

October 18th, 2016

Notice Of Meeting

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 19th October 2016 at 5:00 pm** in **the Boardroom Monaghan Row Newry.**

The Committee Members are:

Chair: Councillor R Mulgrew

Vice: Councillor T Andrews

Members:

- Councillor S Burns**
- Councillor C Casey**
- Councillor G Craig**
- Councillor D Curran**
- Councillor G Fitzpatrick**
- Councillor V Harte**
- Councillor D Hyland**
- Councillor J Macauley**
- Councillor P O'Gribin**
- Councillor G Stokes**
- Councillor D Taylor**
- Councillor J Tinnelly**
- Councillor J Trainor**

Agenda

1. **Apologies and Chairperson's Remarks.**
2. **Declarations of "Conflicts of Interest".**
3. **Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 21 September 2016. (Attached).**

[RTS Action Sheet - 21 September 2016.pdf](#)

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For Consideration and/or Decision - Building Control

4. **Report re: Implementation of the Licensing of Pavement Cafes Act (NI) 2014 Policy. (Attached).**

[Licensing of Pavement Cafes Act.pdf](#)

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For Consideration and/or Decision - Planning

5. **Six month update on Planning Review. (Report attached).**

[Item 5 - Six Month Update - on Planning Review.pdf](#)

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6. **Report on analysis of average processing times (local applications). (Attached).**

[Item 6 - Analysis of Average Processing Times \(Local Applications\).pdf](#)

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7. **September 2016 Planning Committee Performance Report. (Attached).**

[SEPTEMBER 2016 Planning Committee Performance Report.pdf](#)

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8. **September 2016 Appeals and Decisions. (Attached).**

9. **Record of Meetings between Planning Officers and Public Representatives. (Attached).**

Record of meetings between Planning Officers and Public Representatives.pdf

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10. **Register of contact Q2 July-September 2016. (Attached).**

REGISTER OF CONTACTS - Q2 July - Sept 2016.pdf

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For Consideration and/or Decision - Facilities Management and Maintenance

11. **Report re: provision of mains water supply to Newry Felons Community Garden at Loanda Community Centre, Newry. (Attached).**

Report Provision of mains water supply to Newry Felons Community Garden.pdf

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12. **Report re: permissible headstones within Council Cemeteries. (Attached).**

Report Permissible Headstones within Council Cemeteries.pdf

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For Consideration and/or Decision - Waste Management

13. **Brown Bin Scheme. (Attached).**

R&TS Committee 191016 - District wide food waste collection report.pdf

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For Noting

14. **Finalisation of the Landfill Allowance Scheme (NI) Regulations 2004 (As amended) 11 Scheme year 2015/2016. (Attached).**

Letter from Land & Resource Management.pdf

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15. **Arc21 Joint Committee Members' Monthly Bulletin 29**

September 2016. (Attached).

ARC21 JC Monthly Bulletin 29 Sept 2016.pdf

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16. **Arc21 Joint Committee Meeting - Minutes of meeting held on Thursday 8 September 2016. (Attached).**

ARC21 JC Minutes 8 Sept 2016.pdf

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17. **Historic Actions Tracking Update. (Attached).**

Historic RTS Action Sheet - 21 September 2016Fin.pdf

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ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING**21 SEPTEMBER 2016**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/138/2016	Implementation of the Licensing of Pavement Cafes Act (NI) 2014 Policy and Procedure	Approve the Pavement Cafes Designation Policy and Procedure for the implementation of the Pavement Café legislation, as set out in Appendix 1 circulated at the meeting	C Jackson	Actioned	Y
RTS/139/2016	Amendments to Part M of the Building Regulations	The Assistant Director of Regulatory Technical Services prepare and submit a response to the Consultation on Amendments to Part M of the Building Regulations on behalf of the Council, prior to the closing date of 7 October 2016.	C Jackson	Actioned	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/145/2016	Kilbroney Municipal Cemetery	<p>The Council continue with current practice of maintaining its cemeteries in a lawn format and respond to current requests to erect individual surrounds advising of this decision.</p> <p>Mr Scullion submit a report to the Rate Estimates Review Meeting for 2017/2018 on the need for a capital works project at Kilbroney Municipal Cemetery to address subsidence and uneven ground issues.</p>	K Scullion	<p>Actioned</p> <p>In progress</p>	<p>Y</p> <p>N</p>
RTS/146/2016	Magheradrool Old Church and Graveyard, Ballynahinch	<ul style="list-style-type: none"> Mr Scullion investigate if the old church in Magheradrool Graveyard is a designated listed building. 	K Scullion	The ruined church building is not listed. It is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<ul style="list-style-type: none"> Mr Scullion submit a comprehensive report to a future RTS Committee Meeting clarifying if the Council owns the Church and Graveyard and also, if they are the owners, was there any opportunities to seek funding to carry out potential maintenance works. Mr Scullion to look at possible clean-up works at Well Lane Graveyard and report back to Committee. 		<p>In progress</p> <p>Under consideration</p>	<p>N</p> <p>N</p>
	The Strategic Waste Working Group (SWSG)	The Committee approve the action points 5-7 from the Strategic Waste Working Group Meeting held on 23 August 2016 and approve the specific actions in points 5a through to 5i.	J Parkes	Progressing action points. District wide organic waste collection paper going to October Committee	Y
RTS/148/2016	The Future of NIs Municipal Waste	The Committee endorse the proposals within "The Future of Northern Ireland's Municipal Waste" paper and approve the associated draft Action Plan.	J Parkes	Considering and implementing as part of the Council's Waste Strategy	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/149/2016	Cloonagh Road Household Recycling	Agreed Cloonagh Road Household Recycling Centre opening hours should be changed from 8.00am to 9.30am to facilitate skip emptying, so to allow for more robust opening times and reduce complaints on site closure for skip emptying.	J Parkes	New opening times now implemented at Cloonagh Road HRC.	Y
RTS/156/2016	Off-Street Parking – extension of Agency Agreement with Transport NI	To approve the proposed extension of the Agency Agreement and Technical Specification with Transport NI (TNI) for up to a further three (3) years, effective from 1 November 2016 to 31 October 2019, based on the final schedule of costs provided at Appendix 1, as circulated at the Meeting.	C Jackson/J McBride	Actioned	Y
END					

Report to:	Regulatory and Technical Services Committee Meeting
Date of Meeting:	19 th October 2016
Subject:	Implementation of the Licensing of Pavement Cafes Act (NI) 2014 Policy
Reporting Officer (Including Job Title):	<i>Mr Colum Jackson, Assistant Director of Regulatory and Technical Services</i>
Contact Officer (Including Job Title):	<i>Mr Colum Jackson, Assistant Director of Regulatory and Technical Services</i>

Decisions required:

Members are asked to note the content of this report and give consideration to:

- The Approval of an amendment to the attached Policy for the implement of the Pavement Café legislation
- Increased width of available footpath
- Appropriate screening included
- Powers of Enforcement

1.0	Purpose and Background:
1.1	<p>The Licensing of Pavement Cafés Act (NI) 2014 came into operation with effect from 1 October 2016. This new legislation allows owners of cafés, restaurants, pubs or other premises supplying food or drink to apply to Newry, Mourne and Down District Council for a Pavement Café Licence to place temporary furniture outside their premises for use for the consumption of food or drink supplied.</p> <p>However while the provision of street cafés is encouraged it is important that they are properly administered and managed to ensure that they meet the high standards expected in our towns. They should not obstruct the footway or create a hazard for pedestrians especially for blind, partially sighted and other disabled people or cause noise disturbance or other nuisance to residents or neighbouring businesses. They should also be attractive areas to sit in.</p>
2.0	Key issues:
2.1	<p>The Licensing of Pavement Cafés Act (Northern Ireland) 2014 concluded its legislative passage and received Royal Assent on 12 May 2014.</p> <p>The Pavement Café Designation Policy is integral to the successful implementation of this Act, the formal adoption of these guidelines is</p>



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**
District Council

Pavement Cafés

Designation Policy

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

REGULATORY & TECHNICAL SERVICES DEPARTMENT

AMENDED

Dated: 10 October 2016

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1. Purpose

By virtue of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the District Council may regulate the placing on public areas of furniture for use for the consumption of food and drink.

Pavement cafés are becoming a familiar sight across the UK and Ireland. They can help develop a local café culture, which in turn can have a positive effect on urban environments, promote town and city centres, contribute to the general well-being of communities and appeal to tourists.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to designate a street or part thereof as a pavement café and whether to grant or refuse an application for a pavement café.

Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

2. Scope

This Policy is intended to ensure that the District Council's Members and Officers are aware of those matters to be taken into consideration when determining if a street or part thereof should be designated for the purpose of the pavement café licence and whether to grant a pavement café licence.

Initially the District Council will consider those areas in respect of which applications have been received for, or already licensed for a pavement café (including those areas where applications have previously been refused).

3. References

- 3.1 Licensing of Pavement Cafés Act (Northern Ireland) 2014
- 3.2 Pavement Café Designation Procedure
- 3.3 Guidance for Applicants

4. Background

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 (here after called 'the Act') enables District Councils to regulate public areas by preventing undue nuisance, interference or inconvenience to people and traffic. The Act shall come into force on the 1st October 2016.

The Act requires the District Council to designate specific areas, streets or part thereof in the District Council as being suitable for a pavement café licence. This is designed to be an open system, which allows everyone an opportunity to comment on the proposal to permit a pavement café licence in a particular area.

5. General Principles

5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the District Council is to make sure that each pavement café licence application is fairly and objectively assessed and that all relevant factors are considered.

5.2 The District Council will consider applications, in writing on the prescribed form, to a pavement café licence at a designated site within the boundaries of the District Council.

5.3 Consultees

The District Council will consult with –

- (a) The Department of Infrastructure as regards that Department's functions with respect to roads and regulation of road traffic.
- (b) The District Commander of the Police Service of Northern Ireland (PSNI) in which the premises are situated; where such premises are issued under the Licensing Order

The District Council may also consult other persons, as it considers appropriate e.g.

- (a) The District Council's Planning Department
- (b) Relevant Chamber of Commerce/Trade
- (c) Town Centre Management Bodies
- (d) Community Groups/Local residents
- (e) Business and Commercial premises in the vicinity of the site in respect of which the application has been received
- (f) The District Council may consult other persons, as it deems appropriate

5.4 Additional Factors

Without prejudice to the District Council's rights, the District Council shall take account of the following in determining the suitability of each proposed area covered by the licence:

- (a) The safety of the public and any risks which may arise; including the size, type and layout of furniture.

- (b) The future development plans for the location;
 - (c) The appropriateness and suitability of the site and furniture in relation to the location and to the potential adverse impact that it would have upon the character and appearance of the area in question.
 - (d) The amount of interference or inconvenience to persons or vehicles using the street.
 - (e) The potential environmental effects arising from the location of the proposed designated site, such as additional litter, cleansing requirements, noise, odour and the possibility of increasing anti-social activities;
 - (f) Any statutory grounds which would be appropriate to consider;
 - (g) Complaints arising from or about the current pavement café's licence location;
 - (i) Any other relevant facts
 - (j) Hours of licence
 - (k) Period of licence for review
- 5.5 These issues may also be taken into account should the District Council decide to rescind or vary any Designation Resolution

6 General

- 6.1 The District Council retains its right to amend or replace this Policy at any given time.
- 6.2 All licence '**application fees**' are non-refundable
- 6.3 An application for a pavement café licence will be deemed valid only if it is in the approved application form, fully completed and accompanied by all requested documentation and payment of fees.
- 6.4 Licences will only permit trading on the stated days and times on the licence. The time during which the licence holder may operate as a pavement café must be agreed with the District Council prior to the issuing of the licence.
- 6.5 It shall be the policy of the District Council that a trader must obtain a separate licence for each pavement café.

- 6.6 Pavement café licences cannot be sub-let, sold on or transferred. Where a licence refers to a business partnership and a partner dies or withdraws from the business, the licence may remain in force, with a remaining person(s) named in the licence treated as a licence holder.
- 6.7 Refunds of '**pavement café fees**' will only be considered when the licence holder has not been able to trade due to circumstances beyond their control, for example when a road is closed or a site is inaccessible for any purpose such as road works etc. In the event of this occurring, the District Council must be informed no later than the day of trading.
- 6.8 Pavement café licences can be issued for a maximum period of 3 years or for such term as the District Council will determine.
- 6.9 **Safety of Pedestrians**
- (a) In order to safeguard the interests of pedestrians, a minimum width of 2 metres clearance must be maintained on the pavement including the kerbside beyond the perimeter of the licensed area. Where conditions permit, a reduction to 1.5m will be considered. This reduction shall be regarded as the absolute minimum and shall be restricted in length to a maximum of 6.0 m.
- (b) Where the seating area is adjacent to a road junction or vehicular access, 10 metres clearance should be left to allow for junction visibility.
- (c) All furniture, including menu boards associated with the Pavement Café is to be placed within the licensed area. The licensed area must be screened with appropriate screening to the satisfaction of the Council unless the Licensee can justify a reason not to do so.
- 6.10 The District Council must grant an application for a pavement café licence which is made to it in accordance with the Act unless it considers that it ought to refuse in accordance with section 4, paragraph (2) of the Act.
- 6.11 If it refuses an application, the District Council will notify the applicant in writing of its decision.
- 6.12 The District Council may vary the condition or area covered by licence:
- (a) on receipt of an application from the holder of the licence
- (b) on receipt of an application for a renewal of the licence by the holder of the licence.
- (c) on receipt of an application from the holder of the pavement café licence to remove an alcohol condition.

- 6.13 The District Council may at any time revoke a pavement café licence where:
- (a) all or any part of the public area becomes unsuitable.
 - (b) continuing to place such furniture in that area that would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.
 - (c) that the licence holder made a statement which the applicant knows to be false or failed to display a notice in compliance with Section 11 of the Act.
 - (d) that any condition of the licence has not been complied with.
 - (e) that the licence holder has failed to pay any fee due to the District Council under Section 12 of the Act.
- 6.14 The District Council may at any time suspend a pavement café licence where the licence holder has failed to pay any fee due to the District Council under Section 12 of the Act.
- 6.15 The District Council may at any time suspend a pavement café licence where a notice of any revocation.
- 6.16 The District Council may at any time suspend a pavement café licence where the licence holder has failed to pay any fee due to the District Council under Section 12 of the Act.
- 6.17 The District Council may at any time suspend a pavement café licence where a notice of any revocation.
- 6.18 The pavement café licence shall be displayed at, or close to the licensed area.

7. Criteria

- 7.1 The criteria is laid out in the applicant criteria. The District Council retains its right to amend or replace these criteria at any given time.
- 7.2 Application criteria:
- All applicants must submit a completed application form with the correct fee.
 - All applicants must provide a location plan to scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.
 - All applicants must provide a site plan to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.

- All applicants must provide details of the furniture including photographs/manufacturers details.
- All applicants must provide risk assessments
- All applicants must provide proof of planning permission, where appropriate
- All applicants must provide confirmation of public liability insurance with a minimum indemnity of £10m.
- All applicants are required to fix a public notice to the premises on the day the application is made to the District Council.

8. Fees

8.1 Section 12 of the Pavement Cafés Act (Northern Ireland) 2014 enables a District Council to charge:-

- (a) for the grant or renewal of a pavement café licence;
- (b) for a variation of a pavement café licence

Such fees as the District Council may determine and as may be sufficient in the aggregate, taking one year with another to cover any reasonable administrative or other costs in connection with its functions under this Act, not otherwise recoverable. The District Council may determine the time and manner in which fees or charges are to be paid.

8.2 The pavement café fees are:

	Administration costs (Non-refundable)	Compliance monitoring (2 visits)	Actual cost for 3 year licence
Grant of pavement café licence	£280.00	£95.00	£375.00 total
Renewal or Variation of pavement café licence	£185.00	£95.00	£280.00 total

(Table 1)

9. Powers of Enforcement

Failure to obtain an appropriate licence or failure to comply with the conditions attached to a licence may result in enforcement action being instigated.

9.1 Unlicensed pavement cafés

(a) It is an offence to place furniture (for the use of consumption of food and drink) on a public area without a pavement café licence. The offence is liable to a fine of up to £1,000 on summary conviction.

(b) Council Enforcement Officers shall gather evidence that an offence has been committed prior to initiating legal proceedings.

9.2 Power to remove unlicensed furniture

(a) The District Council has the power to remove furniture from unlicensed pavement cafés.

(b) The District Council has a duty to notify the person responsible (if known) as to how the furniture may be recovered and allows the Council to recover the costs of removing and storing the furniture.

(c) The District Council has the authority to dispose of the furniture if it remains unclaimed after three months.

10. Appeals

Any appeal must be made to the court of summary jurisdiction by notice under the relevant order. Any appeal must be brought within 21 days beginning with the day after the date on which notice is given of refusal, grant, renewal, variation, revocation, suspension or extension (as the case may be), in accordance with Section 21 of the Act.

11. Policy Owner

Mr Canice O'Rourke, Director of Regulatory and Technical Services

12. Contact details in regard of this policy are:

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Newry, Mourne and Down District Council

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13. Policy Authorisation

Development Committee Meeting Authorised on 19 October 2016
 Council Authorised on 07 November 2016

14. Policy Effective Date – 14 November 2016

15. Policy Review Date – 14 November 2019 (or sooner as required)

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31).

