



Gary McGhee

Partner



Areas of Law: Planning and Environmental

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Profile

Gary is the Partner in Carson McDowell LLP who heads the firm's Planning and Environmental Law Team, which he established over 20 years ago. Gary is one of the few solicitors in NI who specialises exclusively in planning and environmental law. Similarly, Gary is also one of the few solicitors in the jurisdiction to be qualified as a Legal Associate of the Royal Town Planning Institute.

Gary specialises in the co-ordination of major planning applications, representation of clients at planning appeals and major public inquiries and the instigation / defence of judicial reviews of planning / environmental decisions.

Gary has represented clients at over 60 planning appeals and major public inquiries and has been involved in most of the major planning and environmental judicial reviews in NI over the course of the last two decades.

Gary became a partner in Carson McDowell in 2004 and is a member of the UK Environmental Law Association (UKELA) and the Environment and Planning Law Association for NI (EPLANI). Gary is described in Chambers and Partners 2016 as '*market-leading*' and as having '*a wealth of experience in planning inquiries and judicial review*', while The Legal 500 2016 praises him for his '*focused advice*'.

Experience

(i) Judicial Review

Aviation: instigating successful judicial review proceedings on behalf of Belfast International Airport challenging the lawfulness of a decision of the Minister for the Environment to remove a restriction on the number of seats that can be sold per annum by George Best Belfast City Airport;

EIA / Habitats Directives: instigating the successful judicial review proceedings on behalf of Sandale Developments Limited challenging the lawfulness of a decision by the Department of the Environment to grant planning permission for a school in Carrickmore. The judicial review was the first case in NI to rely upon the provisions of the Habitats Directive;



SEA Directive: instigating judicial review proceedings on behalf of multiple clients challenging the lawfulness of various draft Area Plans based on an alleged failure to comply with the requirements of the Strategic Environmental Assessment Directive. The challenges were the first of their type in the European Union;

Retail: instigating successful judicial review proceedings on behalf of multiple retail clients challenging the lawfulness of a decision of the Department of the Environment in relation to the conduct of the public inquiry into the proposed John Lewis store at Sprucefield;

Retail: defending judicial review proceedings challenging the lawfulness of multiple open class retail consents relating to proposed developments in Belfast;

Retail: instigating judicial review proceedings challenging the lawfulness of a major retail development in Newry;

Waste / Energy: instigating judicial review proceedings challenging the lawfulness of a decision by the Minister for the Environment to signal his intent to approve a waste incinerator;

Waste / Energy: instigating successful High Court proceedings to stop a proposed incinerator in Belfast Harbour;

Energy: advising Northern Ireland Electricity on its defence of a judicial review challenging the lawfulness of its planning application for the proposed North-South electricity interconnector;

On Shore Wind / EIA: instigating successful proceeding challenging the lawfulness of a grant of permission authorising the construction of multiple turbines;

Noise: successful judicial reviews of decisions by Planning Service to permit housing development in close proximity to an industrial facility resulting in the securing of greater noise attenuation measures than required by the planning permission;

Enforcement: successful defence of judicial review proceeding challenging the lawfulness of enforcement notices;

Enforcement / Minerals: acting in the defence of judicial review proceedings regarding the failure of the Minister for the Environment to serve a stop notice for mineral extraction activities;

Enforcement: instigating judicial review proceedings into the failure of a local Council to serve a stop notice for unauthorised airport parking;

Retail: successful defence of judicial review proceedings challenging the lawfulness of a planning permission for a proposed superstore in Craigavon;

Housing: successful judicial review of the lawfulness of a planning permission for a major housing development in Belfast;

Housing: acting in the defence of judicial review proceedings challenging the lawfulness of a planning permission for social housing in Larne;

Housing: acting in the defence of judicial review proceedings challenging the lawfulness of a planning permission for social housing in West Belfast;



Industry / Appeals: successful judicial review of a decision of the Planning Appeals Commission in relation to proposed industrial development at Dungiven;

Housing / Appeals: successful judicial review of decisions of the Planning Appeals Commission in relation to 6 appeals for housing in County Armagh;

Park Homes / Caravans: successful High Court application clarifying the law in NI regarding the need for planning permission for Park Homes;

