

## NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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### **Minutes of Special Planning Committee Meeting – Pre-determination Hearing of Newry, Mourne and Down District Council held on Wednesday 9 April 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor D Murphy

**Committee Members in attendance in Chamber:**

Councillor P Campbell  
Councillor G Hanna  
Councillor S Murphy  
Councillor J Tinnelly

Councillor K Feehan  
Councillor D McAteer  
Councillor M Rice

**Committee Members in attendance via Teams:**

Councillor M Larkin

**Officials in attendance:**

Mr J McGilly, Assistant Director Regeneration  
Ms A McAlarney, Development Manager: Planning  
Mr M Keane, Senior Planning Officer  
Mr Peter Rooney, Head of Legal Administration (Acting)  
Miss S Taggart, Democratic Services Manager (Acting)  
Ms F Branagh, Democratic Services Officer

**Also in attendance:** Ms N Largey, Belfast Legal Services

Mr M Priestley, Hamilton Architects; Mr K Carlin, Carlin Planning and Mr S Livingston, Sysstra were in attendance in support of the application.

Mr A Stephens, Matrix Planning Consultancy; Mr S Warke, SW Consultancy; Canon F Brown and Mr A Patterson were in attendance in objection to the application.

### **SP/001/2025: APOLOGIES AND CHAIRPERSON'S REMARKS**

The Chairperson opened the meeting by advising that the aim of the hearing was to hear the interested parties' views, and for Members of the Committee to seek clarification on the facts surrounding the development, confirming that no decision was to be reached at the meeting.

The Chairperson further advised that the hearing would be conducted similar to that of the Planning Committee, whereby the applicant would be afforded ten minutes to present their case, followed by the objectors for ten minutes, then the Committee Members could ask questions of both parties.

The Chairperson confirmed that those who had requested speaking rights at the hearing were present and understood the procedure.

Apologies were received from Councillor Enright.

**SP/002/2025:      DECLARATIONS OF INTEREST**

There were no declarations of interest.

**SP/003/2025:      PREDETERMINATION HEARING IN RESPECT OF THE FOLLOWING APPLICATIONS**

**(1)      LA07/2023/2774/F**

**Location:**

Lands at Abbey Way Multi-Storey Car Park, Mill Street & Lower Water Street, Newry

**Proposal:**

Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Mrs McAlarney presented the details of the proposal, confirming that it was a full application for a new Civic Hub located adjacent to Abbey Way and was accompanied by an application that sought demolition consent in the Conservation Area for the multi-storey car park on site. She further advised that the proposal would accommodate a Council room, meeting rooms and Council offices, with additional public realm works to part of the existing surface car park, part of Lower Water Street and Mill Street.

Mrs McAlarney reminded those present that the application had been discussed at length at the Planning Committee Meeting of 18 December 2024, where the Committee resolved to approve the application. She further reminded Members that Council had been under the direction from the Department to inform them when the Planning Committee had reached a recommendation on the application, which was communicated on the 7 January 2025. Correspondence had since been received from DFI on 5 March 2025 that they did not intend to invoke their call-in powers under Section 29 of the Planning Act (NI) 2011.

Mrs McAlarney advised that under Regulation 7(1) of the Planning (Development Management) Regulations (Northern Ireland) 2015, Council was required to hold a pre-determination hearing to give the applicant and interested parties the opportunity to appear before the Planning Committee.

Mrs McAlarney detailed the proposal site, reminding Members that it was located within the Newry Town Centre, outside of the primary retail core, within the boundary of the Conservation Area and within an Area of Archaeological Potential, was sited along the Protected Route of Abbey Way and was proximate to listed buildings, monuments, Newry River and Canal, and a Local Landscape Policy Area.

Mrs McAlarney confirmed that the proposal was roughly rectangular in shape, comprised of 3 floors of accommodation with a flat roof, would have frontage on all sides and would be

modern in appearance. She advised that a retaining wall was required along the boundary of the site adjacent to Abbey Way that would require technical approval.

Mrs McAlarney advised that the proposal had been extensively consulted on during the processing of the application, and that no objections had been offered in principle to the proposal. She confirmed that over 2600 objections had been raised in opposition to the proposals, raising issues such as traffic and parking, the need for the proposal, the design, size and scale of the building, ecology, flooding and drainage aspects and some had raised procedural issues in relation to the processing of the application.

In response to these, Mrs McAlarney noted that the main planning issues to be considered included the principle of development, including the impact on the setting of the Newry Conservation Area, nearby listed buildings, road safety to include parking and access, and natural heritage.

