

## NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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### Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 22 April 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

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**Chairperson:** Councillor M Larkin

**Committee Members in attendance in Chamber:**

Councillor W Clarke	Councillor L Devlin
Councillor G Hanna	Councillor D Murphy
Councillor S Murphy	Councillor A Quinn
Councillor M Rice	

**Committee Members in attendance on Teams:**

Councillor C Enright

**Officials in attendance:**

Mr J McGilly, Assistant Director: Regeneration  
Mr Ashley Donaldson, Senior Planning Officer  
Mr M Keane, Senior Planning Officer  
Ms A Loughran, Senior Planning Officer  
Ms P Manley, Senior Planning Officer  
Mr Ashley Donaldson, Senior Planning Officer  
Ms E Kirk, Assistant Director: Legal & People  
Mr Peter Rooney, Head of Legal Administration  
Ms Lois Jackson, Development Plan Manager  
Ms S Taggart, Democratic Services Manager  
Mr C Smyth, Democratic Services Officer

**P/025/2026: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillors McAteer and Tinnelly.

**P/026/2026: DECLARATIONS OF INTEREST**

There were no declarations of interest.

**P/027/2026: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

**Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol**

There were no declarations of interest in relation to Para. 25 of Planning Committee Operating Protocol.

## **MINUTES FOR CONFIRMATION**

### **P/028/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 25 MARCH 2026**

Read: Minutes of Planning Committee Meeting of Wednesday 25 March 2026. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 25 March 2026 as a true and accurate record.**

## **FOR DISCUSSION/DECISION**

### **P/029/2026: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 22 April 2026. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Clarke, seconded by Councillor D Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 22 April 2026:**

- **LA07/2024/0605/F and LA07/2024/0608/LBC-** disused Old Church of Ireland Approx. 60m NNE of 5A Church Hill, Jonesborough, Newry BT35 8SG - Proposed change of use from disused Church Premises to sandwich bar/coffee shop/restaurant with the use of Newry, Mourne and Down District Council adjacent car park and extension accommodating kitchen and WCs.

**APPROVAL**

## **DEVELOPMENT MANAGEMENT**

### **P/030/2026: PLANNING APPLICATIONS FOR DETERMINATION**

The Chairperson noted that while items 8 (LA07/2024/0749/O) and 9 (LA07/2024/0547/F) were two individual applications, they were interlinked and needed to be considered in conjunction with the other.

**(1) LA07/2024/0749/O and LA07/2024/0547/F**

On agenda as a result of the Operating Protocol and Scheme of Delegation

#### **Location:**

Land adjacent and to the west of Sacred Heart Grammar School, 10 Ashgrove Avenue, Newry, BT34 1PR

and

Lands opposite No 1 Ashgrove Avenue, Carneyhough, Newry, BT34 1PR

**Proposal:**

Section 54 application for non-compliance with condition No. 9, Social Housing Provision, of Planning Approval LA07/2021/2131/F

and

Proposed social residential development consisting of 20 no. dwellings and 4 no. apartments with associated landscaping and car parking

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Ms Manley stated that the applications were interrelated and were referenced in the planning report as Application 1 (LA07/2024/0749/F) and Application 2 (LA07/2024/0547/F). Application 1 was a Section 54 application seeking non-compliance with Condition 9 of planning permission LA07/2021/2131/F relating to the provision of social housing. Application 2 proposed a social and affordable housing development comprising 20 dwellings and 4 apartments with associated landscaping and car parking.

She explained that both sites were accessed from Ashgrove Avenue, were located between Newry High School and Sacred Heart Grammar School, and were surrounded by existing residential development. Both sites lay within the development limits of Newry City under the Banbridge, Newry and Mourne Area Plan 2015. Application 1 comprised 2.04 ha of land zoned for housing under NY50 and was subject to Key Site Requirements, including the delivery of at least 16 social housing units, while Application 2 lay on unzoned land. Ms Manley stated that the Planning Department had concluded that the proposals did not comply with the zoning or Key Site Requirements.

Ms Manley summarised the planning history, noting that permissions granted since 2012 consistently required the delivery of 16 social housing units on the zoned site and that attempts to remove this requirement had previously been refused. She stated that Application 1 sought to remove the social housing condition from the zoned site and relocate the obligation to the adjacent site through Application 2, to be secured by a Section 76 Planning Agreement. Application 2 followed an earlier, now expired permission and proposed a similar residential layout.

