



September 15th, 2016

Notice Of Meeting

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 21st September 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.**

Committee Business

2. **Declarations of conflicts of interest.**

Committee Business

3. **Action sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 17 August 2016. (Attached).**

Action sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 17 August 2016. (Attached).

[Action Sheet - 17 August 2016.pdf](#)

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For Consideration and/or Decision - Building Control

4 **Report re: implementation of the Licencing of Pavement Cafes Act (NI) 2014 Policy and Procedure. (Attached).**

Report re: implementation of the Licencing of Pavement Cafes Act (NI) 2014 Policy and Procedure. (Attached).

[Report - Report NM&D Licencing of Pavement Cafes Act \(Northern Ireland\) 2014.pdf](#)

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[Pavement Cafes - Designation Policy.pdf](#)

Page 6

5 **Report re: amendments to Part M of the Building Regulations. (Attached).**

Report re: amendments to Part M of the Building Regulations. (Attached).

[Report - Amendment to Part M of the Building Regulations.pdf](#)

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[Consultation on Proposed Building Regulations.pdf](#)

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6 August 2016 Planning Committee Performance Report. (Attached).

August 2016 Planning Committee Performance Report. (Attached).

[AUGUST 2016 Planning Committee Performance report.pdf](#)

Page 21

7 Appeals and Decisions. (Attached).

Appeals and Decisions. (Attached).

[Current Appeals and Decisions August 2016.pdf](#)

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8 Record of meetings between Planning Officers and Public Representatives. (Attached).

Record of meetings between Planning Officers and Public Representatives. (Attached).

[Record of Meetings between Planning Officers & Public Reps.pdf](#)

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9 Report re: Council contribution towards EPIC replacement. (Attached).

Report re: Council contribution towards EPIC replacement. (Attached).

[Report - EPIC Discovery Porcess.pdf](#)

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[Letter@ Replacement Planning Portal System.pdf](#)

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10 Update report - bus shelters. (Attached).

Update report - bus shelters. (Attached).

[Report - Bus Shelter Requests.pdf](#)

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[Appendix 1 - Report on Bus Shelter Request.pdf](#)

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11 Report - Kilbroney Municipal Cemetery. (Attached).

[Report - Kilbroney Cemetery.pdf](#)

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12 Report - Magheradrool Old Church and Graveyard,

Ballynahinch. (Attached).

[Report - Magheradrool Old Cemetery and Graveyard.pdf](#)

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For Consideration and/or Decision - Waste Management

13 Report re: The Strategic Waste Working Group (SWWG). (Attached).

Report re: The Strategic Waste Working Group (SWWG). (Attached).

[Report - Strategic Waste Working Group.pdf](#)

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[Meeting - Strategic Waste Working Group.pdf](#)

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14 Report re: The Future of Northern Ireland's Municipal Waste. (Attached).

Report re: The Future of Northern Ireland's Municipal Waste. (Attached).

[Report - The Future Management of NI's Municipal Waste.pdf](#)

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[Draft Action Plan - NI Waste Management.pdf](#)

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15 Report re: Cloonagh Road Household Recycling Centre - opening hours. (Attached).

Report re: Cloonagh Road Household Recycling Centre - opening hours. (Attached).

[Report - Cloonagh Road HRC - Opening Hours.pdf](#)

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[Appendix A - Cloonagh Road Household Recycling.pdf](#)

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For Noting

16 Pavement Cafes Designation Procedure. (Attached).

Pavement Cafes Designation Procedure. (Attached).

[Pavement Cafes - Designation Procedure.pdf](#)

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17 Licensing Report. (Attached).

Licensing Report. (Attached).

18 Building Regulations Report. (Attached).

Building Regulations Report. (Attached).

Report - Building Regulations.pdf

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19 Arc21 Joint Committee Members' Monthly Bulletin 8 September 2016. (Attached).

Arc21 Joint Committee Members' Monthly Bulletin 8 September 2016. (Attached).

Arc21 Joint Committee Members' Monthly Bulletin.pdf

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20 Arc21 Joint Committee Meeting - Minutes of Meeting held on Thursday 28 July 2016. (Attached).

