



# planning appeals principles

The decision-taking  
approach of the  
Planning Appeals Commission

William Orbinson

Consultant Editor John Warke

**Planning**

**Online**

In association with  
Carson McDowell Solicitors

## profiles

### William Orbinson

Specialising exclusively in planning and related environmental law issues, leading barrister William Orbinson spends most of his time providing expert planning advice to the development community, and representing developers and landowners in major planning inquiries, development plan inquiries, appeals, enforcement proceedings and judicial reviews

Mr Orbinson is the only member of the NI Bar to have qualified as a Legal Associate of the Royal Town Planning Institute, and to be an Affiliate of the Irish Planning Institute. He is also the sole NI Associate of the Planning and Environment Bar Association: the Specialist Bar Association for Planning, the Environment and Local Government. A founding member and past Chair of EPLANi: the Environmental and Planning Law Association for NI, Mr Orbinson has served on the local branch Committee of the RTPI, as well as on various development-related committees of the Royal Society of Ulster Architects. He has taught planning at QUB and UUJ, and is a regular speaker at planning conferences and Solicitors' CPD events throughout these islands. He contributes to specialist planning, property development and architectural journals, and is the author of our main texts on planning policy, prematurity, and local government planning functions

Over the past decade, Mr Orbinson has developed a particular specialism in the expanding field of planning appeals, drawing on his close understanding and wide experience of the principles explained in this publication

### John Warke

John Warke is a Fellow of the Royal Town Planning Institute and worked as a Planning Officer with Londonderry County Council, Craigavon Development Commission and the Ministry of Development before his appointment as a member of the Planning Appeals Commission in 1976. He retired as Chief Commissioner in June 2006, having held the post for the last 7 years, and before that was Deputy Chief Commissioner from 1993 until 1999. He was also Chief Commissioner of the Water Appeals Commission and was responsible for introducing a range of measures to make the appeals process more accessible and to improve efficiency and effectiveness, while maintaining the quality of decision-making. He has an in-depth knowledge of planning law and practice, particularly in the appellate context, and has spoken at conferences and seminars throughout the United Kingdom and written articles for local journals. Mr Warke is currently a Committee member of the Environmental and Planning Law Association for Northern Ireland (EPLANi) and has served on the local branch of the Royal Town Planning Institute

### Cover

Computer visualisation of an appeal proposal for contemporary housing at Tudor Oaks, Holywood

#### Architect

Des Ewing Architects

#### Client

Kilbrannen Limited

#### Planning consultants

Farningham McCreddie Partnership Ltd

#### Counsel

William Orbinson

#### Rear cover

Beacon of Hope by Andy Scott

Cover design by Hexagon, Holywood

### Carson McDowell

Established in 1851, Carson McDowell Solicitors is one of the oldest and largest law firms in Northern Ireland. The firm provides a full range of legal services focusing on all aspects of commercial property law, litigation, banking, corporate law and private estates to a wide spectrum of clients from both the private and public sectors together with commercial, institutional and entrepreneurial clients

The firm's Planning Unit, which was established 12 years ago, is headed by Partner Gary McGhee. Mr McGhee is one of only a handful of solicitors in the region who specialises exclusively in planning law. Carson McDowell's Planning Unit has represented clients at over 50 planning appeals and major public inquiries over the course of the last few years and advises clients on the formulation and preparation of planning applications. The Firm's Planning Unit specialises in the instigation/defence of judicial reviews of planning decisions and Mr McGhee is currently involved in a number of high profile judicial challenges to draft area plans and policy documents

Carson McDowell's Environmental Unit, led by Alastair Todd, focuses on providing seamless advice across all the firm's disciplines, particularly planning, commercial property and corporate. The Unit advises clients on Environmental Impact Assessments, permit & compliance issues (particularly in relation to water and waste), and contaminated land. Mr Todd is the elected secretary of EPLANi (Environmental and Planning Law Association for Northern Ireland), sits on the Northern Irish working group of UKELA (United Kingdom Environmental Law Association) and has been involved in legislative drafting for the Environmental Policy Division of the DoE



Planning Online was developed by Alistair Dunn, Chartered Surveyor and has, since 1999, been providing online planning information in Northern Ireland. Subscribers to the Planning Online website now have access to details of all planning applications in NI since 1973 (over 720,000 entries) and all Planning Appeals since 1996 (over 4000 entries), including the Decision Letters and the Commissioner's Reports. In addition, for practitioners specialising in Planning Appeals, there is a policy keyword search linked to the relevant appeal entries ("key" cases)

### Online version of this publication.

As publisher of this book, Planning Online is also producing an interactive online version that will allow users instant links to the relevant case references. This online publication will be available shortly on a subscription basis. For details of how to access Planning Online and the interactive version of *Planning Appeals Principles*, go to [www.planningonline.co.uk](http://www.planningonline.co.uk)

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