**Planning Committee 18-09-2024 Excerpt 2**

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[Speaker 1] (0:00 - 0:00)

Thank you.

[Speaker 6] (0:02 - 0:37)

Thank you. I will now provide members with an opportunity to ask Mr Orbison or Gary Todes, Angela Wiggum, David Thompson, Paul Linus, Richard Barkley, Amanda Reynolds and Christopher and Mark Carvel questions seeking clarification through me. Please keep any questions that you have to the point and only ask questions which will affect your decision and which have not already been dealt with by the officer.

Once again can I ask members to ensure that you unmute your device, use your microphone when speaking and turn it off when you have finished. Councillor Trimble.

[Speaker 10] (0:39 - 1:31)

Thank you Chair and thank you for your presentation. There's a lot of discussions so far about a variety of issues. What I want to put to you is one of the points, at least that has been raised by previous speakers and it's the FLD3, it's the wastewater and the capacity.

I suppose I do intend to ask the same question to NI Water officers when we get to that stage but I suppose in a nutshell the risk has been identified that there could potentially be a file flowing into the lagging. Can you guarantee that if this development goes forward as proposed that that will not happen?

[Speaker 1] (1:32 - 2:01)

The position is as confirmed by NI Water and we see no good reason to doubt that. We've heard what's been said but they have repeatedly stated that there is capacity. In terms of any outflow I'm going to ask Dr Linus to comment on that because this is framed in terms of impact on the lagging and potential impact on Belfast Lock SPA and he's best placed to cover that point.

[Speaker 2] (2:06 - 3:02)

Okay thank you and good evening members. I'd just like to say that the site is not currently considered to have a hydrological link as there's no running water leaving the site and as a result there's no requirement for any hydrological serving. During its operation obviously you've heard wastewater will be treated in Trumbeg and it will be sent onwards towards the lagging but the key thing is here Belfast Lock and its birds will not be impacted and as it's recognised as a European protected site it is four kilometres beyond the end of the river lagging and indeed the mixing and the dilution effect of the water entering Belfast Lock even if it did reach as far as that would have no impact on the birds that feed there and are designated for that reason.

[Speaker 1] (3:03 - 3:31)

If I could add this is not sewage that's reaching the lagging this is treated product from the site and what will be reaching the lagging will be attenuated clean effluent meeting all applicable standards so you have that and then you have the attenuation by distance that Dr Linus has referred to and that result as supported by SES your statutory consultees in this point is no impact on the SPI.

[Speaker 6] (3:32 - 3:41)

Are we content? Any other questions? No?

We'll move on to Alderman Tinsley.

[Speaker 4] (3:43 - 4:45)

Yeah thank you very much for your presentation. I'm just listening to some of the objectors that spoke earlier just a couple of questions maybe get some clarity on them. There was I think it was Dr Ock, as you mentioned about the fourth affordable home there was no talk about design or lack of the design as you could see.

There's also a question about DFI and maybe the back of the site about safety where there's no footpath. The footpath seems to start as you come further out of the development. Maybe a bit of clarity around that there I'd appreciate and the design about nothing in keeping with the area obviously the site with the bungalow so a bit of clarity why there why did you not make them smaller and keep them in the design and then also the hedge that several of the speakers mentioned is there a need to remove the whole hedge or just all that whole section that would have to be removed for allowing the development to go ahead or could some of that be designed around that?

[Speaker 1] (4:46 - 6:23)

Just some please yeah thank you all done well just if I start off on the question of affordable homes the context for this discussion is that we are providing more than the policy requires in terms of affordable homes. The policy requires 20 provision we're providing 23.5 in a mix of three social houses and one affordable house. Now that will be secured absolutely secured by a legal agreement under section 76 so that will happen it's up to the developer to make sure it happens and I think it's fair to say that providing that level of social affordable housing has proved particularly expensive on the site because of site values.

So the concern of the objectors seemed to be that they couldn't figure out what was going to happen with the fourth unit and perhaps ask Miss Wigan beside me to comment further on this but essentially we are obliged to provide the fourth unit. There's no proposal to subdivide it there's no proposal to do anything to it but make it available any tinkering with that will be something that would require a separate planning application and therefore isn't for tonight but fundamentally that social housing requirement is not only met but exceeded by this proposal which is clearly a material consideration of considerable weight in our respectful opinion.

