and agreed that the information be noted.

#### 4.5 Notification by telecommunication operator(s) of intention to utilise permitted development rights

Members were provided with correspondence from Fibrus indicating their proposed intention to exercise Permitted Development at Ballycairn Road, Aghalee BT67 0DR to install electronic communications apparatus.

It was proposed by Councillor M Gregg seconded by Councillor J Craig and agreed that the information be noted.

#### 4.6 Review of the Implementation of the Planning Act (NI) 2011

Members were provided with a copy of the Review of the Implementation of the Planning Act (NI) 2011 which had been carried out by the Department for Infrastructure who had an oversight role in respect of the operation of the Planning System in Northern Ireland.

The Head of Planning and Capital Development provided the Committee with a verbal update during which he stated that he felt that some of the more fundamental issues had not been addressed.

There was some discussion on how the system in Northern Ireland compared with that in the rest of Great Britain and at the culmination of the discussion it was proposed by Councillor M Gregg, seconded by Councillor J Craig and agreed that the information be noted.

5. Any Other Business

1. The Chairman, Councillor A Swan  
Late Submissions of information

The Chairman drew attention to the issue of the acceptance of late information being submitted for consideration when there is a cut-off time for this in place, he asked how the Legal Advisor viewed this. The Legal Advisor advised of the implications should a strict enforcement of the cut-off time be enforced stating that some flexibility was necessary.

*(During the above discussion, Councillor J Craig left the meeting at 3.37pm)*

There being no further business, the meeting concluded at 3.40 pm.

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CHAIRMAN / MAYOR