



April 18th, 2024

**TO: The Right Worshipful the Mayor and Members  
of Lisburn & Castlereagh City Council**

A meeting **of Lisburn & Castlereagh City Council** will be held on **Tuesday, 23rd April 2024** at **7:00 pm** in the Council Chamber for the transaction of the business on the undernoted agenda.

A hot buffet will be available in the Members' Suite from 5.45 pm for those Members who have confirmed in advance.

**DAVID BURNS**  
**CHIEF EXECUTIVE**  
**LISBURN & CASTLEREAGH CITY COUNCIL**

# Agenda

## 1.0 BUSINESS OF THE RIGHT WORSHIPFUL THE MAYOR

📄 *Mayor's Engagements for Council April 2024.pdf*

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## 2.0 APOLOGIES

## 3.0 DECLARATIONS OF MEMBERS' INTERESTS

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Member to complete disclosure of interest form)

## 4.0 COUNCIL MINUTES - Meeting of Council 26 March 2024

📄 *MM 26.03.2024 Draft Minutes.pdf*

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## 5.0 MATTERS ARISING

## 6.0 DEPUTATIONS

None

## 7.0 BUSINESS REQUIRED BY STATUTE

### 7.1 Signing of Legal Documents

- Lisburn and Castlereagh City Council and Irish Waste Services. 94-96 Hillsborough Road, Carryduff BT8 8HT – Contract for Collection, transportation, recycling and/or recovery of waste paints and aerosols from Council Household Recycling Centres – T22/23-072
- Lisburn and Castlereagh City Council and R Heatrick Ltd t/a Skipway, 341 Tandragee Road, Portadown BT62 3RB – Contract for Collection, transportation and recycling of plasterboard from Council Household Recycling Centres – T22/23-073
- Lisburn and Castlereagh City Council and R Heatrick Ltd t/a Skipway, 341 Tandragee Road, Portadown BT62 3RB – Contract for Collection, transportation and recycling of rubble from Council Household Recycling Centres – T23/24-008

## 8.0 ADOPTION OF MINUTES OF COMMITTEES

- 8.1 Regeneration & Growth Committee 4 April 2024**  
📄 *RGC 04 04 2024 Draft Minutes for Adoption.pdf* *Page 14*
- 8.2 Communities & Wellbeing Committee 9 April 2024**  
📄 *CW Draft Minutes for Adoption 090424.pdf* *Page 22*
- 8.3 Corporate Services Committee 11 April 2024**  
📄 *CSC 11 04 2024 Draft minute for adoption.pdf* *Page 27*
- 8.4 Planning Committee 4 March 2024 4 March 2024 (for Noting)**  
📄 *PC 04.03.2024 - Ratified Minutes - for noting.pdf* *Page 32*

## **9.0 REPORT FROM CHIEF EXECUTIVE**

None

## **10.0 REPORTS FROM MEMBERS ON BOARDS**

None

## **11.0 REPORTS ON DECISIONS SUBJECT TO THE RECONSIDERATION PROCEDURE**

None

## **12.0 NOTICES OF MOTION**

None

## **13.0 CONFIDENTIAL BUSINESS**

- 13.1 Requirement to endorse a Deed of Variation for a Section76 Planning Agreement dated 3rd September 2020 made between (1) Lisburn and Castlereagh City Council and (2) Comber Road LLP relating to lands at Comber Road to take account of a change in the form of employment use proposed and the phasing of the delivery of the mixed-use development**

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Confidential due to information relating to the financial or business affairs of any particular person (including the Council)

**13.2 Requirement to enter into a Section 76 Planning Agreement for Planning Application LA05/2022/0861/F**

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Confidential due to information relating to the financial or business affairs of any particular person (including the Council)

**14.0 ANY OTHER BUSINESS**

## MAYOR'S ENGAGEMENTS FOR FULL COUNCIL MEETING

### Wednesday 20<sup>th</sup> March

Mayor to host Minister Givan at Carr Primary School

### Thursday 21<sup>st</sup> March

Mayor to attend 'The Mayor's Community Awards', Larchfield Estate

### Friday 22<sup>nd</sup> March

Mayor to host New Irish Arts Charity Concert in aid of Mayoral Charity, Cancer Fund for Children, Lagan Valley Island

### Saturday 23<sup>rd</sup> March

Mayor to attend Coffee Morning, St John's Parish Church Hall

Mayor to attend Coffee Morning, Anahilt Presbyterian Church

Mayor to attend Lisburn Young Defenders Festival of Flute Bands, Lisburn Orange Hall

Mayor to attend GB Display, Hillsborough Presbyterian Church

### Tuesday 26<sup>th</sup> March

Mayor to host Youth Council, Mayor's Parlour

### Thursday 28<sup>th</sup> March

Mayor to attend Easter Movie Day in aid of Mayoral Charity, Cancer fund for Children

Mayor to attend reception for Special Education needs, Resurgam Youth, Lagan Valley Island

### Friday 29<sup>th</sup> March

Mayor and Mayoress to attend 'The Abaana Choir' concert, Lisburn Cathedral

### Saturday 6<sup>th</sup> April

Mayor to open Pickleball Ireland National Championships, Lagan Valley Leisureplex

Mayor to attend Drumlough Community Association Coffee Morning in aid of Mayoral Charity, Cancer Fund for Children

Mayor to attend Lisnagarvey Hockey Club Lunch and local Derby with Garvey Men's 2<sup>nds</sup> X1 and Banbridge 2<sup>nds</sup> X1

Mayor to attend 'All the King's Men' concert, Waterfront Hall

**Tuesday 9<sup>th</sup> April**

Mayor to open LCCC staff event, launch of the Corporate Plan, Lagan Valley Island

Mayor to host reception for Bidvest Noonan in recognition of Security Guards response to serious incident, Mayor's Parlour

**Wednesday 10<sup>th</sup> April**

Mayor for host reception for Lisburn Safe in recognition of their community work, Mayor's Parlour

**Thursday 11<sup>th</sup> April**

Mayor and Chief Executive to welcome Baroness Lucy Neville-Rolfe DBE CMG to Lagan Valley Island

**Friday 12<sup>th</sup> April**

Mayor to meet with Pastor Nathan from Transformation Centre, Lisburn, Mayor's Parlour

Mayor to host reception for Ballyoran Community Craft Group to mark their 10<sup>th</sup> Anniversary, Mayor's Parlour

Mayor to attend Colour Run in aid of the Mayoral Charity, Cancer Fund for Children, Billy Neill MBE Country Park

**DEPUTY MAYOR'S ENGAGEMENTS FOR FULL COUNCIL MEETING****Wednesday 10<sup>th</sup> April**

Deputy Mayor to attend Official Opening of playground at St Aloysius Primary School

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**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of the Monthly Meeting of Council held on Tuesday 26 March, 2024 at 7:00 pm****PRESENT IN CHAMBER:**

The Right Worshipful the Mayor  
Councillor A Gowan

Aldermen J Baird, A G Ewart MBE, O Gawith, A Grehan,  
M Guy, H Legge, S P Porter, S Skillen and J Tinsley

Councillors D Bassett, R T Beckett, P Burke, S Burns,  
R Carlin, P Catney, D J Craig, K Dickson, N Eaton,  
A P Ewing, A Givan, B Higginson, G Hynds, C Kemp,  
P Kennedy, J Lavery BEM, A McIntyre, M McKeever,  
R McLernon, A Martin, T Mitchell, N Parker, G Thompson and  
N Trimble

**IN ATTENDANCE:**

Lisburn & Castlereagh City Council

Chief Executive  
Director of Finance and Corporate Services  
Director of Leisure and Community Wellbeing  
Director of Organisation Development and Innovation  
Director of Regeneration and Growth  
Member Services Officers  
Technician  
IT Officer

Mr D Roberts, Mayor's Chaplain (remote)

**Commencement of the Meeting**

At the commencement of the meeting, The Right Worshipful the Mayor, Councillor A Gowan, welcomed those present to the meeting of Council which was being live streamed to enable members of the public to hear and see the proceedings. In particular, he extended a welcome to members of the Youth Council who were in attendance to observe proceedings. The Mayor pointed out that, should the meeting go into committee to consider confidential business, any members of the press and the public in attendance would be required to leave the Council Chamber for the duration of those matters.

The Chief Executive outlined the evacuation procedures in the case of an emergency. The Right Worshipful the Mayor requested that all mobile phones be put on silent or switched off for the duration of the meeting and pointed out that, in accordance with the Council's Standing Orders, whilst the meeting was being live-streamed, unauthorised recording was not permitted.

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## Prayers

The Right Worshipful the Mayor, Councillor A Gowan, expressed condolences in respect of the following bereavements:

- Mr Colin Craig, long-standing Council employee within the Waste Management and Operations Unit; and
- Mr Michael Smythe, father of Russell Smythe, employee within the Facilities Management Unit.

Councillor Gowan referred to the recent death of his father, John, and thanked both his Elected Member colleagues and Council staff for the support and sympathy they had extended to him, which had been greatly appreciated.

The Right Worshipful the Mayor welcomed his Chaplain, Mr D Roberts, to the meeting. Mr Roberts gave an address and said a prayer during which he also referred to the above bereavements and offered his sympathy to the families. The Right Worshipful the Mayor thanked Mr Roberts for his attendance and he left the meeting (7.13 pm).

## 1. Business of The Right Worshipful the Mayor

### 1.1 Mayor's Engagements

The Council noted a number of engagements attended by The Right Worshipful the Mayor, Councillor A Gowan, and the Deputy Mayor, Councillor G McCleave, since the last meeting of Council.

In particular, Councillor Gowan highlighted the following:

- the Mayor's Dinner which had raised £27,500 for the Mayor's Charity, Cancer Fund for Children. The Mayor thanked all those involved for their hard work in making this event such a huge success, as well as his Elected Member colleagues for their support and donations; and
- the Mayor's Community Awards, which had been a celebration of the work carried out by the community of volunteers throughout the Council area. He extended his thanks to the capable, passionate team of staff for their efforts in making this such a successful event.

## 2. Apologies

It was agreed to accept apologies for non-attendance at the meeting on behalf of the Deputy Mayor, Councillor G McCleave, Alderman M Gregg, Councillors J Gallen, S Lowry, U Mackin and C McCready and the Acting Director of Environmental Services.

## 3. Declarations of Interest

There were no declarations of interest.



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4. Council Minutes

It was proposed by Alderman A G Ewart, seconded by Councillor G Hynds and agreed that the minutes of the meeting of Council held on 27 February, 2024 be confirmed and signed.

5. Matters Arising

There were no matters arising.

6. Deputations

There were no deputations.

7. Business Required by Statute(i) Signing of Legal Documents

It was proposed by Alderman J Tinsley, seconded by Councillor D Bassett and agreed that the following legal documents be signed at the meeting:

- Lisburn and Castlereagh City Council and Profile Tree Web Design and Digital Marketing – Award Letter to deliver the Digital Academy (T23/24-019);
- Lisburn and Castlereagh City Council and DFPE Ltd t/a People 1<sup>st</sup> – Award Letter to deliver the Into Employment Programme (T23/24-014)
- Lisburn and Castlereagh City and Skillgate Ltd – Contract for Learning Management System (T23/24-013); and
- Lisburn and Castlereagh City Council and Martson (Holdings) Limited – Contract for the provision of car parking management/off street parking enforcement and penalty charge processing service for a consortium of 8 councils in NI.

8. Adoption of Minutes of Committees**Communities and Wellbeing Committee****5 March, 2024**

Proposed by Councillor R T Beckett

Seconded by Councillor B Higginson

**Environment and Sustainability Committee****6 March, 2024**

Proposed by Councillor R Carlin

Seconded by Alderman J Baird

**Regeneration and Growth Committee****7 March, 2024**

Proposed by Councillor J Laverty

Seconded by Councillor A Martin

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**Corporate Services Committee**

13 March, 2024

Proposed by Alderman O Gawith

Seconded by Councillor A P Ewing

The Chair of Corporate Services Committee, Alderman O Gawith, advised that the next meeting of the Committee would take place on 11 April, 2024, not 10 April as previously scheduled.

**Governance and Audit Committee**

20 March, 2024

Proposed by Councillor R McLernon

Seconded by Councillor D Bassett

The Chair of Governance and Audit Committee pointed out that the above minutes remained subject to the call-in procedure until 10.00 am on Friday, 29 March, 2024.

**Planning Committee**

5 February, 2024

The minutes of the Planning Committee meeting of 5 February, 2024 had been circulated for noting only as these minutes had been agreed at the subsequent meeting of the Planning Committee on 4 March, 2024. It was proposed by Councillor P Catney, seconded by Alderman J Tinsley and agreed that their contents be noted.

9. Report from Chief Executive9.1 Department for the Economy Adverse Weather Financial Package

It was proposed by Councillor J Laverty, seconded by Councillor P Catney and agreed to:

- (a) note the additional scheme outlined in the Chief Executive's Report; and
- (b) give approval to Officers administering the DfE Scheme in line with the prescribed eligibility criteria.

9.2 Council Remote/Hybrid Meetings

The Chief Executive reported that an amendment to Standing Orders was required to reflect the current legislative position in relation to remote meetings, which had changed with effect from 7 March, 2024. Suspension of Standing Order 27.2 was required to allow for consideration of this amendment.

It was proposed by Councillor P Catney, seconded by Councillor R Carlin and agreed that Standing Order 27.2 be suspended for consideration of the amendment to Standing Orders.

Standing Order 27.2 was suspended at this juncture.

## 9.2 Council Remote/Hybrid Meetings (Contd)

It was proposed by Councillor T Mitchell, seconded by Alderman O Gawith and agreed that:

- (a) the amended Standing Orders, as circulated, be adopted;
- (b) the conditions applied to Members who chose to observe meetings via zoom, as outlined in the report, be noted;
- (c) Chairs, in consultation with their Committees, may alter the start time of Committee meetings to 6.30 pm; and
- (d) the consultation response on the Draft Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 for submission to the Department of Communities, as set out in the report, be noted.

## 10. Reports from Members on Boards

There were no reports from Members on Boards.

## 11. Reports on Decisions Subject to the Reconsideration Procedure

There were no reports on decisions subject to the reconsideration procedure.

## 12. Notice of Motion

### 12.1 Anti-Poverty Strategy

A copy of the following Notice of Motion in the name of Councillor C Kemp, had been circulated to Members with the notice convening the meeting:

“That this Council recognises that poverty is a pervasive issue across Northern Ireland. The Department for Communities reported in October 2023 that 60,000 children were living in absolute poverty – and 1 in 4 children are living in relative poverty.