16. Procedures

Refer to the Pavement Café Designation Procedure

17. Equality Screening

The policy has been equality screened and it is recommended it not be subject to an equality impact assessment (with no mitigating measures required).

This policy has been screened in accordance with the provision of Section 75 of the Northern Ireland Act 1998.

Version 1.0

	<p>recommended.</p> <p>Further to a stakeholder meeting held on 22nd September 2016 in relation to the implementation of the Act. The Inclusive Mobility and Transport Advisory Committee (Imtac) advised that a minimum width of 1.5 metres was not sufficient, as this would have a negative effect on disabled people.</p> <p>It was agreed to amend the policy so a minimum width of 2 metres clearance must be maintained on the pavement including the kerbside beyond the perimeter of the licensed area. Where conditions permit, a reduction to 1.5m will be considered. This reduction shall be regarded as the absolute minimum and shall be restricted in length to a maximum of 6.0 m.</p> <p>Imtac also advised that pavement cafés should be screened due to the impact on people with visible impairment.</p> <p>It was agreed to amend the policy so that the licensed area must be screened with appropriate screening to the satisfaction of the Council unless the Licensee can justify not to do so.</p>
3.0	Recommendations:
3.1	Members are asked to approve the attached Pavement Cafés Designation Policy (amended 10 th October 2016) as set out in Appendix I.
4.0	Resource implications
4.1	There are potential staffing implications for councils in the implementation of the Act and reference is made to the time allocated to processing application and the enforcement of the Act. As such Council have already agreed to charge a fee for the provision of this service.
5.0	Equality and good relations implications:
5.1	There are a number of equality implications associated with the introduction of the Act which will need to be considered such as ensuring the pavement café does not impede those with a physical or visual impairment.
6.0	Appendices
	Appendix I: Pavement Cafés Designation Policy (amended 10 th October 2016)

Agenda Item:	Six Month Update on the Planning Review
Report to:	Regulatory and Technical Services Committee
Subject:	Review of Development Management Function of the Planning Department following a report by Jim McKinnon in February 2016.
Date:	19th October 2016
Reporting Officer:	Canice O'Rourke
Contact Officer:	Anthony McKay

<u>Decisions Required</u>	
Members are asked to consider the report and approve the recommendations.	
1.0	<u>Purpose & Background</u>
1.1	<p>During January and February 2016 Jim McKinnon undertook a review of the Development Management function within the Council's Planning Department.</p> <p>Following a presentation to a Special Council meeting on 17th February 2016, Council approved a series of recommendations and committed to a review after six months.</p> <p>A copy of the original report is attached at Annex 1.</p> <p>This report reviews the progress against those recommendations and the impact this has had on the function and for ease of reference, follows the format of the original report</p>
2.0	<u>Key Issues</u>
2.1	<p>This review deals with the recommendations as set out under the Key Issues section of the original report of February 2016.</p> <p>Tackling The Backlog:</p> <ul style="list-style-type: none"> <i>To enable urgent and sustained effort to be focused on the backlog, work on the Area Plan be temporarily suspended, and the Area Plan resource be diverted to work on straight forward applications in the backlog</i> <p>This recommendation was implemented and while it has had a detrimental impact on the progress towards the production of the NMD Local Area Plan, it significantly increased the throughput of outstanding applications for determination, both through delegated authority and for decision by committee.</p> <ul style="list-style-type: none"> <i>Consideration be given to the appointment of short term 3rd party resource (consultants) to specifically focus on the more detailed and complex applications in</i>

the backlog, on-going Appeals and the Area Plan

Following detailed consideration it was believed that by the date of the report (February 2016), sufficient additional resources, in the form of temporary and agency staff, had already been put in place and that the appointment of consultants at that stage was unnecessary.

- *To facilitate the potentially increased throughput of applications requiring committee decisions, additional committee meetings are scheduled as required*

Additional Committee meetings were scheduled, with Committee meeting twice a month through April, May and June. The significantly increased throughput of applications but has also necessitated additional committee meetings in September and October, with the intention of continuing these additional meetings until the end of this calendar year.

- *The priorities used to determine the order in which applications are addressed, should be reviewed, agreed and thereafter adhered to, until such time as the backlog has been removed*

This recommendation has been implemented and while applications are still prioritised with respect to grant funding, economic development and personal need, additional factors such as ease of turn round and length of time on the backlog are also taken into consideration. The availability of additional resource has also enabled specific applications to be reprioritised as necessary.

- *Applications to be considered and progressed in non-chronological order*

This recommendation has been implemented and has therefore allowed for additional criteria to be legitimately considered when prioritising an application.

The Council's Planning Department inherited almost 1200 live applications in April 2015. The figure for live applications rose to almost 1600 in January 2016. As a result of the actions taken following the review, the number of live applications has been reduced to under 1000.

The latest Northern Ireland Planning Statistics 2016/17 First Quarterly Statistical Bulletin (April-June) were published on 29 September 2016. In this period only Belfast City Council (474) and Armagh / Banbridge / Craigavon (397) received more planning applications than Newry Mourne and Down (379).

In this period, Newry Mourne and Down issued the most decisions on major applications (9) and on local decisions (592) of all the Councils.

Out of these statistics one of the key points to emerge was the fact that **in this period the Council processed four times as many applications as it did during the same period last year**. It would therefore be fair to conclude that the actions taken have enabled Council to bring the backlog of planning applications, under control.

Simplifying the Processes:

- *Implement streamlining to existing activities with respect to validation, statutory consultations, site visits etc*

This recommendation is the subject of ongoing implementation. Progress is in part hampered by the constraints imposed by the existing computer system for handling planning applications known as 'EPIC'. Nevertheless progress is possible where the system can be bypassed.

In this regard, a major exercise has been undertaken to eliminate unnecessary consultations with statutory and other bodies. In addition site visits are being undertaken much earlier in the planning application process.

- *All cases to be allocated to a case officer within 24 hours of validation*

This recommendation could not be achieved due to the constraints imposed by the EPIC system. However the improved processing times being achieved generally is evidence that all the procedures associated with processing planning applications are being streamlined and/or performed with greater speed.

- *Implement a new simplified template for reporting applications to the Planning Committee*

A new simplified template for reporting applications to the Planning Committee has been adopted. The suitability of this form of reporting is being kept under review.

- *All presentations to the committee to be delivered by the PPTO using this new simplified template, allowing other SPTOs and PTOs to remain at their desks working on cases*

This recommendation was initially implemented but due the volume of applications coming before Committee, had to be reviewed and reversed as it transpired to be impossible for only one or two officers to carry out this task. Nevertheless, the time that senior planning officers spend attending committee has been minimised.

- *Signing of decisions to be delegated to SPTOs and all decisions to be issued within three days of committee approval/rejection*

This recommendation has been implemented, although on occasions the three day target may not have been achieved, normally as a result of changes required by Committee to the decisions being issued.

Once again, the demonstrable increase in the throughput of applications would indicate that the actions taken to streamline the process have had a significant impact of the efficiency and effectiveness of the Development Management function.

Culture Change: This section deals with a subject matter which is difficult to measure objectively.

- *Planners to understand their role as facilitators and enablers of development and to be conscious of the impact of delay on economic development*

While NMD's planning staff understand their professional role and have always acted in line with that professional code, since the review of the Development Management function, the Planning Managers have been at pains to ensure that the staff also understand the Council's role in economic development and in particular the critical role the Planning Department plays in achieving this.

- *There should be a presumption in favour of sustainable development and should be permitted where doing so does not demonstrably do harm to interests of acknowledged importance*

This is a fundamental principle of the planning system and is understood and applied by the planning staff. This is evidenced by examining the Planning Statistics Bulletin reports wherein NMD's approval rate of 93.3%, compares very favourably to the overall Northern Ireland approval rate of 94.5%. As the backlog of older and typically problematic applications are reduced, this approval rate is likely to rise further.

- *Planners to be significantly more accessible and to schedule meetings with Agents and/or Applicants when requested*

This recommendation has been implemented and the level and quality of engagement is improving month on month. There is no baseline data against which the level of improvement can be gauged but there is anecdotal evidence and direct testimony of agents that they have experienced a significant change for the better.

- *The Area Planning Manager to lead a concerted cultural change programme for the Planning Staff*

This recommendation has been taken on board and work is on-going to progress it.

- *A document defining what constitutes an acceptable submission must be created and issued by way of guidance to Agents/Developers*

This recommendation is a work in progress and we would hope to present such a guidance document to agents before the end of the calendar year.

- *Thereafter, where applications fall short of this expected standard, they should be quickly refused*

This recommendation, particularly in relation to applications falling short of the expected standard, is being acted upon. However the proper scrutiny of all refusals by the Planning Committee tends to elongate the process.

Planning Committee

- *Implement changes to the 'Scheme of Delegation'*
 1. *The list of delegated decisions to be issued monthly, two weeks in advance of the committee meeting*
 2. *All 'refusals' to go onto committee agenda*
 3. *Approvals with six or more objections to go onto committee agenda*
 4. *Briefing Panel to be abandoned*
 5. *Speaking rights for Applicants/Agents and Objectors to be allowed*
 6. *No 'new information' to be presented to committee – i.e. agents/applicants and/or objectors only allowed to present on previously submitted information*
 7. *Agents/Applicants and/or Objectors who intend to speak at committee to serve five days notice of intention, and provide summary of information to be presented*
 8. *The issuing of the weekly list of validated applications will provide an opportunity for councillors to highlight applications they wish to be determined by committee, assuming they have a valid planning reason for doing so*

A new Scheme of Delegation and a new Operating Protocol for Planning Committee have been developed and implemented. This has resulted in the following changes:

1. Weekly lists are issued detailing all applications received and all planning decisions taken
2. All recommendations for refusal go onto the Planning Committee agenda
3. Recommendations attracting six or more objections go onto the Planning Committee agenda
4. The Briefing Panel has been abandoned
5. Speaking rights for applicants/agents and objectors have been introduced at Planning Committee
6. No new information is allowed to be presented to the Planning Committee
7. Procedures for requesting speaking rights at the Planning Committee have been developed

The changes listed above have radically altered the way in which the Planning Committee operates. Significantly increased numbers of applications are now being considered by Committee. Of those applications coming to Committee, as many as 50% may be accompanied by requests for speaking rights. As a result, on average, it may take 20 -30 minutes to deal with one application. On occasion it has taken more than one hour to consider and determine an application. This clearly impacts on the ability of the Committee to get through the business on the agenda. There presently is a backlog of applications awaiting consideration by Planning Committee. To deal with the backlog, Planning Committee has moved to holding meetings fortnightly, at least until Christmas.

While this is a challenging situation to manage, it is also a measure of the progress that has been achieved in terms of moving so many applications through the planning process.

Capacity Building

- *Initiate a capacity building programme for councillors, covering both Planning Matters and the councillors Code of Conduct*

A capacity building programme for Councillors has been initiated. One half day training session has already been delivered. At its meeting on 28 September 2016 the Planning Committee received a report from the Chief Executive setting out a programme of further capacity building sessions.

- *Provide a time line and agreed publication date for the Council's Local Area Plan*

Having assisted in bringing the backlog of planning applications under control, the Council's Development Plan team will resume its work on 1 November 2016. One of its earliest tasks will be the production of a development plan timetable.

- *While awaiting the publication of the Local Area Plan, create specific and dedicated policy updates and guidance of key issues, such as Housing in the countryside*

Following detailed consideration, this recommendation was not progressed because, in standing down the development plan team, there was no longer a staff resource available to undertake the work. To have undertaken such policy development work, with all of the associated requirements for stakeholder engagement and public consultation, would have absorbed such a large staffing resource that it would most likely have undermined the principal thrust of the McKinnon Report which was to reduce the backlog.

- *Implement collective and regular (quarterly) briefing sessions for agents*

This recommendation has been implemented. The first briefing session was held at the end of May 2016. The date of the second briefing has slipped, largely as a result of the redirection of significant resources towards servicing the Planning Committee. The second of the briefing sessions is scheduled for mid-November 2016.

- *These briefings to assist with the development and documentation of a Customer Service Charter*

This recommendation is the subject of on-going implementation and will form part of a wider corporate standard.

ICT and Associated Issues

- *Officers given authority to investigate an alternative to the use of EPIC, working with the DoE and other councils to find a workable and economically viable alternative*

This recommendation is the subject of on-going implementation. All of the Councils, together with the Department for Infrastructure (DfI), are engaged in a 'discovery exercise' to map out the required specification for the replacement of EPIC. RTS Committee last month agreed a paper setting out this Councils' contribution to the funding of that discovery exercise.

- *Accelerate the capital programme aimed at upgrading the council's underlying IT Infrastructure*

This recommendation is being implemented within the wider corporate IT strategy.

- *Provide the necessary tools required to carry out the job, e.g. Scanners, Photocopiers, Cameras, Mobile Phones*

This recommendation has been implemented. The one outstanding matter is the provision of a new MFD to the Newry Planning Office.

Action Plan

- *Planning Management to develop an action plan, identifying ownership and timelines for the recommendations above*

This recommendation has been implemented. An action plan was developed and subsequently revised in light of the achievements over the period.

3.0 Resource Implications

- 3.1** The McKinnon report indicated that there were likely to be significant financial implications, particularly relating to the appointment of consultants if this was seen to be necessary. Consultants were not appointed. However there has been a significant financial commitment by way of the appointment of additional planning staff and business support staff.

At the start of the review period (Jan/Feb) there were an additional 8 professional planning staff appointed on temporary contracts or as agency staff. Over the review period, 4 professional planning staff left the Department – 2 full time staff and 2 agency staff. By June 2016 the number of additional professional planning staff sat at 4. This remains the case.

On the Business Support (Admin) side, 5 additional officers were appointed on temporary contracts. This has since been reduced to 4.

It has previously been acknowledged that the numbers of staff inherited from DOE was not sufficient to carry out the planning function in NM&D. This was again publically acknowledged at a NI Planning Conference in October of this year

There is a need for an on-going commitment from Council to maintain an enhanced planning staff complement in order to be able to discharge the planning functions.

It is worth noting that the planning function generates a significant level of fee income and is largely self-financing and therefore has the potential to be cost neutral to the Council. Any upturn in the wider economy will result in greater fee income capable of offsetting any additional staffing costs incurred.

Not only have the additional staff contributed to the reduction in the number of live applications, they have had a significant impact in reducing processing times for planning applications.

The statistics for the first quarter of 2016/17 indicate that NM&D still has the longest processing times for local applications (27.2 weeks). Until the legacy applications inherited by NM&D are determined and removed from the system, the Council will continue to perform poorly against this measure. (See "Analysis of Average Processing Times" paper on this agenda).

However, when the legacy applications are excluded from the statistics and consideration is given only to applications submitted to NM&D a quite different picture emerges.

Considering the period 1 April 2016 to 31 July 2016, and taking into account only those applications submitted to NM&D directly and excluding the legacy applications, **average processing times were less than 10 weeks.**

The focus for the most part over the past ten months has been on the development management process. There is a need now to shift that focus towards Planning Enforcement where the situation is just as challenging as it has been in relation to Development Management. Currently there are in the region of 600 enforcement cases being investigated by the Council's Planning Department yet there are only four planning staff working in that area. This area requires a substantial and immediate commitment of additional staff to address this workload.

While this would require an on-going financial commitment from Council, historically, planning enforcement action generates additional fee income to the planning authority by way of retrospective planning applications seeking to remedy breaches of planning control.

The planning environment is likely to remain a challenging one. The Council, in implementing the changes that it has, and in funding the additional staff posts, has radically changed the performance in development management for the better. The same commitment needs to be made in terms of planning enforcement while at the same time

	<p>resuming work on the local development plan.</p> <p>Previous experience within the former DOE would give sufficient grounds for optimism that the necessary enhanced staffing levels would in time become largely self-funding; arising from increased levels of enforcement activity.</p>
4.0	<u>Summary</u>
4.1	<p>The changes initiated at the start of the year have had a telling and positive impact on planning performance.</p> <p>There has though been a significant financial cost to the Council and certainly a considerable burden on the Planning Committee in terms of the numbers of meetings, the size of the agenda and the numbers of applications having to be considered.</p> <p>However these negative impacts are expected to reduce. A planning authority that is working effectively across all of its core functions should expect to see income rise to such an extent that it would over time offset the current spending on additional staff by Council.</p> <p>In relation to the burden on Planning Committee; once the legacy applications inherited from DOE are determined, it would be reasonable to assume that the workload of the Planning Committee would be accommodated within the normal working arrangements for a Council Committee.</p>
4.2	<u>Recommendation</u>
4.3	<p>In light of the above comments it is recommended that;</p> <ul style="list-style-type: none"> • The changes initiated since the January / February 2016 review be endorsed, no changes are made to the Scheme of Delegation or the Operating Protocol for Planning Committee and that a further review be carried out in March 2017 and • That the present additional staff complement be retained with a view to a subsequent recommendation being brought to the SP&R Committee to make these posts permanent, and in so doing allow the costs of such a move to be included in the upcoming Budget / Rates Setting Exercise.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 October 2016
Subject:	Analysis of Average Processing Times (Local Applications)
Reporting Officer:	Canice O'Rourke, Director of Regulatory & Technical Services
Contact Officers:	Johnny McBride, Assistant Director: Transformation, Innovation & Performance

Decisions Required:

Members are asked to:

- **Note the contents of the report.**

1.0 **Purpose & Background**

1.1 The purpose of this report is to provide, for Member consideration, an analysis of the average processing time for Local (Planning) Applications. This paper forms part of the review of the improvements made in relation to Development Management (Planning) and as a direct outcome from Jim MacKinnon's original review.