Miss Wigan do you want to comment on the question raised by the alderman of the the design of the units?

[Speaker 8] (6:25 - 7:22)

Yeah certainly all the units have been designed in a manner which we believe is totally within keeping of the character of Drumbeg. Mr. Organs and Casey has made reference to and Amanda Reynolds who is a design consultant and a chartered architect then did undertake a review of the whole development scheme and looked about how it's set in the in the wider context and she is available I do understand by zoom tonight and can be asked to provide some some clarification but absolutely we believe that the units have been sensitively designed to the character and the units which will be for affordable homes as per council's policy are designed in a manner that I'm going to describe them as tender blind so there's there's no opportunity for us to be clear who resides in which property and the design of it is completely neutral so it has been very carefully and in the policy context and set out in the plan has been looked at.

[Speaker 1] (7:23 - 7:31)

Thank you Miss Wigan and then alderman you'd asked about the general issues of design and character so perhaps I could bring in Miss Reynolds at that point by zoom I'm hoping.

[Speaker 3] (7:36 - 13:06)

Thank you very much and nice to be speaking here tonight councillors right where to start I was asked by Carvels to do a review of their proposal before December 23 so some time ago and to have a look at what improvements could be made in order to do this I did an analysis of the existing housing and context at Drombeg and my conclusion there was that the existing housing has a core of single-story bungalows in the Hambleton Park area and the Sunnyhill area and then around the edges of that core there are both older and newer houses that are generally one and a half or two stories they are generally taller than the ones that remain in the core and that's quite an interesting quality that provides if you like a key to the growth patterns housing settlements grow on edges not in the middle and protecting the character of the core is a very fine principle and I think it is definitely supported here because there is no intrusion into the Hambleton Park area which is nearby in fact the entire development is separated the Hambleton Park houses back onto Courtlands Road they don't front onto it so there's no frontage visual connection this site then opens off Courtlands Road however all the housing is apart from one house is set behind existing housing so has a very low visual impact from Courtlands Road and but probably zero visual impact from Hambleton Park and I just point out some of the other aspects of the existing settlement that I explored which led me to support the two-story housing in the proposal however I did suggest that the housing was too high and there was a redesign to drop the ridge level and the roofs are redesigned as well as to introduce dormer windows into the upper levels to enable the heights of the houses to come down dormer windows of various different styles both with pitched roofs and flat roofs are used throughout John Begg though particularly on the around the edges on that the housing which is of a huge variety of styles there is consistency amongst the Hambleton Park single-story housing in scale and form but the materials vary quite widely there's brick there's there's render there's timber used in different ways and even more so on the Sunny Hill side and then when you start looking at the new housing that's been built over the last few years in particular draw your attention to Courtlands Lane which is down the end of Courtlands Road there is and let me just count them there are two there are seven eight new relatively new houses which are quite large they're larger I think than the ones that are proposed in this development they're two stories distinctly two stories and they back directly onto the Hambleton Park housing and they're quite close to the Hambleton Park housing as well however looking from the street fronting the Hambleton Park housing the way the trees have grown up you actually can't see the two-story housing from that point I don't know if people who live in that bit of Hambleton Park experience any issues with the the houses that back onto them however these houses are both larger closer together and closer to the Hambleton Park area than the proposal will be however and I think they're quite good houses these two-story houses again they wrap around the edge all of these later developments wrap around the edge of the core and they enclose the core they protect the core if you like the Hambleton Park and Sandy Hill Park areas the lower areas if we then go over and look at the the newer housing that backs onto the M1 on both Greenvale and Sandy Hill I don't know whether they're roads or streets but there's different design typologies there's different materials used there are two they're all two stories while some of them could be described as one and a half but some of them have dormer windows some of them have different roof pitches there are there are hip roofs there are gable roofs there there is a considerable variety so you can't say that there is one style in John Begg it has a whole variety of a variety of styles and the character of the edge developments in particular is introduction of a variety Corklands Road itself when you come in off the main road there's there's a couple of single-story houses then there are two two-story houses

[Speaker 11] (13:06 - 13:16)

excuse me Miss Reynolds yes can I just ask Alderman Tinsley is your question been answered no it's just a picture of the contacts and that was my name but there's a couple other points