Council acknowledges the high cost of living – particularly fuel, housing, essential goods, childcare and transport, combined with a low wage economy have created particularly dire economic conditions for many. This combined with the austerity budget of 23/24 has had devastating consequences for the most vulnerable in society.

Council recognises that the Assembly still does not have an Anti-Poverty Strategy “based on objective need” – almost 20 years after the St. Andrew’s agreement placed a legal requirement on the Executive to enact a Strategy.

### 12.1 Anti-Poverty Strategy (Contd)

Council commits to supporting the call by the Equality Coalition, NI Anti-Poverty Network (NIAPN), Barnardo's and others for the creation and implementation of an Anti-Poverty Strategy based on objective need to be a priority for the Northern Ireland Executive.

Council will:

1. Invite a representative from NIAPN or the Equality Coalition to present to the council about the key asks for an anti-poverty strategy
2. Endorse the recommended vision for the anti-poverty strategy:  
*"Northern Ireland is an equal society where poverty and its impacts are eradicated, and that respects, protects, promotes and fulfils the rights of those at risk of poverty to ensure they achieve their aspirations."*
3. Increase the visibility of the council's anti-poverty action plans, including the resources available to those within the council area experiencing poverty".

The Notice of Motion was proposed by Councillor C Kemp and seconded by Alderman H Legge.

The Right Worshipful the Mayor, Councillor A Gowan, advised that the above Notice of Motion would be referred, without debate, to the Communities and Wellbeing Committee for consideration.

### 12.2 Abolitionist Frederick Douglass

A copy of the following Notice of Motion in the name of Councillor P Catney, had been circulated to Members with the notice convening the meeting:

"Lisburn and Castlereagh City Council:

Recognises the historic impact of the abolitionist Frederick Douglass' visit to Ireland in 1845 as he campaigned against slavery, including an address at Lisburn First Presbyterian Church on Monday 29<sup>th</sup> December 1845;

Acknowledges that despite the district having the third highest population of an ethnic minority group in Northern Ireland (Census 2021), there are currently few examples of public commemoration for ethnic minority people or their history;

Condemns all forms of slavery and commends those involved in contemporary efforts to end modern day slavery; and

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## 12.2 Abolitionist Frederick Douglass (Contd)

Resolves to undertake a feasibility study, including planning considerations and costings for further review by Members, to erect a statue or memorial in Market Square, adjacent to Lisburn First Presbyterian Church, in commemoration of Frederick Douglass' address there in 1845."

The Notice of Motion was proposed by Councillor P Catney and seconded by Councillor P Burke.

Councillor P Catney stated that Frederick Douglass had spent the first two decades of his life as a slave and, at the age of 20, had taken the courageous step to escape. At the age of 27 he had begun a tour of Ireland, raising funds for the abolitionist cause by selling copies of his first autobiography "Narrative of the Life of Frederick Douglass". On 29 December, 1845, he had made a historic anti-slavery speech in Lisburn First Presbyterian Church, with Minister Alexander Henderson welcoming him and stating that the Lisburn congregation had a heart to feel for the oppressed. Mr Douglass had stated that, since arriving in Ireland, he had spent some of the happiest moments of his life, had undergone transformation and had lived a new life. When he had come to Lisburn, Mr Douglass had not come to a town ignorant of the abolitionist movement; from the early 19<sup>th</sup> century, Lisburn had an active and committed anti-slavery movement, which was not the case for all towns and cities in Ireland at that time.

Councillor Catney stated that Lisburn City was rich in history, with working men and women of the linen industry commemorated in the Irish Linen Museum and soldiers of the First and Second World Wars immortalised in war memorials. This showed who the people of Lisburn were – generational hard workers who stood up in the face of oppression – and this was what Frederick Douglass did. Modern slavery was on the rise and Councillor Catney stated that his proposal to commemorate Frederick Douglass would send a clear message that the people of Lisburn did not tolerate oppression or slavery of any kind, be it sexual exploitation, domestic servitude, forced labour or criminal exploitation.

In seconding the proposal, Councillor P Burke emphasised the rich history of the city of Lisburn, the impact it and its citizens had on the promotion of equality and diversity and the important role that the ethnic population played in society. He stated that Frederick Douglass was best known for his anti-slavery writings and campaigning, was also an early campaigner of women's rights and was an influential leader not only now, but of his time. His values and beliefs were as relevant now as they were in the 19<sup>th</sup> century and, by commemorating him in Lisburn, this would demonstrate the Council's desire to link together the past, present and future. It would go a long way in providing a better understanding for people of the positive and progressive role he played in not only the city's early development, but the role Lisburn and the surrounding areas had played in global events and it becoming a bedrock for many historical figures, some of which Councillor Burke went on to refer to. He stated that Lisburn's history should be embraced and utilised in promoting everything Lisburn, Castlereagh and the surrounding areas had to offer. The Council area had the basis of something unique and different to offer, with Hillsborough Castle, the River Lagan and a

## 12.2 Abolitionist Frederick Douglass (Contd)

deep-rooted history of the British Military, amongst many other attractions. In order to entice people to want to visit, the Council needed to be welcoming and inviting to everyone and work in partnership regardless of differing political opinions and personal beliefs for the common good. Identity was important and no-one should fear another person's identity, as long as it was expressed in a respectful manner. Lisburn & Castlereagh City Council was becoming more diverse and that should be welcomed, embraced and nurtured. The Council had a responsibility to ensure its shared society was one where diversity was celebrated and he urged everyone to find innovative ways to capture all that the Council had to offer, making the slogan "A City For Everyone" a reality.

Councillor A McIntyre, on behalf of the Alliance Party, voiced support for the Notice of Motion. Recognising the impact of Frederick Douglass' visit to Lisburn would mark a key moment in the Council's journey towards inclusivity. Mr Douglass set an example that could be followed – to lobby and fight against injustices regardless of your situation in life. Commemorating Mr Douglass would provide an opportunity for the Council to use the city's heritage to promote its tourism offering and an opportunity to acknowledge a wider breadth of the communities' experiences. Slavery still existed today in form of human trafficking, sexual exploitation and forced labour. The Council should offer its unwavering support to those in the front-line of tackling those issues. Whilst it was recommending that a feasibility study be presented to Members for consideration at a future date, Councillor McIntyre urged everyone to support the Notice of Motion to pay tribute to a champion of freedom and as individuals, as parties and as a Council, to reaffirm values of diversity, equality and justice for all.

Councillor A Givan spoke of how formidable a man Frederick Douglass had been, surviving a childhood of slavery to become a great leader in the anti-slavery movement. However, he pointed out that in order to have blue plaques erected, the Ulster History Circle required certain criteria to be met, and he considered that a statue would require even stricter criteria. He stated that the proposal did not meet the necessary criteria for the erection of a blue plaque and went on to outline the reasons why. Many famous people had passed through Lisburn, some of whom Councillor Givan mentioned, and there were no statues of them in place even though they had had a profound effect on Ulster. Councillor Givan advised that Frederick Douglass had been commemorated in his own country, with 12 full-sized statues of him having been erected throughout the USA. He suggested that perhaps the Council could recognise him in some way other than a statue, eg. an educational event in the museum or Lisburn First Presbyterian Church could be asked if it wished to erect a plaque to acknowledge his presence in that building. Councillor Givan stated that he could not support the Notice of Motion.

Councillor N Trimble, on behalf of the UUP, expressed support for the Notice of Motion. He stated that it was right and proper that Frederick Douglass be acknowledged in some way. The Notice of Motion was calling for a feasibility study and he was fully supportive of that; however, he would not wish the study to be limited to only the options of a statue or plaque. Thought was required on

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## 12.2 Abolitionist Frederick Douglass (Contd)

what was appropriate and what was cost-effective, given that statues were expensive and the Council was a steward of ratepayers' money.

Councillor G Hynds stated that Frederick Douglass was a significant figure in history and Lisburn had a significant history that should be tapped into a lot more. He voiced his support for the Notice of Motion but concurred with Councillor Trimble that the feasibility study should not be limited.

Alderman S P Porter thanked Councillor Catney for bringing forward the Notice of Motion. There may be issues around what form or recognition would come forward but he was content for a feasibility study to be carried out on a wider basis than was called for in the Notice of Motion. He stated that it may be more beneficial for the museum to run an event for people to learn about the wonderful life of Frederick Douglass. Alderman Porter also pointed out that there was already a statue of Mr Douglass 8 miles away in Belfast.

Councillor R T Beckett stated that modern day slavery was an issue. He referred to legislation that had been passed in the last term of the Northern Ireland Assembly and the work of Lord Morrow in the House of Lords to address this issue. Councillor Beckett also referred to the existing statue of Frederick Douglass in Belfast and stated that there were many ways in which he could be commemorated by the Council, including the possibility of locating something in Lisburn First Presbyterian Church.

Councillor P Catney confirmed that he would be liaising with Lisburn First Presbyterian Church. He stated that Frederick Douglass' family had carried on his traditions and suggested that perhaps the family could be invited to come to Lisburn. Given the comments made regarding the widening of the feasibility study, Councillor Catney agreed that the last paragraph of his Notice of Motion be amended to read "Resolves to undertake a feasibility study, including planning considerations, and other options, and costings for further review by Members, to erect a statue or memorial in Market Square, adjacent to Lisburn First Presbyterian Church, in commemoration of Frederick Douglass' address there in 1845".

The Notice of Motion proposed by Councillor P Catney, seconded by Councillor P Burke, with the amendment to final paragraph outlined above, was unanimously agreed.

Prior to considering confidential business, The Right Worshipful the Mayor stated that Any Other Business would be taken at this time.

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### 13. Any Other Business

#### 13.1 Best Wishes to the Princess of Wales Alderman S P Porter

Alderman S P Porter referred to the recent announcement of the ill health of the Princess of Wales and stated his disappointment at media coverage in advance of that time. He asked that The Right Worshipful the Mayor, Councillor A Gowan, write a letter on behalf of the Council passing on the thoughts and prayers of the people of Lisburn & Castlereagh to her and her family at this time and looking forward to her visiting in the future. Councillor G Hynds concurred with the sentiments of Alderman Porter.

The Right Worshipful the Mayor, Councillor A Gowan, confirmed that he had already sent such a letter, as well as a letter to His Majesty King Charles III.

#### 13.2 Reception for Emerge Counselling Services Councillor G Hynds

Councillor G Hynds referred to having attended a 5<sup>th</sup> anniversary event at Emerge Counselling Services, a wonderful charity that had gone from strength to strength almost entirely through community donations. Councillor Hynds proposed that The Right Worshipful the Mayor, Councillor A Gowan, host a reception for Emerge Counselling Services to celebrate its anniversary and this was seconded by Alderman S P Porter. Councillor Gowan agreed to host such a reception.

### 14. Confidential Business

The matters contained in the confidential report would be dealt with "In Committee" due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information).

#### "In Committee"

It was proposed by Councillor D J Craig, seconded by Councillor A P Ewing and agreed that the following items be considered "in committee", in the absence of members of the press and public being present. The livestream was paused at 8.17 pm.

#### 14.1 Requirement to Enter into a Section 76 Planning Agreement for Planning Application LA05/2023/0292/F (Report would be available after the Agreement was signed and sealed)

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that approval be given to the signing and sealing of the Agreement by the Mayor and Chief Executive.



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- 14.2 Requirement to Enter into a Section 76 Planning Agreement for Planning Application LA05/2023/0662/F  
(Report would be available after the Agreement was signed and sealed)

The Chief Executive pointed out a typographical error under the Finance and Resource section of the report.

It was proposed by Alderman H Legge, seconded by Alderman J Tinsley and agreed that approval be given to the signing and sealing of the Agreement by the Mayor and Chief Executive.

At this stage, The Right Worshipful the Mayor, Councillor A Gowan, asked if Members wished to raise any other business of a confidential nature. No Members had anything to raise.

#### Resumption of Normal Business

It was proposed by Alderman S P Porter, seconded by Councillor T Mitchell and agreed to come out of committee and normal business was resumed. The live stream of the meeting was recommenced at this stage (8.21 pm).

There being no further business for consideration, the meeting was terminated at 8.21 pm.

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Mayor

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Meeting of the Regeneration & Growth Committee held in the Council Chamber, Island Civic Centre, The Island, Lisburn on Thursday 4<sup>th</sup> April, 2024 at 6.00 pm****PRESENT IN THE CHAMBER:**

Councillor J Laverty BEM (Chairperson)

Aldermen J Baird, A G Ewart MBE, M Gregg, A Grehan and S P Porter

Councillors K Dickson, J Gallen and N Parker

**OTHER MEMBERS:**

Councillor G Hynds

**IN ATTENDANCE**

Director of Regeneration & Growth

Head of Economic Development

Head of Assets

Project Co-Ordinator, Portfolio Office

Member Services Officers (BS and EW)

IT Officer

**Commencement of Meeting**

The Chairperson, Councillor J Laverty, extended a welcome to all present at the April meeting of the Committee and reminded those present that the meeting was being audio recorded unless the item was being considered under confidential business.

The Chairperson reminded the Committee that in accordance with the revised regulations for meetings, Members were now required to be physically present in the Council Chamber. However, for observational purposes, Members were permitted to view meetings remotely via Zoom but a) would not be recorded as present or included as part of the quorum, b) would not be permitted to interact with the meeting in any way, speak or vote, and c) would not be permitted to use the 'raised hand' function or the messaging function on Zoom.

Aldermen A Grehan and S P Porter entered the meeting at 6.03 pm.

At this point in proceedings, the Member Services Officer read out the names of the Elected Members in attendance at the meeting.

The Chairperson asked that any Member entering or leaving the meeting advise the Member Services Officer accordingly so that this might be accurately reflected in the minutes.

The Director of Regeneration & Growth outlined the evacuation procedures in the case of an emergency.

## 1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of The Right Worshipful the Mayor, Councillor A Gowan, Alderman M Guy, Councillors P Burke, U Mackin, A Martin and C McCready.

## 2. Declarations of Interest

Alderman A Grehan declared a non-pecuniary interest in item 4.2 Grove Activity Centre – Disposal Under Community Asset Transfer due to her involvement as a volunteer in fund raising and lobbying on behalf of the organisation concerned to find suitable premises for their project.

## 3. Report of Head of Economic Development

### 3.1 Tourism Major Events – Refresh on Approach

The Head of Economic Development's report outlined the background and key issues in connection with the Council's tourism major events strategy and in particular the refresh on approach following discussion at the meeting of the Committee in February 2024. Issues raised had been regarding the reporting methodology used for the outcome of the assessment, and also in relation to consistency of reporting grant outcomes across Committees.

The Committee had been furnished with a copy of the following related documents:

- current guidance documents and application form,
- assessment criteria and scoring matrix,
- post-event evaluation form, and
- the agreed current governance arrangements.