Arc21 Joint Committee Meeting - Minutes of Meeting held on Thursday 28 July 2016. (Attached).

arc21 Joint Committee Minutes 28-7-16.pdf

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21 Actions Tracking Update As Attached

Actions Tracking Update As Attached

Actions Tracking Update - Sept 16.pdf

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Exempt Information Items

22 Report re: off-street parking - extension of Agency Agreement with Transport NI. (Attached).

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information)

Report - Off Street Parking.pdf

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Invitees

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Mrs Marie Ward	marie.ward@downdc.gov.uk

ACTION SHEET- REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING – WEDNESDAY 17 AUGUST 2016

AGENDA ITEM	SUBJECT	DECISION	FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed
RTS/110/2016	Implementation of the Licensing of Pavement Cafes Act (NI) 2014	Agreed: <ul style="list-style-type: none"> • To approve a 3 year initial licence duration. • To approve the Licence Fees. 	Approved 5 September 2016
RTS/116/2016	Request for Council to Improve Entrance to Ardglass through Provision of Planting	Agreed: <ul style="list-style-type: none"> • that given the current financial restrictions and staff resource limitations the Council will maintain its current level of grounds maintenance works of the Transport NI owned grass verges on the entrance to Ardglass but not extend this at present. • that details of how much was being spent on the upkeep of non-council lands be provided along with a map of each location. • that 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 assistance be sought from the DEA Co-ordinator to draw down funding for planting. 	To be provided at Future Committee Meeting
RTS/117/2016	Report on Options for Securing the Amenity Space at Castlewellan Square, Castlewellan	<p>To provide 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>That the suggestion of providing dancing fountains in Castlewellan Square would be investigated.</p>	In Progress

AGENDA ITEM	SUBJECT	DECISION	FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed
RTS/118/2016	Report on Bus Shelter Requests	<p>Agreed to:</p> <ul style="list-style-type: none"> • Approve a canteliver type bus shelter to be installed at Castlewellan Road, Clough which would include the provision of a seat subject to meeting Transport NI site requirements. • Undertake a review of the site at Clanvaraghan Road, Castlewellan with Transport NI and Slieve Croob DEA Councillors to see if an alternative site can be found. <p>A report be brought back to Committee with the types of shelters required in the District</p>	<p>To be progressed</p> <p>Meeting to be arranged.</p>
RTS/119/2016	Request from Lislea Community Association	<ul style="list-style-type: none"> • Agree in principle to the Lislea Community request for Council to take on the responsibility of routine inspection/maintenance and insurance of the Lislea Play Park following its development, subject to formal written agreement, format of which to be agreed, and confirmation that the Council Insurers would include the facility as part of the Council's insured facilities. • That as long as an area was identified in the Play Strategy as an area of need, then any community group could make a request to council for funding. 	<p>AHC advised of outcome. AHC to advise Lislea Community Centre.</p>
RTS/120/2016	Report re Council Representatives' Attendance at Britain in Bloom RHS Awards Presentation	<p>That either the Chair of Council (pending diary commitments) or the Chair or Vice-Chair of RTS Committee along with 2 Council officers (one of which from Grounds Maintenance who carried out the works) attend the Britain in Bloom RHS Awards Presentation.</p>	<p>Council Chairperson, Kevin Scullion and Alan Barbour are attending.</p>

AGENDA ITEM	SUBJECT	DECISION	FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed
RTS/121/2016	NILAS Sharing protocol	To approve the transfer of 664 NILAS tonnes to Ards and North Down Council.	Transferring NILAS tonnage to Ards & North Down.
RTS/122/2016	Supply of Wheeled Refuse Containers, Bottle Bank to the Suppliers Contracts	To approve the recommendations contained within the Arc21 Joint Committee of 30 June 2016, relating to the supply and delivery of wheeled refuse collection containers, bottle banks and other supplies contract.	Now using contract to purchase respective receptacles, as and when required.
RTS/124/2016	Report re Drumnakelly Wind Turbine Project	To grant permission to approve single tender action relating to B9 Energy and Drumnakelly Wind Turbine Project.	Consulting with B9 Energy to progress Wind Turbine Project.
RTS/125/2016	Report re Final Capping Tender – Aughnagun Landfill Site	To grant permission to award Tender for final capping works at Aughnagun Landfill Site.	Tender has been awarded. Now working towards capping Aughnagun Landfill.
RTS/126/2016	Action Tracking Update	That any actions marked 'completed', could now be taken off the Actions Tracking Update.	Completed