She advised that Application 1 required limited consultation, while Application 2 was fully consulted on, with consultees raising no objections subject to conditions. She referred to comments from the Housing Executive and Development Plan which indicated conditional acceptance of off-site provision, subject to satisfactory legal agreement and phasing. However, she stated that the planning report concluded that insufficient justification had been provided to relocate the social housing requirement and that concerns remained regarding delivery, phasing and compliance with the Area Plan and Key Site Requirements. Ms Manley noted that third-party representations had been received and addressed within the planning report. She concluded that no robust or compelling evidence had been submitted to justify removal of the social housing requirement from the zoned site and that refusal of both applications was recommended.

## **Speaking rights:**

### In Support:

Mr Eoin Morgan spoke in support of the applications, supported by Mr James Wright from Alpha Housing and Mr Michael Donnelly, quantity surveyor.

Mr Morgan stated that the proposals comprised two related planning applications, one seeking variation of a social housing condition and the other seeking amendment to a previous residential approval. He explained that the extant permission on the larger site allowed for 46 units, 16 of which were required to be social housing. He advised that, due to increased construction costs, the approved scheme on the larger site was no longer viable. Mr Morgan stated that the proposed solution was to redesign the smaller adjacent site to deliver smaller units better aligned with Northern Ireland Housing Executive requirements and affordability. He explained that the proposal would not remove the social housing obligation but would relocate and increase provision to 24 units approximately 20 metres away, with the tenure mix to be determined by the committee. He advised that delivery would be secured by a Section 76 Planning Agreement, which he described as a robust and commonly used mechanism.

He stated that pre-application discussions had taken place with the Council and that a draft Section 76 agreement had been submitted. He confirmed that the applicant was willing to agree the terms of the agreement with the Council, Housing Executive and Housing Association, including tenure mix and timing.

Mr Morgan outlined that housing need within the district and Newry City was acute and that the proposal addressed this need. He advised that viability concerns had been demonstrated through a submitted appraisal and that reducing unit sizes had improved viability, with designs informed by consultation with the Housing Executive and the Housing Association. He stated that statutory consultees, including Development Plan and the Housing Executive, supported the proposals in principle, subject to a Section 76 agreement.

He further advised that the proposal exceeded the key site requirement for social housing and did not undermine the plan-led approach, stating that the circumstances were site-specific and would not set a precedent. He noted that concerns regarding single-tenure development could be addressed through an agreed tenure mix, including co-ownership units and confirmed that the applicant intended to deliver both sites concurrently.

Mr Morgan concluded by requesting approval of both applications, subject to completion of a Section 76 Planning Agreement.

Mr Wright stated that Alpha Housing had been involved with the site for some time and that the site had been registered with the Northern Ireland Housing Executive. He confirmed that the NIHE supported the proposal and that the site formed part of the Social Housing Development Programme, with funding proposed in the current year's budget for 24 homes on the lower site.

He advised that Alpha Housing was currently delivering housing in Newry and wished to further address the high level of housing need in the area. He stated that a scheme of 24 units was considered an appropriate scale, avoiding management issues often associated with higher-density developments and providing family-orientated housing that would benefit the local community.

Mr Wright indicated that refusal of the proposal would require social housing to be re-provided on the larger site under current guidance, necessitating redesign and a further planning process, which would delay delivery and risk loss of funding within the current Social Housing Development Programme. He stated that the lower site had been designed to meet Alpha Housing's requirements and provided an effective means of delivering additional homes in the area.

Mr Donnelly stated that he had extensive experience in housing schemes for both social providers and developers. He advised that costings and a viability appraisal had been undertaken, taking account of the site's characteristics, including its sloping nature and increased construction costs. He stated that inflation had adversely affected viability across the sector and that the figures submitted related to the approved designs for both sites. He further advised that a secondary assessment considered the viability of Site B independently and that, when assessed overall, the provision of social housing on Site A did not generate an adequate return. He concluded that, on that basis, Site A would not be attractive for developers.