Retail: successful judicial review of a decision of the Planning Service to grant planning permission for a major retail development in Armagh;

Retail: successful defence of judicial review proceedings challenging the lawfulness of a planning permission for a £14 million superstore at Knocknagoney, Belfast;

Housing / Appeals: successful judicial review of a decision of the Planning Appeals Commission to grant planning permission for an apartment development in East Belfast on behalf of local residents;

Leisure: successful defence of judicial review proceedings instigated by the National Trust challenging the lawfulness of a planning permission at the Giant's Causeway;

Retail: advising client on judicial review for food superstore in Portadown;

Minerals: advising client quarry operator on its judicial review on the lawfulness on the Aggregates Levy Scheme;

Retail: Successful defence of judicial review proceedings challenging the lawfulness of a retail permission for unrestricted retailing at Boucher Road, Belfast; and

Retail: Successful defence of judicial review proceedings challenging the lawfulness of a retail permission for a new food superstore in Coalisland. The challenge alleged breaches of European Law and procedural errors.

(ii) Major Public Inquiries

Road scheme: representation of clients at the major public inquiry into the upgrade of the Westlink;

Retail: representation of Tesco at multiple public inquiries for proposals for major superstores across NI;

Ports: representation of clients at the public inquiry into proposals to redevelop the Port of Warrenpoint;

Road scheme: representation of clients at the inquiry into the proposed A5 Western Transport Corridor;



Retail: representation of House of Fraser, Corbo Properties Limited and Leaside Developments Limited at the major public inquiry into the proposed development of John Lewis store at Sprucefield;

Road scheme: representation of clients at the public inquiry into the proposed upgrade of the Knock Dual Carriageway;

Airports / Noise: representing Belfast International Airport at the public inquiry into the application by Belfast City Airport to revise the planning agreement regulating noise at Belfast City Airport;

Wind farms: advising TCI Renewables on the planning inquiry into its proposed wind farm in Coleraine;

Compulsory Acquisition / Vesting: representing clients at public inquiry into proposed vesting of land at Sprucefield, County Antrim.

(iii) Major Planning Applications

Industry: co-ordinating the successful planning application for a £48 million bottling facility for Coca Cola at a greenbelt location outside Lisburn;

Retail: co-ordinating the successful planning applications for Tesco for new superstores across NI including stores in Belfast, Craigavon and Derry / Londonderry;

Retail: co-ordinating the successful planning application for a £50 million extension to Ards Shopping Centre;

Housing: co-ordinating the successful planning application for a major housing development at Ballyclare;

Retail: co-ordinating the successful planning application for the redevelopment of the Dairyfarm Shopping Complex in West Belfast;

Distribution: co-ordinating a successful planning application for a major distribution centre in County Antrim;

Housing: co-ordinating multiple successful planning applications for housing development on open space land at Campbell College;

Roads: advising on the development of the North-Lisburn Feeder Road in County Antrim;

Renewable Energy: advising multiple clients on successful applications for major wind farm developments including successful appeals to the Planning Appeals Commission;

Permitted Development Rights / Renewable Energy: advising the Port of Belfast on its 50 acre wind farm assembly site for off shore wind development;

Aviation: successful opposition to the proposed extension of the runway at George Best Belfast City Airport; and



Waste / Energy: provision of advice opposing a proposed waste incinerator at Lough Neagh on behalf of client residents.

Energy: advising NIE and subsequently SONI on the proposed North – South electricity interconnector.

Minerals: advising consortium of companies on a proposed application for sand extraction at Lough Neagh – the largest planning application in the history of Northern Ireland.

(iv) Area Plan Inquiries

Representing clients at the public inquiries into the draft Lisburn Area Plan, draft Northern Area Plan and draft Belfast Metropolitan Area Plan.

(v) Planning Appeals

Representing clients at over 60 planning appeals into proposals for housing, retail, industrial and wind farm developments.

(vi) Current Judicial Reviews

Transport: representing a ferry company in its defence of judicial review proceedings challenging the decision to grant planning permission for its operations in County Down;

Enforcement: representing client company challenging the decision of a Council not to issue a stop notice;

Minerals: representing client gold mine in its defence of judicial review proceedings challenging the decision to grant planning permission for its operations in County Down;

(vii) Current Public Inquiries

Energy: advising Northern Ireland Electricity on its proposal for the North-South electricity interconnector; and

Energy: advising client company in relation to forthcoming public inquiry into its proposed wind farm in County Antrim.