Report to:	Regulatory and Technical Services Committee Meeting
Date of Meeting:	21 st September 2016
Subject:	Implementation of the Licensing of Pavement Cafes Act (NI) 2014 Policy and Procedure
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:	
<ul style="list-style-type: none"> The Approval of the attached Policy and Procedure for the implement of the Pavement Café legislation. 	
1.0	Purpose and Background:
1.1	<p>The Licensing of Pavement Cafes Act (NI) 2014 (the 'Act') is a new piece of legislation and comes fully into operation with effect from 1 October 2016. The licensing scheme will allow café owners, restaurants, pubs or other premises selling food or drink to apply to Council for a pavement café licence; the Act places an onus on a council to grant a licence unless it has good reason to refuse it.</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> <p>Council have already approved to grant pavement café licences initially for the duration of 3 years in line with the Council's timeframe for policy review and have approved the licence fees for the grant, renewal or variation of a pavement café licence.</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</p>

	implementation of this Act, the formal adoption of these guidelines is recommended.
3.0	Recommendations:
3.1	Members are asked to approve the attached Pavement Cafés Designation Policy 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 Appendix II: Pavement Cafés Designation Procedure



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

Dated: 16 August 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 1.5 metres clearance must be maintained on the pavement including the kerbside.
- (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.
- 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. 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.

10. Policy Owner

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

11. Contact details in regard of this policy are:

Mr Colum Jackson,
Assistant Director of Regulatory and Technical Services
(Building Control and Regulation)
Newry, Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry
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Tel 028 3031 3000

12. Policy Authorisation

Development Committee Meeting Authorised on 21 September 2016
Council Authorised on 28 September 2016

13. Policy Effective Date - 1 October 2016**14. Policy Review Date - 1 October 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).

15. Procedures

Refer to the Pavement Café Designation Procedure

16. 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

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	Amendments to Part M of the Building Regulations
Reporting Officer (Including Job Title):	Colum Jackson; Assistant Director of Regulatory & Technical Services
Contact Officer (Including Job Title):	Colum Jackson; Assistant Director of Regulatory & Technical Services

Decisions required:

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

- **Approve the Assistant Director of Regulatory & Technical Services to respond to the Consultation on behalf of the Council.**

1.0**Purpose and Background:**

1.1

The Department of Finance has released a consultation document to make amendments to Part A (Interpretation and general) and Part F (Conservation of Fuel and Power) and to introduce a new Part M (Physical infrastructure for high-speed electronic communications networks). The Consultation closes on the 7th October 2016 with a proposed implementation date of 1st January 2017.

The main amendment is the introduction of Part M which consists of 2 new Building Regulations; Regulation 77A and 77B and an accompanying Technical Booklet M to provide guidance. These Regulations implement Article 8 and parts of Article 2 of Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications requiring that buildings are adequately equipped with a high-speed-ready in-building physical infrastructure up to the network termination point or in the case of a multi-dwelling building to a common access point.

The introduction of the new Part M brings Northern Ireland Building Regulations into line with those already in operation within other jurisdictions of the UK. The Republic of Ireland are also preparing to introduce similar amendments to their Building Regulations. As these Regulations relate to a European Directive, failure to introduce them could lead to infraction proceedings.

These Regulations apply to the erection of a new building and to major renovation work where it is proposed to make alterations to an existing in-building physical infrastructure.

