

**SPECIAL PLANNING COMMITTEE MEETING – THURSDAY 10 AUGUST
2017**

Table of Key Adoptions

No	Item	Summary of Key Decisions
1	Apologies	<i>Aldermen McKillop S and Robinson. Councillor Loftus, McShane and Nicholl</i>
2	Declarations of Interest	<i>None</i>
3	To consider pre-action protocol letter for judicial review proceedings in relation to the decision made on planning application LA01/2016/1328/F– hotel development at Ballyreagh Road, Portstewart and agree action	<i>AGREED - to follow the recommendation of Councils QCs, provide a detailed response to points made by complainant and apply for decision on the application to be quashed by the courts</i>

**MINUTES OF THE PROCEEDINGS OF A SPECIAL MEETING OF THE
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC
HEADQUARTERS THURSDAY 10 AUGUST 2017 AT 10 AM**

In the Chair: Alderman McKeown

Committee Members Present: Aldermen: Cole, Finlay and King
Councillors: Baird, Fielding, Fitzpatrick,
McCandless, McCaul, MA McKillop

Officers Present: M Quinn, Director of Corporate Services
D Dickson, Head of Planning
D J Hunter, Council Solicitor
E Keenan, Council Solicitor
E McCaul, Committee & Member Services Officer

1 APOLOGIES

Apologies were recorded from Aldermen McKillop S and Robinson.
Councillors Loftus, McShane and Nicholl.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest recorded.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Fitzpatrick
Seconded by Councillor Baird and

AGREED - that the Committee proceed to conduct the following
business 'In Committee'.

**3 TO CONSIDER PRE-ACTION PROTOCOL LETTER FOR JUDICIAL
REVIEW PROCEEDINGS IN RELATION TO THE DECISION MADE ON
PLANNING APPLICATION LA01/2016/1328/F – HOTEL
DEVELOPMENT AT BALLYREAGH ROAD, PORTSTEWART AND
AGREE ACTION**

The Planning Committee received a report outlining background details
of planning application LA01/2016/1328/F Hotel Development at
Ballyreagh Road, Portstewart.

The application had been presented to the Planning Committee on 28
June 2017 with recommendation to approve subject to number of

conditions and informatives. At the meeting, the Committee resolved to grant planning permission as recommended by officers.

Council received a letter on 18 July 2017 from solicitors acting on behalf of a complainant in accordance with the Pre-Action Protocol that governs applications for judicial review. The Pre-Action protocol letter listed a number of both procedural and planning policy contentions, miscellaneous matters and requested 23 pieces of information and documentation.

The Pre-Action Protocol letter sets out that '... in failing to comply with the Planning (Notification of Council's Own Applications) Direction 2015, the Planning (Notification of Applications) Direction 2015 and in failing to apply relevant policy the approval issued was unlawful and should be revoked'. Otherwise the complainant intended to apply to the High Court for an order quashing the said approval.

Council Solicitor outlined a response made by Council's QC to the challenges set out in the letter and advised that the QC was satisfied that Council could answer all issues raised except 1.

In the discussion which followed, Council Solicitor advised that Council was going to provide a detailed response to the complainant.

Proposed by Councillor Baird
Seconded by Alderman Cole and

AGREED - to follow the recommendation of Councils QC, provide a detailed response to the points made by the complainant and apply for decision on the application to be quashed by the courts

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman King
Seconded by Alderman Cole and

AGREED - that the Committee proceed to conduct the remaining business 'In Public'.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 10.30 am.

Chair