(viii) Current Major Applications

Energy: advising SONI on its major infrastructure proposal for 34km of pylons which forms the NI element of the proposed North-South electricity interconnector;

Leisure: advising client on its proposed hotel and mixed use development in Enniskillen;

Minerals: advising consortium of companies on an application for sand extraction from Lough Neagh. The application will be the largest in size in the history of NI;



Solar Farm: advising client company on its major application for a 50 megawatt solar farm in County Antrim;

Farming: advising client on its application for a large scale pig farm and renewable energy scheme in County Antrim;

Retail: advising client on its application for a major extension to its shopping centre in Doncaster;

Harbours: advising client port on its application for a new cruise ship facility in Belfast;

Energy: advising client on its application for a major new gas pipeline.

Housing: advising client in relation to major housing and mixed use scheme in West Belfast;

On Shore Wind: advising multiple clients in relation to major wind farm proposals across NI;

Leisure: advising client on its application for major new hotel and mixed use complex in County Antrim.

Distribution: advising client on its application for a major distribution facility in Rugby, England.

Testimonials by Legal Guides

Chambers Guide to the Legal Profession 2016:

Planning Law

Rank: Band 1

What the team is known for

"Outstanding reputation for Northern Irish planning expertise. Retained by private and public sector clients to assist with a range of complex mandates. Excellent choice for renewable energy developments and major infrastructure projects."

Strengths (Quotes mainly from clients)

"An excellent team, very dedicated and thorough. I have no qualms in continuing to use them myself or referring them to other people. Their expertise is unsurpassed."

"The lawyers have a good knowledge of specific details of the law. They barely ever have to go and find it out, they just know it."

Work highlights

Assisted the System Operator for Northern Ireland with its planning application for a £120 million energy infrastructure project connecting the electricity grids of Northern Ireland and the Republic of Ireland.

Advised the Port of Belfast on all planning law aspects of a major mixed-use development at Belfast Harbour.



Notable practitioners

[Gary McGhee](#) is a market-leading specialist with notable work in wind farm planning, infrastructure and retail planning. He is a strong advocate and has a wealth of experience in planning inquiries and judicial review proceedings. One market commentator says: *"He is hugely strategic and technical when it comes to planning matters; he is really able to see the big picture for clients, and delivers results."*

[Grant McBurney](#) is establishing himself in waste planning and contaminated land issues in addition to general planning matters. One source comments: *"His preparation is thorough and his background work is the best. He's so tenacious and looks into things in such detail that we are never stumped when the opposition brings up a question."*

Significant clients Tesco, Belfast International Airport, Northern Ireland Electricity, ESB, Rathlin Energy."

Chambers Guide to the Legal Profession 2016:

Environmental Law

Rank: Band 1

"What the team is known for Leading environment practice in Northern Ireland. Advises a range of high-profile clients on both contentious and non-contentious mandates. Notably acts for clients on environmental matters relating to wind farm and other renewables projects.

What's new? New client wins include Gaelectric and ABO Wind.

Work highlights Advised Elgin Energy Esco on the environmental aspects arising out of the proposed development of a 60 MW solar farm.

Represented System Operator for Northern Ireland in its planning application for a 34 km grid connection that will connect the Northern Ireland and Republic of Ireland electricity grids.

Notable practitioners

[Gary McGhee](#) has a long-standing reputation in the Northern Irish market. Clients note that his *"breadth of knowledge is second to none."* He has particular expertise on wind farm matters.

Significant clients Tesco, Belfast International Airport, The Port of Belfast, Rathlin Energy, ABO Wind."

The Legal 500 2016:

Planning and Environment

Rank: Sole NI Firm ranked in Tier 1



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"Additions to Carson McDowell LLP's client roster include Windyfields, Movieland Cinemas and ABO Wind. Practice head Gary McGhee (who is noted for his 'focused advice') advised Rathlin Energy on a planning application concerning proposed exploratory drilling for hydrocarbons near Ballymoney