Ms Kirk clarified that, contrary to statements made by the applicant, Council's Legal Services had not agreed a section 76 planning agreement. She advised that only a draft had been submitted, which was typical at that stage, and that no agreement had been reached. She further clarified that the NIHE could not be a party to a section 76 agreement and had not been included in the draft. Ms Kirk explained that the Council would have been the relevant and sole enforcing party to any such agreement and that the Council held no legal powers over third-party bodies such as the Housing Executive or housing associations.

In response to a query from Councillor Devlin regarding viability, Mr Donnelly advised that viability for Site B required a reduction in unit sizes and an increase in density, as costs were driven by cost per square metre. Mr Wright advised that housing associations received grant funding from the Department for Communities (DfC) and were required to adhere to the Housing Association Guide, with funding based on unit size and location.

Councillor D Murphy referred to earlier discussion regarding whether a section 76 agreement had been agreed. Mr Morgan stated that a draft agreement had been submitted and that the applicant's solicitors had advised that it was acceptable in principle to deliver affordable housing on the smaller site.

Ms Kirk reiterated that no section 76 agreement had been agreed by the Council and that references to Legal Services having approved the agreement were incorrect. She advised that Legal Services could not approve such agreements and that approval rested solely with the Planning Committee. She confirmed that no negotiations had taken place and that a number of procedural steps would have been required before that position could have been reached.

In response to a further query, Mr Wright advised that section 76 agreements were typically entered into at the time of planning approval and bound to the land, transferring to any new landowner. He added that practices varied between councils, with some agreeing section 76 agreements prior to committee approval and others completing them following committee decisions.

Councillor Clarke queried whether the project remained deliverable given recent cost increases. Mr Wright advised that grant funding levels had been fixed following revised DfC rates issued eight months earlier and remained in place until at least March of the following

year. He stated that while rising construction costs affected affordability, flexibility existed through rental cash-flow modelling and, where applicable, allowances for site abnormalities.

In response to further questions on section 76, Mr Morgan advised that delivery was subject to NIHE budgets and that discussions on tenure mix could be delegated to officers. He explained that some private housing would need to be delivered in advance of affordable units to support cash flow and requested flexibility in delivery terms, noting that up to 50 private units across both sites could have been delivered prior to commencement of the affordable housing.

Mr Wright stated that section 76 obligations required the provision of social housing, were bound to the land title, and that there was no intention to vary that requirement. He advised that, once a section 76 agreement was agreed, development would have commenced as soon as possible and that there was a condition requiring the social housing element to be completed within five years.

Councillor Enright asked about the practicality and legality of conditioning a section 76 agreement. Mr Morgan advised that the usual process involved a committee recommendation, followed by agreement in principle of heads of terms, with subsequent negotiation with officers and Legal Services. He confirmed that, once executed, a section 76 agreement was a legally binding obligation registered against the land title and enforceable through legal proceedings, including action in the High Court.

Ms Kirk advised that planning conditions should have been the first mechanism considered and that section 76 agreements were used only where matters could not be addressed through conditions. She stated that any resolution to enter into a section 76 agreement had to represent the final agreed position and that it was inappropriate to approve heads of terms subject to further negotiation. She added that, once the Council made a decision, it would stand, that only minor and consequential matters could have been addressed thereafter, and that further consultation with the applicant would have been required.

Following further protracted discussion and debate, Councillor Clarke proposed deferral of the applications to allow further discussions in relation to section 76. This was seconded by Councillor Rice.

The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Clarke, seconded by Councillor Rice it was agreed defer the applications to allow discussions to take place in relation to Section 76.**

**(2) LA07/2025/0797/O**

On agenda as a result of the Call in Process

**Location:**

Lands 30m SW of No. 17 Barrons Hill, Camlough, Newry BT35 7HJ

**Proposal:**

Dwelling on a Farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mrs Loughran advised that the application sought outline planning permission for one dwelling on a farm at lands 30m south-west of No. 17 Barrons Hill, Camlough, Newry. She noted that the case officer's report was taken as read. It was reported that no letters of representation were received and that all relevant issues were addressed within the report. Mrs Loughran confirmed that consultees returned responses of no objection, together with standing advice.

She stated that the site lay within the countryside as designated in the Banbridge, Newry and Mourne Area Plan 2015. The proposal was therefore assessed against the SPPS and Policies CTY 1, CTY 8, CTY 10, CTY 13, CTY 14 and CTY 16 of PPS21, with retained planning policies NH2, NH5 and AMP2 also applying.