Mrs McAlarney then noted the Planning Policies PPS6, BH11 and BH12, relating to development affecting the setting of a listed building and new development within a Conservation Area had been engaged, and the Planning Department were of the opinion that the design, size, layout and appearance of the building were considered appropriate and that special regard had been had to the preservation and enhancement of the conservation area, and further that following consultation with Historic Monument Unit and Historic Environment Division, both had offered no objection in principle to the proposal.

Mrs McAlarney confirmed that the building would accommodate some 215 members of staff, relocated from existing Council offices within Newry, highlighting the hybrid working policy of the applicant, who would provide desks for 75% of the workforce. (162 members of staff)

Mrs McAlarney advised that a Transport Assessment and a Travel Plan had been submitted in support of the application, the final version being completed in August 2024, alongside parking surveys undertaken in November 2023 to reflect the trends since COVID restrictions, and stated that these highlighted the highly accessible location of the site, and included a number of measures such as the inclusion of electric bikes and a shuttle bus.

Mrs McAlarney reiterated that no parking was provided within the proposal, as a case had been made that the parking surveys undertook demonstrated that there was ample parking provision available that exceeded demand, and that there was sufficient car parking within Newry City Centre at present to accommodate the proposed development.

Mrs McAlarney advised that the Planning Department had considered all relevant factors and accepted the case that there was sufficient parking capacity within the city centre to accommodate the proposal, while the central and highly accessible location of the site from various modes of travel, together with the active travel plan measures proposed were considered to comply with the requirements of PPS3, and AMP7 in relation to car parking.

Mrs McAlarney advised that in relation to other concerns raised such as biodiversity, protected species, NI Water and flooding issues and noise nuisance and disturbance, a preliminary ecological assessment had been submitted and the Natural Environment Division had been consulted with, and no objections were raised. She confirmed that DFI Rivers had also been consulted and confirmed that the site was not within the 1 in 100 fluvial flood plain nor the 1 in 200 coastal flood plain and therefore had no objections. A Drainage Assessment had also been submitted and deemed acceptable by DFI Rivers, and

Environmental Health consulted in relation to residential amenity, and returned with no objections.

### **Speaking rights:**

#### In Support:

Mr Mark Priestly spoke in support of the application, supported by Mr Kieran Carlin and Mr Stephen Livingstone. He advised that the application was part of the Newry City Centre Regeneration (NCCR) programme of works, was supported by the Belfast Region City Deal (BRCD), and the aim of the proposal was to consolidate Council estate within Newry, to adapt to the flexible working pattern post pandemic. He advised that the site had been chosen by Council as the preferred location, which was currently a multi-storey car park that made little contribution to the character and appearance of its city centre location. He stated that the proposal would breathe new life into the city centre, would make a positive contribution to the conservation area and surrounding heritage, and would create a new public front overlooking the Cathedral, while maintaining a portion of the surface car park.

Mr Priestly advised that careful consideration had been given to the setting of the Cathedral, and he believed that the proposal would enhance the setting, while respecting the prominence of the grade A listed building.

Mr Carlin reminded those present that the proposal had been discussed at length at the December 2024 Planning Committee, highlighting the lengthy discussion surrounding the key objective of the SPPS to secure a town centre first approach, with a definition of town centre use being much broader than retail, to include cultural and community facilities, leisure, entertainment and business, and stated that the Civic Centre fell within that definition and therefore would fail policy were it to be located outside the town centre.

Mr Carlin advised that there was no requirement to undertake an assessment of retail impact, stating that being compliant with the town centre first approach would ultimately benefit and strengthen the city centre, as he has witnessed by town centre development in the past.

Mr Carlin noted that he believed that the objections were not necessarily objecting to the project or its location, but rather on the use of the specific site, noting that the parking surveys carried out by the objectors had focused solely on the Abbey Way car park, rather than the capacity within the wider city centre sites. He reiterated that there was no requirement within the Development Plan or Regional Planning Policy that required any spaces be retained as parking. He stressed again that the proposal was in a highly accessible location, further noting that some of the parking would be retained at Abbey Way. He also highlighted the detailed Transport Assessment, which included a package of transport measures that included space for electric bikes and a regular shuttle bus service. He stated that NCCR aim was to increase footfall in the city centre, and not cars, stating that the proposal was dully justified under AMP7.

Mr Priestly then noted that lengthy and numerous discussions regarding the design of the building had occurred and highlighted the detailed and lengthy discussions with HED regarding the mass, volume and form of the proposal in keeping with the conservation area and neighbouring buildings. He stated that the proposal had been tested and verified from strategic views as identified by and in consultation with HED, those being from St Coleman's

Park, Bagenal's Castle, Abbey Yard and also distance views from Watsons Road and Barcroft Park.

