

**LISBURN & CASTLEREAGH CITY COUNCIL**

**Minutes of Special Planning Committee Meeting held in the Council Chamber and in Remote Locations on Wednesday, 18 September, 2024 at 5.05 pm**

**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, P Catney, D J Craig, U Mackin, A Martin, G Thompson and N Trimble

**IN ATTENDANCE:**

Director of Regeneration and Growth  
Head of Planning & Capital Development  
Principal Planning Officer (RH)  
Senior Planning Officers (MB and PMcF)  
Member Services Officers (CR and EW)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

**Commencement of Meeting**

At the commencement of the meeting, the Chair, Alderman M Gregg, welcomed those present to the special Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies**

There were no apologies.

2. **Declarations of Interest**

The following declarations of interest were made in respect of planning application LA05/2022/0033/F:

- Councillor U Mackin declared an interest given that he would be speaking on behalf of objectors. He also advised that he would have to leave the meeting early due to a prior appointment;
- Councillor P Catney declared an interest given that he had met with a representative of the residents, as well as a representative of the applicant. At no time had he expressed an opinion on the application; and
- Councillor A Martin declared an interest given that he was a member of the Board of Lagan Valley Regional Park, which could be part of that Regional Park or outside of it. It is in close proximity to the application site. He had not had any conversation with the applicant or anyone else to do with this.

2. Declarations of Interest (Contd)

During the meeting, Alderman J Tinsley submitted a written declaration of interest in respect of this application as he had been contacted by objectors about this application. He made it clear that he was a member of the Planning Committee and did not express an opinion. He confirmed that he remained undecided.

3. Report from the Head of Planning & Capital Development

3.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there was 1 local application on the schedule for consideration at the meeting.

3.1.1 Applications to be Determined

The Legal Advisor, Mr B Martyn, 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) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg

Prior to this application being presented by Officers, Mr Wm Orbinson KC, requested to speak on a procedural matter and this request was acceded to by the Chair.

Mr Orbinson advised that, earlier in the month, the objectors' group had posted a link to a petition on its X account asking people to sign this. The link had been reposted by Mrs K Nicholl MLA encouraging people to support the objectors' campaign to have the application refused by signing the petition. It had come to Mr Orbinson's attention that the Chair, Alderman M Gregg, had reposted the link. Whilst the post had since been deleted, Mr Orbinson stated that there was a strong view that, by retweeting the post, Alderman Gregg had shown support and either real or apparent bias by actively advocating the objectors' case. He considered that Alderman Gregg had not maintained impartiality and was in breach of paragraphs 8.1 (h) and 8.1 (i) of the Northern Ireland Local Government Association Code of Conduct for Councillors. In light of this, Mr Orbinson considered that Alderman Gregg should declare a non-pecuniary interest in the application and withdraw from taking part in the meeting.

The Chair, Alderman M Gregg, apologised for his oversight in having shared the objectors' petition. He stated that he would leave the meeting and invited the Vice-Chair, Councillor S Burns, take the chair.

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

#### Adjournment of the Meeting

Councillor S Burns took the chair and declared the meeting adjourned at this point (5.18 pm).

#### Resumption of the Meeting

The meeting was resumed at 5.25 pm.

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

The Committee received the following:

- Dr J Adgey, accompanied by Ms R McDade, to speak in opposition to the application;
- Councillor U Mackin to speak in opposition to the application (Councillor Mackin left the meeting after addressing Members' queries);
- Alderman J Baird to speak in opposition to the application;
- Alderman A McIntyre to speak in opposition to the application;
- Mrs K Nicholl MLA to speak in opposition to the application;
- Mr E Poots MLA to speak in opposition to the application; and
- Mr Wm Orbinson KC, accompanied by Mr G Dodds, Ms A Wiggam, Mr D Thompson, Mr P Lynas, Mr R Barclay, Ms A Reynolds, Mr C Carvill and Mr M Carvill, to speak in support of the application.

A number of Members' queries were addressed by the speakers.

At the stage when Members' queries were being put to Mr Orbinson and his colleagues, Mr Orbinson drew attention to the fact that Councillor A Martin had declared an interest in this application as he was a member of the Board of Lagan Valley Regional Park, which was an objector to the application. Therefore, Mr Orbinson considered that Councillor Martin should have recused himself from the meeting. Councillor Martin had remained in the meeting had had asked several questions. Mr Orbinson asked that Councillor Martin now recuse himself from further discussion and not take part in the vote, on the same basis as the Chair, Alderman M Gregg, had done earlier.

#### Adjournment of the Meeting

Councillor S Burns declared the meeting adjourned at this point (7.46 pm).

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

#### Resumption of the Meeting

The meeting was resumed at 8.09 pm.

Councillor A Martin confirmed that he had declared an interest in the application given that he was a member of the Board of Lagan Valley Regional Park. He had only become aware from comments by Dr Adgey earlier in the meeting that Lagan Valley Regional Park had submitted an objection. Councillor Martin had not sat on any Board or Committee that had decided about objecting and he had not been aware of such a decision. Councillor Martin left the meeting at this point (8.11 pm).

#### “In Committee”

It was proposed by Councillor D Bassett, seconded by Councillor N Trimble and agreed to go ‘into committee’ to receive legal advice. Those members of the public in attendance left the meeting (8.11 pm).

Legal advice was provided by the Legal Advisor in respect of this application.

#### Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and agreed to come out of committee and normal business was resumed (8.54 pm).

It was proposed by Councillor N Trimble and seconded by Councillor P Catney that the application be deferred for the following reasons:

- Following legal advice, it had become clear that there could be a perception that Councillor A Martin’s involvement in the meeting, until such point as he had left, had had the potential to influence other Members and, therefore, it was appropriate to defer; and
- There was a disparity in information provided in relation to waste water capacity and NI Water would be requested to provide clarification on the capacity at Drumbeg Waste Water Treatment Works to accommodate the proposed development and to address comments raised by third parties and the applicant team as part of their presentations.

Prior to this proposal being voted on, Mr Wm Orbinson KC requested permission to address the Committee. The Acting Chair, Councillor S Burns, stated that, as there was a proposal in front of the Committee, the vote would be taken at this stage in proceedings.

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

The proposal in the name of Councillor N Trimble, seconded by Councillor P Catney, that the application be deferred was put to the meeting and unanimously agreed.

Mr Wm Orbinson KC referred again to Councillor A Martin having remained in the meeting after making a declaration of interest. He stated that Councillor Martin had engaged in the debate and asked questions of objectors in a way that could have generated a negative opinion of the application and there was potential for those questions to have influenced other Members. Mr Orbinson sought clarity on how Councillor Martin now having removed himself would solve anything, given that the potential influence was already there. He stated there was a serious question arising as to apparent bias and apparent pre-determination if the Council proceeded to reconvene the meeting at a later date with the same membership, all of whom had been tainted by what had occurred this evening.

The Acting Chair, Councillor S Burns, stated that Mr Orbinson's submission had been noted; however, the vote had been taken and a decision made to defer the application.

### Conclusion of the Meeting

There being no further business, the meeting was terminated at 9.07 pm.

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Chair/Mayor