The Head of Economic Development outlined the proposed changes for implementation of the tourism major events approach, from the final quarter in 2024/25 onwards, namely:

a) the following additional information be presented in the revised approach from the October 2024 call (for the 2025/26 year) onwards:

- Event Promoter
- Brief Event Description
- Event target outputs
- Total number of applications received, the number of unsuccessful or withdrawn applications, with a high level general summary narrative as to why they were unsuccessful or withdrawn

### 3.1 Tourism Major Events – Refresh on Approach (Cont'd)

- b) when the outcome of the application process is presented to the committee for noting (usually around March each year), that a summary of the evaluation outcomes of the previous year's Major Events Programme is also reported to the Committee for noting. That is, the evaluation of the 2024/25 Major Events Programme performance would be presented for noting to the March 2025 Committee meeting alongside the outcome of the applications for funding for the 2025/26 year. It should be noted that there would need to be some flexibility built in around the reporting dates to take account of the actual event dates should they fall in the Spring.

It was noted that Officers had also reviewed the existing scoring criteria and had proposed that no changes be recommended.

The Head of Economic Development responded to a number of questions from Members in connection with:

- the scoring criteria in regard to the visitor number target
- the non-applicability of charitable organisations to apply for tourism major event funding. In order to ensure consistency of approach, the Head of Economic Development undertook to amend wording on page 1 of the Application for Tourism Events funding. The amended wording to read "Where the main purpose of the event is to raise money for a charity and/or charities, financial assistance will not be provided by Lisburn & Castlereagh City Council."
- the cost of advertising the scheme in the Belfast Telegraph and any evidence of gain. In view of the comments raised by a number of Members, the Head of Economic Development undertook to give consideration to the matter of advertising in the Belfast Telegraph. The Chairperson commented also the need for the other Directorates to follow the same approach on this matter.

It was proposed by Alderman A G Ewart, seconded by Alderman J Baird, and agreed to recommend that the proposed changes by way of a refresh of the approach as outlined above be approved.

### 3.2 Labour Market Partnership – potential 'Multiply Programme'

The Head of Economic Development's report outlined the background and key issues in connection with the UK Government's £560 million numeracy programme branded as the "Multiply" Programme, the aim of which was to improve adult numeracy skills. Funding from this programme had been obtained for Northern Ireland to deliver bespoke adult numeracy programmes targeted at specific groups of people, the details of which were set out in the Officer's report.

### 3.2 Labour Market Partnership – potential ‘Multiply Programme’ (Cont’d)

The Head of Economic Development advised that the forecasted budget for programme delivery for Lisburn & Castlereagh Council area up to 31 March 2025 was £200,000, and furthermore, the Department for the Economy had offered each Labour Market Partnership, including Lisburn & Castlereagh, a separate additional funding allocation to support delivery of the programme in the sum of £50,000 for the year. A letter of offer had been received by the Council for this aspect of the proposed Programme.

The Head of Economic Development elaborated on the regional approach to delivery of this initiative that was currently being considered by the Labour Market Partnerships, Universities, Further Education Colleges, the Department for Communities and the Department for the Economy. A definitive proposal on how best to proceed had not as yet been fully developed.

There were five possible initiatives currently under discussion and the Department for the Economy had provided summary information which had been appended to the Officer's report. It was noted that the detailed project plans for these initiatives were currently being developed as part of the wider Labour Market Partnership initiative and an update on activity and proposed outcomes would be reported to the Committee for noting in due course.

The Head of Economic Development responded to a comment from a Member in regard to the cost per head of this numeracy programme.

It was proposed by Alderman M Gregg, seconded by Alderman J Baird, and agreed to recommend that the offer of the £50,000 Multiply Grant be accepted, and that the proposed delivery of the initiatives summarised in the appended document, which would involve the procurement of appropriate third party delivery organisations, be approved.

## 4. Any Other Business

### 4.1 Toilet Facilities in Lisburn City Centre Alderman J Baird

Following a request by Alderman J Baird on an update on the provision of toilet facilities in Lisburn City Centre the Director of Regeneration & Growth and the Head of Economic Development responded to a number of comments and concerns from Members in regard to toilet provision in Lisburn City Centre. A number of points were highlighted including:

- toilet provision was the remit of the Environment & Sustainability Committee with input from the Communities and Wellbeing Committee in regard to maintenance of facilities
- Lisburn Square's covenant which included the requirement to provide toilet facilities

#### 4.1 Toilet Facilities in Lisburn City Centre (Cont'd)

- the signage programme for toilet provision which was being progressed in conjunction with the Council's recent scheme in regard to the promotion of the private sector's toilet facilities in the City Centre. It was noted that the Council's Walkability Strategy included toilet provision in Lisburn City Centre,
- new facilities had been created on the ground floor of Bow Street Mall.
- the importance of toilet facilities being available in the City Centre, including possibly Bow Street, in view of the walking distance to the existing facilities in the Lisburn Museum, Bow Street Mall and Castle Gardens.
- the Council's Changing Places policy. Councillor N Parker asked that it be noted that Changing Places toilet facilities were located in the Island Civic Centre and in the new facilities in Bow Street Mall; and that a new Changing Places facility in Wallace Park required to be progressed as a matter of urgency.

Following further comments from the Chairperson, the Director of Regeneration & Growth undertook to bring forward an update report on the issues raised. In addition an update on the above-mentioned Signage Programme would be provided to the next meeting of the Committee. The Chairperson requested that the relevant Officers from other Directorates be invited to the Committee meeting to provide input where appropriate.

#### 5. Confidential Report from Director of Regeneration & Growth

The Chairperson advised that the Confidential items were confidential due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information).

##### In Committee

It was proposed by Alderman J Baird, seconded by Alderman A G Ewart, and agreed that the Confidential Reports be considered "in Committee" in the absence of press or members of the public. The audio recording was paused at this stage in proceedings (6.37 pm).

#### 5.1 Food & Drink Programme – 2022-2023 Evaluations and Business Case for 2024-2026 (Report to be published at the end of the contract period – post March 2026)

The Head of Economic Development outlined the background and key issues in regard to the Council's Food & Drink Programme 2022/2023 and also the Business Case for the 2024/2026 programme.

The Committee had been furnished with executive summaries of the evaluation reports for the 2023 Food and Drink Programme, with full reports available, if required, from the Economic Development Unit.

### 5.1 Food & Drink Programme – 2022-2023 Evaluations and Business Case for 2024-2026 (Cont'd)

It was proposed by Councillor J Gallen, seconded by Alderman A G Ewart, and agreed to recommend that:

- a) the Executive Summary evaluations of the 2023 Food and Drink Programme, including consideration of the associated recommendations in the delivery of the next phase of the programme, be noted,
- b) the 2024-2026 Business Case, be agreed, and
- c) the 2024-2026 proposals be publicly tendered.

### 5.2 Grove Activity Centre – Disposal under Community Asset Transfer (Redacted report to be published June 2024)

Councillor G Hynds left the meeting at 6.47 pm.

The Head of Assets outlined the background and key issues in connection with the disposal of Grove Activity Centre as a pilot under the Council's Community Asset Transfer Policy, the heads of terms having been outlined and approved by the Regeneration and Growth Committee on 7 December 2023. The Director of Regeneration & Growth also addressed the Committee on issues raised including the differentiation of this being an Asset Transfer under a pilot informing the now agreed Community Asset Transfer Policy.

The Committee had been furnished with a copy of the organisation's updated business case and addendum together with a map outlining the lease area.

It was proposed by Alderman S P Porter, seconded by Alderman J Baird, and agreed to recommend that the new Heads of Terms associated with the lease for Grove Activity Centre be agreed which would be presented for signing and sealing by Council post approval from the Department for Communities.

### 5.3 Update on Asset Management Improvement Plan (Redacted report to be published March 2025)

The Head of Assets outlined the background and key issues in connection with the update on the Council's Asset Management Improvement plan.

The Committee had been furnished with a copy of the summary of the recommendations from the Audit review, along with a copy of the confidential report that had been

### 5.3 Update on Asset Management Improvement Plan (Cont'd)

considered by the Governance & Audit Committee in September 2023 and the Action Plan with updates on actions.

It was proposed by Alderman M Gregg, seconded by Alderman J Baird, and agreed that the update on the Asset Management Improvement plan be noted.

### 5.4 Contract for Funding Agreements regarding BRCD (Belfast Region City Deal Destination Royal Hillsborough)

(Redacted report to be published post the signing and sealing of the documents relating to the contract for works as well as the award of the HRP related works contracts)

The Director of Regeneration & Growth outlined the background and key issues in connection with the Contract for Funding Agreements in connection with the BRCD Destination Royal Hillsborough project.

The Director commended the efforts of the project manager and the Head of Portfolio, IT and Commercialisation in connection with the BRCD Destination Royal Hillsborough project.

The Committee had been furnished with a copy of the draft Contract for Funding between the Council, Belfast City Council and also the draft Funding Agreement between the Council and Historic Royal Palaces for BRCD Destination Royal Hillsborough.

Alderman S P Porter and Councillor J Gallen left the meeting at 7.41 pm and 7.43 pm respectively.

Having responded to a number of questions from the Committee, the Director undertook to speak directly with two Members of the Committee in connection with issues raised.

It was proposed by Alderman J Baird, seconded by Alderman M Gregg, and agreed to recommend that:

- a) the contract for funding agreement as circulated be approved,
- b) in parallel, the funding agreement, as outlined, between HRP and the Council, be approved,
- c) delegated authority be granted to the Chairperson of the Regeneration & Growth Committee and the Chief Executive to accept minor amendments in favour or the



Council before presenting for signing and sealing at the appropriate Council meeting with any minor amendments highlighted for transparency, and

5.4 Contract for Funding Agreements regarding BRCD (Belfast Region City Deal Destination Royal Hillsborough) (Cont'd)

- d) the development of a Memorandum of Understanding between the Council and HRP, creating a strategic partnership, be noted.

Resumption of Normal Business

It was agreed to come out of Committee and normal business was resumed.

Conclusion of Meeting

The Chairperson thanked everyone for their attendance and there being no further business for consideration the meeting was concluded at 7.51 pm.

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Chairperson

**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of the Communities and Wellbeing Committee held in the Island Civic Centre, Lisburn on Tuesday 9th April 2024 at 18:00**

**PRESENT:** Councillor J Gallen (Vice-Chairperson)

The Right Worshipful the Mayor, Councillor A Gowan

Aldermen A Grehan, H Legge and S P Porter;  
Councillors D Bassett, D J Craig, N Eaton,  
B Higginson, S Lowry, A McIntyre, T Mitchell  
and G Thompson.

**ALSO ATTENDED:** Councillors G Hynds and C Kemp.

**IN ATTENDANCE:** Director of Leisure and Community Wellbeing  
Head of Communities  
Acting Head of Parks and Amenities  
Head of Sports Services  
Member Services Officer (BF & EW)

1. Apologies

Apologies were received on behalf of the Chairperson (Councillor R T Beckett), the Deputy Mayor (Councillor G McCleave), Alderman S Skillen and Councillor R Carlin.

2. Declarations of Interest

- The Right Worshipful the Mayor declared an interest in item 4.2 re: D-Day Grants Scheme in that family members were associated with an organisation which had applied for funding under the scheme.
- In respect of item 5.1, re: Lisburn Féile – Use of Wallace Park, Councillor A McIntyre indicated that he would be conducting a tour for the organisation as part of a programme of events.

3.0 Director of Leisure and Community Wellbeing

3.1 Anti-Poverty Strategy

At the meeting of the Council on 26th March, the following notice of motion, which was moved by Councillor C Kemp and seconded by Alderman H Legge, was, in accordance with Standing Order 16.1., referred to the Committee for consideration:

"This Council recognises that poverty is a pervasive issue across Northern Ireland. The Department for Communities reported in October 2023 that 60,000 children were living in absolute poverty – and 1 in 4 children are living in relative poverty. The Council acknowledges the high cost of living – particularly fuel, housing, essential goods, childcare and transport, combined with a low wage economy have created particularly dire economic conditions for many. This combined with the austerity budget of 23/24 has had devastating consequences for the most vulnerable in society.

The Council recognises that the Assembly still does not have an Anti-Poverty Strategy “based on objective need” – almost 20 years after the St. Andrew’s agreement placed a legal requirement on the Executive to enact a Strategy. The Council commits to supporting the call by the Equality Coalition, NI Anti-Poverty Network (NIAPN), Barnardo’s and others for the creation and implementation of an Anti-Poverty Strategy based on objective need to be a priority for the Northern Ireland Executive. The Council will:

1. Invite a representative from NIAPN or the Equality Coalition to present to the council about the key asks for an anti-poverty strategy;
2. Endorse the recommended vision for the anti-poverty strategy: “Northern Ireland is an equal society where poverty and its impacts are eradicated, and that respects, protects, promotes and fulfils the rights of those at risk of poverty to ensure they achieve their aspirations; and
3. Increase the visibility of the Council’s anti-poverty action plans, including the resources available to those within the council area experiencing poverty.”

Councillor C Kemp presented the notice of motion. She pointed out that, within the Council area, 17.3% of the population was aged over-65 and that Age NI had estimated that almost 40% of pensioners were living below the poverty line. She added that poverty impacted adversely on people with disabilities and that the current cost-of-living crisis had exacerbated the situation. She sought the Committee’s endorsement for the creation of an anti-poverty strategy and concluded by that it was vital that the Council promoted the visibility of its ongoing anti-poverty work for the benefit of those in most need of support.

Councillor A McIntyre formally proposed the motion to the Committee.

In seconding the motion, Alderman H Legge added that there existed a deep sense of frustration across society since an anti-poverty strategy for Northern Ireland had been first proposed in 1998. She emphasised that poverty impacted on all age groups and particularly the most vulnerable. She referred also to the rising cost of food prices and the valuable work undertaken by food banks to alleviate such costs. She thanked Councillor Kemp for bringing the motion before the Council.

Councillor D Bassett, on behalf of the Sinn Fein party grouping, endorsed the motion as presented.

The Committee agreed that the course of action outlined within the motion be approved and it was noted that a further report would be submitted in due course.

#### 4.0 Head of Communities

##### 4.1 Community Bursary Scheme

The Head of Communities reminded the Committee that, at its meeting on 5th March, it had approved the DEA Investment Programme for 2024/25, in respect of which provision had been included for the delivery of a Community Bursary Scheme. She outlined the principal aspects of the scheme and gave an overview of its aims and objectives, the types of projects that would be eligible for support, together with the criteria that would be applied within the application process.

