

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Special Planning Committee Meeting – Pre-determination Hearing of Newry, Mourne and Down District Council held on Thursday 19 June 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber: Councillor K Feehan Councillor G Hanna
Councillor C King Councillor D McAteer
Councillor D Murphy

Officials in attendance: Mr J McGilly, Assistant Director Regeneration
Ms A McAlarney, Development Manager: Planning
Mr M Keane, Senior Planning Officer
Miss S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

Also in attendance: Ms N Largey, Belfast Legal Services

Also in attendance via Teams: Mr Niall Marshall, Department for Infrastructure
Ms Aileen Nelson, Department for Infrastructure
Ms Sarah Douglas, Department for Infrastructure
Ms Kim Boal, Department for Infrastructure

Mr M Priestley, Hamilton Architects; Mr K Carlin, Carlin Planning were in attendance in support of the application, with Mr S Livingston, Systra, in attendance online to answer any questions that Members may have had.

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/004/2025: 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, however 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 Councillors S Murphy and Tinnelly

SP/005/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

SP/006/2025: 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, taking account of 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 given to the preservation and enhancement of the conservation area, and further that following consultation with Historic Monument Unit and Historic Environment Division (HED), 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, approximately 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.

She reiterated that no parking was provided within the proposal, as a case had been made that the parking surveys undertaken 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.

She 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.

Mrs McAlarney ended by reminding Members that the accompanying report did not make a recommendation on the application as this was to be addressed in the subsequent Planning Committee following the pre-determination hearing.

Speaking rights:

In Support:

Mr Priestly spoke in support of the application, reminding Members that the Civic Hub was part of the Newry City Centre Regeneration Programme (NCCR), supported by the Belfast Region City Deal (BRCD) and the aim of the proposal was to consolidate Council estate within Newry, to adapt to Council's flexible working pattern. 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 summarised the key issues he felt required clarification with regard to the application, stating that the Regional Development Strategy recognised the importance of vibrant town and city centres with Planning Policy SPPS supporting a town centre first approach, therefore locating the proposal outside the city centre was not an option. He also confirmed that there was no requirement to undertake a retail impact assessment as the application was in compliance with the policy PPS4, Town Centre First approach, which it was accepted would ultimately benefit the town centre.

Mr Carlin noted that parking had been a consistent issue throughout the discussions of the application, noting the strong focus on the Systra surveys, and stressed that no evidence had been put forward to contest the evidence submitted. He advised that policy AMP7 of PPS3 advised that a reduced level of parking was acceptable with an application proposal. He stressed that a balance had been found with the retention of half the parking spaces within the Abbey Way car park, alongside a package of transport measures to compliment the aim of the NCCR, which was to increase footfall within the city centre, and not cars.

Mr Priestly then addressed the recent objection submitted at 11.25pm the night prior to the meeting that referred to the HED response to the numerous consultations. He confirmed that during the processing of the application there had been many detailed discussions with HED relating to the design of the proposal, alongside testing a 3D model of the proposal from verified views of the area as stipulated by HED, alongside a ministerial advisory group discussion and that it had been widely tested and scrutinised by statutory bodies.

Mr Priestly advised that the proposal did not try to compete with the grand gothic architecture of the Cathedral but was rather a modern interpretation of the design and

structure of the listed building. He noted that the late submission included the Consarc Report which stated that the design of the new buildings planned alongside historic buildings must respect the existing design. He advised that this had been considered and catered for, in the form of alignment and use of appropriate materials as detailed within the application proposal. He further confirmed that new buildings did not have to copy the older neighbours in detail, which had also been a consideration of the proposal and groundworks.

Mr Priestly referenced some other issues that had been discussed previously, to include the following:

- The network capacity for wastewater was undergoing engagement with NI Water to develop a solution designed approach to separate storm/foul water and would only progress as a condition on approval
- The retaining wall would act as a support to the carriage way and the proposed building and would be carried through a task approval process with highway structures, overseen by DFI Roads.
- The application had been subject to a Pre-application Community Consultation (PACC) and numerous neighbourhood notifications as detailed by the Planning Department.
- The application was in compliance with the Local Development Plan and with local and regional planning policies

In Objection:

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. He argued that the proposal did not include an assessment of rental yield within the Newry area against build costs, nor would it bring any economic benefits to the city.

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. He stated that he believed no other application had ever been afforded the same level of flexibility with regard to policy compliance and stated that he had been led to believe that construction contracts had been awarded for the proposal with no planning permission, which further strengthened his argument for predetermination and bias.

Mr Stephens outlined that following the recent neighbour notifications of 28 May, he had been advised that the application description did not refer to the fixed plant machinery on the roof, nor the fixed array of PV panels. He noted that the acoustic report on the planning portal was a preliminary report from 2020, undertaken during the Covid 19 pandemic and was therefore not reflective of normal noise levels within the area, and that no updated noise survey had been carried out.