[Speaker 1] (13:16 - 14:21)

still have to be answered okay no problem well I'll thank Mr Reynolds then and move on to the question of the hedge now I think the there were a couple of elements to that issue the first one was a general issue raised by other speakers about the quality of the hedge in biodiversity terms and I'm going to ask Dr Linus again to comment on that the second question the second element of the question was need it all be removed I think well it does cut across the site and therefore it was necessary to take it out to provide the the scheme as presented so that is what's before the committee it's worth noting of course that what is proposed in terms of replanting will provide a three-fold betterment for removal of the hedge and I'll ask Dr Linus to comment on that and on the related issue of time to establish that planting thank you Mr Robertson and I think

[Speaker 2] (14:21 - 17:35)

that's a good point to start off with that indeed although the hedgerow will be removed we're not replacing it with 120 meters we're replacing it actually with a three-fold increase so there's going to be over 360 meters of mixed native hedges will be planted as that replacement and in addition we're also going to be substantially increasing the the width of the rear of the site with a five meter band of planting again of native species which are from Dara's preferred list and this will ensure that the biodiversity on the site in relation to plants and hedges is retained and we've heard as well about the middle hedge the crucial middle hedge and it was actually found to be an unfavorable condition we have to assess the hedgerow on something and we used the best scientific method that we could come up with to do that in one of the categories it scored a zero for ground flora which means the the type of plants and the the number of flowering species and so on which are underneath the the hedge at its base and in my time as an ecologist I've seen many hedges and this one I was not very impressed with at all and the ground flora was lacking the it was a little bit gappy at the bottom at the base and you could see the grass going right into the bottom of it and as such any hedgerow that occurs like that scores a zero for that particular category and that's getting very technical but it does show that the hedgerow was deemed then as per the scientific method an unfavorable condition so with the the new planting we will retain connectivity around the site and that will provide connectivity for species and for different biodiversity and again as I've mentioned the rear of the site with this additional planting it will take time to develop we are fully aware of that but within even two years it will substantially increase we're using standards and extra standards to try and give it a head start if you like it'll also be planted quite closely and that will enable it to to grow quickly and rapidly and hopefully cover the majority of that rear in addition to the hedge that is going to remain and with that eventually what you'll be left with is this woodland planting right in front of the hedges and in the even short term but certainly medium to long term that will actually shield the development and from the agricultural and the lagoon valley site beyond and that's quite important as we've heard for the biodiversity elsewhere and that will be a very important part of the site. I think that covers most of it.

[Speaker 1] (17:35 - 17:48)

I wonder Dr Landis could you comment just on what you've heard from the objectors particularly about biodiversity on the site and how it relates to the hedge and more generally because I think it's important the members understand that from a professional expert point of view.

[Speaker 2] (17:51 - 19:33)

As I've outlined I've been surveying sites like this for over two decades and you get a feeling for what is a good site and what perhaps is a fairly site that is typical of the edge of farmland on the suburban edge and this is exactly that. We're not denying that there are any species around and indeed we're delighted to hear of the records that are occurring and we're not disputing those facts and indeed we have referred to them in the wider term and we haven't discounted the fact that species can come and use the site or travel through it. What we have to concentrate on and we've also heard I think it was Mr Putz outlined how he referred to in the area this site is this site it's not the wider Lagan Valley area beyond closer to the river where a lot of the records have come.

There are huge numbers of species and we're well aware of that. We have to assess as ecologists the site as it stands and the number of species on it are fairly limited. For example badgers which surveyed the site there are no badger sets on the site.

A lot of these protected species which we've gone through and the objections they do not currently live on the site they do not depend on it. They may pass through the site they may you may see them from the site from time to time and they are not dependent on the site and they do not live on the site as such.

[Speaker 1] (19:34 - 19:39)

So Alderman in essence our position is that this proposal will.

[Speaker 11] (19:39 - 19:43)

Excuse me just is that all your questions been answered Alderman?

[Speaker 4] (19:44 - 19:53)

Well no there's one more but the footpath at the back our lack of and the what time was that what time of the year sorry it was that survey would you have carried that survey doctor?