1.2 Members will be aware the average processing times for Local Applications represents one of the Council's statutory key performance indicators.

2.0 **Key Issues**

Average Processing Times (Local Applications)

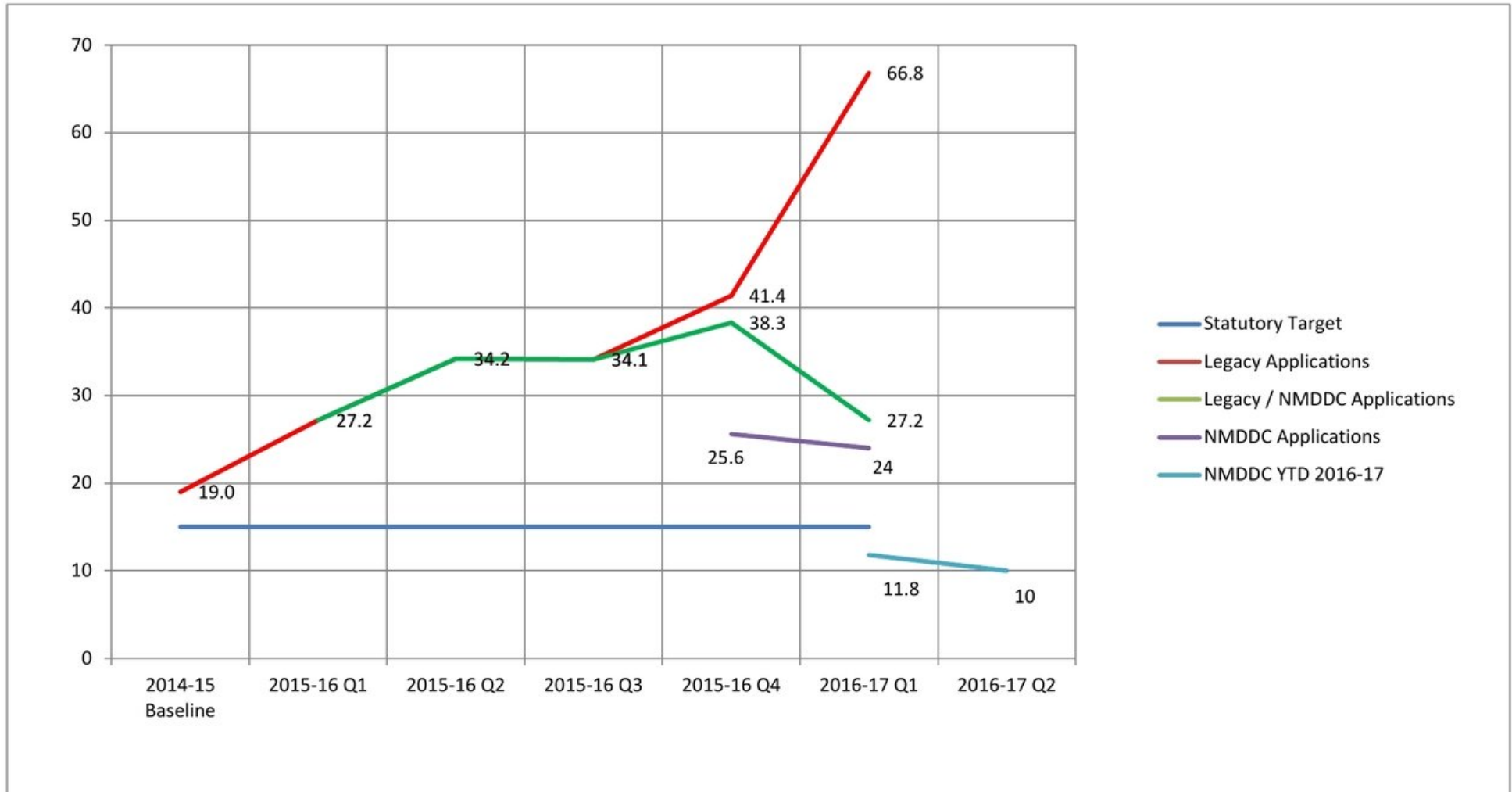
2.1 The Council's overall performance is illustrated in the line graph at **Appendix I** and explained in further detail below:

- i. The Council's statutory target is an average of **15 weeks** for the processing of Local Applications. This is represented on the line graph as a **dark blue** line. The average processing time for all Councils is **18 weeks**;
- ii. The Council's current performance in respect of the average processing time for Local Applications is **27.2 weeks**. This figure is a combination of those applications received, decided / withdrawn before the 1 April 2015 (Legacy) and those received, decided / withdrawn after the 1 April 2015. This is represented on the line graph as a **green** line;
- iii. The Council's performance improves to an average of **24 weeks** when Legacy applications are separated from those applications received after the 1 April 2015. This is represented on the line graph as a **purple** line;
- iv. Separating Legacy applications from those received, decided / withdrawn since the 1 April 2015 results in the average processing time of **66.8 weeks** for Legacy applications.

	<p>This illustrates the negative impact of those Legacy applications on the overall performance of the Council. This is represented on the line graph by a red line; and</p> <p>v. The Council's performance again improves to an average of 10 weeks when year-to-date performance information for Quarters 1 & 2 are considered for those applications received, decided / withdrawn from the 1 April 2016. This is represented on the line graph by a light blue line. It is important to note this information has yet to be validated and therefore may be subject to change.</p>
	<p>Summary Analysis</p>
2.2	<p>Members are asked to note the key findings from this analysis, which include:</p> <p>i. Despite not meeting its statutory target of 15 weeks, the Council continues to make significant improvements in its average processing time for Local Applications. This is further enhanced in that by the sheer number of applications being processed by the Council. The most recent statistical bulletin from NISRA recognises that although the Council had the longest average processing time amongst the eleven Councils, notably it processed four times as many applications in Quarter 1 of 2016-17 when compared with the same period in 2015-16;</p> <p>ii. Legacy applications are having a significant detrimental effect on the Council's overall performance. This suggests an early resolution of these applications should be prioritised and considered by Members;</p> <p>iii. Consequently, the resolution of these (Legacy) applications is likely to have a significant positive effect on the Council's performance in this area; and</p> <p>iv. The improvement actions the Council has put in-place are now bearing fruit in that the average processing times for Local applications in 2016-17 are now comparable with Planning authorities in other jurisdictions. For example, the average processing time for Local applications in England is 8 weeks.</p>
3.0	<p>Guidance Notes</p> <p>Guidance notes for interpreting the performance information contained within this report is provided at Appendix II.</p>
4.0	<p><u>Resource, Equality & Good Relations Implications</u></p> <p>There are no resource, equality or good relations implications contained within this report.</p>
5.0	<p><u>Appendices</u></p> <ul style="list-style-type: none"> ▪ Appendix I – line graph of Council performance (average processing times for Local Applications); ▪ Appendix II – guidance notes for interpreting the performance information.

APPENDIX I

Analysis of Average Processing Times for Local Applications



APPENDIX II

- **Data Sources** – the overwhelming majority of the performance information included in this analysis has been sourced from the quarterly reports of the Northern Ireland Planning Statistics Bulletin, as well as locally from EPIC (the Planning Portal).
- **Local Applications** – Local Applications form the overwhelming majority of the applications submitted in Newry, Mourne & Down DC. Therefore, a corresponding analysis of Major Applications has not been completed.
- **Average Processing Times Pre-Transfer** – Legacy performance information is only available in 2014-15 for the former Downpatrick and Southern Planning Divisions (DoE), therefore a robust performance comparison with Council performance is not available. For the purposes of this analysis, the higher figure for the two former Divisions has been taken as the baseline. This was Downpatrick with an average processing time of 19 weeks¹.
- **Separation of Legacy & Council Performance Information** – this has only been made available by NISRA since Quarter 4 2015-16.

¹ This is purely for illustration purposes and any comparison should be treated with caution. It is important to note that legacy applications from the former Southern Planning Division were assigned to both Newry, Mourne & Down DC and Armagh, Banbridge & Craigavon BC. The corresponding figure for the Southern Planning Division was 18 weeks. Source:

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1. Live Applications

MONTH 2016	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394

2. Live Applications by length of time in system

Month 2016	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335
June	511	249	195	77	146	1,178
July	501	221	196	78	151	1,147
August	480	204	162	99	144	1,089
September	472	182	150	97	147	1,048

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3. Live applications per Case Officer

Month 2016	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40

4. Decisions issued per month

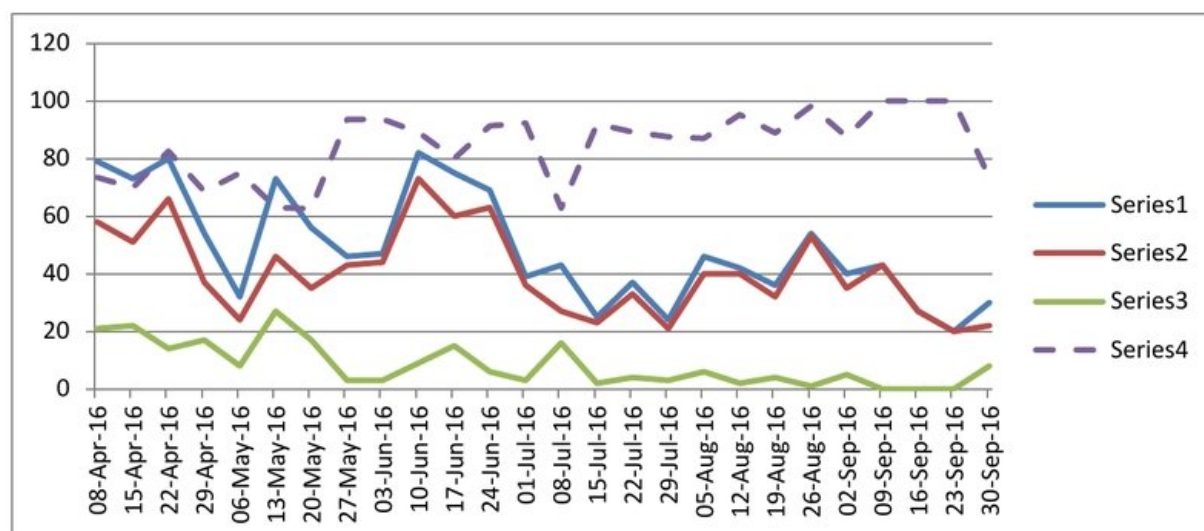
Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140

Newry, Mourne & Down District Council – September 2016

5. Decisions Issued YTD

Month 2016	Number of Decisions Issued	Average processing Time	Breakdown of Decisions	
April	168	35.52 weeks	Approvals (156)	93%
			Refusals (12)	7%
May	342	33 weeks	Approvals (324)	95%
			Refusals (18)	5%
June	640	34 weeks	Approvals (587)	92%
			Refusals (53)	8%
July	781	33.4 weeks	Approvals (702)	90%
			Refusals (79)	10%
August	961	37.67	Approvals (872)	91%
			Refusals (89)	9%
September	1,121	37.67	Approvals (1018)	91%
			Refusals (103)	9%

DECISIONS ISSUED FROM 1 April 2016 to 31 August 2016



Newry, Mourne & Down District Council – September 2016

6. Enforcement

Live cases

Month 2016	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600
August	231	125	87	72	32	75	622
September	240	129	86	83	35	77	650

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
Totals	228	141	87

*2 Applications called in by DfI

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8. Appeals

Area	Number of current appeals
Newry & Mourne	16
Down	5
TOTAL	21

9. Statutory Targets Performance Data

Statutory targets monthly update to April to September 2016
(unvalidated management information)
Newry, Mourne and
Down

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
August	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Nov	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Dec	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Jan	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Year to date	19	121.4	5.3%	1,086	25.0	30.0%	79	65.6	50.6%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Newry, Mourne & Down District Council – September 2016

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1		
Planning Ref:	R/2015/0089/F	PAC Ref:	2015/A0150
APPELLANT	Rob Jennings		
LOCATION	Land 200m North Of 97 Crossgar Road Saintfield		
PROPOSAL	Restoration and extension dwelling (Amended access details received).		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	03/11/2015
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2		
Planning Ref:	P/2014/0303/O	PAC Ref:	2016/A0005
APPELLANT	Michael Horner		
LOCATION	Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	^{Newry} Erection of Infill Dwelling and Detached Garage		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	05/04/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

39

ITEM NO 3
Planning Ref: P/2014/0853/F **PAC Ref:** 2016/A0041
APPELLANT S Meade
LOCATION To The Immediate North And East Of 16 Rostrevor Road Hilltown.
PROPOSAL Retention of two light industrial units, erection of three light industrial units.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure Informal Hearing **Date Appeal Lodged** 01/07/2016
Date of Hearing 16/09/2016
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 4
Planning Ref: P/2015/0103/F **PAC Ref:** 2016/A0048
APPELLANT Mr Joe O'Hare
LOCATION Between 47 And 47a Ballintemple Road Ballintemple Newry
PROPOSAL Retention of existing agricultural building and access

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 31/05/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	5		
Planning Ref:	P/2015/0121/O	PAC Ref:	2016/A0058
APPELLANT LOCATION	Mr O Slane Land 30m North West Of 1 Tullyet Road Newtownhamilton		
PROPOSAL	Proposed site for infill dwelling and detached garage.		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	17/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	P/2015/0210/F	PAC Ref:	2016/A0063
APPELLANT LOCATION	Mr Brendan McNamee Immediately North East And Opposite No.62 Carran Rd Crossmanlen		
PROPOSAL	Retention of metal fence, gates, granite piers and granite kerbs to front boundary of property		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	20/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2015/0286/C	PAC Ref:	2016/A0066
APPELLANT LOCATION	Ms Edel Rooney Site Approximately 20 Metres South West Of 10 Head Road Moyad		
PROPOSAL	Annalonn Site for dwelling with detached garage (gap site)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	24/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2015/0292/C	PAC Ref:	2016/A0071
APPELLANT LOCATION	Mr Thomas W Meaney 40m North West Of 55 Magheralone Road Ballynahinch		
PROPOSAL	Proposed new infill dwelling and garage		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	28/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 9
Planning Ref: P/2015/0236/F **PAC Ref:** 2016/A0073
APPELLANT Mr Francis McGuinness
LOCATION Lands To The Rear Of No 41 Newtown Road
 Killeen
PROPOSAL ^{Newrv}
 Extension to existing dwelling curtilage and erection of domestic
 garage.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 28/06/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 10
Planning Ref: P/2015/0221/F **PAC Ref:** 2016/A0074
APPELLANT Mr Francis McGuinness
LOCATION Adjacent And South Of No 41 Newtown Road
 Killeen
PROPOSAL ^{Newrv}
 Erection of Vehicle Maintenance Shed and retention of existing yard for
 the storage of vehicles.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 28/06/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	11		
Planning Ref:	P/2014/1049/O	PAC Ref:	2016/A0077
APPELLANT LOCATION	Tracy McKenzie Adjacent And N Of No.9A Corcreechy Road Newry BT34 1LR		

PROPOSAL Site for dwelling and garage (infill)

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/06/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2015/0342/C	PAC Ref:	2016/A0084
APPELLANT LOCATION	Patsy Malone Approximately 110 Metres North East Of 151 Ballydugan Road Downpatrick		
PROPOSAL	Replacement dwelling		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	14/07/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 13
Planning Ref: LA07/2015/0542/F **PAC Ref:** 2016/A0094
APPELLANT Mr R L Annett
LOCATION 150 Metres Southwest Of No 20 Council Road
 Kilkeel
 RT34 ANP
PROPOSAL Agricultural Building, yard and access from Council Road

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 09/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: LA07/2016/0556/C **PAC Ref:** 2016/A0095
APPELLANT J & J McKibbin
LOCATION 40m Southeast Of 181 Moyad Road
 Kilkeel
 RT34 4H1
PROPOSAL Site for dwelling and garage

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 10/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	15		
Planning Ref:	LA07/2015/0455/F	PAC Ref:	2016/A0106
APPELLANT	Fergal O'Hanlon		
LOCATION	15 Kearney Crescent Whitecross		
PROPOSAL	^{Armagh} Retention of part boundary walls piers and railings		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	22/08/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2015/0921/C	PAC Ref:	2016/A0107
APPELLANT	Noel McLoughlin		
LOCATION	Adjacent And Immediately South Of No 5 Greenan Lough Road And Fronting Mullavat Road		
PROPOSAL	^{Newry} Dwelling and domestic garage on gap site		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	24/08/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 17
Planning Ref: LA07/2015/1246/C **PAC Ref:** 2016/A0112
APPELLANT Terence J O'Hare
LOCATION 60m North West Of No 25 Church Rock Road
 Carrickbracken
 Camlough
PROPOSAL Replacement dwelling and garage on farm land