Mrs Loughran indicated that the proposal satisfied the requirements of Policy CTY 10 relating to dwellings on farms. However, she highlighted that Policy CTY 8 required refusal of development that created or added to a ribbon of development. She outlined that the application site adjoined No. 17 Barrons Hill to the north, followed by a small gap and then No. 17A, both with frontages onto Barrons Hill. She concluded that approval of the proposal would have resulted in a ribbon of development, contrary to Policy CTY 8.

Turning to Policy CTY 13, Mrs Loughran explained that the site's topography and existing boundaries did not provide an adequate degree of enclosure. She observed that the site lacked established natural boundaries and that integration of a dwelling would have depended primarily on substantial new landscaping. It was further noted that the application site and development to the north shared a common frontage and were viewed collectively as ribbon development along Barrons Hill.

Mrs Loughran stated that, when considered alongside existing development, the proposal would have led to a suburban-style build-up, resulting in a detrimental change to the rural character of the area. She confirmed that this was contrary to Policy CTY 14, read as a whole, and the related provisions of the SPPS.

In conclusion, Mrs Loughran stated that the proposal failed to meet the requirements of Policies CTY 1, CTY 8, CTY 13 and CTY 14. Refusal reasons were provided, and for the reasons set out, the Department recommended refusal of the application.

**Speaking rights:**

In Support:

Mr Neil Mullen noted that the application is considered complaint with criterion A B C of policy CTY10. He added that the application was recommended for refusal as it contravened CTY8, which was a different policy.

Councillor D Murphy stated that Barron's Hill was a rural road with minimal traffic and questioned who it would be offending under CTY8.

Councillor Larkin proposed to overturn the recommendation to an approval as the application met all criteria of CTY10. Councillor Hanna concurred that CTY10 was fully met and seconded the proposal.

The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	8
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2025/0797/O contrary to officer recommendation as contained in the Case Officer Report.**

**(3) LA07/2025/1142/O**

On agenda as a result of the Call in Process

**Location:**

Site 10m S of 79 Newry Road, Mayobridge

**Proposal:**

Replacement of existing dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane stated that the proposal was an outline application for a replacement dwelling. He noted that the case officer's report, including the site history, was taken as read and that the application was recommended for refusal.

He advised that the site was located within the countryside and was therefore assessed under the provisions of PPS21. Mr Keane stated that the Planning Department considered the proposal failed to meet the requirements of Policy CTY 3 for replacement dwellings, as all external structural walls were not substantially intact. He emphasised that this was a fundamental requirement of the policy and that it was not sufficient for a building to merely exhibit the essential characteristics of a dwelling.

Mr Keane explained that Policy CTY3 required each external wall to be substantially intact

and that this assessment had to be applied individually rather than on a collective or averaged basis. While he acknowledged that the building displayed features consistent with a former dwelling, including domestic-scale windows, doors and a fireplace, he stated that its condition failed to meet the basic policy test.

He noted in particular that the principal elevation facing the road, along with the eastern gable, were not substantially intact, with a significant collapse evident and a large opening present on the eastern elevation. Although the remaining two walls were standing, Mr Keane stated that the extent of disrepair and collapse to the other elevations meant the building as a whole could not be regarded as substantially intact and was therefore contrary to Policy CTY3.

As the principle of a replacement dwelling was not accepted, Mr Keane stated that the proposal did not fall within any of the exceptions set out under Policy AMP 3. He further advised that the development would have resulted in the intensification of use of an existing access onto a Protected Route, which was contrary to the aims of PPS 3 relating to road safety and capacity.

In conclusion, Mr Keane stated that the proposal was contrary to planning policy and recommended refusal of the application.

### **Speaking rights:**

#### In Support:

Mr Colin Dalton spoke in support of the application. He stated that Policy CTY 3 permitted replacement dwellings where the building exhibited the essential characteristics of a dwelling and where all external walls were substantially intact as a minimum. He noted that the officer's report acknowledged features such as openings to the front and rear elevations and the remains of an internal fireplace, which were often accepted as evidence that the structure had previously been used as a dwelling.