It was moved by Councillor D J Craig, seconded by Councillor T Mitchell, and agreed that the Committee:

- notes the content of the paper in regard to the Community Bursary Scheme and the outline guidance notes with a view that the scheme be launched in May/June of 2024;
- delegates authority to the Head of Communities, in consultation with the Chairperson and Vice-Chairperson, to approve applications received on an ongoing basis within the cycle of the scheme; and
- notes also that applicants and the outcome of the decisions be placed on the Information and Correspondence Schedule in the month in which the applications had been assessed, or as soon as possible thereafter.

(Councillor G Hynds entered the Chamber at 18:14).

#### 4.2 D-Day Grants Scheme

The Head of Communities informed the Committee that, in response to an open call for applications for support under the above-mentioned scheme, 47 had been received and assessed against pre-agreed criteria, all of which have been deemed successful, with a total amount of £23,400 recommended for award.

It was moved by Alderman S P Porter, seconded by Alderman H Legge, and agreed that the Committee approve the payment of the grants as set out.

Arising from discussion, the Committee noted that there remained an underspend of £11,600 in respect of the original budgeted amount of £35,000. Accordingly, the Committee agreed that a request be submitted to the Corporate Services Committee, at its meeting on 11th April, that permission be granted to utilise the underspend with a view to increasing the participation of schoolchildren at planned D-Day events.

#### 4.3 Arts Grants

The Committee agreed to note the outcome of the assessment processes for the awarding of grants in the following categories:

1. Arts Organisations
2. Individual Artist
3. Making Art in the Communities Grant Scheme
4. Tyrone Guthrie Bursary
5. John Hewitt Summer School

#### 5.0 Acting Head of Parks and Amenities

##### 5.1 Lisburn Féile – Use of Wallace Park

The Acting Head of Parks and Amenities reported that a request had been received from Lisburn Féile for the use of Wallace Park on Friday 26th July for the purposes of a family fun day.

On the proposal of Councillor D Bassett, which was seconded by Councillor G Thompson, the Committee acceded to the request, and it was noted that, in accordance with the Council's infrastructure policy, small scale support would be provided to the organisers in the delivery of the event.

## 6.0 Any Other Business – Non-Confidential Matters

### 6.1 Lisburn Pickleball Club

The Committee noted the comments of the Head of Sports Services in relation to the successful hosting of the Kukri Pickleball Ireland National Championships at Lagan Valley LeisurePlex from 5th to 7th April, which had been attended by participants from across the island of Ireland.

The Committee commended those staff officers who had been involved in the delivery of the event.

### 6.2 Aberdelgy Golf Course

Councillor G Hynds extended his thanks to those members of staff who had been involved in the opening of the new driving range at Aberdelgy Golf Course.

## 7.0 Confidential Report of the Director

The Chairperson advised that the reasons for confidentiality for the following matters were by virtue of the Section 6, Part 1, of the Local Government Act (2014) Northern Ireland, namely, in that it contained information relating to the financial or business affairs of any person (including the Council holding that information).

It was moved by Councillor T Mitchell, seconded by Councillor D Bassett, and agreed that the confidential report of the Director be considered 'in committee'.

### 7.1 Static Attendants – Variation of Contract

It was moved by Councillor D J Craig, seconded by Councillor T Mitchell, and agreed that the Committee approve a variation to the contract for Cobra Services for the provision of the above-mentioned service.

### 7.2 Hanging Baskets Contract

It was moved by Alderman H Legge, seconded by Councillor D Bassett, and agreed that the Committee approve the contract value for the delivery of the Council's Hanging Baskets Scheme until September 2024.

## 8.0 Any Other Business – Confidential Matters

### 8.1 Santos Football Club

The Director and the Head of Sports Services provided clarity in relation to the former use of a Council pitch at 698 Saintfield Road by Santos FC. In addition, it was noted that the future use of the site would be considered under the pitches' strategy.

### 8.2 Council Funding Streams

The Director answered a query in relation to the overall provision of funding streams by central government and how the Council was preparing for any reduction in such funding.

Resumption of Normal Business

It was moved by Councillor D Bassett, seconded by Councillor T Mitchell, and agreed that normal business be resumed.

The meeting ended at 18:51.

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Chairperson

DRAFT

CSC 11.04.2024

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**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Meeting of the Corporate Services Committee held in the Council Chamber, Island Civic Centre, The Island, Lisburn on Thursday 11<sup>th</sup> April 2024 at 6.00 pm.****PRESENT:**

Alderman O Gawith (Chair)

Councillor A Ewing (Vice-Chair)

The Right Worshipful The Mayor  
Councillor A Gowan

Deputy Mayor  
Councillor G McCleave

Aldermen A Ewart MBE, M Guy and H Legge

Councillors T Beckett, P Burke, K Dickson, N Eaton,  
A Givan, B Higginson, C Kemp and The Hon N Trimble

**OTHER MEMBERS:**

Alderman A Grehan

Councillor G Hynds

**IN ATTENDANCE:**

Director of Finance & Corporate Services  
Director of Organisation Development & Innovation  
Director of Regeneration & Growth  
Head of Assets  
Head of Corporate Communications & Administration  
Head of Finance  
Head of Planning & Capital Development  
Capital Accountant  
Member Services Officers (RN & BS)

**Commencement of Meeting**

The Chair welcomed those present to the meeting and advised that it would be audio recorded unless the item on the agenda was to be considered under confidential business.

The names of those Elected Members in attendance at the meeting were read out by the Member Services Officer.

The Chair stated that unauthorised recording was not permitted, as per 8.5 of the Council's Standing Orders. The Chair also reminded everyone to ensure that mobile phones were turned off or on silent mode for the duration of the meeting.

The Director of Finance & Corporate Services proceeded to outline the evacuation procedures in the case of an emergency. Finally, the Chair asked that any Member entering or leaving the meeting alert the Member Services Officer accordingly so that this might be accurately reflected in the minutes.

1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of Councillors R Carlin and U Mackin.

2. Declarations of Interest

The Chair invited Members to declare any interests they might have in relation to the business of the meeting and reminded them of the requirement that they complete Declaration of Interest forms in this regard which had been provided with the papers for the meeting and which were also available in the Chamber.

There were no Declarations of Interest.

3. Report of Head of Corporate Communications & Administration

3.1 D-Day 80: 6 June 2024

Aldermen A Ewart, A Grehan and H Legge entered the Chamber during this item of business. (6.06 pm)

3.1.1 Progress Report

In addition to the narrative report, copies of the undernoted items had been provided and were duly noted:-

- minutes of meeting of the D-Day Working Group held on the 20<sup>th</sup> March 2024;
- the rolling D-Day Programme and required budgets (as of March 2024);
- Equality screening document.



### 3.1.2 Additional Events

The Right Worshipful The Mayor, Councillor A Gowan, advised of two additions that he would wish to have made to the programme of events, namely:-

- the illumination of the LVI building on the day of the Beacon lighting, ie 6<sup>th</sup> June 2024;
- the reallocation of the underspend in the budget that had been set aside for small grants associated with the D-Day commemorations, such a reallocation to be directed to the Museum Service so that financial assistance might be provided to schools to enable them to have pupils brought into Lisburn City Centre for the D-Day commemorations on the 6<sup>th</sup> June 2024. This underspend had been reported to the Communities & Wellbeing Committee on the 9<sup>th</sup> April 2024. That committee had agreed that a request for the reallocation of the underspend be presented to the Corporate Services Committee on the 11<sup>th</sup> April 2024.

On a Proposal made by The Right Worshipful The Mayor, Councillor A Gowan, and seconded by Alderman H Legge, it was unanimously agreed that the two additions referred to above be accepted.

#### 4. Any Other Business – Non-Confidential

There were no items of a non-confidential nature raised.

#### 5. Confidential Report from Director of Finance & Corporate Services

The reasons for confidentiality were as set out in the agenda, ie:-

##### 5.1 Report on Tender Awards

(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

Redacted report to be available following ratification and signing of contracts.

##### 5.2 Management Accounts – Period 11 of 2023/2024

(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

Redacted report to be available following full Council meeting on 23<sup>rd</sup> April 2024.

### 5.3 Capital Programme Update

(Confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).)

Report will never become available.

### In Committee

It was proposed by Councillor A Givan, seconded by Councillor A Ewing and agreed that the Confidential Report of the Director be considered "in Committee". (Recording was paused at this stage in proceedings.)

### 5.1 Report on Tender Awards

Presented by the Head of Assets.

The Head of Assets corrected typographical errors in Tender T23/24-022 – "Framework for Select List of Graphic Design Services".

It was proposed by Councillor A Givan, seconded by Councillor B Higginson and agreed to recommend that – subject to the corrections in T23/24-022 - the tenders awarded in regard to the following contracts, together with the attendant tender reports, be noted:-

- T23/24-022 - Framework for Select List of Graphic Design Services;
- T23/24-021 – Aghalee Traffic Calming Works;
- T23/24-016 – Planned Preventive Maintenance Inspections for Legionella Prevention;
- T23/24-023 – Framework of Photographic Services.

It was further agreed to recommend that the signing and sealing of the Tender documents be approved.

### 5.2 Management Accounts – Period 11 of 2023/2024

Presented by the Head of Finance.

The Management Accounts for the period ending the 29<sup>th</sup> February 2024, together with an extensive narrative report by way of explanation, were provided.

Officers responded to Members' questions.

It was proposed by Councillor N Trimble, seconded by Councillor N Eaton and agreed to recommended that the Management Accounts for Period 11 of 2023/2024 be noted.

### 5.3 Capital Programme Update

Presented by the Head of Planning & Capital Development.

In addition to the narrative report, the Capital Programme review as of March 2024 had been provided. Such a report would be presented to the Committee on a quarterly basis.

Officers responded to Members' questions.

It was proposed by Councillor N Trimble, seconded by Alderman H Legge and agreed to recommend that:-

- the current financial position of the Capital Programme as of March 2024 and as outlined in the report, is agreed;
- the current position whereby there are no movements of projects to Phase 2 of the Programme but that there are a number of projects in the process that will come forward during the current financial year, is noted.

### 6. Any Other Business – Confidential

There was no other confidential business raised.

### Resumption of Normal Business

It was proposed by Councillor A Givan, seconded by Councillor N Trimble and agreed to come "out of Committee". Normal business and audio recording were resumed.

### 7. Any Other Business

There were no further items raised.

The meeting concluded at 6.49 pm.

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MAYOR/CHAIR

PC 04.03.2024

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**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 March, 2024 at 10.00 am****PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors S Burns, P Catney, D J Craig, A Martin and G Thompson

**PRESENT IN REMOTE LOCATION:**

Councillor D Bassett

**IN ATTENDANCE:**

Director of Regeneration and Growth (present remotely)  
 Head of Planning & Capital Development  
 Principal Planning Officers (RH and LJ)  
 Senior Planning Officers (RT, MB and PMcF)  
 Member Services Officers (CR and CH)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

**Commencement of Meeting**

At the commencement of the meeting, the Chairman, Alderman M Gregg, welcomed those present to the 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.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

**2. Declarations of Interest**

The following declarations of interest were made:

- in respect of planning application LA05/2023/0085/F, Alderman J Tinsley stated that he knew the applicant. The applicant had spoken to him; however, Alderman Tinsley had advised that he was a member of the Planning Committee and had not commented one way or another;

## 2. Declarations of Interest (Contd)

- in respect of planning application LA05/2021/1245/F, Councillor P Catney stated that he had previously spoken in favour of the application when he was an MLA and, at that stage also, had spoken to residents and the Minister for Infrastructure. He had sought and received speaking rights to address the meeting in relation to this application;
- in respect of planning application LA05/2022/0094/O, Councillor U Mackin stated that he had been contacted by a planning consultant on behalf of the agent. He had listened but had not commented one way or another;
- in respect of planning application LA05/2022/0018/F, Councillor D Bassett stated that he had been contacted by consultants; however, he had advised that he was a member of the Planning Committee and was not able to provide any information; and
- in respect of planning application LA05/2023/0662/F, Councillor D Bassett stated that this application was within his constituency, although he had not been contacted by anyone in relation to it.

## 3. Minutes of Meeting of Planning Committee held on 5 February, 2024

It was proposed by Councillor U Mackin seconded by Councillor D J Craig and agreed that the minutes of the meeting of Committee held on 5 February, 2024 be confirmed and signed.

## 4. Report from the Head of Planning & Capital Development

### 4.1 Schedule of Applications

The Chairman, Alderman M Gregg, advised that there were 1 major application and 7 local applications on the schedule for consideration at the meeting.

#### 4.1.1 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.

PC 04.03.2024

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- (i) LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park at lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)

Having declared an interest in this application, Councillor P Catney left the meeting (10.10.am).

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

The Committee received Mr R Agus, accompanied by Mr E Loughrey and Mr R McEvoy to speak in opposition to the application. Arising from discussion, during which the speakers indicated that they had not had sight of additional information submitted since the last meeting of the Committee, it was agreed to adjourn the meeting for a short period to allow the information to be circulated and the speakers to have time to consider the content of that correspondence.

#### Adjournment of Meeting

The meeting was adjourned at 10.33 am.

#### Resumption of Meeting

The meeting was resumed at 11.04 am.

Having considered the contents of the additional submission, the speakers were afforded a further opportunity to address the Committee and responded to a number of queries raised by Members.

At this stage, the Committee received the following:

- Councillor P Catney (having returned to the Chamber following presentation of the application by the Senior Planning Officer) to speak in support of the application; and
- Mr A Stott, accompanied by Mr A Larkin, Mr S Warke and Mr K Hannah, to speak in support of the application.

A number of Members' queries were responded to by the speakers.

During discussion, Mr Stott stated that Translink would be content for planning permission, should it be granted, to include a condition requiring that, prior to any work commencing on the park and ride facility, works associated with the widening of the road, provision of a safe vehicular entrance, street lighting, footpaths would be carried out.

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- (i) LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park at lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)  
(Contd)

In response to comments regarding safety issues at the Glenavy Road/Station Road junction, Mr Stott stated that Translink would be willing to work with colleagues in Roads Service to provide any technical assistance required in any works that may be forthcoming. Members welcomed this, whilst noting that it would not form part of the decision-making process on this application.

A number of queries were responded to by Planning Officers, as well as Roads Service representatives who were in attendance – Mr W Cardwell and Mr B Finlay.

During discussion:

- Mr Cardwell confirmed that, since the last meeting of the Committee, he had met with the Senior Traffic Engineer and the issue of providing a right-hand turning lane at the Station Road/Glenavy Road junction was being further considered by the Department;
- in response to a request that consideration be given to reducing the speed limit on Glenavy Road in the vicinity of its junction with Station Road, Mr Cardwell agreed to pass that request to the relevant Officer within DfI Roads;
- in response to a request that consideration be given to imposing a speed limit on Station Road in the vicinity of the proposed park and ride facility, Mr Cardwell agreed to pass that request to the relevant Officer within DfI Roads.