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 31/08/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 18
Planning Ref: LA07/2015/0546/F **PAC Ref:** 2016/A0118
APPELLANT Jane Magee
LOCATION Approx 70m South East 71 Ardglass Road
 Ballyhornan
 Downpatrick
PROPOSAL Retention of building with alterations to be used as farm shed and
 animal handling facility in substitution for agricultural building granted
 permission under R/2007/1021/F. (additional information)

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 13/09/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

ITEM NO 19
Planning Ref: LA07/2015/1109/F **PAC Ref:** 2016/A0125
APPELLANT Noel Mckinely
LOCATION Adjacent To No.24 And Opposite Nos 19 And 20 Tudor Mews
 Upper Dromore Road
 Warrenpoint
PROPOSAL Proposed 2 No. Apartments

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged**
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 20
Planning Ref: R/2014/0576/F **PAC Ref:** 2016/A0127
APPELLANT Mr D Orr
LOCATION West Of 109 Barnamaghery Road
 Crossgar
PROPOSAL Erection of wintering shed for livestock and retention of existing fodder
 storage shed on part foundation of original shed on site.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 22/09/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals**48**

ITEM NO	21		
Planning Ref:	LA07/2015/0969/C	PAC Ref:	2016/A0129
APPELLANT	Liam McDonnell		
LOCATION	Approx 50m South East Of No 41a Aughnagun Road Derryleckagh Newry Co. Down		
PROPOSAL	Dwelling and Garage on infill site		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	28/09/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

PAC Reference : 2015/E0048
Departmental Reference : P/2013/0186/CA
Development : Garage not constructed in accordance with approved plan and the unauthorised construction of a roof terrace
Location : 4 Orchard Close, Ringmackilroy, Warrenpoint
Appellant : Mr Rodney McAteer
Appeal Type : Enforcement Appeal
Commission Decision Issued : 2016-09-07
Commission Decision : Withdrawn



Appeal Decision

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Appeal Reference:	2015/A0178.
Appeal by:	Mr Shane Quinn.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of domestic shed and associated hardstanding, access provision and site works with associated change of use of agricultural lands to domestic purposes (and access laneway immediately north of No. 56 Drumalt Road).
Location:	Adjacent and south west of No. 56 Drumalt Road, Dorsey, Cullyhanna.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	P/2014/0578/F.
Procedure:	Written Representations with Accompanied Site Visit on 28 April 2016.
Decision by:	Commissioner Mark Watson, dated 6 September 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are:
 - the principle of development; and
 - the potential impacts of the development on visual amenity and rural character.
3. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside. The BNMAP offers no specific policy or guidance in respect of the proposed development and is not material. In regard to the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). PPS21 policy provisions remain applicable to the proposed development.
4. The site comprises a portion of an agricultural field situated to the west of Drumalt Road. It sits to the rear of several residential properties that sit along the roadside. Access to the host field is derived from an existing laneway that lies adjacent and north of No. 56 Drumalt Road, a chalet bungalow that sits on an elevated site above the road. A layer of stones provides an area of hardstanding broadly consistent with the location of the proposed building. There was a vintage Massey Ferguson tractor on the site at the time of my visit. The site is undefined on the

south-western and south-eastern sides. The northern boundary is defined by a mature hedge, with the north-eastern boundary defined by a steep bank with a line of mature conifers atop it that forms the rear of No. 56's curtilage. The site lies in a rural area with an undulating landform.

5. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. This includes an extension to a dwelling house where this is in accordance with the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (APPS7). It follows that if the development complies with the provisions of APPS7 it will comply with Policy CTY1 of PPS21.
6. Policy EXT1 of APPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of 4 criteria are met. EXT1 goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against the 4 criteria. The objections from the Council fell under criterion (a); that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.
7. Annex A para A11 states that buildings within residential curtilage such as garages can often require as much care in siting and design as works to the existing residential property. Para A24 of APPS7, Annex A states that the impact of an extension or alteration on the visual amenity of the countryside, and in particular, AONBs, needs to be considered. It warns that through poor design the individual and cumulative effect of extensions and alterations which are disproportionate in size to the existing property or which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character.
8. The Council's objections related to the design of the building, its location outwith the curtilage and the visual impact and detrimental change to rural character that it considered would arise from the development. Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.
9. The proposed shed design has half height concrete walls, with the upper walls and roof covered in sheet metal. There is a single large roller shutter door on the front façade, with a pedestrian access on the western gable. The lower walls are to be rendered grey and the sheet metal painted green. It measures approximately 15m long by 11.6m wide, with a ridge height of 7.5m. A new concrete laneway and yard is also proposed, with access to be taken from the existing laneway to the north of the host dwelling.
10. The proposed shed is to be sited outwith the existing curtilage of the host property, a scenario generally not envisaged by the policy and guidance in APPS7. The design of the building is very typical of modern agricultural buildings and I note the

examples provided by the Appellant, some of which appear to serve as domestic outbuildings rather than for purely agricultural functions. Whilst the proposed materials do not correspond to the host dwelling, I do not find the design objectionable in this sense within its rural context. However, despite its lower position in the landform, the building would not, given its size and scale, be sympathetic to the existing dwelling at No. 56. I do not agree that the smaller footprint of the appeal building in relation to the host dwelling renders it sympathetic to No. 56, particularly given the overall bulk of the appeal building, including higher eaves line. The Council's objections in this regard are sustained to the extent specified.

11. The Council identified two critical views from which it considered the shed would be unacceptable. From the junction between Dorsey Road and Drumalt Road, there would be clear transient views of a sizable portion of the building, even though part of it would be sited behind the higher ground that No. 56 and its curtilage occupy. From this position the building would read as an extension to the group of buildings along the Drumalt Road, with development spreading down onto the lower, flat agricultural land between the buildings on Drumalt Road and Dorsey Road, which currently acts as a visual relief between these two groupings. Despite part of this visual gap remaining, the appeal development would still read as contributing to a visual consolidation of built development.
12. Views along the Dorsey Road travelling south would largely be restricted by intervening vegetation and existing development. They would not be critical. However, when travelling north along the Dorsey Road transient views of the building would be available, even if at an angle to the roadline. From these medium distance views the building would appear exposed in the landscape. Despite the partial backdrop afforded by the escarpment No. 56 sits upon, the more elevated vantage points from which the shed would be viewed render the site open and lacking proper enclosure to integrate the building, even with the proposed planting. I do not agree that the proposed siting represents a planning gain over a building situated within the curtilage, as even though the site may be at a lower level than the curtilage of the host dwelling, a building within the curtilage would be capable of reading as part of an integrated group of buildings and avail of the mature conifers to the rear of No. 56 for enclosure.
13. The Council also considered that the siting of the building would not respect the pattern of settlement in the area. Notwithstanding the proposed location outwith the existing curtilage and without prejudice to my conclusions on integration and rural character, the siting of the building relative to a group of existing buildings is not in itself at odds with the established pattern of settlement, nor is the plot size itself. In these respects I do not find the development objectionable. Whilst the appeal site is smaller than the site refused planning permission for a dwelling under appeal decision 2006/A0605, it nonetheless would contribute to a visual consolidation arising from a notable extension of an existing curtilage into an agricultural field, resulting in a suburban build-up of development.
14. The proposed development would detract from the appearance and character to the surrounding area, fail to integrate adequately into the landscape and erode rural character, matters which are interests of acknowledged importance. Whilst the locality has experienced a build-up of development and I note the examples given by the Appellant, it is not in the public interest to permit development that

would further erode the rural character of the area. The proposed development would fail to meet criterion (a) of EXT1 of APPS7 and given the critical nature of this deficiency, the policy read as a whole. It would also fail to meet Policies CTY13 and CTY14 of PPS21 read as a whole for the reasons given above. The second, third and fourth reasons for refusal are sustained to the extent specified.

15. The Appellant stated that he requires a shed of this size and design to house his vintage tractors and plant. He restores old vehicles as a hobby and has been a member of Kilkerry Vintage Club for over 2 years. He owns two tractors of various vintage, a link box and various other items, including a vintage manure spreader which was being stored at a friend's property. Whilst the Appellant wishes to continue his hobby and I note the letter of support from the Vintage Club, I am not persuaded that the appeal building is justified for the limited number of vehicles and equipment he currently owns, or for future expansion of his collection given the impacts it would have in terms of visual amenity and rural character. Nor, for reasons given below, am I persuaded that an alternative design could not be provided within the curtilage that would allow the Appellant to continue his hobby. The matter of providing security from theft was raised, which is unfortunately a common occurrence in the countryside. I am not persuaded that a shed situated to the rear and outwith the existing curtilage at a lower ground level, with direct views between it and No. 56 blocked by mature conifers would afford a more secure location than a suitably designed building within the curtilage, even if an alarmed gate was installed at the foot of the existing laneway.
16. Whilst I accept that the Appellant's existing curtilage is to a degree restricted by the septic tank location, I am not persuaded that the existence of a play area, which could potentially be relocated within the curtilage, would preclude the development of a building within the overall garden area, even if it were of different dimensions. It was stated that a shed could not be placed within the curtilage given the need to ensure the safety of the Appellant's children. However, access to the building could be restricted and children instructed on the potential hazards if entering the building supervised. I am not persuaded that these matters would justify the appeal development.
17. The Appellant considered that a fallback position existed in that he could erect a shed with a floorspace of 1200 sq m (half the area of the curtilage) with a 4m ridge height utilising permitted development rights. Whilst in theory such a development might be possible, it conflicts with the argument that there is no room within the existing curtilage for a shed, or the appeal building, a structure with a substantially smaller footprint than is suggested in the fallback scenario. Even if such a building were to be constructed, it would be located within the existing curtilage where it would read as part of an integrated group of buildings and avail of the benefit of the mature conifer vegetation. I do not consider this to be a realistic proposition and I am not persuaded that this is a viable fallback that would justify the appeal development.
18. The Appellant provided photos of other similar structures located within the locality. Whilst the design of the appeal building is not in itself objectionable, or out of character with the rural area, it is its location outwith the established curtilage and consequent impacts on visual amenity and rural character that give issue. I note that many of the examples either form part of an established group of farm

buildings or lie within the curtilage of their respective host dwelling. They would not justify the appeal development.

19. In the case of appeal decision 2014/A0121 Lurganahone Road, Rathfriland the proposed building was to be sited within the existing curtilage of the dwelling. Despite some design similarities, it is not comparable with the appeal proposal. In planning permission P/2011/0913/F at land to the rear of 3 Bankside, Rathfriland, that building also lay within the curtilage. The building in that case was visually contained and was judged acceptable in terms of rural character. It is not comparable to the appeal development, nor would it justify it.
20. As the development does not comply with the provisions of APPS7, it does not comply with Policy CTY1 of PPS21. The Council's reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

This decision relates to drawing No. PL-01 Rev A entitled Site Location Map, Proposed Site Plan, Floor Plan & Elevations, submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mr G Murtagh (Newry, Mourne & Down District Council)
Ms C McCoy (Newry, Mourne & Down District Council)

Appellant:- Mr S Hughes (ERES Limited)
Mr S Quinn (Appellant)

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices
'B' Rebuttal Statement & Appendix

Appellant:- 'C' Statement of Case & Appendices (ERES Ltd)
'D' Rebuttal Statement & Appendix (ERES Ltd)



Appeal Decision

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Appeal Reference:	2016/A0011
Appeal by:	Carlingford Lough Pilots Limited.
Appeal against:	The conditional grant of full planning permission
Proposed Development:	Retention of existing office
Location:	Adjacent to 92 Greencastle Pier Road, Greencastle, Kilkeel
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	P/2015/0097/F
Procedure:	Written representations
Decision by:	Commissioner Pamela O'Donnell, dated 19 September 2016

Decision

1. The appeal is allowed and condition one is deleted from permission P/2015/0097/F.

Reasoning

2. The main issue in the appeal is whether the conditional grant of planning permission on a temporary basis is necessary.
3. P/2015/0097/F granted planning permission for the retention of the existing office on 9 December 2015. This was subject to one condition which read "*The building hereby permitted shall be removed and the land restored to its former condition within two years of the date of this permission*". Since then, on 21 July 2016, the Council has issued a Certificate of Lawfulness (LDC) confirming that the subject office is lawful development (LA07/2016/0415/LDE).
4. The Council's appeal evidence to justify the time limited planning permission was submitted before the issue of the LDC. However, in light of the changed circumstances, the planning merits or otherwise of the condition are now irrelevant as the appeal development is lawful. In this context, the above condition is unnecessary.
5. Accordingly, the condition is deleted from planning permission P/2015/0097/F meaning that the retention of the office is no longer restricted to the temporary time period originally specified.

COMMISSIONER PAMELA O'DONNELL

2016/A0011

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List of Documents

Planning Authority:- "A" Statement of Case (Newry, Mourne & Down Council)
"C" Rebuttal Statement

Appellant(s):- "B" Statement of Case (Michael Burroughs Associates)
"D" Rebuttal Statement



Appeal Decision

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Appeal Reference:	2016/A0010
Appeal by:	Mr Peter and Mrs Yvonne O'Hare
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed general purpose agricultural shed and part retrospective access arrangements, foundation and hard standing area.
Location:	Adjacent to No 15 Blacks lane, Glasdrumman, Ballynahinch
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	R/2013/0347/F
Procedure:	Written representations and accompanied site visit on 25 August 2016.
Decision by:	Commissioner Boomer, dated 8 September 2016.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed building is acceptable in principle in the countryside and the visual impact of that building, the area of hardstanding and the access arrangements.
3. The appeal site lies in the open countryside as designated in the Ards and Down Area Plan 2015. There is no specific policy in the plan that is material to this proposal. The Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) was published on 28th September 2015 and is a material consideration. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), one of the policy documents retained by the SPPS.
4. Policy CTY 1 of PPS 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is an agricultural or forestry shed in accordance with Policy CTY12.
5. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding or forestry enterprise where it is demonstrated that it meets five criteria. The Local Planning Authority (LPA) considers that the appeal proposal conflicts with criterion (a) in that it has not been demonstrated that it is necessary for the efficient use of that agricultural or

forestry holding ..Paragraph 5.56 of CTY 12 states that for the purposes of that policy, the determining criteria for an active and established business will be that set out under Policy CTY 10. This requires that the farm business is currently active and has been established for at least six years but does not place a time restriction on forestry operations. Policy CTY 10 requires proof that the land has been actively farmed over the last six years.

6. The appellant states that he is operating both an active farm and forestry business within his holding. His agricultural holding on the northern side of Blacks Lane , originally incorporating an area of 1.85ha, has been considerably reduced to approximately 1.3ha due to the extension to the curtilage of the dwelling and the provision of a large area of hardstanding within the appeal site. Turning firstly to his agricultural business, the appellant acknowledged that his Business ID Number 658428 was not issued until 2013. Although Paragraph 5.38 states that the appellant is required to provide the farm's DARD Business ID number along with (my emphasis) other evidence to prove active farming over the required period (at least 6 years), the appellant argues that possession of a DARD number is not always necessary to be an active farmer but that he is only required to prove that he has maintained the land in good agricultural and environmental condition as set out in Paragraph 5.39. .
7. Criterion (a) of Policy CTY10 refers in the definitive article to the farm business and the policy is framed in such a way that it enables the appellant to apply for an agricultural building based on the activities of the person conducting and operating the farm business on which the appeal site is situated (my emphasis). This allows for approval to be granted where there is evidence that other family members or lease farmers have been issued with a Business ID number for the farm business for the requisite period rather than the appellant himself. As no evidence was submitted to show that any person other than the appellant had been farming this land and had a relevant Business ID number associated with this holding, this distinguishes the appeal proposal from Appeal 2009/A0297 referred to me.
8. The applicant submitted the following evidence to show that he has maintained the land in good agricultural and environmental condition:-
 - A letter from Port Horses stating that part of the holding was leased to them between 2006 and 2013 for the grazing of horses.
 - Whilst a letter from DARD states that the appellant was issued with a Flock Registration Number 658428 in September 2015, the appellant indicated his intention to keep sheep but confirmed that he has no stock at present.
 - A single receipt for hedge cutting on the holding between 2007 and 2013 was submitted along with two receipts for the replacement and renewal of stock fencing dated 2009 and 2013.
9. No up-to-date information has been provided for any maintenance works undertaken since 2013. Some round bales are currently being stored on the appeal site but no evidence was submitted to confirm that they were harvested from the holding itself. Whilst the appellant listed a long list of farm/forestry equipment owned, only a tractor, trailer and link box was evident during my site visit with the appellant indicating that he had stored these at his brother's farm in

Katesbridge. Policy requires assessment of current farming activities rather than future aspirations and the appellant currently has no stock and no evidence of crops being produced was submitted. The only evidence relating specifically to farming activity undertaken on behalf of the appellant relates to invoices for hedge cutting and fence repairs up to 2013. In this evidential context, it has not been demonstrated that the appellant has a farm business that is currently active and has been established for the last six years.