Mr Priestly confirmed that the proposal had been robustly assessed and undergone a ministerial advisory group as well as a presentation to the Historic Buildings Council. He further stressed that the proposal did not attempt to compete with the grand gothic architecture of the grade A listed Cathedral, rather it would acknowledge the significance of the ecclesiastical building with a choice of materials such as reconstituted stone and granite to echo the neighbouring buildings along Abbey way.

Mr Priestly then stated that in consideration of the drainage issue, and a recognised need for new solutions, a condition had been placed on the development that would prohibit development beyond a certain stage until a solution had been agreed with NI Water. He further advised that the existing structure and stone wall would remain, and a new retaining wall that would support Abbey Way, the carriage way and Civic Hub would be designed in accordance with DMRB standards with further technical advice being required from DFI, however enough detail had been provided at this stage to progress with the proposal as agreed with DFI.

#### In Objection:

Mr Andy Stephens spoke in objection to the application, supported by Mr Simon Warke, Mr Anthony Patterson and Canon Francis Brown. Mr Stephens stated that a proposed building of approximately 5680 sqm over 3 floors on a development site of approximately 7000 sqm would be extremely physically constrained, further compounded by the Cathedral 45m to the West, a protected route 5m to the East and residential area 35m to the South. He stated that the outcome of the proposal would have long lasting negative impacts on Newry's built heritage, transportation and city centre car parking.

Mr Stephens stated that he had undertaken a detailed review of the application and had written to Council in October 2024 highlighting that there were a number of out of date reports, missing detail and a noted lack of enquiry into numerous areas, stressing that the Council should be exemplar in their processing of this application to silence any statements of apparent bias and predetermination that the application was decided before being processed correctly, which he stated seemed to be what was happening. He noted that the application had been readvertised on 9 October 2024, but that additional information and drawings had been submitted after that date, of which the public were still unaware.

Mr Stephens noted his understanding that a material consideration for any application was alternative sites, especially as he argued that there were numerous sites that would avoid causing demonstrable harm, and that there had been no assessment or evaluation of rental yields for office space within Newry. He further stated that the loss of parking amounted to 304 parking spaces would be compounded by the proposed Community Treatment Centre parking requirements and would have a profound negative impact on the city centre that would affect shops, businesses, parishioners, tourists and all those who would visit Newry.

With regard to parking, Mr Stephens argued that the applicants parking surveys were not representative of current parking requirements as they surveyed car parks as far away as 15-minute walk from the city centre, stating that no one would walk that distance while carrying shopping. He further questioned where the additional users of the spare office space would park, noting that the proposal included parking spaces at Cecil Street and North Street, stating that these should be discounted as they were not determined as yet. He

stated that the removal of existing parking spaces would prejudice parishioners with mobility issues attending mass services and large numbers attending large events, such as weddings or funerals. He stated that this amounted to a breach of Section 75 of the Northern Ireland Act.

Mr Stephens further argued that he did not accept DFI's conclusion as to no objection in principle nor did he accept HED's findings as being balanced or objective as they did not consult with the Cathedral during the application process. He ended by reinforcing his opinion that in light of his statements regarding a lack of proper enquiry into the information provided would make any future decision on the application legally vulnerable.

Councillor Hanna queried the number of parking surveys carried out, with Mr Stephens commenting on the applicant's surveys of a 4-day period in June 2021, February 2022, June 2022 and November 2023, arguing that they were snap shots and did not take account of normal operating conditions.

Councillor Hanna then queried whether Mr Stephens believed that the staff survey of 2019 was relevant and reflective of current need for parking, as most staff lived rurally and admitted to travelling to work in a car alone.

Mr Stephens stated that reliance should not be put on a 6-year-old survey, noting that of the 138 people surveyed, 88% said they travelled by car alone and would not consider the use of public transport. He stressed that Newry was surrounded by rural countryside, and this was not reflected in the active travel plan.

Mr Livingstone stated that the parking surveys completed all reinforced the conclusion of the previous in that there was sufficient parking available within the city centre, and given that there were 4 separate 4-day surveys carried out, with each confirming the conclusion of the previous there was enough parking for the proposal within the city centre.

Mr Livingstone further advised that they accounted for 90% of staff travelling by car, and further countered Mr Stephens statement that employees would not change their behaviour, stating that they had advised they would not change their behaviour as there was no facility or capacity to do so, however this could be overcome with the use of electric bikes and the shuttle bus service, therefore it was not unreasonable to expect people to change their travel behaviour as right now their options were limited to facilitate any change.