#### “In Committee”

It was proposed by Councillor D J Craig, seconded by Councillor A Martin and agreed to go ‘into committee’ in order that legal advice could be sought on this application. Those members of the public in attendance, including Councillor P Catney, left the meeting (12.06 pm).

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

#### Resumption of Normal Business

It was proposed by Alderman J Tinsley, seconded by Councillor D J Craig and agreed to come out of committee and normal business was resumed (12.33 pm).

At this stage, questions to Planning Officers and Roads Service representatives resumed.

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- (i) LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park at lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)  
(Contd)

Given the short notice objectors had had to have sight of additional information submitted, the Chairman, Alderman M Gregg, afforded them the opportunity to rebut anything they had heard since receiving this correspondence earlier.

Mr Stott having requested an additional opportunity to speak, similar to the objectors, the Chairman, Alderman M Gregg, declined the request as he explained that the objectors had only been afforded this opportunity given that they had not had sight previously of the additional submission provided since the last meeting.

Any additional queries raised after this were dealt with by the Planning Officers.

#### Debate

During debate:

- Alderman J Tinsley stated that this application had been thoroughly debated, with many concerns having been raised and responded to by those both in opposition to and in support of the application. On balance, and given that the general commuter would welcome the park and ride facility being proposed, Alderman Tinsley would be supporting the recommendation of the Planning Officer to grant planning permission;
- Alderman O Gawith stated that he was reassured that DfI Roads was now reviewing the provision of a right-hand turning lane on Glenavy Road and that Translink would offer any technical assistance required, although he acknowledged that that was outwith this planning application. On balance, whilst not perfect the application was the best it could be and Alderman Gawith would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor D J Craig stated that parking on Station Road had been a major road safety issue for many years and the provision of additional parking at the park and ride to take cars off Station Road, as well as the turning facility, could only result in improved road safety. On balance, despite his concerns regarding the junction at Glenavy Road/Station Road, he would be supporting the recommendation of the Planning Officer to grant planning permission. He welcomed comments regarding Roads Service reviewing the right-hand turning lane at this junction, whilst acknowledging it was not part of the application. Councillor Craig further stated that he would be keen to have a condition applied requiring safety measures to be implemented prior to any work commencing on the park and ride facility, as alluded to earlier by Mr Stott;



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- (i) LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park at lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)  
(Contd)
- Councillor A Martin stated that he too was encouraged by comments made by Roads Service representatives. The proposed facility would be a benefit not only to Moira village, but to Northern Ireland as a whole, and he would be supporting the recommendation of the Planning Officer to grant planning permission;
  - Councillor G Thompson stated that she was encouraged by comments made by Roads Service representatives, as well as Translink representatives, and would be supporting the recommendation of the Planning Officer to grant planning permission; and
  - the Chairman, Alderman M Gregg, also welcomed comments by Roads Service representatives regarding the right-hand turning lane at the Glenavy Road/Station Road junction, as well as comments by Translink representatives regarding a condition to ensure the implementation of safety measures prior to commencement of work at the park and ride facility. Alderman M Gregg would be supporting the recommendation of the Planning Officer to grant permission to this application, which represented a step towards sustainable transport.

#### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

#### Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (1.09 pm).

#### Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (1.47 pm).

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- (ii) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development consisting of 24 dwelling units (12 detached, 4 semi-detached and 8 apartments), garages, associated access, internal road, parking, landscaping and associated works on lands at 126 Hillsborough Road, Lisburn

The Senior Planning Officer (PMcF) presented the above application as outlined within the circulated report.

There was no-one registered to speak in respect of this application.

A number of Members' queries were responded to by Planning Officers.

### Debate

During debate:

- Councillor D J Craig commended the developer for having taken on board the request made previously by the Committee that the development should include an element of affordable housing. He also welcomed ecological elements of the application in relation to the protection of bats and other species. Councillor Craig would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor P Catney echoed that he too appreciated that the developer had taken account of the Committee's previous request around affordable housing and he would be supporting the recommendation of the Planning Officer to grant planning permission;
- Alderman O Gawith stated that he would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor A Martin stated that he appreciated that the developer had taken account of the Committee's previous request around affordable housing and stated this set a good example for other developers in the future. Councillor Martin would be supporting the recommendation of the Planning Officer to grant planning permission; and
- the Chairman, Alderman M Gregg, concurred with the sentiments expressed by other Members regarding the developer and would be supporting the recommendation of the Planning Officer to grant planning permission.

### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

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- (iii) LA05/2023/0662/F – Amendments to planning permission reference Y/2009/0160/F: change of apartment type and plot boundary amendments to approved apartments on plots 106 to 117 inclusive to provide 12 CAT1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals at Baronsgrange Development (under construction) at Comber Road, Carryduff

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

The Committee received Mr D Worthington in order to speak in support of the application and answered a number of queries raised by Members.

A number of Members' queries were responded to by Planning Officers.

During his address, Mr Worthington had indicated a degree of pressure to commence this development before the end of March. The Head of Planning & Capital Development stated that, should planning permission be agreed today, a Section 76 Agreement would then be required to be put in place. Whilst the Council was in receipt of a draft Agreement, there were a number of steps to be taken before the Agreement would be ready to be presented to full Council for ratification and he could not commit to being a position to present this at the March Council meeting.

#### Debate

There were no comments made at the debate stage.

#### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

- (iv) LA05/2022/0493/F – Erection of 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements from Ballynahinch Road, Lisburn (10 residential units in total) on lands approximately 100 metres southwest of 56 Saintfield Road and approximately 100 metres southeast of 147 Ballynahinch Road, Lisburn

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

The Committee received Dr J Bronte and Mr S McKee to speak in support of the application and a number of Members' queries were responded to.

A number of Members' queries were responded to by Planning Officers.

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- (iv) LA05/2022/0493/F – Erection of 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements from Ballynahinch Road, Lisburn (10 residential units in total) on lands approximately 100 metres southwest of 56 Saintfield Road and approximately 100 metres southeast of 147 Ballynahinch Road, Lisburn (Contd)

#### Debate

There were no comments made at the debate stage.

#### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

#### Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (2.54 pm).

#### Resumption of Meeting

The meeting was resumed at 3.00 pm.

- (v) LA05/2021/1169/F – Demolition of existing public house and construction of residential development of 12 apartments and associated car parking and landscaping as previously approved under S/2006/1608/F at 7-9 Rathfriland Road, Dromara

The Senior Planning Officer (PMcF) presented the above application as outlined within the circulated report.

There was no-one registered to speak in respect of this application.

A number of Members' queries were responded to by Planning Officers.

#### Debate

During debate, Councillor P Catney stated that, given that the proposed development did not have an impact on the village-scape, he would be supporting the recommendation of the Planning Officer to grant planning permission.

#### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application.

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- (vi) LA05/2023/0024/F – Erection of a dwelling on lands north and adjacent to 55D Balliesmills Road, Lisburn

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

The Committee received Mr G Thompson, accompanied by Mr Martin, to speak in support of the application and a number of Members' queries were responded to.

A number of Members' queries were responded to by Planning Officers.

#### Debate

During debate, the Chairman, Alderman M Gregg, stated that, whilst he had sympathy with the applicant, this application did not meet with policy COU16 and he would be supporting the recommendation of the Planning Officer to refuse planning permission.

#### Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson and the Chairman, Alderman M Gregg **(9)**

Against: None **(0)**

Abstain: Councillor D J Craig **(1)**

The Chairman, Alderman M Gregg, declared that the recommendation of the Planning Officer to refuse planning permission was 'carried'.

- (vii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough

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

The Committee received Mrs B Erwin, accompanied by Mr R Magee, to speak in support of the application and a number of queries raised by Members were responded to.

A number of Members' queries were responded to by Planning Officers.

Following discussion, it was proposed by Councillor D J Craig, seconded by Alderman O Gawith and agreed that this application be deferred for one month to allow for the submission of verified revenue accounts which could demonstrate that a horticultural enterprise had continued on the farm holding for the entire period of time since outline planning permission had been granted.

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At this point, the Chairman, Alderman M Gregg, indicated that he had to leave the meeting early. He referred to the fact that this was the last meeting at which Mrs Rachel Taylor, Senior Planning Officer, would be in attendance as she was leaving the Council to take up employment with the Planning Appeals Commission. Alderman Gregg thanked Mrs Taylor for her service to the Council and wished her well in her new post.

Councillor D Bassett left the meeting (4.59 pm).

The Chairman asked that item 4.2 on the agenda be considered at this point, before his departure from the meeting.

#### 4.2 Notification Direction – LA05/2021/0033/F

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that, having considered the advice contained in the Officer's report, the test of the Regulations for the Department for Infrastructure to be notified of the Committee's decision on the above application not be met.

The Chairman, Alderman M Gregg, left the meeting at this point (5.06 pm) and the Vice-Chairman, Councillor U Mackin, took the chair.

#### Adjournment of Meeting

The Acting Chairman, Councillor U Mackin, declared the meeting adjourned at this point for a comfort break.

#### Resumption of Meeting

The meeting was resumed at 5.11 pm.

The remaining planning application was considered at this point.

- (viii) LA05/2023/0085/F – Erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works at 16c Tansy Road, Drumanduff, Lisburn

Prior to presentation of the above application, it was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed that the application be deferred for a site visit as Members would benefit from physically viewing the site and getting clarification from Planning Officers in relation to existing buildings and previous planning approvals.

The Acting Chairman, Councillor U Mackin, advised that items 4.10 and 4.11 from the agenda would be considered at this point.

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#### 4.10 LDP Quarterly Update

Members noted from the Officer's report, next steps on the preparation of the Local Development Plan. The updated timetable had been presented to the Regeneration and Growth Committee for approval and the programme of work accorded with the Planning Act (NI) 2011 and the Planning (LDP) Regulations (NI) 2015.

#### 4.11 Enforcement Quarterly Update

Members noted the contents of an update in respect of the Planning Enforcement caseload.

It had been agreed previously that a workshop would be held to discuss enforcement issues with Members. Following discussion, it was agreed that:

- (a) as the Head of Planning & Capital Development, as well as the Principal Planning Officer, were required to attend proceedings in the High Court on the next scheduled date of the Planning Committee, i.e. 8 April, 2024, that meeting would be rescheduled, in consultation with the Chairman; and
- (b) the enforcement workshop would take place on the morning of the rescheduled meeting and that the Planning Committee meeting would commence in the afternoon, with the schedule of applications being drawn up to reflect this.

The remaining items on the agenda would be considered at this point.

#### 4.3 Pre-Application Notice (PAN) – Proposed Battery Energy Storage System (BESS) 600MW, landscaping and ancillary development on lands approximately 230 metres east of 2 Moneybroom Road, Lisburn

Members having been provided with a copy of the above PAN, and the Head of Planning & Capital Development having responded to comments regarding a legal challenge in respect of a previous similar application, it was proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed that the PAN be noted and submitted in accordance with the relevant section of the legislation and related guidance.

#### 4.4 Appeal Decision – LA05/2023/0062/O

It was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

#### 4.5 Appeal Decision – LA05/2020/0496/F

It was proposed by Councillor G Thompson, seconded by Councillor P Catney and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

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#### 4.5 Appeal Decision – LA05/2020/0496/F (Contd)

In response to a query from Councillor D J Craig, the Head of Planning & Capital Development agreed to provide information for next month's meeting on whether or not the neurologist's report provided to the Planning Appeals Commission had been made available to the Planning Committee prior to it making a decision on this planning application.

#### 4.6 Statutory Performance Indicators – January 2024

It was proposed by Councillor D J Craig, seconded by Councillor G Thompson and agreed that information relating to Statutory Performance Indicators for January 2024 be noted.

At this point, Councillor D J Craig, congratulated Mrs Taylor on her new appointment.

#### 4.7 Update on DAERA Actions to Improve Planning Consultation Response Timeframes and Engagement on the Need to Facilitate Prioritisation Requests

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed to note an update from the Head of Natural Environment Division in relation to actions taken to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation requests.

#### 4.8 Letter from Department in Relation to Buildings of Special Architectural or Historic Interest – Blaris Radio Transmitter

It was proposed by Councillor D J Craig, seconded by Councillor S Burns and agreed to note the contents of the letter from the Department for Communities in relation to the above matter. The Council was currently investigating the need for a building preservation notice but would keep this under review with the Department.

#### 4.9 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations.

It was further agreed, at the request of Alderman Tinsley, that the Head of Planning & Capital Development write to Openreach to request if contact had been made with Dundrod Motorcycle Club to ascertain if the two locations in Dundrod where fixed line broadband apparatus was to be installed were part of the Ulster Grand Prix race circuit.



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5. Any Other Business

5.1 Date of Next Meeting

The Acting Chairman, Councillor U Mackin, advised that, as considered under item 4.11, the date of the next meeting would be notified to Members in due course.

The Acting Chairman also expressed his best wishes to Mrs Taylor in her new position with the Planning Appeals Commission.

Conclusion of the Meeting

At the conclusion of the meeting, the Acting Chairman, Councillor U Mackin, thanked those present for their attendance.

There being no further business, the meeting was terminated at 5.51 pm.

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Chairman/Mayor

<b>Committee:</b>	Council Meeting
<b>Date:</b>	23 April 2024
<b>Report from:</b>	Chief Executive

## CONFIDENTIAL REPORT

<b>Reason why the report is confidential:</b>	Information relating to the financial or business affairs of any particular person (including the Council)
<b>When will the report become available:</b>	After the agreement is signed and sealed
<b>When will a redacted report become available:</b>	
<b>The report will never become available:</b>	

<b>Item for:</b>	Decision
<b>Subject:</b>	Requirement to endorse a deed of variation for a Section 76 Planning Agreement dated 3rd September 2020 made between (1) Lisburn and Castlereagh City Council and (2) Comber Road LLP relating to lands at Comber Road to take account of a change in the form of employment use proposed and the phasing of the delivery of the mixed-use development.