There are some exemptions proposed; to buildings so remote that it is

	<p>unlikely that a high speed connection will be available or is economically un-justifiable and to protected (listed buildings etc.) where the character of the building would be unacceptably altered.</p> <p>In essence, these proposals will require a duct from the outside to a termination box located within the building which will allow an internet provider to feed a cable through to provide internet connections. In a multi-dwelling building where a number of internet providers could be providing services to various individual dwellings this will require distribution ducting.</p> <p>As a result of the introduction of Part M, minor associated changes are required to Regulations 4,5,6,7,8,9 and 11 of the current Building Regulations to include this new part.</p> <p>The minor amendment to Part F is by way of clarifying the transposition of Articles 3, 4 and 9 of Directive 2010/31/EU (EPBD) and involves some minor re-wording.</p>
2.0	Key issues:
2.1	<p>The introduction of a new Part M brings Northern Ireland Building Regulations in-line with similar Regulations in other Jurisdictions.</p> <p>Failure to introduce Part M could lead to infraction proceedings.</p> <p>The on-going costs (and resource) implications are recognised in the Regulatory Impact Assessment (RIA).</p> <p>The introduction of these Regulations imposes a minor additional expense to the build costs.</p>
3.0	Recommendations:
3.1	<p>The recommendation is for the Assistant Director of Regulatory & Technical Services to prepare and submit a response to the Consultation on behalf of the Council prior to the closing date of 7 October 2016.</p> <p>A copy of this response can be provided to any member for consideration upon request.</p>
4.0	Resource implications
4.1	<p>It is recognised in the accompanying Regulatory Impact Assessment that there are both cost implications to the builder/developer and that there is an on-going cost (and resource) implication to Building Control.</p> <p>In relation to build costs the impact is assessed as approximately £67 for a single dwelling unit rising to £139 for a multi-dwelling building, where internal ducting will be required to permit connections to each individual apartment.</p>

	<p>For non-domestic buildings, the assumption is that the ducting will already be part of the M&E works and therefore costs should be negligible.</p> <p>The costs relating to Building Control relate to on-going costs of approximately £1800 per annum for the additional time spent on plan assessment and site inspection (circa 30 minutes per application to which these Regulations apply). There are no proposals as to how these costs can be recouped, it is therefore assumed that the Building Control service will absorb these costs.</p> <p>It is also recognised that initial training to Building Control Officers and Builders/Agents will be required, however, time and costs have not been apportioned.</p>
5.0	Equality and good relations implications:
5.1	There are no equality or good relations implications arising from this report.
6.0	Appendices
	<p>Appendix I: The full Consultation documents can be viewed and/or downloaded from the Department of Finance website.</p> <p>See Link below:</p> <p>https://www.finance-ni.gov.uk/consultations/consultation-proposed-building-amendment-regulations-northern-ireland-2016-new-part-m-and-minor</p>



Buildings Standards Branch,
Properties Division
Enterprise Shared Services
Northland House
3-5A Frederick Street
Belfast BT1 2NR

Date: 15th August 2016

Dear Consultee

CONSULTATION ON PROPOSED BUILDING (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2016: NEW PART M AND MINOR AMENDMENTS TO PART F.

I am writing to invite you to respond to the Department's proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).

Building Regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.

The consultation proposes a new Part M to implement Article 8 of Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks, and coming into operation on 31st December 2016.

The proposed requirements would seek the provision of ductwork, or similar infrastructure, so that broadband service providers could subsequently install their cabling without disruptive building works. The proposals do not require external infrastructure up to the building, wiring within the building, or provisions for private network cabling within building units. It is anticipated that a sleeved "hole in the wall" may be sufficient in most new homes and single occupancy buildings. The service risers and ductwork currently provided in larger, multi-occupancy buildings may be sufficient in most other cases.

It is also proposed to make two minor amendments to Part F of the Building Regulations to clarify transposition of Directive 2010/31/EU on the Energy Performance of Buildings more fully. Neither amendment is expected to impact on current working practices.

In addition to this letter, the full package of consultation documents is available on the Department's website and includes the following: –

- Consultation Proposals;
- Consultation Response Form;
- Consultation Draft Technical Booklet M; and
- Consultation Regulatory Impact Assessment for the proposed Part M

The Consultation Regulatory Impact Assessment outlines the main issues, gives an assessment of the benefits of the proposed amendments and an estimate of the principal costs of the proposals for the Part M measures. No regulatory impact assessment has been prepared for the very minor amendments to Part F, as no impact is envisaged to current working practices.

The proposed Part M amendments have been screened out of equality impact assessment requirements, whilst the Part F amendments do not require such assessment as there is no policy change. The Part M equality impact screening assessment will be published separately on the Departmental Website.