Mr Dalton stated that PPS 21 did not define "substantially intact" by reference to a specific percentage, but instead required a practical assessment of the building's overall structural envelope. He highlighted that the report confirmed two external walls appeared to be intact, meaning at least 50% of the external walls were undisputedly standing. He further explained that the eastern wall had partially collapsed but retained approximately 1.5 metres of masonry, which he considered demonstrated that the lower section remained intact. He stated that the front elevation retained the door opening, lintel and partial wall sections corresponding with former openings.

Mr Dalton argued that, taken together and as shown in photographs, the evidence indicated that the building remained significantly structurally present. He explained that fire damage had caused timber heads to burn, which resulted in the collapse of masonry above window openings, leading to the gaps visible in the gable and front elevations. He contended that these openings represented former window locations rather than evidence of wholesale structural collapse.

While acknowledging that officers accepted windows may previously have existed in the locations identified, Mr Dalton challenged the conclusion that masonry above the openings had collapsed in a manner that rendered the walls not substantially intact. He stated that masonry below the former window openings remained intact and noted that the dwelling

had been single-storey, with no blockwork above the windows. He concluded that the issue ultimately turned on interpretation of whether the building met the policy test of being substantially intact under Policy CTY 3.

In response to a query from Councillor Larkin, Mr Dalton confirmed that the window frames were steel but that the heads were timber. He stated that the building was single-storey and that there were no walls above the window heads; therefore, when the timber heads failed, no masonry remained above.

Councillor Murphy sought clarification on the interpretation of "substantially intact" under Policy CTY 3. Mr Keane explained that the policy required a replacement dwelling to exhibit the essential characteristics of a dwelling and, as a minimum, for all external structural walls to be substantially intact. He confirmed that the building displayed the essential characteristics of a former dwelling, including domestic openings and an internal chimney, and was accepted as likely having been previously used as a dwelling. However, he advised that the policy did not define "substantially intact" by percentage and required each external wall to be assessed individually. He stated that the rear wall and one side wall were substantially intact, while the front elevation was only partially intact and the remaining side gable was significantly collapsed. He concluded that the proposal failed to meet the requirements of Policy CTY 3.

In response to a query from Councillor Hanna, Mr Rooney confirmed that determining whether a building was substantially intact was a matter of planning judgement for the committee.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that the building had clearly been a dwelling at some point and was substantially intact. He further stated that accepting the building as substantially intact would remove the third refusal reason and that the proposal constituted sustainable development in the countryside.

This was seconded by Councillor Devlin.

The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to issue an approval in respect of planning application LA07/2025/1142/O contrary to officer recommendation as contained in the Case Officer Report.**

**ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014**

**Agreed:** **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to exclude the public and**

**press from the meeting during discussion on the following items, which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information) – and the public may, by resolution, be excluded during this item of business.**

**Agreed:** On the proposal of Councillor Hanna, seconded by Councillor Clarke, it was agreed to come out of closed session.

**The Chairperson advised the following had been agreed whilst in closed session:**

**P/031/2026: RECOMMENDATIONS FROM PLANNING ENFORCEMENT AUDIT REPORT AND REVISED PLANNING ENFORCEMENT STRATEGY**

**Read:** Report from Mr J McGilly, Assistant Director of Regenerations, regarding Recommendations from Planning Enforcement Audit Report and Revised Planning Enforcement Strategy.

**AGREED:** It was agreed on the proposal of Councillor Clarke, seconded by Councillor D Murphy, it was agreed to note the recommendations from the Audit Report and to approve the proposed changes to the Revised Enforcement Strategy 2026 as outlined at Appendix A.

**P/032/2026: PLANNING ENFORCEMENT QUARTERLY UPDATE**

**Read:** Report from Mr J McGilly, Assistant Director of Regenerations, regarding Planning Enforcement Quarterly Update.

**AGREED:** It was agreed on the proposal of Councillor Larkin, seconded by Councillor Hanna, to note the enforcement update.

**FOR NOTING**

**P/033/2026: HISTORIC ACTION SHEET**

**Read:** Historic action sheet for agreement (**Copy circulated**)

**AGREED:** It was agreed on the proposal of Councillor Hanna, seconded by Councillor Devlin, to note the historic action sheet.

**There being no further business the meeting ended at 12.17pm**

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**

**NB: 50% of decisions overturned**