Councillor Hanna queried Mr Stephens' statement regarding a lack of business case or economic impact, to which Mr Stephens stated that when considering the floor plan across three floors, and a proposed 162 desks being provided, each desk would have a significant amount of floor space with no detail as to the use of all that space.

Councillor Hanna queried the concerns expressed by Canon Brown, who stated that he believed the Cathedral had been ignored by the applicants entirely, stressing that there was not adequate parking for services at present and it was absolute nonsense that religious practice was not being upheld by the applicant for those who wished to come and worship.

Mr Carlin advised that there had been a lot of comments regarding car parking within the city centre and stated that at no stage had any alternative surveys been produced that conflicted the Systra surveys completed, given the surveys carried out by the objectors had focused solely on the Abbey Way car park and not any other nearby available parking spaces and they were therefore incomparable.

### **Councillor Tinnelly left the meeting at this stage – 10.58am**

Mr Livingstone advised they had surveyed some 17 car parks, all within a 10 – 15 minute walk from the Civic Hub, confirming that he did not believe all staff would walk 10 minutes from a car park, but stressed that the city centre had sufficient car parking to meet demand. He further advised that there would be days where demand was higher, such as large religious events, but stated that to build to that requirement would mean large and costly infrastructure and would encourage travel by car, which was contrary to the active travel plan. He further stated that the Civic Hub was in an area of air quality management, and given the climate change emergency, the robust calculations provided should help mitigate some travel by car, which should only be encouraged.

Councillor Hanna queried why Mr Stephens had not submitted more evidence to support his lack of parking provision, to which Mr Stephens advised that it did not fall to third party objectors to provide evidence, it was the responsibility of the applicant and for DFI to have proper enquiry into the surveys carried out, which he believed was not the case. He further advised that the surveys carried out merely undermined the Systra surveys and warranted consideration as they focused on the immediately impacted area, not the entire city centre.

Following a query from Councillor Feehan a discussion ensued regarding a statement made at the previous meeting in December 2024 regarding the proposal having a significant boost to the local retail sector, the outcome of which was Mr Carlin advising that it was his professional opinion that this would be the case, given the policy requirement of a town centre first approach and having seen first hand the boost to retail in other similar situations.

Councillor Campbell queried the statement of Mr Stephens regarding significant floor space per desk, and what the plans detailed regarding that.

Mr Priestly advised that as per the floorplans that had been submitted with the application, the top floor consisted of a large Council chamber, alongside a number of meeting rooms interspersed around the floor area, a wedding ceremony room along with ancillary spaces such as tea points and break out areas and toilet facilities, not just wall to wall desk space.

Councillor D Murphy requested detail regarding the current provision for disability parking outside the Cathedral, with Mr Stephens stating he believed it to be 6 or 8 spaces in his opinion, and Canon Brown advising that he was unsure but given that attendance at 10.30am mass was around 200 parishioners, he reiterated that they needed to park close to the Cathedral, further advising the Committee that there was an access ramp at the Cathedral and some parking spaces within the Cathedral grounds.

Mr Priestly advised that he had been on site at Abbey Way prior to the meeting and confirmed that there were 2 disabled spaces within the current parking provision at Abbey Way, both within the portion that was proposed to be retained, and further confirmed that the Civic Hub would be providing an additional 7 disabled parking spaces.

Councillor D Murphy further queried whether the parking surveys that were carried out by the applicant were to the required standard, to which Mr Livingstone confirmed that they were within normal transport planning practice and had been agreed in advance with DFI Roads.

Councillor Hanna queried Mr Stephens reference to an economic appraisal or business case that had not been completed and queried whether this was an oversight.

Mrs McAlarney advised that this was an application for a Civic Hub and would be considered to fall within the town centre use requirement within Planning Policy and therefore a business case was not required.

Councillor Feehan repeated his request for evidence regarding the proposal bringing a significant boost to retail, to which Mrs McAlarney confirmed that in her professional opinion the proposal would attract repeat footfall. She also confirmed that the Planning Department would not have a database of retail impact of proposals within the primary retail core.

Following the discussion, Councillor D Murphy clarified with those present that they were content with the process of the hearing and whether they had any rebuttals of further information they would like to share.

All present confirmed they were content and had no further information to present.

Councillor D Murphy advised that the application would be tabled at the Planning Committee Meeting scheduled for 30 April 2025 for determination.

**There being no further business the meeting ended at 11.15**

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

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