Responding to this consultation

Should you wish to respond, the package of consultation documents can be found on the Department's website: -

<https://www.finance-ni.gov.uk/consultations>

A hard copy will only be provided in exceptional circumstances; a copy in an alternative format may be obtained by telephoning 028 9025 7048 or by emailing karen.mckernon@finance-ni.gov.uk

I look forward to receiving your comments and views concerning the proposals contained in this consultation package. **In order to assist our analysis of responses you are asked to use the Response Form included on the website and to submit your reply electronically.**

Responses should preferably be returned by email to

karen.mckernon@finance-ni.gov.uk

or alternatively posted to: -

Consultation Co-ordinator
Department of Finance
Buildings Standards Branch,
Properties Division
Enterprise Shared Services
Northland House
3-5A Frederick Street
Belfast BT1 2NR

The Department will consider all responses to this consultation received on or before the closing date, which is **4:00pm on Friday 7th October 2016** (*It is important to note that submissions made after this date cannot be considered*)

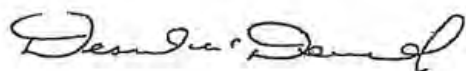
Code of practice on consultations

In light of the requirements of the Code of Practice on Access to Government and the Freedom of Information Act, responses may be made available to the public on request. We may also wish to make responses to this consultation available to the Northern Ireland Assembly and for public inspection either at the Building Standards Branch Office or website.

You have the option of indicating that you wish your response to remain confidential and the Department will generally respect that request. Should it be decided that the public interest must override that request the Department will contact you before disclosure and, if appropriate, provide an opportunity for your response to be withdrawn.

If you have any comments about the consultation process itself (rather than the content of the document) these should be directed to the consultation co-ordinator at the postal or e-mail address given above.

Yours faithfully



DC McDonnell
Director of ESS Properties Division

Newry, Mourne & Down District Council – August 2016

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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

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

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

Newry, Mourne & Down District Council – August 2016

4. Decisions issued per month

Decisions Issued

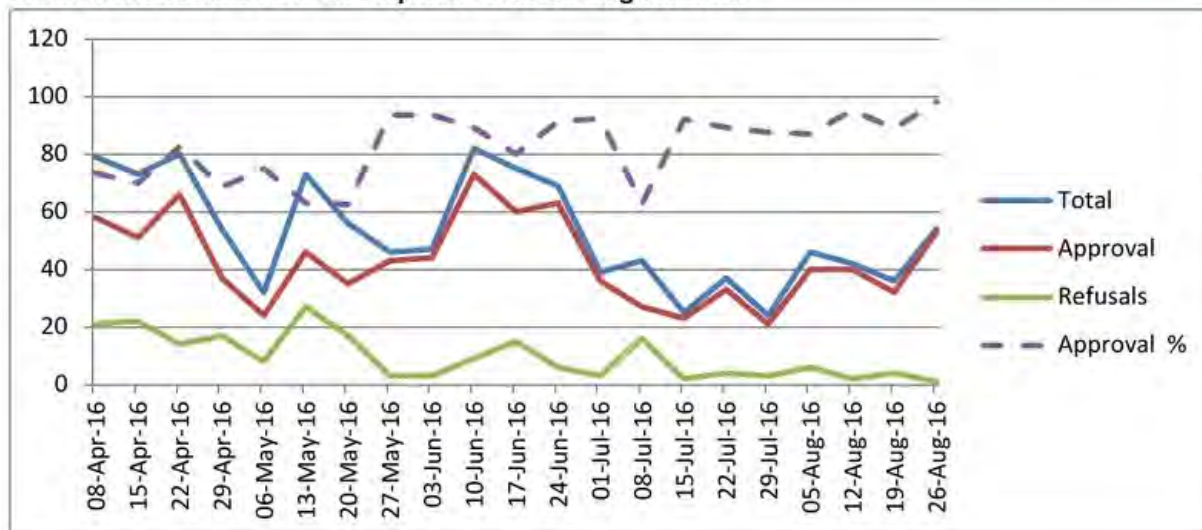
Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162

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 (115)	82%
			Refusals (26)	18%
August	961	37.67	Approvals (170)	94%
			Refusals (10)	6%

Newry, Mourne & Down District Council – August 2016

DECISIONS ISSUED FROM 1 April 2016 to 31 August 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

Newry, Mourne & Down District Council – August 2016

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
Totals	169	110	59

*2 Applications called in by DfI

8. Appeals

Area	Number of current appeals
Newry & Mourne	13
Down	4
TOTAL	17

Newry, Mourne & Down District Council – August 2016

9. Statutory Targets Performance Data

Statutory targets monthly update to April to June 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	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Sept	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
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	10	109.6	10.0%	753	26.8	24.4%	71	78.7	47.9%

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.