1.0	<p><b><u>Background</u></b></p> <p>1. Section 76 (1) of the Planning Act (Northern Ireland) 2011 (the Act) provides that any person with an estate in land may enter into an agreement with the relevant authority to:</p> <ul style="list-style-type: none"> <li>▪ Facilitate or restrict the development or use of land in any specified way;</li> <li>▪ Require specified operations or activities to be carried out in, on, under or over land;</li> <li>▪ Require the land to be used in a specified way;</li> <li>▪ Require a sum or sums to be paid to the planning authority or to a Northern Ireland government department on specified date/dates or periodically.</li> </ul> <p><b><u>Key Issues</u></b></p> <p>1. It was resolved at a meeting of the planning committee in September 2023 to grant planning permission for nine industrial units (Class B1b, B1c, B2, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works on lands at Comber Road, Dundonald (North of Comber Road and South of the Comber Greenway).</p> <p>2. The recommendation was subject to a deed of variation to a Section 76 Agreement in relation to a previous history of approval [LA05/2017/1153/F] which had proposed a different form of employment use and amended the phasing for the delivery of the mixed use scheme.</p>
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	<p>3. The specific requirements of what is varied in the agreement are set out at Schedule 1. An amended Phasing plan is included at Annex A.</p> <p>4. A copy of the Variation Deed to the agreement dated 3<sup>rd</sup> September 2020 is attached (see Appendix 1a) and is to be entered into under Article 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and Section 79 of the Local Government Act (Northern Ireland) 2014. All other enabling powers must also accord with the Strategic Planning Policy Statement for Northern Ireland.</p> <p>5. Under the Planning Act (NI) 2011 the Agreement must be sealed by the Council under the Councils constitution the signing of legal documents and the affixing of the corporate seal is delegated to the Chief Executive.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that the Council consider the above and that approval be granted to the signing and sealing of this Agreement by the Mayor and Chief Executive.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>In accordance with the provisions set out at section 9 of the agreement:</p> <p>The Developer shall pay to the Council on or before the date of this deed the Council's reasonable, proper and vouched legal costs together with all disbursements incurred in connection with the negotiation, completion and registration of this deed. No monitoring fee is required as this is a variation to an agreement that already has an agreed monitoring fee.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	Has an equality and good relations screening been carried out?	N/A
4.2	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to EQIA screening	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
4.4	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to RNIA screening.	

<b>Appendices:</b>	<p><b>APPENDIX 1CONFD (a)</b> – Deed of Variation to a Section 76 Planning Agreement dated 3<sup>rd</sup> September 2020</p> <p><b>APPENDIX 1CONFD (b)</b> – Phasing Plan – LA05/2023/0161/F</p> <p><b>APPENDIX 1CONFD (c)</b> – Site Location Plan – LA05/2023/0161/F</p>
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**DATED**

**2024**

Between

**(1) LISBURN AND CASTLEREAGH CITY COUNCIL**

**(2) MILLMOUNT (COMBER ROAD) LIMITED**

**(3) MILLMOUNT VILLAGE LLP**

**VARIATION DEED FOR S.76 AGREEMENT DATED 3<sup>RD</sup> SEPTEMBER 2020 MADE BETWEEN (1) LISBURN AND CASTLEREAGH CITY COUNCIL AND (2) COMBER ROAD LLP RELATING TO LANDS AT COMBER ROAD, DUNDONALD BT16 1XB**



**MKB Law**

14 Great Victoria Street

Belfast

BT2 7BA

T: 028 9024 2450

F: 028 9024 2448

[www.mkblaw.co.uk](http://www.mkblaw.co.uk)

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THIS DEED OF VARIATION is dated

2024

**PARTIES**

- (1) **Lisburn and Castlereagh City Council** of Lagan Valley Island, Lisburn, Co. Antrim, BT27 4RL (the **Council**);
- (2) **Millmount (Comber Road) Limited** a limited liability company registered in Northern Ireland with company number NI674319 and having its registered office at 19 Clarendon Road, Belfast, Northern Ireland, BT1 3BG (**MCRL**); and
- (3) **Millmount Village LLP** a limited liability partnership registered in Northern Ireland with company number NC001341 and having its registered office at 14 Great Victoria Street, Belfast, County Antrim, BT2 7BA (**MVL**)

the Council, MCRL and MVL being each a **Party** and together the **Parties**.

**BACKGROUND**

- (A) This Deed of Variation is supplemental to the Planning Agreement (as defined below).
- (B) MCRL is now the registered owner of the land in Folio DN33539 County Down.
- (C) MVL is the registered owner of the land in Folio DN155482 Part 2 County Down.
- (D) The Parties have agreed pursuant to s.77(1)(a) of the Act that the Planning Agreement shall be modified as set out in this Deed.

**THIS DEED WITNESSES:**

**1. INTERPRETATION**

- 1.1 In this Deed (including the Background) the following expressions shall have the following meanings:

**Act:** Planning Act (Northern Ireland) 2011.

**New Phasing Plan:** means the Phasing Plan attached at Annex A to this Deed.

**Planning Agreement:** an agreement made under s.76 of the Act dated 3<sup>rd</sup> September 2020 made between (1) Lisburn and Castlereagh City Council and (2) Comber Road LLP.

- 1.2 Words and phrases that are defined in clause 1 of the Planning Agreement shall have the same meaning when used in this Deed (including the Background), unless the context otherwise requires.
- 1.3 The rules of construction set out in Clause 2 of the Planning Agreement shall apply to this Deed.

**2. LEGAL BASIS**

This Deed is made under section 77(1)(a) of the Act and all other enabling powers.

**3. EFFECTIVE DATE**

- 3.1 The Parties agree that the amendments set out in this Deed shall have immediate effect.

#### **4. ACCESSION OF MILLMOUNT VILLAGE LLP**

- 4.1 MVL confirms that it has been supplied with a copy of the Planning Agreement and covenants and undertakes with the Council that, from the date of this Deed, it shall jointly and severally with MCRL observe, perform and be bound by the provisions of the Planning Agreement in as full and ample a manner as if it had been named as an original Developer in the Planning Agreement jointly with MCRL.
- 4.2 MCRL consents to the accession of MVL to the Planning Agreement in accordance with clause 4.1 and confirms to the Council that the covenants on the part of Developer contained in the Planning Agreement shall from the date of this Deed be given by MCRL jointly and severally with MVL.
- 4.3 The council consents to the accession of MVL to the Planning Agreement in accordance with clauses 4.1 and 4.2.

#### **5. AMENDMENTS TO THE PLANNING AGREEMENT**

The parties agree that the Planning Agreement is amended as set out in the Schedule to this Deed, with insertions shown in underlined text and deletions shown in strike through text.

#### **6. SUBSTITUTION OF PLANS**

- 6.1 The New Phasing Plan shall be substituted for the Phasing Plan attached at the Fourth Schedule to the Planning Agreement and all references to the Phasing Plan in the Planning Agreement shall be read as references to the New Phasing Plan.
- 6.2 The Site Plan attached at Annex B shall be substituted for the Site Plan attached at the Third Schedule to the Planning Agreement.

#### **7. REGISTRATION**

The Planning Agreement shall be registered in the Statutory Charges Register in respect of Folio DN155482 Part 2 County Down by the Council in accordance with section 245 of the Act.

#### **8. CONFIRMATION AND INCORPORATION**

The parties further agree and declare that the terms of the Planning Agreement, except as varied by this Deed, are confirmed as if the same were set out in this Deed in full, and that such terms as so varied shall for all purposes be deemed incorporated in this Deed.

#### **9. COSTS**

- 9.1 The Developer shall pay to the Council on or before the date of this deed the Council's reasonable, proper and vouched legal costs together with all disbursements incurred in connection with the negotiation, completion and registration of this deed.

**10. GOVERNING LAW AND JURISDICTION**

- 10.1 This Deed and any disputes or claims arising out of or in connection with its subject matter or formation (including non-contractual disputes or claims) are governed by and construed in accordance with the law of Northern Ireland.
- 10.2 The parties irrevocably agree that the courts of Northern Ireland have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Deed or its subject matter or formation (including non-contractual disputes or claims).

IN WITNESS WHEREOF this Deed has been executed by the Parties on the date stated at the beginning of it.



## Schedule 1 Variations to the Planning Agreement

Clause of the Planning Agreement	Variation
Parties	(2) <del>COMBER ROAD LLP (Company Number NC001355) with registered office at Unit 2 Channel Wharf, 21 Old Channel Road, Belfast, BT3 9DE</del> <b>Millmount (Comber Road) Limited</b> a limited liability company registered in Northern Ireland with company number NI674319 and having its registered office at 19 Clarendon Road, Belfast, Northern Ireland, BT1 3BG and <b>Millmount Village LLP</b> a limited liability partnership registered in Northern Ireland with company number NC001341 and having its registered office at 14 Great Victoria Street, Belfast, County Antrim, BT2 7BA (jointly the “Developer”).
Clause 1 (Definitions)	The definition of “Application” shall be amended to read as follows:  “the applications for full planning permission submitted to the Council and allocated reference numbers <u>LA05/2017/1153/F, LA05/2022/0861/F and LA05/2023/0161/F</u> for the Development including any subsequent planning applications submitted under section 54 of the Act in relation to the Site.
Clause 1 (Definitions)	The definition of “Development” shall be amended to read as follows:  “in accordance with the Planning Permission, the erection of a mixed use development comprising <del>housing (119 units) and 18 no. industrial units (class B1b/81c and B2 employment uses)</del> <u>housing and commercial units (class B1b/B1c/B2, B3 and B4 employment uses)</u> with associated public open space, related access improvements, parking and ancillary site works.”
Clause 1 (Definitions)	The definition of “Industrial Grouping A” shall be amended to read as follows:  “ <del>the first 7 industrial units of the Development (Unit 1)</del> <u>shaded green for the purposes of identification only on the Phasing Plan</u> ”
Clause 1 (Definitions)	The definition of “Industrial Grouping B” shall be amended to read as follows:  “ <del>the second 6</del> <u>eight</u> industrial units of the Development <u>(Units 2-8)</u> shaded brown for the purposes of identification only on the Phasing Plan”
Clause 1 (Definitions)	The definition of “Industrial Grouping C” shall be deleted.
Clause 1 (Definitions)	The definition of “Residential Grouping Unit A” shall be amended to read as follows:  “ <del>the first 50</del> <u>38</u> residential units of the Development shaded pink for the purposes of identification only on the Phasing Plan.”

<b>Clause of the Planning Agreement</b>	<b>Variation</b>
Clause 1 (Definitions)	The definition of “Residential Grouping Unit B” shall be amended to read as follows: “the next 88 <del>second 50</del> residential units of the Development shaded yellow for the purposes of identification only on the Phasing Plan.”
Clause 1 (Definitions)	The definition of “Residential Grouping Unit C” shall be deleted.
7.3.2	Developer: <ul style="list-style-type: none"> <li>(a) Addressed to: <del>Nolan Watson</del> <u>Conor Mulligan, Millmount (Comber Road) Ltd</u></li> <li>(b) Address: <del>Unit 2, Channel Wharf, 21 Old Channel Road, Belfast, BT3 9DE</del> <u>19 Clarendon Road, Belfast, Bt1 3BG</u></li> <li>(c) Email: <del>nolan.watson@neptunegroup.com</del> <u>Conor.Mulligan@LaganHomes.com</u></li> </ul>
First Schedule	ALL THAT part of the lands at Comber Road, Dundonald BT16 1XB, County Down and which is more particularly comprised in Land Registry Folio Number DN33539 County Down <u>and Land Registry Folio Number DN155482 Part 2 County Down</u> and shown for the purposes of identification only outlined in red on the plan attached hereto at the Third Schedule
Second Schedule Paragraph 2	Prior to the Occupation of the <del>fiftieth (50<sup>th</sup>)</del> <u>thirty eighth (38<sup>th</sup>)</u> residential unit within Residential Grouping A <del>or within 18 months of the Commencement of Development of the second (2<sup>nd</sup>) residential unit within Residential Grouping A (whichever is sooner);</del> to: <ul style="list-style-type: none"> <li>a. Complete the Necessary Infrastructure; and</li> <li>b. Develop Industrial Grouping A such that the unit is ready for occupation to the Industrial Occupation Standard.</li> </ul>
Second Schedule Paragraph 3	Prior to the Occupation of the one hundredth (100 <sup>th</sup> ) residential unit within the Development to develop the <del>next six</del> <u>final eight</u> industrial units within Industrial Grouping B such that they are ready for occupation to the Industrial Occupation Standard.
Second Schedule Paragraph 4	Shall be deleted

The Common Seal of **Lisburn and Castlereagh City Council** was affixed hereto in the presence of:

\_\_\_\_\_  
The Mayor of Lisburn and Castlereagh City Council

\_\_\_\_\_  
Chief Executive of Lisburn and Castlereagh City Council

Executed as a Deed by **Millmount (Comber Road) Limited** acting by a director in the presence of:

\_\_\_\_\_

Director

Signature \_\_\_\_\_

Name:

Address:

Occupation:

Executed as a Deed by **Millmount Village LLP** acting by a Designated Member in the presence of:

\_\_\_\_\_

Director of Lagan Homes (NI) Limited – Designated Member

Signature \_\_\_\_\_

Name:

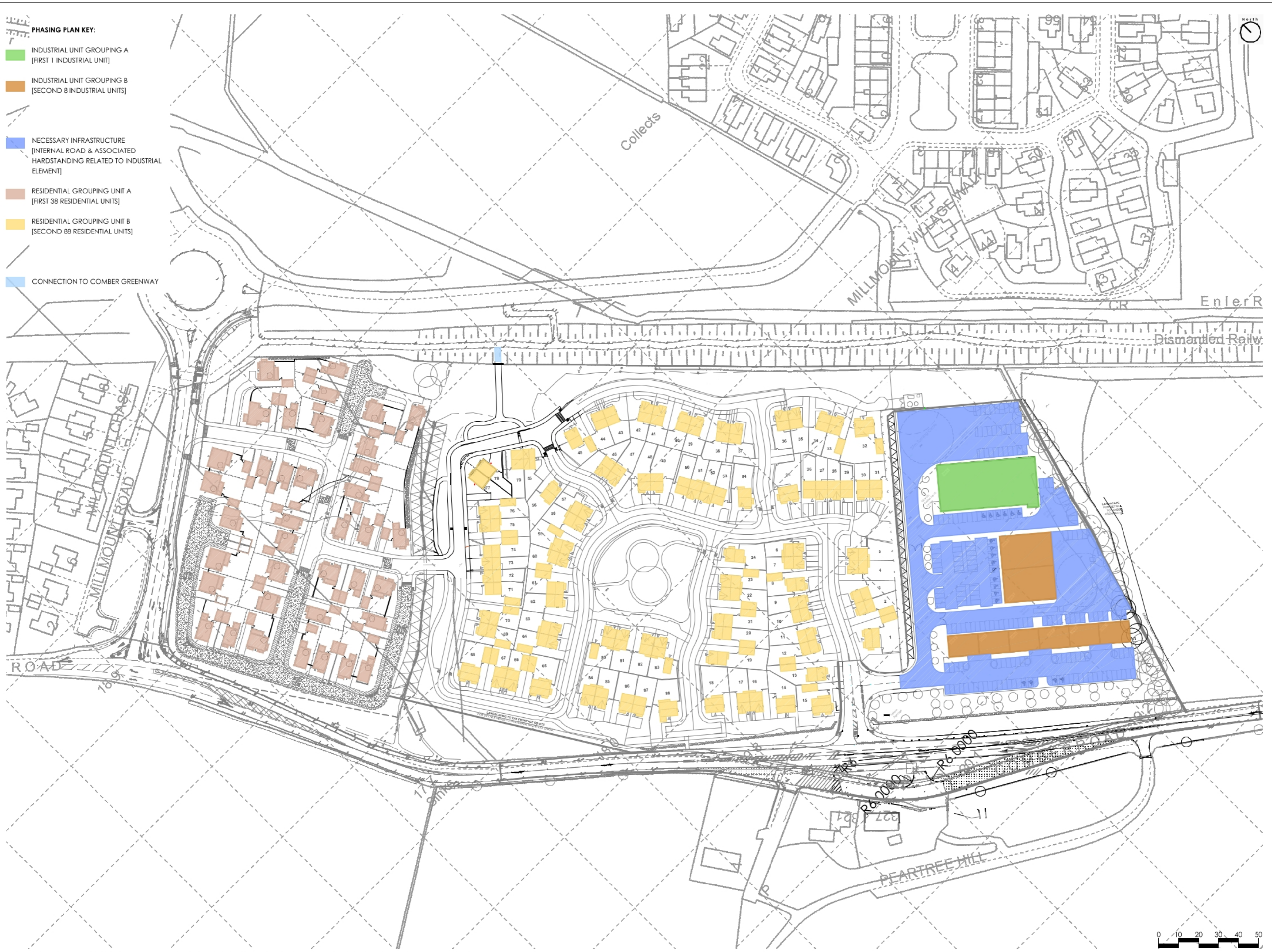
Address:

Occupation:

## Annex A. The Phasing Plan

## Annex B. Site Plan

- PHASING PLAN KEY:**
- INDUSTRIAL UNIT GROUPING A  
[FIRST 1 INDUSTRIAL UNIT]
  - INDUSTRIAL UNIT GROUPING B  
[SECOND 8 INDUSTRIAL UNITS]
  - NECESSARY INFRASTRUCTURE  
[INTERNAL ROAD & ASSOCIATED  
HARDSTANDING RELATED TO INDUSTRIAL  
ELEMENT]
  - RESIDENTIAL GROUPING UNIT A  
[FIRST 38 RESIDENTIAL UNITS]
  - RESIDENTIAL GROUPING UNIT B  
[SECOND 88 RESIDENTIAL UNITS]
  - CONNECTION TO COMBER GREENWAY



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REV.	DESCRIPTION	BY	DATE
A	Site plan for sites 77-78 added	AH	23-01-23
B	Layouts updated	CAP	31-03-23
C	Layouts updated	AH	31-05-23
D	Badger 100m buffer zones endorsed	AH	07-06-23
E	Substation location added to site plan	AH	14-06-23
F	Additional concepts added to plan	AH	30-06-23
G	Coloured concept plan endorsed	AH	01-08-23
H	Phasing plan updated	AH	22-01-24

PLANNING	<input type="checkbox"/>
BUILDING CONTROL	<input type="checkbox"/>
RECORD	<input checked="" type="checkbox"/>
FOR APPROVAL	<input checked="" type="checkbox"/>

CLIENT  
Millmount (Comber Road) Ltd

PROJECT  
Comber Road, Dundonald

DRAWING TITLE  
Proposed Site Plan (Overall)  
Phasing Plan

SCALE/S  
1:1250 @ A2

SITE AREA

DATE  
02-12-22

DRAWN BY  
AH/JCP/CAP

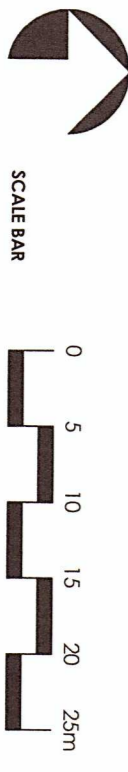
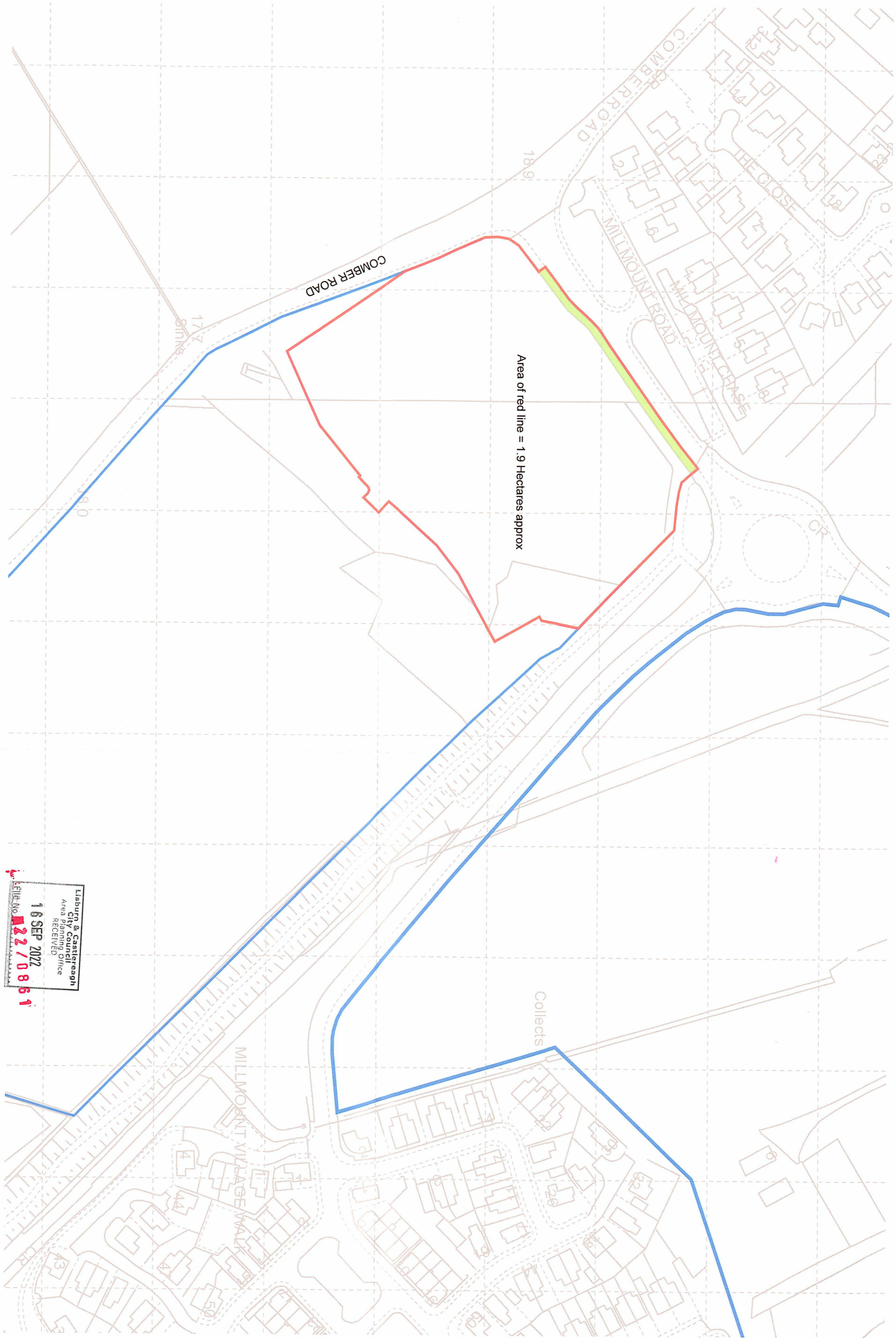
DRAWING NUMBER  
3244-050-04-05-002

**apd** RIBA Chartered Practitioners

APD Architects Ltd.  
Company Number NI676912

028 91852582  
info@alanpattersondesign.com  
alanpattersondesign.com

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SITE LOCATION PLAN

Lisburn & Castlereagh  
 CITY COUNCIL  
 Area Planning Office  
 RECEIVED  
 16 SEP 2022  
 File No. 22/0851

KEY  
 APPLICATION BOUNDARY  
 EXTENT OF LAND OWNED BY APPLICANT

CLIENT  
 Millmount (Comber Road) Ltd  
 PROJECT  
 Comber Road,  
 Dundonald  
 DRAWING TITLE  
 Location Plan (PH1)  
 SCALE  
 1:1250 @ A2  
 DATE  
 14-09-22  
 DRAWN BY  
 AH/JCP  
 DRAWING NUMBER  
 3244-050-01-03-001

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Drawing No. 01  
 Lisburn & Castlereagh City Council

apd  
 RIBA  
 Chartered Practices



<b>Committee:</b>	Council Meeting
<b>Date:</b>	23 April 2024
<b>Report from:</b>	Chief Executive

## CONFIDENTIAL REPORT

<b>Reason why the report is confidential:</b>	Information relating to the financial or business affairs of any particular person (including the Council)
<b>When will the report become available:</b>	After the agreement is signed and sealed
<b>When will a redacted report become available:</b>	
<b>The report will never become available:</b>	

<b>Item for:</b>	Decision
<b>Subject:</b>	Requirement to enter into a Section 76 planning agreement for planning application LA05/2022/0861/F

1.0	<p><b><u>Background</u></b></p> <p>1. Section 76 (1) of the Planning Act (Northern Ireland) 2011 (the Act) provides that any person with an estate in land may enter into an agreement with the relevant authority to:</p> <ul style="list-style-type: none"> <li>▪ Facilitate or restrict the development or use of land in any specified way;</li> <li>▪ Require specified operations or activities to be carried out in, on, under or over land;</li> <li>▪ Require the land to be used in a specified way;</li> <li>▪ Require a sum or sums to be paid to the planning authority or to a Northern Ireland government department on specified date/dates or periodically.</li> </ul> <p><b><u>Key Issues</u></b></p> <p>1. It was resolved at a meeting of the planning committee in October 2023 that an application for the erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works on lands 300 metres to the southeast of 206 Millmount Road Dundonald BT16 1UT and 1-8 Millmount Chase Dundonald would be approved.</p> <p>2. The recommendation presented was subject to the developer entering into a Section 76 planning agreement to ensure that adequate provision is made for affordable housing as an integral part of the development in accordance with Policy HOU10 of the Lisburn and Castlereagh City Council Local Development Plan.</p> <p>3. In the context of the proposed scheme, this equates to 8 dwellings. The applicant has confirmed that they have identified that the obligation will be met at a site in the adjacent Millmount Village development with an extant planning permission</p>
-----	---

(LA05/2018/0512/F). It is proposed that eight of the apartment units will be offered as intermediate housing from sale through Co-ownership.

4. The specific requirements of the agreement are that:
  - The Developer covenants with the Council that 8 no. apartment units situated in the Affordable Housing Area shall be provided as Affordable Housing.
5. The affordable housing area is defined as the area shown edged red on Plan 2 (being situated within Folio DN155483 County Down).
6. A copy of the Agreement and Plan 2 are attached (see Appendix) and is also to be entered into under Article 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and Section 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers must also accord with the Strategic Planning Policy Statement for Northern Ireland.
7. Under the Planning Act (NI) 2011 the Agreement must be sealed by the Council under the Councils constitution the signing of legal documents and the affixing of the corporate seal is delegated to the Chief Executive.

2.0 **Recommendation**

It is recommended that the Council consider the above and that approval be granted to the signing and sealing of this Agreement by the Mayor and Chief Executive.

3.0 **Finance and Resource Implications**

In accordance with the miscellaneous provisions set out at section 7 of the agreement:

The Developers shall pay to the Council on completion of this Deed the legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.

The Developer shall pay to the Council on or before the Commencement Date a fee of £1,500 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	N/A
-----	--	-----

4.2	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to EQIA screening	
-----	---	--

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
-----	--	-----

4.4	This a legal agreement necessary for a planning decision. The policies that informed the decision have been subject to RNIA screening.	
-----	--	--

<b>Appendices:</b>	<b>APPENDIX 1</b> CONFID 1(a) – Section 76 Agreement – LA05/2022/0861/F <b>APPENDIX 1</b> CONFID 1(b) – Plan 2 – LA05/2022/0861/F
--------------------	--

DATED

2024

Between

(1) LISBURN AND CASTLEREAGH CITY COUNCIL

(2) MILLMOUNT (COMBER ROAD) LIMITED

(3) MILLMOUNT VILLAGE LLP

S.76 AGREEMENT



**MKB Law**

14 Great Victoria Street  
Belfast  
BT2 7BA

T: 028 9024 2450  
F: 028 9024 2448

[www.mkblaw.co.uk](http://www.mkblaw.co.uk)

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**THIS DEED** is dated 2024

**PARTIES**

- (1) **Lisburn and Castlereagh City Council** of Lagan Valley Island, Lisburn, Co. Antrim, BT27 4RL (the **Council**);
- (2) **Millmount (Comber Road) Limited** a limited liability company registered in Northern Ireland with company number NI674319 and having its registered office at 19 Clarendon Road, Belfast, Northern Ireland, BT1 3BG (**MCRL**); and
- (3) **Millmount Village LLP** a limited liability partnership registered in Northern Ireland with company number NC001341 and having its registered office at 14 Great Victoria Street, Belfast, County Antrim, BT2 7BA (**MVL**)

the Council, MCRL and MVL being each a **Party** and together the **Parties**.

**BACKGROUND**

- (A) MCRL is now the registered owner of the land in Folio DN33539 County Down.
- (B) MVL is the registered owner of the land in Folio DN155482 Part 2 and DN155483 both County Down.
- (C) The Affordable Housing Area is located in Folio DN155483 County Down.
- (D) The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- (E) MCRL has made the Application and is proposing to carry out the Development with MVL.
- (F) The Council having regard to the provisions of the Local Development Plan and to all other material considerations resolved at its meeting on 9<sup>th</sup> October 2023 that Planning Permission should be granted for the Development subject to the prior completion of this Deed.

**THIS DEED WITNESSES:**

**1. INTERPRETATION**

1.1 In this Deed (including the Background) the following expressions shall have the following meanings:

**Act:** Planning Act (Northern Ireland) 2011.

**Affordable Housing:** means housing that is provided outside of the general market for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing and includes any of:

- a) Social Rented Housing;
- b) Intermediate Housing for Sale; or
- c) Intermediate Housing for Rent.