[Speaker 2] (19:53 - 20:26)

Which survey the head to view the head the head sorry specifically the hedgerow was done within the late summer time. As you can see I think it was referred to that there was no pictures of of the hedgerow within our ecological appraisal there were a number of photographs which outlined the the site in full full leaf. The hedgerow was also photographed and you can see the gaps through the middle hedgerow and so it was carried out at the correct time of year.

[Speaker 11] (20:27 - 20:35)

Thank you. Just the one about the footpath. You've got one more question Alderman yeah?

An answer I've just written an answer.

[Speaker 1] (20:37 - 20:40)

Okay so I could just clarify what the question was Alderman.

[Speaker 4] (20:42 - 20:55)

But it was about the footpath um um Jennifer a doctor had referred to it earlier but when you get into the deeper into the site the footpath stops at the hummerhead end of the site and I'm just wondering why?

[Speaker 1] (20:56 - 21:00)

Oh it's a shared surface issue yes probably Mr Thompson's the best person to comment on that.

[Speaker 5] (21:01 - 22:23)

Thank you David Thompson chartered civil engineer and so in terms of the suppose the road provision and we have a short traditional makeup at the site access where we have um the access developed in accordance with the standards been reviewed and approved by DFI roads. There's as mentioned previously we have footpaths on the access into the site and that provides onward provision to the rest of the public road network. Then within our site and the development changes into a shared surface arrangement and that can be used by all users then into one thing so that is developed fully to standard in accordance with creating places and so again the internal arrangements have been reviewed and approved by by DFI roads.

In terms of your question about servicing and how the operations of the site will work and we've submitted a service management plan again and that takes on board and the typical usage in terms of refuge foot collection emergency vehicles and come into the site and we've used um sort of sweat path analysis and with vehicle types to come in and show that vehicles can come in operate through the site and shown where the visitor parking is on site and being able to manoeuvre around the site successfully and access and egress in forward gear and so that has again been reviewed by DFI roads and to their acceptance.

[Speaker 6] (22:25 - 22:29)

Content and move on to Councillor Catmey please.

[Speaker 7] (22:30 - 23:08)

Thanks very much chair and thanks very much everyone for your presentation and my question is for Mr Robinson. I read that you sent all statutory consultees are content and all objectives concerns are met. Well I don't think they have been met as I listen to the coming forward to give forward their points of view so I want to go back in to Lord and I water with you and if this committee I'm not saying it is Madam Chair but this committee was minded to go against our officers where does that leave your client?

[Speaker 1] (23:11 - 26:10)

Well I think there are two limbs to that Councillor. The first limb is how this committee respectfully should approach objector concerns because clearly the objectors do have sincerely felt concerns but that is not in itself a sustainable basis for refusing planning permission. What is needed to sustain a refusal for planning permission on foot of those concerns is actual evidence so they have queries, they have concerns, they have fears about this and that but no actual evidence of harm that is relevant in planning terms.

So you have here a barrage of experts on behalf of the applicant, you have access to the statutory consultees and their expertise the question is what evidence is there that would persuade you rationally to turn away from that expert evidence and assessment and go with unsubstantiated concerns sincere though they may be. Now I've been specialising in planning for over 30 years I think I may have bumped into you before in the context of Victoria Square quite a few years ago and I have to say that I have rarely if ever come across an application that is more stark, more clear-cut in favour of approval. Not as Mr Pooch suggested stark in favour of refusal because all the evidence, all the expert consultees are saying there's nothing to see here, no reason for refusal.

What rational basis is there to go against that? So you ask me where would it leave my client if to go against us, if the council were to go against us? Well and I say this more in sorrow than in anger but in the hopefully unlikely event of you doing that, my strongest possible advice to my client would be to appeal to the Planning Appeals Commission and based on the 30 odd years of experience I would be very confident of winning that appeal and based on the fact that the council would be going against not only its officer advice but the advice of expert statutory consultees in the face of this morass of scientific evidence from independent experts. I have to say I would have to ask for costs against the council and I would be confident of getting costs against the council.

What sort of costs are we talking about? We'll look at the number of professionals here, we're looking somewhere north, probably well north of a hundred thousand pounds and that's the stark reality. I didn't lead with that as part of my presentation but you have to ask yourself unless these concerns can be objectively sustained on the evidence, on the evidence before you, what rational basis is there for refusing planning permission here?