10. The appellant also argues that he has an established forestry business incorporating an area of Sitka spruce and oak/rowan woodland extending to 1.6ha. Planted by the previous owner in 1994 who received grant aid, a letter from a Woodland Management company confirmed that it is now at a stage of maturity. Whilst he states in his Statement of Case that he has been responsible for managing this afforested area for 10 years, he confirmed at the site visit that this has not required any maintenance by him during that period with the exception of weedkilling. However whilst he does anticipate that in the future it will require thinning and felling, no details of a future management plan for such works were submitted. In this evidential context I am not persuaded that this represents an active forestry holding.
11. Criterion (a) of Policy CTY12 requires that any building is necessary for the efficient use of the agricultural holding or forestry holding. The appellant seeks to erect a building with a footprint of 174 square metres, finished in green profiled metal sheeting to the roof and upper walls with plaster below. Rising to a height of 5.5m. it would have a large roller shutter door with a pedestrian access alongside. He considers that a building of this size is necessary for the storage of timber once trimming and maintenance of the woodland begins. He also considers that this building is required to store equipment such as crop sprayer, link box, quad, weed sprayers, chain saws, wood chippers as well as three vintage tractors. It is indicated that the building would also be needed to store crops especially hay bales, fertiliser and feed as well as provide shelter for sheep. There is insufficient evidence of either farming or forestry activity on this holding to justify the level of agricultural and forestry equipment building cited necessary by the appellant. He currently has no stock and the appellant has been operating with some equipment and bales stored in the yard with other equipment stored a considerable distance away. The three vintage tractors could be stored in the triple garage attached to the dwelling. Based on the appellant's current level of agricultural and forestry operations, I am not persuaded that the appeal building is necessary for the efficient use of the agricultural holding or forestry enterprise and find that it offends Criterion (a) of Policy CTY12.
12. Policy CTY12 also requires compliance with three further criteria where a new agricultural building is proposed. The first and third criterion require that there are no suitable existing buildings on the holding that can be used and that the proposal is sited beside existing farm or forestry buildings. Whilst the LPA refer to buildings on the appellant's former dwelling at Grove Road which is currently up for sale, this does not form part of the holding. The appellant's dwelling and attached garage at No 21 alongside represents the only building on the holding and in confirming this, the LPA's 3rd reason for refusal is not sustained. However in establishing this fact, it confirms that the appeal proposal fails to meet the requirement that it be sited alongside existing farm or forestry buildings. It has not therefore been demonstrated that the third criterion is complied with.

13. The appellant is correct in his assessment that ,under Part 8 of the Planning (General Permitted Development) Order (NI) 2015, the erection of a forestry building is permitted without any size restriction but only where it is reasonably necessary for those purposes and it is carried out on land used for the purposes of forestry. As the appeal site does not lie on land used for forestry purposes and I have concluded that it is not necessary for the efficient use of the forestry enterprise, the appeal building would not represent permitted development unlike that considered in Appeal 2010/LDC009.
14. I have concluded that the appeal proposal conflicts with Criterion (a) of Policy CTY12 as well as the third additional criterion listed. There is no evidence that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. I therefore find that the LPA has sustained its first and second reasons for refusal.
15. The appeal site lies on the northern side of Blacks Lane, immediately adjacent to a large two storey dwelling and attached garage recently constructed at No. 21. Approved under R/2011/00381F, elements of that scheme have not been built in accordance with the approved plans but this is a matter for the LPA to address. However this appeal seeks to gain retrospective approval for the access arrangements. Whilst the entrance has been positioned as approved with the required sightlines in situ, a stone wall, pillars and electric gates have been installed behind those sightlines. As no details of these entrance features were submitted to or requested by the LPA as part of their assessment' they do not form part of the appeal proposal. The alternative configuration of that part of the driveway serving the appeal building does fall to be considered as well as the area of hardstanding already constructed. Whilst extensive excavations and alterations to the contours has been carried out to the land within the appeal site to provide the level platform on which the appeal building would sit, this does not form part of the appeal proposal. However, my assessment of the appeal building and its overall visual impact takes account of the changes made to the levels within the appeal site and the adjacent land.
16. The LPA consider that the proposed development would fail to integrate sympathetically with the surrounding countryside and that the impact of ancillary works would damage and further erode the rural character of the countryside, contrary to Policies CTY 13 and CTY 14. The appeal proposal involves the erection of a sizeable shed with a footprint of 174 square metres. Neither party has offered a detailed assessment of the potential visual impact of the appeal building, taking account of the extensive earth works already carried out. The appellant has resculpted the contours to provide the level area of hardstanding which is now bounded to the east by a graded bank 6m high and to the south by a wall of 3.6m in height excavated out of stone. Given its low lying position, I consider that the appeal building with a ridge height of 5.5m would have limited visual impact, screened by the rising contours which enclose it. When read from the gaps in the roadside hedge, only the top of the roof would be visible and then it would be read against the rising ground and mature trees further north. The LPA acknowledged that the visual impact of the area of hardstanding would be limited. The appellant has indicated that he intends to introduce a belt of mixed woodland along the southern boundary of the site which in time would provide

additional screening. Given its lowlying position enclosed by rising ground on three sides and limited visibility from any public aspect, I am satisfied that the building and area of hardstanding would achieve a satisfactory level of integration, blending into the landscape with an adequate backdrop provided.

17. Only that section of the main driveway and the extension to the west to serve the appeal building lies within the appeal site boundaries. Whilst the driveway as constructed has a more sweeping configuration than that approved, I do not consider that this in isolation results in a suburban feature or that it would have a greater visual impact overall. The additional section of driveway proposed to serve the appeal site falls away with the contours, abutting the existing hedgerow and therefore has minimal visual impact. Taking account of these limited ancillary works which lie within the appeal site and form part of the appeal and given their limited visibility, I am not persuaded that they would result in the erosion of the rural character of the countryside, to the detriment of this rural area. I therefore conclude that these elements do not offend Policies CTY 13 and CTY 14 and the fourth and fifth reasons for refusal are not therefore sustained.
18. The objectors raised concerns about the size and potential use of the appeal building. I have already addressed the issue of the visual impact of the building. Whilst they raise concerns that the shed and yard could be used for the storage of building materials, causing noise, disturbance and generating additional traffic. I am satisfied that their future use could be restricted by condition to the storage of materials and equipment associated only with the agricultural/ forestry operations which would not result in a significant increase in traffic. These objections are not therefore sustained.
19. As I have found the first and second reasons for refusal sustained, the appeal must fail.

This decision relates to the following drawings received by the LPA on 1 August 2013.

- Drawing 13-1419 01P 1:2500 site location plan;
- Drawing 13-1419 02P 1:500 existing and proposed site layouts; and
- Drawing 13-1419 03P 1:100 Floor plans and elevations.

In addition to

Farm map for previous owner dated 26 June 2016 as well as farm map for appellant dated 16 July 2013 received by the Commission on 30 August 2016.

COMMISSIONER PAULINE BOOMER

2016/A0010**List of Appearances**

Local Planning Authority:-	Ms Catherine Moane – Newry, Mourne & Down District Council
Appellant(s):-	Mr David Donaldson (agent) Mr O'Hare (appellant)

List of Documents

Local Planning Authority:-	LPA 1 Council's Statement of Case LPA 2 Rebuttal LPA 3 Appellants farm map received by the Commission on 30 August 2016 LPA 4 Copy of letter from Tree Management Company to appellant – received by Commission on 30 August 2016.
Appellant:-	APP 1 Appellant's Statement of Case APP 2 Rebuttal
Objector	OBJ 1 Statement of Case from Mr & Mrs Love.

Record of meetings between Planning Officers and Public Representatives

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns
14/01/16	A McKay	Margaret Ritchie MLA
20/01/2016	P Rooney	Cllr Cadogan Enright
25/01/2016	D Watson	Margaret Ritchie MLA
27/01/16	M Keane	Seán Rogers MLA
17/02/16	Jacqui McParland	Declan McAteer
19/02/16	Jacqui McParland	Jarlath Tinnelly
22/02/16	Jacqui McParland	Michael Ruane
22/02/16	Jacqui McParland	Gillian Fitzpatrick
24/02/16	David Watson	Seán Rogers MLA
25/02/16	Andrew Hay, James King	Seán Rogers MLA
25/02/2016	Annette McAlarney	Seán Rogers MLA
25/02/16	Anthony McKay	Margaret Ritchie MLA
26/02/16	M Keane	Cllr McGrath
15/03/16	J McParland	Cllr M Ruane
16/03/2016	J McParland	Sean Rogers
25/03/16	A Davidson	Cllr Taylor
30/03/16	J McParland	Seán Rogers MLA
5/4/16	A McKay	Seán Rogers MLA
8/4/16	A McKay	Margaret Ritchie MLA
12/04/2016	Annette McAlarney	Cllr Curran
14/04/2016	J McParland	Cllr Declan McAteer
25/04/2016	J McParland	Cllr Tinnelly
27/04/2016	J McParland	Cllr Tinnelly
28/04/2016	Annette McAlarney	Cllr Burgess
29/04/2016	Annette McAlarney	Cllr McGrath
18/05/2016	Annette McAlarney	Cllr Curran
23/05/2016	A McKay	Cllr Ó Gribín
10/6/16	P Rooney & J McParland	Carla Lockhart MLA
14/06/2016	J McParland	Cllr Quinn
14/06/2016	J McParland A McKay P Rooney	Cllr Tinnelly
15/6/16	P Rooney	Cllr G Fitzpatrick
15/06/2016	P Rooney A McKay	Harold McKee MLA, J Tinnelly & G Fitzpatrick
16/06/2016	J McParland	Cllr Quinn
20/06/2016	Clare Miskelly	Cllr Dermot Curran
21/06/2016	J McParland	Cllr Taylor
21/06/2016	J McParland	Cllr Hanna
27/06/2016	J McParland	Cllr Tinnelly

Record of meetings between Planning Officers and Public Representatives

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30/06/2016	A McKay	Margaret Ritchie MP
4/07/2016	Andrew Hay	Jim Shannon MP
08/07/2016	J McParland	Cllr Quinn Cllr Doran
14/07/2016	P Rooney	Cllr W Clarke
21/07/2016	Anthony McKay	Margaret Ritchie MP
26/7/2016	J McParland	Sean Doran
27/07/2016	J McParland	J Tinnelly
08/08/2016	J McParland	J Tinnelly
8/08/16	A Hay M Keane	Colin McGrath MLA
11/08/16	Andrew Hay	Cllr Walker Cllr Curran
25/08/16	Anthony McKay	Cllr O'Gribin
30/08/16	Pat Rooney	Cllr Ruane
1 /9/16	Anthony McKay	M Ritchie MLA
02/09/2016	A McAlarney Mark Keane	Cllr Willie Clarke
02/09/2016	A McAlarney	Cllr Willie Clarke
06/09/2016	Pat Rooney/Andrew Davidson	Cllr Terry Hearty
08/09/2016	Annette McAlarney Catherine Moane	Colin McGrath MLA
08/09/2016	Pat Rooney	Cllr David Taylor MLA and Danny Kennedy MLA
14/9/16	Pat Rooney	Cllr Terry Hearty
14/9/16	Anthony McKay	Wm Erwin MLA
15/09/2016	Pat Rooney	Cllr Terry Hearty
23/09/2016	Pat Rooney/Andrew Davidson	Harold McKee MLA, David Taylor MLA
29/09/2016	Pat Rooney	Cllr Terry Hearty
11/10/16	Andrew Davidson	Cllr Tinnelly
14/10/16	Pat Rooney & Andrew Davidson	Justin McNulty MLA