Current Appeals

26

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/2014/0578/F **PAC Ref:** 2015/A0178
APPELLANT Mr Shane Quinn
LOCATION Adjacent And South West Of No.56 Drumalt Road
 Dorsey
 Cullyhanna
PROPOSAL 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 via existing laneway
 immediately north of No. 56 Drumalt Road. with extended section)
APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 16/12/2015
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

27

ITEM NO	3		
Planning Ref:	P/2014/0303/O	PAC Ref:	2016/A0005
APPELLANT LOCATION	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	^{Newrv} 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			

ITEM NO	4		
Planning Ref:	R/2013/0347/F	PAC Ref:	2016/A0010
APPELLANT LOCATION	Mr & Mrs Peter O'Hare Adjacent 15 Blacks Lane Glasdrumman Ballynahinch (Amended Address)		
PROPOSAL	Proposed general purpose agricultural/forestry shed and part retrospective access arrangements, foundation and hard standing area.		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	07/04/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

28

ITEM NO	5		
Planning Ref:	P/2015/0097/F	PAC Ref:	2016/A0011
APPELLANT LOCATION	Carlingford Lough Pilots Ltd Adjacent To 92 Greencastle Pier Road Greencastle		
PROPOSAL	Kilkeel Retention of existing office		

APPEAL TYPE	Plg Conditions		
Appeal Procedure		Date Appeal Lodged	08/04/2016
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/2014/0853/F	PAC Ref:	2016/A0041
APPELLANT LOCATION	S Meade 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			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

29

ITEM NO 7
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

ITEM NO 8
Planning Ref: P/2015/0121/O **PAC Ref:** 2016/A0058
APPELLANT Mr O Slane
LOCATION 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

Current Appeals

30

ITEM NO 9
Planning Ref: P/2015/0210/F **PAC Ref:** 2016/A0063
APPELLANT Mr Brendan McNamee
LOCATION 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

ITEM NO 10
Planning Ref: LA07/2015/0286/C **PAC Ref:** 2016/A0066
APPELLANT Ms Edel Rooney
LOCATION Site Approximately 20 Metres South West Of 10 Head Road
 Moyad
 Annalong
PROPOSAL 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

Current Appeals

31

ITEM NO 11
Planning Ref: LA07/2015/0292/C **PAC Ref:** 2016/A0071
APPELLANT Mr Thomas W Meaney
LOCATION 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

ITEM NO 12
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

Current Appeals

32

ITEM NO	13		
Planning Ref:	P/2015/0221/F	PAC Ref:	2016/A0074
APPELLANT LOCATION	Mr Francis McGuinness Adjacent And South Of No 41 Newtown Road Killeen		
PROPOSAL	Newry 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			

ITEM NO	14		
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			

Current Appeals

33

ITEM NO	15		
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			

ITEM NO	16		
Planning Ref:	LA07/2015/0542/F	PAC Ref:	2016/A0094
APPELLANT LOCATION	Mr R L Annett 150 Metres Southwest Of No 20 Council Road Kilkeel		
PROPOSAL	RT34 AND 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			

Current Appeals

34

ITEM NO	17		
Planning Ref:	LA07/2016/0556/C	PAC Ref:	2016/A0095
APPELLANT	J & J McKibbin		
LOCATION	40m Southeast Of 181 Moyad Road Kilkeel		
PROPOSAL	RT34 4HI 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			

ITEM NO	18		
Planning Ref:	LA07/2015/0455/F	PAC Ref:	2016/A0106
APPELLANT	Fergal O'Hanlon		
LOCATION	15 Kearney Crescent Whitecross Armagh		
PROPOSAL	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			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2015/A0247
Appeal by:	James and John McKibben
Appeal against:	The non-determination of an application for full planning permission
Proposed Development:	Dwelling and Garage
Location:	85m NE of Moyad Road, Kilkeel
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2016/0048/F
Procedure:	Written representations
Decision by:	Commissioner J.B. Martin dated 25 July 2016

