

Laura Crawford

From: Lee Kennedy [REDACTED]
Sent: 15 October 2021 13:25
To: Denise Dickson; Planning; Joseph McCaughan; Shane Mathers
Cc: James O'Kane; William Orbinson
Subject: FW: LA01/2018/1402/F - Finvoy Road, Ballymoney.

FAO. Ms Denise Dickson,

We are dismayed to discover this retrospective planning application has been scheduled for Planning Committee on the 27th.

Council is well aware that there is a pending EN Appeal (**PAC Ref: 2020/E0012 & Council Ref: EN/2020/0106**) in progress with the PAC for this subject site and this planning application directly equates to the deemed application for the EN appeal.

We have consulted Senior Counsel, William Orbinson QC, who believes the proposed actions of Causeway Coast & Glens Council in determining this application before being in a position to consider and reflect the findings of the PAC are unlawful and 'Wednesbury' unreasonable, as the forthcoming PAC decision is a major material consideration in the determination of this planning application and the Council cannot rationally proceed to determine the application without knowing the PAC's decision. Mr Orbinson QC has asked us to draw to your attention specifically the point that there is clear authority in case law that the decisions of the PAC have precedent value and must be followed by local planning authorities, so that proceeding to determine the application without sight of the PAC decision is a subversion of the role of the PAC and of the precedent value in its decisions. Mr Orbinson QC further advises that to proceed to determine the application without sight of the PAC decision would constitute maladministration, and that if the Council chooses to proceed to determine as proposed our client should seek compensation from the Ombudsman in respect of the substantial costs incurred in appearing before the Council, including those relating to his own appearance.

We, therefore, request that this planning application is removed from the committee schedule until after the determination of the planning enforcement appeal by the PAC.

Please confirm by return that this application will now be removed from the forthcoming planning committee schedule.

Regards,

[REDACTED]

On Behalf of:



From: [William Orbinson](#)
Sent: 15 October 2021 13:15
To: [Lee Kennedy](#); [James O'Kane](#)
Subject: Re: LA01/2018/1402/F - Finvoy Road, Ballymoney.

Trust this is helpful.

Regards



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**Legal Associate of the Royal Town Planning Institute and holder of the RTPI/Law Society
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