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
28/6/16	Cllr Walker	LA07/2016/0182/F	Meeting request with new Agent	A Hay	Direct e mail	30/6/16
30/6/16	Cllr Liz Kimmins	LA07/2016/0165/F	Update	Pat Rooney	Direct e mail	8/7/16
1/7/16	M Ritchie MP	LA07/2016/0735/F	Ensure application is progressed quickly.	M Keane	Direct e mail	1/7/16
4/7/16	Cllr P Clarke	LA07/2015/0361/F	Update	M Keane	Direct e mail	4/7/16
16/6/16	Cllr W Walker	LA07/2015/0406/F & LA07/2015/0399/F	Update on applications and register objections	A McAlarney	Direct e mail	5/7/16
" "	Cllr P Brown	LA07/2015/1024/O	Update	A McAlarney	Call transferred	5/7/16
6/7/16	William Irvine MLA	LA07/2016/0150/O	Update	Jacqui McParland	email	-----
" "	Cllr Patrick Clarke	LA07/2016/0039/O	Update	A McAlarney	Call transferred	6/7/16
6/7/16	Cllr G Sharvin	R/2012/0208	Update on enforcement case	A McAlarney	Direct e mail	25/7/16
7/7/16	Cllr Roisin Mulgrew	LA07/2015/0150	Update	J McParland	E mail	8/7/16
8/7/16	Cllr Roisin Mulgrew	LA07/2015/0150	Update	J McParland	Call transferred	8/7/16
" "	Cllr Gareth Craig	-----	37 Old Road, Dundrum	A McAlarney	E mail	8/7/16
11/7/16	Cllr Dermot Curran	R/2011/0632/F	Update	P Rooney	E Mail	14/7/16
14/7/16	Cllr Roisin Mulgrew	LA07/2015/0738/F	Update	P Rooney	E Mail	20/7/16
" "	Cllr Terry Hearty	-----	Progress with application	C O'Rourke- P Rooney	Direct e mail	14/7/16
15/7/16	Cllr Terry Hearty	P/2010/0904	Update	P Rooney/J McParland	E mail	15/7/16
" "	Cllr Liz Kimmins	LA07/2015/0713/F	Has application been approved?	P Rooney	Direct e mail	15/7/16
18/7/16	Councillor Curran	-----	-----	A McAlarney	Call transferred	18/7/16
" "	Cllr Liz Kimmins	LA07/2015/1317/O	-----	P Rooney	Call transferred	18/7/16
19/7/16	Colin McGrath MLA	R/2014/0476/F	Application number and update	M McIlhone	Telephone call	19/7/16
" "	Cllr Patrick Clarke	R/2014/0166/CA	Update	C Miskelly	Call transferred	19/7/16
" "	Cllr Colin McGraths Office	-----	E mail for Planning Enforcement	M McIlhone	Telephone call	19/7/16
20/7/16	Cllr Dermot Curran	LA07/2016/0762/O	Update	A McAlarney	Call transferred	20/7/16
" "	Cllr Gareth Wilson		Quays Shopping Centre	J McParland	Call transferred	20/7/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Cllr Liz Kimmins	LA07/2015/0589/F	Update requested	P Rooney	Direct e mail	21/7/16
20/7/16	Cllr S Burns	-----	Tony Steele, Shaguehill, Moneylane, Dundrum	A McAlarney	E mail	Answer phone message 08/07/16
21/7/16	Michael for Colin McGrath MLA	R/2014/0476/F	Update	M McQuiston	E mail	21/7/16
22/7/16	Cllr Barra Murray	LA07/2016/0813/RM	Update	P Rooney	E mail	25/7/16
" "	Austin Orr for Cllr Jim Wells	-----	Enforcement case re: Windmill Lane, Cranfield, Kilkeel	P Rooney	E mail	25/7/16
" "	Cllr Barra O'Muire	P/2013/0551/F	Meeting request	C O'Rourke-P Rooney	Direct e mail	25/7/16
27/7/16	Colin McGrath MLA	LA07/2015/0079/F	Remove application from Committee	A McKay	Direct e mail	27/7/16
" "	Cllr Patrick Brown	LA07/2015/0750/F	Update	A McAlarney	Call transferred	27/7/16
28/7/16	Cllr Patrick Clarke	Letrim GAC & Filling Station, Newcastle Rd/Newry St., Castlewellan	Updates	A McAlarney	E Mail	Phonecall 29/07/16
29/7/16	Cllr Terry Hearty	P/2010/0904/F	Request for meeting	P Rooney	Direct e mail	29/7/16
1/08/16	Colin McGrath MLA	_____	_____	A McAlarney	Call transferred	1/8/16
" "	Cllr D Curran	_____	_____	A McAlarney	Call transferred	1/8/16
" "	Cllr M Murnin	-----	Objection with Amended Plans	M McIlhone	Telephone call	1/8/16
" "	Cllr P Brown	P/2014/0896/O	2 nd call – never got an answer to first?	P Rooney	E Mail	2/8/16
" "	Cllr C McGrath	Froth Coffee Shop	Withdrawn from Planning Committee meeting 3/8/16	A McKay	Direct e mail	2/8/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
2/8/16	M Ritchie's Office	LA07/2015/1365/F	Is this application for Planning Committee meeting 3/8/16?	M McIlhone	Telephone call	2/8/16
" "	Cllr W Walker	LA07/2016/0754/F	Update	A McAlarney	Direct e mail	2/8/16
" "	Cllr P Byrne	LA07/2015/0095/F	Update	A Davidson	E Mail	2/8/16
" "	Cllr Danny Kennedy	_____	_____	J McParland	E Mail	-----
3/8/16	William Irwin MLA Office	P/2013/0234/F	Who is Case Officer?	M McIlhone	Telephone call	3/8/16
" "	Cllr M Murnin	LA07/2015/0979/F	Progress of application	A Hay	At Committee	5/8/16
4/8/16	Wm Irwin MLA	P/2013/0234/F	Wind Turbine update	P Rooney	E mail	8/8/16
" "	Cllr P Byrne	LA07/2015/0095/F	Update	A McKay	E Mail	4/8/16
" "	Colin McGrath's Office	----- ---	To arrange a meeting	A Hay	Call transferred	4/8/16
" "	M Ritchie MP	Pre App Discussion	60 Drumaroad Hill, Castlewellan	A McAlarney	E mail from C O'Rourke	anthony
5/8/16	Cllr Danny Kennedy	_____	_____	J McParland A Davidson	E Mail	-----
5/8/16	Cllr Mulgrew	Update on 2 applications		J McParland A Davidson	E Mail	-----
8/8/16	Wm Irwin MLA	P/2013/0234/F	Update	Andrew Davidson	E mail	8/8/16
" "	M Ritchie MP	R/2014/0575	Was application approved?	Mark Keane	E Mail	8/8/16
" "	Cllr Patrick Clarke	LA07/2016/0988/F	Update	Mark Keane	Call transferred	8/8/16
" "	Cllr Roisin Mulgrew	LA07/2016/0812/F	Update	Pat Rooney	Call transferred	8/8/16
" "	Wm Irwin MLA	P/2013/0234/F	Update	Andrew Davidson	E mail	8/8/16
" "	M Ritchie MP	R/2014/0442/O	Update on deferral	A McAlarney	Direct e mail	15/8/16
" "	Cllr H Harvey	LA07/2016/0754/F	Update	A McAlarney	L Dillon – A McAlarney	15/8/16
10/08/16	Wm Irwin MLA		Update	J McParland Laura Duffy	E Mail	-----
" "	Colin McGrath MLA		Annette off. Colin to ring Mon	Annette		10/08/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			15 th Aug			
11/08/16	Danny Kennedy MLA	-		J McParland Pat Rooney	E Mail	-----
11/08/16	Cllr P Clarke			Annette/Ciara	E Mail	-----
" "	Cllr Byrne			A Davidson	" "	11/8/16
11/08/16	Mgt Ritchie's office		Re Meeting with A McKay at 3pm	Spoke with Anthony. I called back to confirm meeting in Dpk	Suzanne	11/08/2016
" "	Cllr P Byrne	LA07/2015/0095/F	Update	Pat Rooney	E mail	11/08/16
12/08/16	Cllr Brian Quinn			Pat Rooney	Call transferred	12/8/16
" "	Cllr P Brown	Glassdrumman Hotel	Update	P Rooney	Direct e mail	1/9/16
15/08/16	Cllr Roisin Mulgrew	----- -----	Returning call	A Davidson	E mail	-----
" "	Cllr P Brown	Area Plan	Wished to discuss zoning	C O'Rourke – A Hay	E mail	15/8/16
" "	M Ritchie MP	LA07/2016/0874/F	Current position?	A McAlarney	Direct e mail	16/8/16
" "	Cllr C Casey	Various applications	Updates	P Rooney	E mail from Newry Admin	16/8/16
" "	Cllr W Clarke	R/2014/0449 & Middle Tollymore Road	Update and meeting request	A McAlarney	Direct e mail	17/8/16
16/8/16	Cllr P Clarke	LA07/2016/0583/F & Q/2014/0398/O	Updates	A McAlarney	-----	16/8/16
" "	Cllr R Mulgrew	Various Applications	Andrew dealing with apps. so Roisin will e mail him directly	A Davidson	Telephone call	16/8/16
" "	Cllr W Clarke	Petrol Station, Newcastle Rd &	Update requested	A McAlarney	Direct e mail	17/8/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
		Mary St., Castlewellan				
17/8/16	William Irwin MLAs office	-----	Wished to speak to J McParland.	M McIlhone	Telephone call	17/8/16
" "	M Ritchie MP	LA07/2016/0874/F	Update	A McAlarney	Direct e mail	18/8/16
" "	Cllr P Clarke	LA07/2015/1376/F	Update	A McAlarney	Direct e mail	18/8/16
" "	Cllr G Hanna	181 Dundrum Rd, Newcastle	Urgent enforcement issue re Land fill	A McKay	Direct e mail	22/8/16
18/8/16	Cllr W Clarke	R/2014/0449	Remove application from next planning meeting	A McAlarney	Direct e mail	18/8/16
" "	Clr G Wilson			J McParland	E-mailed	
" "	C McGrath MLA	Froth Coffee Shop	Ste meeting request	A McKay	Direct e mail	18/8/16
19/8/16	Cllr P Clarke	LA07/2015/0842/O	Current status of Decision?	A McAlarney	Direct e mail	19/8/16
" "	Cllr P Clarke	LA07/2015/0361/F	Current status of application?	A McAlarney	Direct e mail	19/8/16
" "	M Ritchie MP	R/2015/0153/O	Update	A McAlarney	Direct e mail	19/8/16
23/8/16	Colin McGrath MLA	LA07/2015/1088/F	Meeting	A McAlarney	Direct e mail	23/8/16 & 26/8/16
" "	Harold McKee	-----	-----		Emailed Jacqui/Andrew	23/08/2016
25/8/16	Cllr R Mulgrew	LA07/2016/0655; LA07/2016/1081	Also re yesterday's meeting and a general enquiry	A Davidson/P Rooney	E mail	-----
26/8/16	Cllr W Clarke	-----	Requested Pad for Castlewellan Road, Newcastle	A McAlarney	Direct e mail	26/8/16
" "	Cllr W Clarke	-----	Meeting re app. Middle Tollymore Road, Newcastle	A McAlarney	Direct e mail	26/8/16
" "	Cllr Dermot Curran	-----	-----	A McAlarney	Transferred call	26/08/16
30/8/16	Cllr Sean Doran	P/2014/0934/F	Update	J McParland/P Rooney	E Mail	30/8/16
" "	Cllr P Clarke	LA07/2015/0842/O	When will Decision Notice issue?	A McAlarney	Direct e mail	7/9/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
30/8/16	Cllr W Walker	R/2015/0126/F	Update	M Keane	Direct e mail	31/8/16
" "	Cllr S Doran	P/2014/0934/F	Follow up e mail to enquiry earlier today	P Rooney	Direct e mail	1/9/16
" "	Cllr G Fitzpatrick	LA07/2015/0413/O; Lao7/2015/0203/F; La07/2015/0409/RM & LA07/2015/0732/F	Updates requested	P Rooney	Direct e mail	12/9/16
31/8/16	Cllr W Walker	Solar Panels App	Finnebrogue, Downpatrick	A Hay	Direct e mail	1/9/16
" "	Cllr G Fitzpatrick	LA07/2016/0956/F	Request to prioritise application	P Rooney	Direct e mail	1/9/16
1/9/16	Cllr G Craig	LA07/2015/1088/F	Update	A McAlarney	Call transferred	1/9/16
" "	Cllr D Taylor	LA07/2015/1360/F	Update	P Rooney	Call transferred	1/9/16
" "	Cllr G Wilson	LA07/2016/0307/O	Update	P Rooney	Call transferred	1/9/16
" "	Elizabeth for J McNulty MLA	P/2013/0242/F	Update	P Rooney	E mail	1/9/16
" "	Cllr M Ruane	LA07/2016/0396	Update	P Rooney	Direct e mail	1/9/16
" "	M Ritchie MLA	-----	Revocation - McEvoy	A McAlarney	Direct e mail	2/9/16
2/9/16	Cllr D Taylor	Heingericke Building, Belfast Rd, Newry	Request to discuss	P Rooney	Hand written note left on desk	2/9/16
2/9/16	Cllr G Fitzpatrick	General	Update	P Rooney	Hand written note left on desk	2/9/16
" "	Cllr P Clarke	-----	Emergency works at 119-121 Main Street, Dundrum	A McAlarney	Direct e mail	2/9/16
6/9/16	Cllr T Hearty	-----	Request for meeting	P Rooney	Direct e mail	6/9/16
" "	Cllr Gillian Fitzpatrick	LA07/2016/0432/F; LA07/2016/0473/F; & LA07/2015/0732/F	Updates requested	P Rooney	Direct e mail	8/9/16
7/9/16	Cllr H McKee	General Enquiry	-----	P Rooney	E mail	7/9/16
" "	Cllr R Mulgrew	LA07/2015/0473/F	-----	A Davidson	E mail	9/9/16
" "	Cllr T Hearty	-----	Request for meeting	P Rooney	Direct e mail	7/9/16
" "	Elizabeth for J	P/2013/0242/F	Update	P Rooney	E mail	7/9/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
	McNulty MLA					
8/9/16	Elizabeth for J McNulty MLA	P/2013/0242/F	Update	P Rooney	E mail	7/9/16
“ “	Cllr R Mulgrew	LA07/2015/0473/F	-----	A Davidson	E mail	9/9/16
8/9/16	M Ritchie MP	R/2002/0971/F	Enquiry re Conditions	A McAlarney	Direct e mail	9/9/16
9/9/16	Sinead Bradley MLA	P/2005/2523; P/2014/0394 & P/2014/0972.	Updates requested	Pat Rooney	Telephone call	9/9/16
“ “	M Ritchie MP	LA07/2015/1224/F	When will app. Go to Council?	A McAlarney	Direct e mail	12/9/16
“ “	Cllr S Bradley	P/2014/0972/O; P/2014/0394/O & P/2005/2523	Updates requested	P Rooney	Direct e mail	16/9/16
12/9/16	Cllr David Taylor	LA07/2015/1181/F	Update	P Rooney	Telephone call	12/9/16
12/9/16	Sean Doran	_____	_____	Jacqui,Anthony, + Andrew	E Mailed	12/9/16
13/9/16	Cllr G Fitzpatrick	LA07/2016/0473/F	Request for meeting	P Rooney	Direct e mail	-----
“ “	Wm Erwin MLA	-----	Re: rescheduling meeting tomorrow	A McKay	E mail	13/9/16
“ “	Cllr S Doran	LA07/2015/0239/O	Request to defer decision until information received	P Rooney	Direct e mail	16/9/16
14/9/16	Cllr P Brown	_____	_____	A Hay	Call transferred	14/9/2016
15/9/16	Cllr Patrick Brown		Poultry Farms	James King	E Mail	15/9/16
16/9/16	Cllr M Ruane	-----	-----	P Rooney	Direct e mail	16/9/16
19/9/16	Cllr G Fitzpatrick	Tyre place on Chapel Hill Mayobridge	Can existing sheds be replaced with new ones?	P Rooney	Direct e mail	19/9/16
“ “	M Ritchie MP	LA07/2016/1166/F	Update	M Keane	Direct e mail	19/9/16
“ “	M Ritchie MP	LA07/2015/0866/F	Update	A McAlarney	Direct e mail	26/9/16
21/9/16	Cllr S Doran	P/2014/0872/F	Update	P Rooney	E mail	21/9/16
22/9/16	Cllr G Fitzpatrick	LA07/2015/0732/F	When will app be re-advertised?	P Rooney	Direct e mail	22/9/16

CONTACT FROM PUBLIC REPRESENTATIVES – 1 July – 30 September 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	M Ritchie MP	LA07/2015/0788/F	Update	M Keane	Direct e mail	23/9/16
23/9/16	M Ritchie MP	LA07/2016/0804	Add information provided	F Murray	Direct e mail	23/9/16
" "	M Ritchie MP	LA07/2016/0317/F- LA07/2016/0699/F	Update	M Keane	Direct e mail	23/9/16
26/9/2016	Cllr S Doran	LA07/2015/1380/F & LA07/2016/0069/O	Requests call back	P Rooney (Jacqui off)	Direct e mail	26/09/2016
" "	M Ritchie MP	LA07/2016/0874/F	Update	A McAlarney	Direct e mail	26/9/16
" "	M Ritchie MP	-----	Planning query from Brendan Sloan, 46 Killowen Rd, Rostrevor	C O'Rourke – A McKay	E mail	-----
27/9/16	M Ritchie MP	LA07/2015/0989/F	Update	A McAlarney	T/C & Direct E mail	27/9/16
" "	M Ritchie MP	LA07/2015/0989/F	Has all information been received?	A McAlarney	Direct e mail	28/9/16
28/9/16	Cllr S Bradley	P/2014/0394/O & P/2005/2523	Has Case Officer returned from leave?	P Rooney	Direct e mail	29/9/16
29/9/16	Cllr G Fitzpatrick	LA07/2016/0473/F	Request for meeting	P Rooney	Direct e mail	29/9/16

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 th October 2016
Subject:	Provision of Mains Water Supply to Newry Felons Community Garden at Loanda Community Centre, Newry
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and approve the expenditure required to provide a mains water supply to Newry Felons Community Garden.

1.0	Purpose and Background:
1.1	<p>The Council owns the premises known as Loanda Community Centre located at Dorans Hill, Newry. The premise comprises a Community Building, Play Park and garden area. The Council has agreed and is in the process of finalising a lease agreement between itself and the parties, Newry Felons Association and Barcroft Community Association, to lease an area of the site for use by Newry Felons Association as a Community Garden.</p> <p>A request was made through a Newry DEA Meeting to provide a mains water supply from Loanda House Community Centre to the tunnel located on the ground leased by Newry Felons Association. The water supply is required by the group to water the produce and plants being grown within the Community Garden. It is also understood that they would intend providing mains water supply to the portacabin on site. At present water is being stored in a large IBC stored on site supplied from a hose connected from Loanda Community Centre.</p> <p>This work can be carried out in-house with costs provided below to include the provision of a water meter to monitor usage which could be used, if considered necessary, to charge for the water supplied. The proposal would be to provide the supply to the outside of the portacabin on site with any additional works required to provide a connection within the portacabin to be arranged by the Group itself.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • Request is for Council to provide a permanent mains water supply to Newry Felons Community Garden. • Group currently using a temporary connection, as and when needed, to the Loanda Community Centre • System can be installed in such a way that usage of water can be monitored. • Council would maintain that part of the system that it installs leaving the Group responsible for all other maintenance of the system, including where required, Legionella checks and monitoring. • These works can be reflected within the lease currently under consideration.
3.0	Recommendations:
3.1	Approve the works and expenditure required to provide a mains water supply to Newry Felons Community Garden at Loanda Community Centre, Dorans Hill, Newry.
4.0	Resource implications
4.1	There is no specific budget for this and it is recommended that the cost of this work be assigned as an overspend to Loanda Community Centre.

	The estimated cost to provide this mains water connection is £775.00
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	None

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 th October 2016
Subject:	Permissible Headstones within Council Cemeteries
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and provide direction on the way forward to include harmonisation of Rules and regulations across all five Council operated Municipal Cemeteries.

1.0	Purpose and Background:
1.1	<p>The Council has five municipal cemeteries, Struell, Downpatrick, Lough Inch, Ballinahinch, Monkshill, Newry, Warrenpoint Municipal Cemetery and Rostrevor Municipal Cemetery. The former two cemeteries were under legacy Down District Council and the latter three under legacy Newry & Mourne District Council.</p> <p>Both legacy Council operated their own Rules and Regulations in relation to the cemeteries which would have included a requirement to obtain Council approval before erecting a Headstone.</p> <p>For legacy Down District Council there was a requirement that no inscription nor memorial, rail, fence, chair surround other than the standard headstone shall be erected or made in any place of burial. There is no definition within the Rules and Regulations as to what is meant by standard headstone. For legacy Newry & Mourne District Council there is no similar requirement but there are restrictions on location and size. There are also restrictions on location and size for legacy Down District Council but not the same as those specified for Newry.</p> <p>A recent request has been received to erect a headstone within Lough Inch Cemetery, which in the view of Council Officers does not meet their interpretation of standard headstone. A photograph of the type of headstone proposed is shown at Appendix 1. Legal advice is that where, as in this case there is no definition of what is meant by the phrase "standard", reference should be made to the dictionary definition. For the word standard the definition is:</p> <p>"an accepted or approved example of something against which others are judged or measured".</p> <p>Officers are satisfied; taking account of this definition that the proposed headstone would not fall within the definition of "standard" when compared against all other headstones approved within Lough Inch Cemetery.</p> <p>However, a review of the three municipal cemeteries within legacy Newry & Mourne District Council has found the same headstone in two of the cemeteries, Rostrevor and Warrenpoint.</p>

2.0	Key issues:
2.1	<ul style="list-style-type: none"> • As matters stand the Council is operating under two sets of Rules and Regulations for the operation of its Municipal Cemeteries. • A request to erect a headstone has been received which would comply with legacy NMDC Rules and Regulations but not, in the opinion of Officers, with legacy DDC Rules and Regulations.
3.0	Recommendations:
3.1	Council give consideration to the content of the report and provide direction on a way forward to include harmonisation of Rules and regulations across all five Council operated Municipal Cemeteries.
4.0	Resource implications
4.1	None at present.
5.0	Equality and good relations implications:
5.1	Given the difference in Rules and Regulations applied to the operation of cemeteries in the legacy Council's there are headstones which have been permitted in one legacy Council area which would not have been permitted in the other.
6.0	Appendices
	Appendix 1: Photograph of headstone proposed (see below)



Report to:	Regulatory and Technical Services Committee
Date of Meeting:	19 October 2016
Subject:	District Wide Food Waste Collection Service
Reporting Officer (Including Job Title):	Canice O'Rourke Director, Regulatory and Technical Services
Contact Officer (Including Job Title):	Joe Parkes Assistant Director, Waste Management

Decisions required:	
Approve the introduction of a district wide organic food waste collection service.	
1.0	Purpose and Background:
1.1	Food Waste Regulations (Northern Ireland) 2015, requires the Council to implement a domestic food waste collection service, effective from 1 st April 2017. This is a statutory requirement aimed at encouraging source segregation and separate collection of food waste. Its aim is to increase resource efficiency, recycling and stop food waste going to landfill. The council's existing brown bin collection service, which is provided to 41,206 premises, covers this requirement for the majority of houses within urban areas, however the remaining 27,400 rural premises must now be provided with a food waste collection service.
1.2	This requirement was discussed and accepted by Strategic Waste Working Group (SWWG) and via the actions points from the SWWG's first meeting, last month's R&TS Committee was also made aware of this requirement.
1.3	The attached report gives further details of the new collection service.
2.0	Key issues:
2.1	The Council is legally required to address the Food Waste Regulation (NI) requirements and therefore must provide a separate food waste collection scheme to all households in the district.
2.2	The brown bin scheme is the most effective way to address food waste collection, as it is already in place in most urban areas, however 27,400 mainly rural areas have no brown bins for food waste.
2.3	The Council will be required to purchase adequate numbers of 140L brown bins, caddies and liners to best meet this requirement.
2.4	An additional five refuse vehicles and associated crews will be required to implement this service starting 1/4/17. This will have upfront costs of £642,250 , however route optimisation of all refuse rounds and the reduction in the black bin tonnage, during 17/18, with help reduce the impact of service provision. Rethink grant aid may also help reduce capital costs.

