

**SPECIAL PLANNING COMMITTEE MEETING HELD
TUESDAY 7 OCTOBER 2025**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>None</i>
2.	Declarations of Interest	<i>None</i>
	'In Committee' (Item 3)	
3.	Confidential Legal Update	<i>That Planning Committee follow the specialist legal advice sought from Gregory Jones KC</i>

**MINUTES OF THE PROCEEDINGS OF THE SPECIAL MEETING OF THE
PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC
HEADQUARTERS AND VIA VIDEO CONFERENCE
ON TUESDAY 7 OCTOBER 2025 AT 6.01PM**

Chair: Councillor Kane (C)

Committee Members: Alderman Boyle (C), Callan (C), Coyle (C), Hunter (C), S McKillop (C), Scott (C)
Councillors C Archibald (C), Kennedy (C), McGurk (C), McMullan (C), McQuillan (C), Nicholl (C), Storey (C), Watton (C)

Officers Present: M Quinn, Director of Corporate Services (C)
S Mathers, Development Management and Enforcement Manager (C)
M Jones, Council Solicitor, Corporate, Planning and Regulatory (C)
S Duggan, Committee & Member Services Officer (C)

In Attendance: G Jones KC BL (R)

Key: R = Remote in attendance C= Chamber in attendance

The Director of Corporate Services undertook a roll call.

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct and Remote Meetings Protocol.

1. APOLOGIES

There were no apologies recorded.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

*** Alderman Boyle arrived at the meeting at 6.05PM.**

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Storey
Seconded by Alderman Boyle and

RESOLVED – that Planning Committee move ‘*In Committee*’.

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

3. CONFIDENTIAL LEGAL UPDATE

Confidential report, by virtue of paragraph(s) 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 was previously circulated and presented by the Council Solicitor.

The report presented Senior Counsel’s Opinion relating to the merits of challenging the PAC’s decision to grant planning permission for the Magheramore Windfarm.

Background

An application for full planning permission, (Ref: LA/2019/0922/F) for a windfarm at Magheramore, Dungiven was submitted by the applicant Renewable Energy Systems (RES) on 02 August 2018.

The Planning Department presented a recommendation to the Planning Committee for decision. This recommendation was to refuse. This recommendation was accepted by the Planning Committee on the 22 November 2023. The decision issued on 5th December 2023. The applicant appealed the decision to the PAC. The appeal hearing took place on the 30 April 2025. The appeal was allowed on 31 July 2025.

At its meeting on 27 August 2025, the Planning Committee resolved to request a barrister to review the decision to ascertain whether there is a prospect of success of quashing the decision through judicial review.

Recommendation

The Opinion from Gregory Jones KC be considered. Senior Counsel [REDACTED]

It is recommended that the Planning Committee follow the specialist legal advice sought from Gregory Jones KC.

In response to questions from Councillor McGurk, the Council Solicitor provided estimated costs moving forward with Judicial Review proceedings and in the event of being unsuccessful. In response to Councillor McGurk, the Council

Solicitor provided a view on the risk of Councillors' personal liability, the risk of legal challenge, complaint to NIPSO and reputational damage in the event of being unsuccessful. Advice was provided on the timeframe for Pre Action Protocol and Proceedings.

G Jones KC presented his Opinion and responded to questions from Planning Committee Members.

- * **Councillor Nicholl arrived at the meeting at 6.10pm during consideration.**
- * **At 6.29pm, it was observed that Alderman McKillop was in attendance.**

Councillor McMullan requested a recess.

- * **The Chair declared a recess at 6.48pm for 10 minutes.**
- * **The meeting reconvened at 6.58pm.**

Alderman Callan addressed Planning Committee on his conclusion of the Legal Opinion.

Alderman Callan considered Elected Members required clarification of surcharge, stating that it did have impact on decision making for Councillors.

In response to Alderman Callan, the Chair advised that he would bring the comment on surcharges to the Chief Executive.

The Chair called a Recorded Vote.

Proposed by Alderman Callan

Seconded by Alderman Hunter

– That Planning Committee follow the specialist legal advice sought from Gregory Jones KC.

The Chair put the motion to the Committee to vote.

9 Members voted For, 5 Members voted against, 1 Member Abstained.

The Chair declared the motion carried.

Councillor Kennedy advised he abstained as he had not heard.

RESOLVED – That Planning Committee follow the specialist legal advice sought from Gregory Jones KC.

Recorded Vote Table

For (9)	Alderman Boyle, Callan, Coyle, Hunter, S McKillop, Scott, Storey, Watton
	Councillor Kane
Against (5)	Councillor Archibald, McGurk, McMullan, McQuillan, Nicholl
Abstain (1)	Councillor Kennedy

Following the vote taken, Councillor McGurk stated she had cast her vote incorrectly. The Chair ruled it could be changed.

MOTION TO PROCEED '*IN PUBLIC*'

Proposed by Councillor Storey

Seconded by Alderman Callan and

RESOLVED – that Planning Committee move '*In Public*'.

This being all the business the meeting closed at 7.02pm.

Chair