So I hope that assists councillor.

[Speaker 7] (26:10 - 26:32)

Well can I come back in sure? Yes. Thanks very much and thank heavens you didn't win the Victoria Square too much but I think that there are genuine concerns and we are going to hear from NI Water for later and that probably will help.

Thanks very much.

[Speaker 6] (26:34 - 26:36)

Thank you. Councillor Morton.

[Speaker 9] (26:36 - 26:51)

Thank you so much for your presentation. Sorry David, I didn't get your second name, Mr Thompson. Are you the road man?

He's a good man. I love roads and I'm a panel tractor driver.

[Speaker 6] (26:52 - 26:54)

Councillor Morton can you speak into the microphone please?

[Speaker 9] (26:54 - 26:56)

Sorry, there's only me chatting with him.

[Speaker 1] (26:57 - 27:45)

Can I just raise a procedural issue before Councillor Morton poses this question? At the outset, I think it was Councillor Morton said that he was a member of the board of Lagon Valley Regional Park and I took from the way he said that, the way he explained his position that he wouldn't be taking part in these proceedings or indeed voting and then we've had quite a number of questions to various people, quite a number of whom of which appeared to be calculated in the legal sense of being likely to produce positive answers from the objectors. Now I don't understand how a member of a board who has objected to this application can participate in these proceedings and I would have thought that Councillor Morton, in all fairness and respectfully sir, should have recused himself.

[Speaker 9] (27:46 - 28:26)

Can I come back on that? One thing I never asked, I never mentioned the words what you just said, Lagon Valley Regional Park. That's the first time I've said those words in all my questions.

My focus, if everyone notices, was on road safety. That was all my questions. I'm on that board and I declared an interest.

I was on that board but as I declared I have no interest in by yourselves. I wasn't talking to yourselves. I've never met these before.

I think I saw this in the area I'm planning at one time but I'd never spoken to Lagon Valley Regional Park. I made that declaration and that's just to keep things there.

[Speaker 1] (28:27 - 29:23)

What we have here is a member of the board of an objector body taking part in these proceedings and looking at the passages from the code that I referred to earlier, clearly that should not have happened. So I am asking this councillor to at this stage recuse himself for further engagement and not to vote on exactly the same basis that I asked the chair to withdraw. I've really struggled to understand how this has happened but the fact that it has happened and allowed to happen is very concerning and it fundamentally calls into question the appropriateness of the way in which this meeting has been conducted and that's no criticism of you chair.

It's basically something we've stumbled into I think but it's nonetheless a big problem in legal terms. I'll come back on that.

[Speaker 6] (29:28 - 29:58)

And we'll just pause for a moment to get some advice. We're just going to adjourn the meeting for five minutes to let councillor Martin decide what he wants to do. We'll go for a comfort break but we remind no one to speak to anyone else.

Thank you.

 **This file is longer than 30 minutes.**

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As we are using free software to do this in 30 min bits the end of the excerpt re casts the participants as different speaker numbers. Its pretty clear who they are

**Planning Committee 18-09-2024 Excerpt end**

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[Speaker 1] (0:00 - 0:51)

In these proceedings and looking at the passages from the code that I referred to earlier, clearly that should not have happened. So I am asking this councillor to at this stage recuse himself for further engagement and not to vote on exactly the same basis that I asked the chair to withdraw. I've really I struggle to understand how this has happened but the fact that it has happened and would allow it to happen is very concerning and it fundamentally causes into question the appropriateness of the way in which this meeting has been conducted and that's no criticism of you chair, it's basically something that we've stumbled into I think but it's nonetheless a big problem in legal terms. I'll come back on that.

[Speaker 2] (0:56 - 1:30)

And we'll just pause for a moment to get some advice. We're just going to adjourn the meeting for five minutes to let councillor Martin decide what he wants to do. We'll go for a comfort break but we'll remind no one to speak to anyone else.

Thank you. Good evening, just bring councillor Martin back into the meeting please.