3.0	Recommendations:
3.1	Grant permission to purchase 27,400 brown bins, kitchen caddies and liners to allow the introduction of the food waste collection scheme across the whole council district. The Council will apply for Rethink grant money, which may help subsidise costs, if successful in its bid.
3.2	Allow for five refuse collection vehicles to be retained, when their new replacement vehicles come in. These vehicles will cover the new service short term until efficiency savings can be made as part of the district wide optimisation of ALL refuse collection routes.
3.3	Employ temporary staff to allow the introduction of the new service. Again the district wide optimisation of ALL refuse routes, will subsequently help reduce this number. This route optimisation project will take place 17/18, with a proposal to implement in April 2018.
4.0	Resource implications
4.1	Initial introduction of five brown bin collection schedules to service the 27,400 households presently not receiving a brown bin collection service.
4.2	Short term running costs of five additional refuse vehicles and staff.
4.3	Purchase of 27,400 brown bins, caddies, liners and promotion costs. Capital £602,250, however Rethink grant aid may reduce this
4.4	Additional revenue costs £40,000
5.0	Equality and good relations implications:
5.1	No implications to equality and good relations.
6.0	Appendices
	District wide organic food waste collection report.

District Wide Food Waste Collection Service

1. Legislation Requirements

1.1 Food Waste Regulations (Northern Ireland) 2015 came into force on the 14th of February 2015. These regulations are aimed at encouraging the source segregation and separate collection of food waste in order to increase resource efficiency and recycling i.e. avoid food waste going to landfill.

The regulations will prohibit the landfilling of separately collected food waste from 1st April 2017.

The legislative position is that:

A district council shall, from 1st April 2017, arrange for there to be provided to the occupier of every domestic property in its area—

(a) a receptacle which enables the separate collection of food waste from the property;

Or

(b) where a district council is satisfied that the amount of food waste that will be collected is not substantially less than would be collected in a receptacle provided under paragraph (a), a receptacle which enables the occupier to present food waste and other bio-waste for separate collection. i.e. brown bins

1.2 The separate collection of food waste across the district would be deemed as uneconomic and too labour intensive, as a totally new tier of collection would need to be introduced. It is therefore recommended to collect food waste as part of the brown bin scheme, which falls into option B above.

2. Current situation

2.1 Number of properties

Newry, Mourne and Down District Council currently has 68,606 households. The present brown bin collection service is delivered to 41,206 of these households on a fortnightly basis, using a 240L receptacle. As part of this service, most households have a kitchen caddy, which helps aid the process of collecting food waste in the home.

In order to meet the requirements of the Food Waste Regulations 2015, a receptacle for food waste collection, will have to be provided to the remaining 27,400 premises by April 2017.

2.2 Collection of Residual Black Bin Waste

In total 52,214 tonnes of black bin waste is collected from across the District. If as part of the development of the food waste brown bin scheme, 10% of food was removed from the black bin and processed as part of the brown bin scheme, it would make a saving of £350,000.

3. Key Considerations and recommendations.

Council are required to provide separate food waste collection to all households in the District. Currently 27,400 householders have no receptacle for food waste. Council **must**, in accordance with the legislation, provide a food waste collection to ALL households from April 2017. In order to do this it must consider and make decisions on the following additional resources needed:

3.1 Collection vehicles

Based on current fortnightly brown bin collections officers estimate 5 vehicles and 5 crews could cover the additional service requirement. A spare vehicle & crew would be required as back up. Table 1 details the vehicles and staff requirements.

Table 1: Additional vehicles and crews needed to provide additional food waste collection service.

Shortfall	No. of brown bins Needed	Projected tonnage	t/hh/yr	Cost /t processing	Additional Cost processing/ yr	No of vehicles needed	No of crews (1 driver 1 crew)
DOWN	9285	1671.3	0.18	£54.55	£91,169.42	1.75	2
NEWRY AND MOURNE	18118	3442.42	0.19	£39.57	£136,216.56	3.42	3
Total in NMDDC	27403	5113.72	0.19	£47.06	£227,385.97	5.17	5

3.2 Collection crew

Each vehicle would require a driver and one loader, with holiday and sickness provision.

3.3 Collection rounds

Provide fortnightly collections with existing vehicles that were due replacement in 16/17. Once correct usage of bins is established, a full rounds route optimisation review would be carried out.

3.4 Reprocessing and the quality of collected material

Council currently recycle biodegradable material through Natural World Products. Material is composted to all relevant PAS100 standards and food regulations.

Natural World Products envisage no issues in the quality of their end product and outlets for the material are considered to be sustainable.

3.5 Containers and liners

Households on the existing brown bin collection scheme have a 240ltr brown bin for the collection of Biodegradable waste. It is proposed that the 'extension' to this scheme is targeted at **food waste** and it is therefore recommended that a 140ltr bin is sufficient. Larger capacity containers are likely to draw in additional garden waste incurring additional processing costs.

It is proposed to include a **kitchen caddy**. This provides a practical way for householders to manage food waste inside the house and helps encourage the separation of food waste from residual.

Biodegradable liners: Provision of liners is consideration essential at the scheme outset to ensure acceptance an success.

Although the provision of liners is a significant cost they are considered by many organisations running food waste collection services to be a key factor influencing the uptake of, and continued participation by customers, in the service, as well as helping to improve the capture of wetter food waste. Liners help keep containers clean and reassure householders that the service is hygienic.

3.6 Distribution (initial delivery of bins)

Distribution has been scheduled in-house previously and is proposed to organise it this way again. Distribution would include external container, kitchen caddy, liners and communications.

3.7 Communications

Communication and education will play a pivotal role in the success of the food waste collection service. A communication plan will be implemented as part of the scheme to ensure maximum usage.

3.9 Monitoring and evaluating scheme effectiveness

A monitoring and evaluation programme will enable the Council to establish the outputs and outcomes from the scheme. There are various methods that can be employed to demonstrate the effectiveness of a scheme.

- Tonnage data analysis
- Set out and participation rate monitoring
- Waste capture analysis
- Stakeholder feedback
- Communication evaluation

This information will be used to develop the scheme and ensure optimum service.

4. Costings and Statistics

Additional costs are shown below, covering both capital & revenue. These costs will be subject to further review to determine any provision needed in the rates estimates.

4.1 Capital expenditure

Implementation of a food waste collection scheme is a legislative requirement and although significant savings are anticipated through the reduction of residual waste arisings and processing' the initial cost of roll out will fall to Council.

Table 2: Capital expenditure needed to roll-out food waste collection to all households.

	Unit cost	Quantity	Total
140 ltr Brown Bins	£18.10	27,500	£497,750.00
Cost of vehicles (NIL)	Using existing vehicles		£0.00
Advertising and promotion			£20,000.00
Caddies	£1.80	27,500	£49,500.00
Liners (30 bags/roll)	£0.50	70,000	35,000
Total capital expenditure			£602,250.00

No vehicles are included in this costing as we would hope to continue the service for 1 year using existing replaced vehicles. However some vehicles would need to be purchased in the future although route optimisation and a consequent reduction in the number of rounds required, should mean this is less than the initial five additional vehicles.

Capital cost for bins may potentially be drawn down by grant-aid from the department but in the event that this is not available, Council will have to cover this capital cost. The Council at present is putting forward for Rethink grant aid in a bid to reduce this cost.

4.2 Revenue expenditure 17/18

Revenue expenditure will remain an annual expense if all services remain the same however, if after route optimisation it is possible to reduce the number of collection rounds, it should be possible to significantly reduce this initial increase in revenue costs.

It is anticipated that annual revenue expenditure will be mainly financed by savings in disposal costs.

Revenue expenditure needed to finance the food waste scheme in 17/18.

	Unit cost	Quantity	Total
Driver	£28,000.00	5	£140,000.00
Loader	£22,000.00	5	£110,000.00
Maintenance	£12,000.00	5	£60,000.00
Reserve Staff		1	£30,000.00
Fuel	£10,000.00	5	£50,000.00
			£0.00
			£0.00
Total revenue expenditure 17/18			£390,000.00

The saving by diverting food waste disposal charges to the lesser brown bin disposal charge could make a saving of £350,000. Therefore if we can effectively remove food waste from the black bin to the brown bin, revenue expenditure may only increase by approximately £40,000.

Total capital and revenue expenditure to extend food waste collection to all households as legally required is:

	Total
Capital expenditure	£602,250.00
Revenue Expenditure	£40,000.00
Total cost to provide collection	£642,250.00

Total expenditure first year £642,250*

*This figure could be less if Council is able to secure Rethink grant aid.

4.3 Recycling targets

Council must also achieve a 50% recycling target by 2020, if this scheme is implemented and a 15% increase in collection of is biodegradable/ food waste achieved the Council will achieve a recycling rate of 48.55%.

CONCLUSIONS

1. Council is required to implement a collection service for food waste, effective 1 April 2017.
2. It is concluded that the Council should address this requirement by:-
 - 2.1 Implementation of a food waste collected by using 140L wheeled bins for the remaining 27,400 premises within the District (new scheme). The scheme will be an extension to the Council's collection of biodegradable waste, but will be focused on removing food waste from the residual waste stream.
 - 2.2 Advise all householders, both those who already have brown bins, and those receiving brown bins for the first time that no food waste is allowed in Black Bins.
 - 2.3 Permit some other green wastes into the "new scheme", to the capacity of the bin provided.
 - 2.4 Provide a fortnightly brown bin scheme across the district, effective 1 April 2017.
 - 2.5 Provide collections initially with existing vehicles, as replaced in the year 2016/2017. Undertake scheme viability review in 2017/2018, with route optimisation to cover costs.
 - 2.6 Council to seek Rethink grant aid to help implement the new service.

Liam Hannaway
Chief Executive



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

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NILAS Monitoring Team
Land & Resource Management
Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Belfast
BT7 2JA

Date: 12th September 2016

Dear Sirs,

The Landfill Allowance Scheme (NI) Regulations 2004 (As amended)
11th Scheme year 2015/16

I refer to your letter of 28 July 2016 in connection with the draft reconciliation position relative to Newry, Mourne and Down District Council.

The wider position has been reviewed with the other councils in arc21 and as a result it is necessary to initiate the arc21 transfer protocol. Accordingly, please find attached the duly completed NILAS 003 form(s) in respect of a request to transfer landfill allowances to Ards and North Down Borough Council from this council.

I trust this will be suitable for your requirements and please do not hesitate to contact me should you have any queries.

Yours faithfully,

Mr Canice O'Rourke
Director of Regulatory and Technical Services



Oifig an Iúir
Newry Office
O'Hagan House
Monaghan Row
Newry BT35 8DJ

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate, Ardglass Road
Downpatrick BT30 6GQ

0300 013 2233 (Council)
0300 200 7830 (Planning)
council@nmandd.org
www.newrymournedown.org

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh

**REQUEST TO TRANSFER
LANDFILL ALLOWANCES FORM**



NILAS 003


Transferor: (District Council 'providing' allowances)	Newry, Mourne and Down District Council
--	--

Transferee: (District Council 'receiving' allowances)	Ards and North Down Borough Council
--	--

Total number of allowances to be transferred ¹	Scheme year ²	Date transfer agreed
677	2015/16	12 th September 2016

Declaration:

I declare that I have been authorised by the transferor to submit this transfer request.

Signature 	Position <u>Director, Regulatory Technical Services</u>
Name <u>CANICE O'ROURKE</u> (Block Capitals)	Date <u>12th September 2016</u>

Please return this form to:

NILAS Monitoring Team
Control & Operation Unit
Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast
BT7 2JA

Tel: (028) 9056 9428

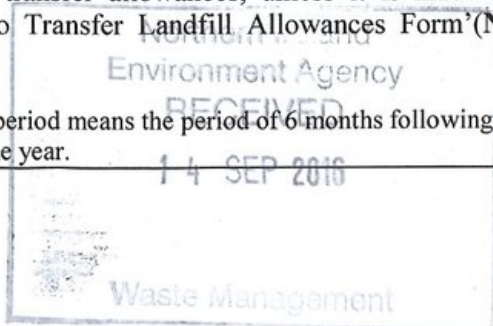
Fax: (028) 9056 9376

Email: NILAS@daera-ni.gov.uk

GUIDANCE NOTES

1. One allowance is equal to one tonne of Biodegradable Local Authority Collected Municipal Waste (BLACMW).
2. Scheme Year: Enter the scheme year for which the allowances are available to the transferor.
3. A transfer of allowances from one District Council to another District Council can only be transferred from one scheme year to the same scheme year.
4. A request to transfer allowances must be made to the monitoring authority BEFORE the end of the reconciliation period* for the scheme year in which the transfer is agreed.
5. The monitoring authority is not required to consider a request to transfer allowances, unless it is made on the 'Request to Transfer Landfill Allowances Form' (NILAS 003)

* reconciliation period means the period of 6 months following the end of a scheme year.



Dear Mr O'Rourke,

Northern Ireland Environment Agency in its capacity as Monitoring Authority for the Northern Ireland Landfill Allowances Scheme (NILAS) acknowledge receipt of a valid NILAS 003 Transfer Form, from Mr Canice O'Rourke Director of Regulatory and Technical Services of Newry, Mourne and Down District Council for the transfer of **677** allowances from Newry, Mourne and Down District Council to Ards and North Down Borough Council for the NILAS 2015/16 scheme year.

The transfer is valid under NILAS Regulation 7 because:

- a) the number of landfill allowances are available to the district council for the scheme year and have not been utilised;
- b) the transfer of allowances is within the same scheme year;
- c) and the district councils involved in the transfer are not suspended from transferring landfill allowances.

The Landfill Allowances Register has been updated with the transfer.

This e-mail constitutes notification to the district councils involved that the transaction has been completed.

Regards

Adrian Fitzpatrick CEnv, MIEMA, MCIWM

Higher Scientific Officer

Resource Efficiency Division - Controls & Operations - Control & Data Management Team

Northern Ireland Environment Agency

1st Floor

Klondyke Building

Cromac Avenue

Gasworks Business Park

Lower Ormeau Road, Malone Lower

Belfast

BT7 2JA



JOINT COMMITTEE
29 September 2016

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MEMBERS' MONTHLY BULLETIN

The purpose of this Bulletin is to provide Members with an executive summary of the various agenda items which will be considered by the Joint Committee at its forthcoming meeting. The titles highlighted in blue relate to the various agenda items.

Item 1 - Annual General Meeting

Election of Chair and Deputy Chair.

Item 4 - Minutes of Joint Committee meeting 015 held on 8 September 2016**For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 8 September 2016.

'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL**Item 6 - Minutes of Joint Committee meeting 015 held 'in committee' on 8 September 2016****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held 'in committee' on 8 September 2016.

Item 8 - Residual Waste Treatment Project**For noting**

The Procurement Process - Procurement activities have been reduced to a low level of intensity to minimise nugatory expenditure until there is better visibility on the direction of planning issues. However, the technical work stream concerning grid connection issues has been re-initiated.



JOINT COMMITTEE
29 September 2016

PAC hearing - The governance cycle in relation to pursuing the PAC hearing process is now complete.

The Joint Committee is asked to note the report.

RETURN TO MAIN AGENDA

Item 9 - Contracts and Performance Update

For approval

The monthly level of contamination at the MRF has slightly decreased for the second consecutive month.

The monthly tonnage figures collected through the Bring sites contract and the organics contract are significantly higher when compared with the comparable period last year.

It is recommended that the contracts pertaining to the Bring Sites and the MRF are extended for a period of 12 months from 1 April 2017.

The Joint Committee is asked to approve the recommendations and note the rest of the report.