Mr Stephens outlined his argument regarding parking availability, stating that the proposal would require some 230 parking spaces and that the Community Treatment Care Centre (CTCC) would require 781 parking spaces at peak times, the loss of parking would have a

profound and long-lasting impact on shoppers, businesses, parishioners, tourists and all who would visit Newry.

With regard to parking, Mr Stephens argued that the applicant's 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, further stating that the Systra surveys were inconsistent as they incorporated a different number of car parks and he believed that one car park didn't exist.

Mr Stephens stated that the applicant's verified views of the proposal did not appear to reconcile with the current proposal, advising that the scale and massing of the proposal would significantly detract from the ecclesiastical view of the cathedral from various viewpoints around the city.

Mr Stephens ended by advising that he believed that the proposal was in breach of Section 75 as the Council did not have due regard to the needs or good relations of the parishioners.

Councillor Larkin advised Mr Stephens that he still had some time remaining of his 10-minute presentation and queried whether he wanted to avail of his remaining time.

Mr Stephens noted that questions had been raised with regard to his parking queries, stating that it was not up to the objector to provide evidence with regard to parking.

Councillor Hanna asked for clarification regarding the discussions from a previous Committee Meeting regarding the PACC, noting that Mr Stephens had claimed that the PACC to accompany this application had been submitted some 3 to 4 months after the application.

Ms Largey advised that the issue had been considered and addressed within the Case Officer's Report and set out the rationale as to why the Planning Department were of the opinion that the application was still valid.

Mr Stephens disagreed at this point, highlighting that his late submission the night prior to the meeting highlighted Article 3(3)e of the General Development Planning Order (GDPO) was a legislative requirement that all applications were to be accompanied by. He further argued that paragraph 7.9 of the Development Management Practice advised that a PACC must accompany an application when submitted and any claims to the contrary were legally vulnerable.

Ms Largey advised the Committee that they should not be distracted with regard to an argument regarding legal advice, noting that submissions had been received to question the validity of the application and the Case Officer's Report had explained the rationale of the Planning Department, which also referenced the legislation as put forth by Mr Stephens.

Councillor Hanna queried whether the correct fee had been applied to the application, to which Mrs McAlarney advised that this had also been considered within the Case Officer's Report and confirmed that the correct fee had been paid for the application.

Mr Stephens disagreed at this point, stating that he believed the legislation was open to interpretation with regard to fee, and he had interpreted the legislation different to what the Planning Department had interpreted.

Following a further query from Councillor Hanna regarding reference to reports being out of date, a discussion ensued regarding the shelf life of consultations. The outcome of this was Mr Stephens advising that many reports were, in his opinion, out of date as they had not been updated since 2020. Mrs McAlarney advised that unless a proposal was amended the statutory consultation was considered valid on that application, the exception being biodiversity checklists. Mr Carlin advised that he didn't believe the acoustic report was out of date.

Councillor Hanna then queried the parking surveys and whether they were up to date.

Mr Livingstone advised that the latest parking survey had been carried out in November 2023 and carried a shelf life of 3 – 5 years. He stated that the parking survey was not advising that people should walk the 15 minutes to the Civic Hub, but rather that there was adequate parking within the city centre to meet demand. He stated that all the car parks utilised within the survey did exist, and it was bordering on slanderous to state that a referenced car park did not exist.

Following an interruption by Mr Stephens, Councillor Larkin reminded Members that all statements were to be addressed through the Chair and attendees were not permitted to talk across the chamber.

Councillor Hanna queried whether anyone was to be disadvantaged by the loss of car parking, to which Mr Livingstone advised that the surveys showed that Abbey Way car park was underutilised. He further advised that infrastructure couldn't be designed on worst case scenarios such as funerals or weddings as that would lead to large amounts of unused space within towns and city centres.

Councillor Hanna queried whether the Planning Department were content that the proposal would integrate with the design of the local area, to which Mrs McAlarney advised that the Planning Department had to have regard to the design and constraints of the proposal site and that the Cathedral had been to the fore when processing the application. She confirmed that HED had been heavily involved during the processing of the application, and they were of the opinion that the proposal would have no detrimental impact on the listed building.

Councillor Feehan requested clarification on when the application had been reclassified as a major application, and when the PACC had been undertaken and submitted, to which Mrs McAlarney advised that if Councillor Feehan was content this detail could be brought to the subsequent meeting.

As there were no further questions, Councillor Larkin offered those with speaking rights the opportunity to address any inaccuracies or rebuttals following the discussions, reminding them that this was not another opportunity to present their case but rather to solely address any inaccuracies.

Mr Stephens acknowledged speaking out of turn in addressing Mr Carlin but stated that the acoustic report needed to be included for consultation, and further that he was not being slanderous when querying one car park's existence but rather had queried whether all the surveyed car parks were officially designated car parks.

Following this discussion, those present confirmed that they were content with the process of the hearing.

Councillor Larkin advised that the application would be tabled at the Planning Committee meeting scheduled for 12pm.

There being no further business the meeting ended at 11.12am

Signed: _____ Chairperson

Signed: _____ Chief Executive