**Affordable Housing Area:** means the area shown edged red on Plan 2 (being situated within Folio DN155483 County Down)

**Affordable Housing Area Permission:** means the full planning permission granted under LA05/2017/0512/F.

**Application:** the application for full planning permission submitted to the Council and allocated reference number LA05/2022/0861/F for the Development including any subsequent planning applications submitted under section 54 of the Act in relation to the Site.

**Commencement of Development:** means the earliest date on which any work of construction in the course of the erection of a building on the Site pursuant to the Planning Permission in accordance with Section 63 (2) (a) of the Act has occurred.

**Developer:** MCRL and MVL.

**Development:** in accordance with the Planning Permission, the erection of 38 no dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works.

**Intermediate Housing:** means those Residential Units which shall be co-ownership, shared ownership or Intermediate Housing for Rent or such other product to be agreed in writing by the Council. Intermediate Housing means housing that is made available at a cost lower than private market rent but higher than social rented housing rent, usually at a set percentage below prevailing local market rents and usually only made available to prospective tenants based on the household's total income or the proportion of the total income likely to be spent on housing costs.

**Intermediate Housing for Rent:** means housing delivered by a Registered Housing Association that is made available at a cost lower than private market rent but higher than social rented housing rent, usually at a set percentage below prevailing local market rent and usually only made available to prospective tenants based on the household's total income or the proportion of the total income likely to be spent on housing costs.

**Local Plan:** means the Lisburn & Castlereagh Local Development Plan 2032.

**Occupation:** Actual occupation of any Residential Unit at the Development but shall not include occupation for the purposes of construction or fitting out or for marketing purposes or for any substation leases granted to NIE. Occupy and Occupied shall be construed accordingly.

**Planning Permission:** means the grant of planning permission for the Development.

**Plan 1:** the plan showing the Site and attached hereto at Schedule 2.

**Plan 2:** the plan showing the Affordable Housing Area and attached hereto at the Schedule 3.

**Site:** lands 300m to the south east of 206 Millmount Road, Dundonald BT16 1UT and 1-8 Millmount Chase, Dundonald BT16 1WL shown edged red on Plan 1.

**Social Rented Housing:** those Residential Units to be provided at an affordable rent by a Registered Housing Association made available to households in housing need and offered in accordance with the common selection scheme administered by NIHE which prioritises households living in unsuitable or insecure accommodation.

## **2. CONSTRUCTION OF THIS DEED**

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5 Any reference to an Act shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party save for the purchasers of the residential units within the Affordable Housing Area and the Site and in the case of the Council the successors to its respective statutory functions.
- 2.7 The headings and contents list are for reference only and shall not affect construction.

## **3. LEGAL BASIS**

This Deed is made pursuant to Section 76 of the Act and all other enabling powers.

## **4. CONDITIONALITY**

- 4.1 This Deed shall come into effect immediately upon the execution of this Deed, all obligations contained within this Deed shall come into effect and bind the Affordable Housing Area from the date of Commencement of Development.

## **5. THE DEVELOPER'S COVENANT**

The Developer covenants with the Council as set out in the Second Schedule.

## **6. THE COUNCIL'S COVENANT**

- 6.1 The Council hereby covenants on completion of this Deed to issue the decision notice granting the Planning Permission as soon as is reasonably practicable.



6.2 Once the decision notice is granted, the Council also covenants to discharge any planning conditions which have been complied with by the Developer as soon as possible upon receiving notice of same from the Developer.

## **7. MISCELLANEOUS**

7.1 The Developer shall pay to the Council on completion of this Deed the reasonable and vouched legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.

7.2 The Developer shall pay to the Council on or before the Commencement Date a fee of £1,500 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

7.3 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

7.4 This Deed shall be registered in the Statutory Charges Register against the Affordable Housing Area by the Council in accordance with Section 245 of the Act.

7.5 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

7.6 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Developer) it is modified by any statutory procedure or expires prior to the Commencement of Development pursuant to Section 63 of the Act.

7.7 No person shall be liable for any breach of the provisions of this Deed after it shall have parted with its entire interest in the Site or the Affordable Housing Area but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

7.8 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permissions) granted (whether or not on appeal) after the date of this Deed.

7.9 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.

7.10 The Developer warrants that no person or company other than the Developer has any legal or equitable interest in the Site or the Affordable Housing Area.

## **8. NOTICES**

8.1 Any notice or consent required or permitted under this Deed shall be in writing and shall be sent by first class registered post, hand delivery or fax.

8.2 There shall be no right to serve notices or consents by email but if a party chooses to do so and the other parties agree email may be used.

8.3 Unless otherwise notified by one party to the other in writing from time to time, for the purposes of this clause the parties' contact details are as follows:

**Council**

**Addressed to:** The Head of Service – Planning & Capital Development

**Address:** Lagan Valley Island, Lisburn, Co. Antrim, BT27 4RL

**Email:** [Conor.Hughes@lisburncastlereagh.gov.uk](mailto:Conor.Hughes@lisburncastlereagh.gov.uk)

**Developer**

**Addressed to:** Conor Mulligan

**Address:** 19 Clarendon Road, Belfast, BT1 3BG

**Email:** [conor.mulligan@laganhomes.com](mailto:conor.mulligan@laganhomes.com)

8.4 Subject to Clause 8.5 below any such notice, consent or other document shall be deemed to have been duly received:

- (a) if despatched by first class, registered post – 48 hours from the time of posting to the relevant party (excluding the period from 5pm on a Friday to 8am on a Monday); or
- (b) if despatched by hand delivery – at the time of actual delivery; or
- (c) if despatched by email – 24 hours after the time of the despatch (excluding the period from 5pm on a Friday to 8am on a Monday).

8.5 In proving service by post it will be sufficient (unless any relevant part of the postal service is affected by industrial action) to prove that the envelope containing the notice was duly stamped addressed and posted to the addresses specified at the beginning of the Deed. In proving service by email it shall be sufficient to prove that it was properly address and dispatched to the email address specified in clause 9.3.

8.6 A party shall not attempt to prevent or delay the service on it of a notice under this Deed.

**9. WAIVER**

No waiver (whether expressed or implied) by the Council or the Developer of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or the Developer from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

**10. CHANGE IN OWNERSHIP**

The Developer agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have

been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site purchased by reference to a plan if only part of the Site is being transferred provided that this clause shall not apply to the sale of individual units within the Site.

**11. DELIVERY**

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

**12. GOVERNING LAW AND JURISDICTION**

12.1 This Deed and any disputes or claims arising out of or in connection with its subject matter or formation (including non-contractual disputes or claims) are governed by and construed in accordance with the law of Northern Ireland.

12.2 The parties irrevocably agree that the courts of Northern Ireland have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Deed or its subject matter or formation (including non-contractual disputes or claims).

IN WITNESS WHEREOF this Deed has been executed by the Parties on the date stated at the beginning of it.

## **Schedule 1 Planning Obligations**

The Developer covenants with the Council that 8 no. apartment units situated in the Affordable Housing Area shall be provided as Affordable Housing.

**Schedule 2 Plan 1**

**Schedule 3 – Plan 2**



The Common Seal of Lisburn **and Castlereagh City Council** was affixed hereto in the presence of:

\_\_\_\_\_  
The Mayor of Lisburn and Castlereagh City Council

\_\_\_\_\_  
Chief Executive of Lisburn and Castlereagh City Council

Executed as a Deed by **Millmount (Comber Road) Limited** acting by a director in the presence of:

\_\_\_\_\_

Director

Signature \_\_\_\_\_

Name:

Address:

Occupation:

Executed as a Deed by **Millmount Village LLP** acting by a Designated Member in the presence of:

\_\_\_\_\_

Director of Lagan Homes (NI) Limited – Designated Member

Signature \_\_\_\_\_

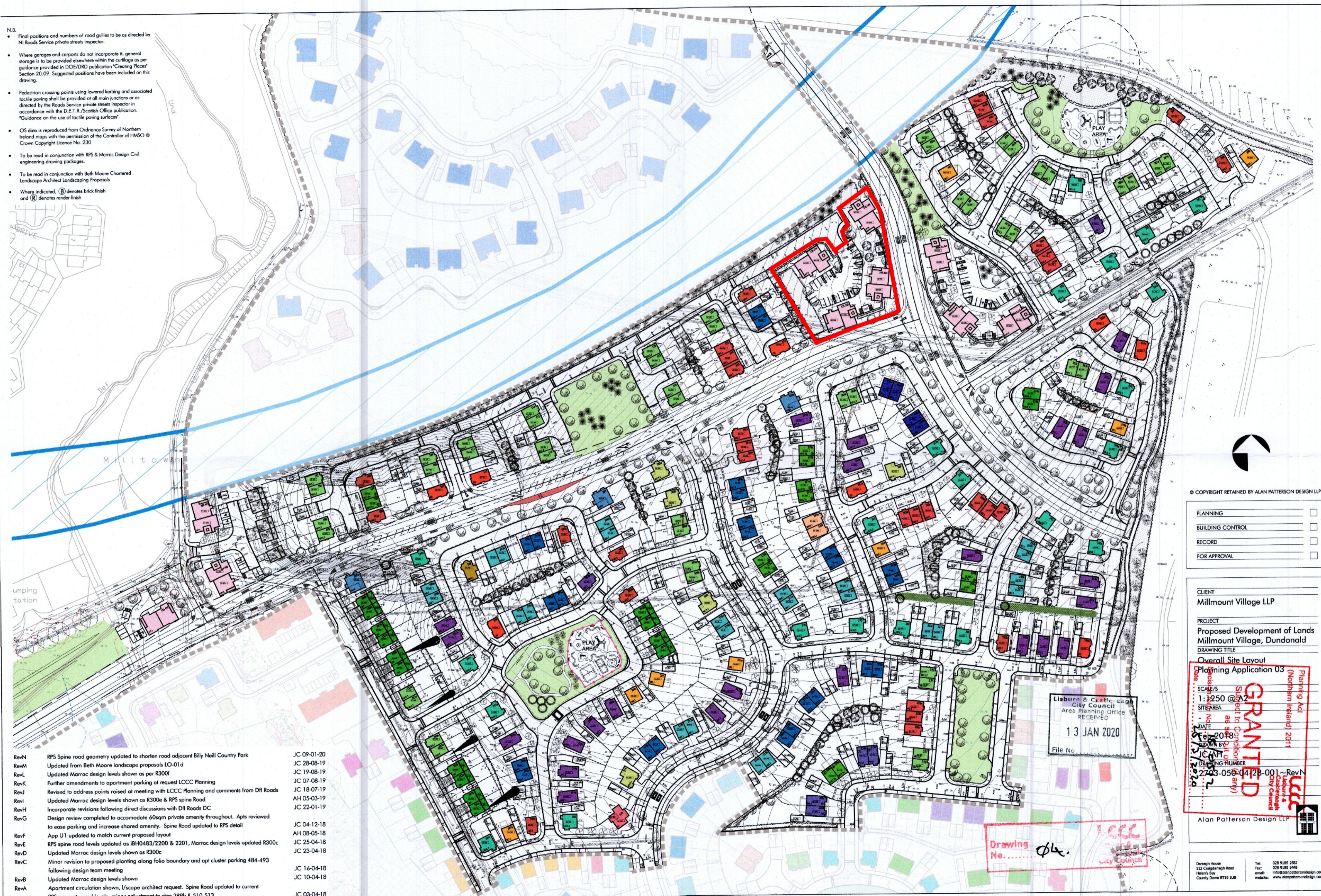
Name:

Address:

Occupation:



- N.B.
- Final positions and numbers of road gullies to be as directed by NI Roads Service private streets inspector.
  - Where garages and carports do not incorporate it, general storage is to be provided elsewhere within the curtilage as per guidance provided in DOE/DRI publication "Creating Places" Section 20.09. Suggested positions have been included on this drawing.
  - Pedestrian crossing points using lowered kerbing and associated tactile paving shall be provided at all main junctions or as directed by the Roads Service private streets inspector in accordance with the D.E.T.R./Scottish Office publication: "Guidance on the use of tactile paving surfaces".
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  - To be read in conjunction with RPS & Marrac Design Civil engineering drawing packages.
  - To be read in conjunction with Beth Moore Chartered Landscape Architect Landscaping Proposals
  - Where indicated, (B) denotes brick finish and (R) denotes render finish



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- PLANNING
- BUILDING CONTROL
- RECORD
- FOR APPROVAL

CLIENT  
Millmount Village LLP

PROJECT  
Proposed Development of Lands  
Millmount Village, Dundonald

DRAWING TITLE  
Overall Site Layout

Planning Application 03

1:1250 @ A2

13 JAN 2020

2703-050-04128-001 - Rev N

**GRANTED**

Alan Patterson Design LLP

Lisburn & Castlereagh  
City Council  
Area Planning Office  
RECEIVED  
13 JAN 2020  
File No.

Drawing No. 04.

Lisburn & Castlereagh  
City Council

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|------|--|-------------|
| RevN | RPS Spine road geometry updated to shorten road adjacent Billy Neill Country Park  | JC 09-01-20 |
| RevM | Updated from Beth Moore landscape proposals LO-01d   | JC 28-08-19 |
| RevL | Updated Marrac design levels shown as per R300f  | JC 19-08-19 |
| RevK | Further amendments to apartment parking at request LCCC Planning   | JC 07-08-19 |
| RevJ | Revised to address points raised at meeting with LCCC Planning and comments from DfI Roads   | JC 18-07-19 |
| RevI | Updated Marrac design levels shown as R300e & RPS spine Road   | AH 05-03-19 |
| RevH | Incorporate revisions following direct discussions with DfI Roads DC   | JC 22-01-19 |
| RevG | Design review completed to accommodate 60sqm private amenity throughout. Apts reviewed to ease parking and increase shared amenity. Spine Road updated to RPS detail | JC 04-12-18 |
| RevF | App U1 updated to match current proposed layout  | AH 08-05-18 |
| RevE | RPS spine road levels updated as IBH0483/2200 & 2201, Marrac design levels updated R300c   | JC 25-04-18 |
| RevD | Updated Marrac design levels shown as R300c  | JC 23-04-18 |
| RevC | Minor revision to proposed planting along folio boundary and apt cluster parking 484-493 following design team meeting   | JC 16-04-18 |
| RevB | Updated Marrac design levels shown   | JC 10-04-18 |
| RevA | Apartment circulation shown, /scape architect request. Spine Road updated to current RPS geometry and levels, minor adjustment to sites 289b & 510-513               | JC 03-04-18 |

Derragh House  
112 Colerain Road  
Helen's Bay  
County Down BT19 1UB

Tel: 028 9185 2282  
Fax: 028 9185 3448  
email: info@alanpattersondesign.com  
website: www.alanpattersondesign.com