Item 10 - 2016/17 Waste Statistics Q1

For noting

The Joint Committee is asked to note the statistical information relative to key waste statistics covering the first quarter of 2016/17.

Item 11 - Revenue Estimates

For approval

The Joint Committee is presented with the proposed Revenue Estimates of arc21 setting out the costs of the Joint Committee in terms of its Establishment, Procurement and Operational activities, Waste Contract Services, Waste Contract Supplies and the costs associated with the Education Vehicle.



JOINT COMMITTEE
29 September 2016

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In terms of the Residual Waste Treatment Project, the planning application is currently at the PAC stage but, subject to a positive outcome on Planning, the Project would then progress to completing the procurement process, award the contract and also move to acquire the necessary land assembly including the acquisition of the Hightown Quarry site.

The anticipated costs associated with the acquisition of the Hightown Quarry site and ancillary land have been taken into account in the data provided, in particular the estimated Loan Charges, should borrowing from the Government Loans Fund be the chosen financing option, are anticipated from 2018/19. Some Councils intend to make a one-off revenue contribution to cover their share of the acquisition of the land and therefore can ignore the loan charges figures shown in the sheet.

The estimates reflect the second year of the arrangement with Newry, Mourne and Down which will apply in the 17/18 year to reflect the continuation of the services of arc21 in respect of the former Newry and Mourne District Council. From the 18/19 year onwards, the contribution from Newry, Mourne and Down District Council will be on the same terms as all other Councils.

Separately, figures relating to the arc21 waste services and supplies contracts have been provided to Participant Councils, to enable them to make their own budget provision based on their requirements in terms of waste tonnage arisings and volume of supplies needed.

The Joint Committee is asked to consider and approve the Revenue Estimates to enable Participant Councils to take the figures into account within their own Estimates process.

Next Meeting: Thursday 27 October 2016 at 10.30am, to be hosted by Lisburn & Castlereagh City Council

ITEM 4
ARC21 JOINT COMMITTEE
Meeting No 015
Hosted by Ards and North Down Borough Council
MINUTES
Thursday 8 September 2016

Members Present:

Councillor M Goodman
 Councillor AM Logue
 Alderman R Gibson
 Alderman A Carson
 Councillor R Brown
 Alderman J Tinsley
 Councillor O Gawith
 Councillor D O'Loan (*Deputy Chair*)
 Councillor R Wilson
 Councillor G Craig (*Chair*)
 Councillor S Burns

Antrim and Newtownabbey Borough Council
 Antrim and Newtownabbey Borough Council
 Ards and North Down Borough Council
 Ards and North Down Borough Council
 Belfast City Council
 Lisburn & Castlereagh City Council
 Lisburn & Castlereagh City Council
 Mid and East Antrim Borough Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council
 Newry, Mourne and Down District Council

Members' Apologies:

Councillor M Rea
 Alderman A Graham
 Councillor J Bunting
 Councillor M Collins
 Councillor L Poots
 Councillor B Adger
 Councillor D Curran

Antrim and Newtownabbey Borough Council
 Ards and North Down Borough Council
 Belfast City Council
 Belfast City Council
 Lisburn & Castlereagh City Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council

Officers Present:

J Quinn
 R Burnett
 G Craig (*Secretary*)
 H Campbell
 K Boal
 J Green
 C Robinson
 M Laverty
 T Walker
 H Moore
 S Holgate
 J Parkes

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 Antrim and Newtownabbey Borough Council
 Belfast City Council
 Lisburn & Castlereagh City Council
 Mid and East Antrim Borough Council
 Newry, Mourne and Down District Council

Officers' Apologies:

G Girvan
 D Lindsay
 N Grimshaw
 S Toland
 P Thompson

Antrim and Newtownabbey Borough Council
 Ards and North Down Borough Council
 Belfast City Council
 Belfast City Council
 Mid and East Antrim Borough Council

C O'Rourke

Newry, Mourne and Down District Council

Apologies

Apologies were noted.

Action: Noted

Conflicts of Interest Statement

The Deputy Chair read out the Conflicts of Interest Statement. There were no conflicts noted.

Action: Noted

Mr Green requested through the Chair that he be permitted to present the Residual Waste Treatment Project report at the start of the meeting as he would have to leave due to pressing commitments in relation to the PAC process.

The Chair and Committee agreed and the Chair advised Members that the meeting would now be formally dealt with 'in committee'.

In Committee

Matters of a confidential and commercially sensitive nature were discussed under this agenda item and recorded accordingly.

Following discussion on the commercially sensitive matters, the Chair advised Members that the meeting would now return to the main agenda but whilst 'in committee' there were two matters discussed as follows:

1. Residual Waste Treatment Project. **Action: Agreed**
2. In Committee Minutes of Joint Committee Meeting No. 014 held on 28 July 2016. **Action: Agreed**

The Chair advised Members that the meeting would now return to the main agenda.

Minutes

The minutes of Joint Committee meeting 014 held on 28 July 2016 were agreed.

Action: Agreed

Matters Arising from the Minutes

There were no matters arising.

Action: Noted

Contracts and Performance Update

Mr Burnett presented a report to advise the Joint Committee on the prevailing monthly situation pertinent to the operational performance of the service and supply contracts.

Two particular issues discussed at the meeting related to the MRF contract.

Mr Burnett reported that the levels of contamination had slightly reduced in the month however he highlighted the importance of remaining vigilant to mitigate delivery of items which pose a high risk to the MRF facilities and their personnel e.g. nappies, weapons and batteries.

In relation to the nappy issue, a Member noted a recent scheme in Scotland dealing specifically with the issue of recycling nappies and enquired if arc21 was aware of its success or not. Mr Burnett reported that he would carry out some research into the scheme and report back to the Committee accordingly.

Action: Mr Burnett

Discussion also took place regarding the recent battery explosion on the picking line at the MRF in Mallusk and the potential for an operative to have been badly hurt. The issue of householder education was raised by Members and Mr Walker advised that a paper had been produced by Solace and NILGA looking at a variety of priorities in waste management and this was currently being presented in all Council chambers for discussion.

Mr Quinn reported that he hoped to bring this paper to a future Joint Committee meeting for information.

Action: Noted

Following discussion the Joint Committee agreed to note the report.

Action: Noted

WEEE

Mr Burnett presented a report to advise the Joint Committee on the latest position regarding the collection of WEEE.

He reported that the utilisation of grant money secured by arc21 had resulted in significant increase in reuse of appropriate WEEE items consistent with that predicted.

He noted that some Councils in England are experiencing difficulties with the collection of WEEE from their sites due to changes in market conditions relating to Producer Compliance Schemes.

He reported that ERP had requested that their Service Delivery plan in respect of the E-Waste Partnership be amended from a regional approach linked to tonnage to the previous UK wide arrangement with no linkage to tonnage.

Accordingly it was recommended that the proposed amendment to the ERP Service Delivery Plan be agreed by the Joint Committee.

Following discussion the Joint Committee agreed to endorse the recommendation and note the rest of the report.

Action: Agreed

Consultation on Landfill Tax: Improving Clarity and Certainty for Taxpayers

Mr Burnett presented a report to advise the Joint Committee on the consultation issued by HM Revenue & Customs (HMRC).

He informed Members that the stated purpose of the consultation was to seek views on:

- Proposals to put the definition of a taxable disposal for Landfill Tax beyond doubt, without altering the scope of the tax; and
- To gather information on hazardous waste falling within the scope of the Qualifying Material Order.

A copy of the arc21 response was presented and Mr Burnett recommended that the Joint Committee note the arc21 report and response.

One of the Members suggested that Mr Burnett reinforce the wording in the Answer to Question 6 in relation to hazardous waste and rates of Landfill Tax. Mr Burnett agreed to do so accordingly.

Action: Mr Burnett

Following discussion the Joint Committee agreed to the recommendation.

Action: Agreed

Environmental Services Association (ESA) Strategy Paper

Mr Burnett presented a report to advise the Joint Committee on a Strategy Paper recently published by the ESA entitled "*Resourceful: Delivering a Strong Competitive UK Resource Economy*".

He reported that the eight page paper identifies four main areas for action:

- Transferring resource ownership from the public sector to product supply chains;
- Building resilient recycling and recovery markets;
- Realising economies of scale; and
- Driving waste crime out of the sector.

He reported that the paper also indicates that the ESA will undertake further more detailed work and that they intend to "*engage with government and other stakeholders and complete this package of work and proposals during the remainder of 2016.*"

Accordingly, he advised that arc21 had made contact with ESA and suggested that they engage with arc21 in this regard.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

NILAS 15/16

Mr Burnett presented a report to advise the Joint Committee on the current position for 2015/16.

He informed Members that the NIEA had issued the draft letter of reconciliation with respect to the NILAS 2015/16 position and presented a copy for information.

Mr Burnett advised that, as agreed at a previous meeting, the arc21 protocol had been initiated to address the transfer of allowances and that all Councils are to complete the relevant forms and submit them by the deadline of 30 September 2016.

He reported that one Council had completed the process and the NIEA have formally confirmed their approval of that particular allowance transfer.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Consultation on Proposed Changes to the Northern Ireland Local Authority Collected Municipal Waste (NI LACMW) Annual Report

Mr Burnett presented a report to advise the Joint Committee on the consultation issued by DAERA which seeks views on proposed changes to the Northern Ireland Local Authority Collected Municipal Waste annual statistical report.

A copy of the proposed arc21 response was presented for consideration and it was recommended that the Joint Committee endorse the draft response, subject to any further amendment to take account of further contributions or developments prior to the closing date of 16 September.

Following discussion the Joint Committee agreed to endorse the recommendation.

Action: Agreed

Next Meeting and AGM

The Chair advised that the next scheduled meeting of the Joint Committee included the AGM and would be held on Thursday 29 September hosted by Belfast City Council. He advised that he intended to step down as Chair at this meeting due to other work commitments within his Council.

Mr Craig informed Members that the next meeting would commence with the formal election of Chair and Deputy Chair and that he would be seeking nominations for these posts.

He informed Members that to date there had been two Members who had expressed an interest in relation to these positions: Councillor Declan O'Loan for the position of Chair stepping up from his current position as Deputy Chair; and Alderman Robert Gibson in respect of the position of Deputy Chair. Mr Craig advised the Committee that any other nominations were welcome from Members either in advance of the AGM or at the meeting itself.

Action: Noted

Chairman

HISTORIC3ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING21 SEPTEMBER 2016

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 18 MAY 2016			
RTS/77/2016	Additional Off-road car parking at Kilbroney Municipal Cemetery, Rostrevor	Officers undertake a feasibility study into request to provide additional off street car parking at Kilbroney Municipal Cemetery, Rostrevor, and as part of the study to consider best use of the piece of ground identified for possible parking as opposed to using the greenfield site.		No progress to report as yet.	N
RTS/78/2016	Council Public Amenity Space near the Council public toilets at Castlewellan	Officers investigate options for securing amenity space near Council public toilets Castlewellan and report back to Committee.		Report provided to Committee Meeting 17 August 2016 where it was agreed to provide	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Also agreed officers investigate what happened to the bangor blue slates formerly on roof of building recently renovated.</p>		<p>removable bench seating and a planter in the amenity area between the Library and Public Toilets in Castlewellan Square, as a means of preventing the amenity space being used for ball sports.</p> <p>It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated.</p>	
RTS/87/2016	Tender for final capping at Drumanakelly	Agreed to tender for the final capping at Drumanakelly Landfill Site		Ongoing tender process, working on a two stage	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Landfill Site			programme.	
		RTS MEETING – 20 APRIL 2016			
RTS/60/2016	Opening and closing of toilets in Newcastle	An audit/review of all Council owned toilets be carried out looking at issues such as usage; consultation with users; possibility of charging a minimal fee for usage with any money raised to be put back into upgrading toilet facilities; details of cleaning schedules; opening/closing times; extended opening hours during busy periods. A report be brought back to a subsequent R&TS Meeting on these issues.		Ongoing. Collating data in relation to public toilet provision.	N
		RTS MEETING – 9 DECEMBER 2015			
RTS/140/2015	Application for funding to provide a pathway to Dechomet	Officials investigate if there were other Council owned graveyards that had access issues.		Report to be provided in September 2016.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Graveyard.				
RTS/142/2015	Old Furniture at Council Recycling Sites	Council adopt a policy that people leaving old furniture at Council amenity sites be given the opportunity to donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.		Ongoing. Putting together expressions of interest document,	N
		RTS MEETING – 18 NOVEMBER 2015			
RTS/122/2015	Improvements to grass verge at entrance to Ardglass.	Council Officers, in conjunction with Transport NI and relevant private landowners, meet to discuss what improvement can be carried out to this area.		Report provided to Committee 17 August 2016 where it was agreed that given the current financial restrictions and staff resource limitations the Council will maintain its current level of grounds	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p data-bbox="1541 347 1778 671">maintenance works of the Transport NI owned grass verges on the entrance to Ardglass but not extend this at present.</p> <p data-bbox="1541 715 1816 1002">Details of how much was being spent on the upkeep of non-council lands be provided along with a map of each location.</p> <p data-bbox="1541 1045 1809 1374">An active community group would be identified to take ownership and civic pride in the areas of grass verges at the entrance to Ardglass and</p>	<p data-bbox="1933 715 1957 743">N</p> <p data-bbox="1933 1045 1957 1074">N</p>

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				assistance be sought from the DEA Co-ordinator to draw down funding for planting.	
RTS/123/2015	Lease agreement – Hilltown Handball Court	Council enter into a lease agreement in respect of Hilltown Handball Court.			
RTS/124/2015	Bus Shelter requests	Councillor Casey referred to the bus shelter on the Old Warrenpoint Road and said it was being used for anti-social behaviour purposes - officials investigate if this could be moved and report back to the Committee.		Report to be provided at September Committee Meeting.	N
		Councillor Casey asked if officials could investigate if a bus shelter could be provided on the Drummond Road, off the Armagh Road if		3 possible locations identified. Councillor Casey advised and is to	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>this area was in the Newry, Mourne and Down Council area.</p> <p>A letter to Transport NI asking them to provide financial assistance to the Council for the provision of bus shelters as it was their policy to encourage the public to use public transport.</p>		consult with residents to determine which site is requested.	
RTS/125/2015	Proposed extension to Struell Cemetary	To approve the report and recommendations for the issue of a tender or a main contractor to carry out the works at Struell Cemetery for a proposed extension at an estimated cost of £125,000 and also to reallocate £125,000 from the Capital Budget 2015/2016 to Capital Budget 2016/2017 for expenditure on the proposed extension to Lough Inch Cemetery.		Update to be provided to Committee in September	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/134/2015	Tender report – Integrated Design Team Services – Household Recycling Centre, Downpatrick	Accept the tender received from Economic Operator 1 for integrated design team services for the development of a Household Recycling Centre at Killough Road Downpatrick.		Design team appointed now working on HRC design and Development of HRC at the Killough Road Site.	Y
		RTS MEETING – 23 SEPTEMBER 2015			
23 September 2015	Picnic tables at Lindsey's Hilltown	Officials re-investigate the possibility of replacing missing picnic tables at this location. Council's Maintenance Inspection Officers investigate the closing off of a road/access route with boulders on the Leode Road, Hilltown and report back to Councillor Fitzpatrick as to who would be responsible for removing these boulders.			N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING 19 AUGUST 2015			
RTS/63/2015	Dechomet Graveyard, Ballyward – Capital Scheme for Pathway Access	Council officers explore the possibility of sourcing funding for this work from a specific stream within the Big Lottery Heritage fund and report back to the Committee.			
		RTS MEETING 17 JUNE 2015			
RTS/73/2015	Japanese Knotweed and Giant Hogweed, Rossmara Park, Warrenpoint	<p>Appoint external contractors to carry out works to rebuild the wall in line with Building Control and engineer reports.</p> <p>Clarification from the Council's Solicitor with regards to the expenditure of accrued money from the legacy Newry and Mourne District Council for the maintenance of the wall.</p> <p>To convene a meeting with the Housing Executive at the highest level to ascertain</p>		Engineering Company going on site October 2016.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		maintenance of this area after Japanese knotweed and giant hogweed has been eradicated and works to the wall completed.			
RTS/40/2015	Crematorium in the Newry Area.	Funding be included in the Draft 2016/17 Capital Programme for the possible provision of a crematorium in the Newry, Mourne and Down District Council area		Capital estimates will be included for consideration by Council in determining next year's budget and capital plan.	
RTS/40/2015	Provision of a Council pest control service	Refer to the Active and Healthy Communities Committee with a report detailing the costs of providing the service and a recommendation that these costs should be included in the 2016/2017 Draft Budgets.		AHC Director informed.	
RTS/44/2015	Proposed Mini Pillar installation at Hillside Drive,	Permission for Council officials to review options for providing electricity to the		Options being reviewed	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Kilkeel	Council owned outdoor facility at Hillside Drive, Kilkeel, and to provide a report including estimated cost of options, potential funding for options and how each of the options would be managed in the future.			
RTS/46/2015	Summary Review Report – Reservoir Bill (NI) Future	To include the costs of this survey work in the 2016/17 Rate Estimates with a view to carrying out the Reservoir Surveys in the Spring of 2016.		Estimates costs will be added for consideration to next year's budget estimates.	