[Speaker 4] (1:38 - 2:38)

Greetings again. I want to just clarify what I said. I like my ducks lined up, this is so important and I declared that I was a member of the board of Laganruah Alley Regional Park so I declared that interest, that was the right thing to do and I also was aware according to the notes that Lagan Valley Regional Park lies outside of where this application is and I only became aware that when Dr Asjai made comment about the objection from Lagan Valley Regional Park but I sat on no board or committee that decided that about any objection. I wasn't aware of that so but on this for clarity for everyone I will remove myself from this meeting and I'll do that right now and get an early night.

Thank you.

[Speaker 2] (2:39 - 3:19)

Thank you councillor Martin. And just for my own clarity I'm going to now that we've lost another councillor I just would like to get some legal advice and some clarity on what position we're in now so I'm going to ask that we put the committee into or put the confidential into committee please. I would need a proposer councillor Bassett and a seconder councillor Trimble.

Thank you. We adjourned the meeting there just to get some legal advice and I would just ask would any of the members wish to speak? Councillor Trimble.

[Speaker 3] (3:20 - 5:06)

Thanks chair. After receiving legal advice it's become clear that Alderman Martin his involvement in the meeting up to this point has had the potential to influence the rest of us as members. He's taken part in questioning multiple of the speakers and when he became aware that he had his conflict that to be to keep himself right he has left but there's the perception and the possibility that that has influenced the rest of us and I think it is appropriate that we adjourn now that we defer.

I also acknowledge that we've spent a lot of time and a lot of attempts at this application already and I would add into the proposal chair that for the expediency in ironic terms of getting through when we look at there has been clearly a disparity or the apparent disparity of information regarding the wastewater capacity and I would seek that we obviously have to defer at this point that I propose to defer but in that deferment we ask NI Water in no uncertain terms and very robustly to provide clarification on the capacity of the Drumbeg wastewater treatment works and to engage with all the comments and concerns that have been raised to date because there seems to be an apparent disparity in the evidence in front of us so on those grounds chair I propose that we defer.

[Speaker 2] (5:08 - 5:11)

Thank you do we have a seconder? Councillor Campbell.

[Speaker 5] (5:11 - 5:23)

Yes I'd be happy to second but just only Northern Ireland Water I also think we need to add to the environment in our environment as well because it seems to be two different conflicts coming back from both of them so happy to second.

[Speaker 1] (5:24 - 5:33)

Chair just before a vote is taken on that could I make a legal submission to you? I'm sorry can you make a legal submission to you?

[Speaker 2] (5:37 - 5:43)

Speaker we're just going to take a vote first on the proposal and then we will speak after.

[Speaker 1] (5:43 - 5:54)

Well chair if I may I think you need to hear my submission before you have the vote because it touches on what's being proposed as a way to resolve today's difficulties.

[Speaker 2] (5:56 - 6:39)

At this point I would like to have the vote because the members have proposed that they want additional information and I think we need to go to the vote now. Okay so those in favour of the proposal? That's unanimous.

Oh sorry myself too all right and do we wish to take the legal submission from the speaker?

[Speaker 1] (6:48 - 8:55)

I haven't ever been in a council meeting like this ever and I say that because normally issues of conflicts possible conflicts apparent conflicts either actual bias or apparent bias are ironed out in advance what we have here is a situation where no doubt with the best of motives councillor Martin engaged in debate having told the committee and the chair that he was a member of a board of the one of the objectors and he was allowed to ask questions essentially attacking the development of the objectors in a way that as I put it previously appeared to calculate it in the legal sense to generate negative comment about the application and this councillor Trimble in all fairness and frankness has said that he accepts that there was I think his word potential for those questions and presumably the answers they elicited to influence the other members but that being so how does removing this councillor Martin removing himself solve that problem that potential influence is still there and therefore there is a serious question arising as to apparent bias and at least apparent predetermination if the committee proceeds to reconvene at a later date with the same membership all of whom have been and I use this word because I can't think of a better word tainted by what has happened tonight how do you get around that on a reconvening of this committee these members to deal with the rest of this application I want clarity on that because I would need to take instructions from my clients if we don't get clarity or appropriate clarity thank you speaker your

[Speaker 2] (8:55 - 9:12)

submission has been noted but the due to the vote it has been deferred and once we have another date for the deferral well um I can well we can go on forward ahead okay I've closed it call this meeting to a close

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