Decision

1. The appeal is allowed and full planning permission is granted subject to the 3 conditions set out below.

Reasoning

2. Article 20 of the Planning (General Development Procedure) Order (NI) 2015 states the Council shall determine the application within 8 weeks beginning from when the application was received by the Council. The application was submitted to the Council 11 January 2016 and the appeal against its non determination within the subsequent 8 week period was made by the appellant under the provisions of Section 60 of the Planning Act (NI) 2015 (the Act).
3. In its letter of response to lodgement of the appeal the Council informed the Commission it had no objections to any aspect of the appeal proposal, subject to the following matters being covered by conditions:-
 - (1) The time period for commencement of the proposed development.
 - (2) The provision of access visibility splays.
 - (3) The gradient of the access.
 - (4) A consent to discharge effluent and
 - (5) Landscaping of the site boundaries.
4. Given the Council's stated position I have only its proposed conditions to consider.

5. The 5 year period for commencement of the proposed development is the standard requirement of Section 61 of the Act. In regard to visibility splays, drawing No.2 referred to by the Council, shows acceptable splays of 4.5m by 90m as 'existing', and therefore their retention should be conditioned. Provision of satisfactory access gradients is a matter properly controlled by the provisions of the 1993 Roads (NI) Order and does not require a planning condition.
6. Policy CTY 16 does not suggest that a planning condition is required to secure the submission of an application for consent to discharge effluent under the Water (NI) Order 1999. The Council have not pointed to any problems regarding effluent discharge that might result in an application being denied by the Northern Ireland Environment Agency (NIEA). In such circumstances, as the Justification and Amplification text to CTY 16 indicates, it is for the NIEA, rather than the planning authority, to control this particular aspect of the proposed development under provisions in the Water (NI) Order 1999. In the interests of visual amenity a condition is required to secure the planting which is proposed on the site boundaries.

Conditions

- (1) The scheme of planting as set out on the proposed site plan dated December 2015 shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within 5 years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.
- (2) The existing visibility splays of 4.5m by 90m at the access to the site, as shown on the proposed site plan dated December 2015, shall be permanently retained.
- (3) The development shall be begun before the expiration of 5 years from the date of this permission.

This decision relates to the 1/2500 scale site location map; the 1/500 scale site plan and the 1/100 scale elevation and floor plans.

COMMISSIONER J.B. Martin

List of Documents

Planning Authority

Letter of Response' dated 19 April 2016

Appellant

Statement of Case and Comments



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

38

Appeal Reference:	2015/A0246
Appeal by:	Mr Eamon Clerkin
Appeal against:	The refusal of outline planning permission
Proposed Development:	Retirement Dwelling on Farm
Location:	285m East of 127 Kilbroney Road, Rostrevor
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	P/2014/0296/O
Procedure:	Written Representations with Accompanied Site Visit on 6 July 2016
Decision by:	Commissioner Mark Watson, dated 3 August 2016

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the principle of development.
3. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) is the statutory local development plan for the proposal. In it, the site lies in the countryside and to the west of a Site of Local Nature Conservation Importance (SLNCI). No objection has been raised in regard to the potential impacts on the Rostrevor River SLNCI and I consider that the development would not be liable to have an adverse effect on the nature conservation interests of the SLNCI. Policy CVN1 of BNMAP is met as is the plan read as a whole. BNMAP directs the reader to Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) for development proposals in the countryside. The site also lies in the Mourne Area of Outstanding Natural Beauty.
4. In respect of 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 PPS21. PPS21 remains the applicable policy context to consider the proposed development under.
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. It goes on to state that planning permission will be granted for an individual dwelling house in the

countryside in six cases. One of these cases is a dwelling on a farm in accordance with Policy CTY10. It follows that if the development complies with Policy CTY10 it will comply with Policy CTY1 of PPS21.

6. The site comprises a portion of an agricultural field situated approximately 260m to the east of the Kilbroney Road. It lies on the valley floor and is accessed off an existing stoned laneway. The site lies across the Cross River, a small river that runs into the Kilbroney/Rostrevor River to the east. The northern site boundary is defined by a line of mature hedge, whilst the remaining boundaries are undefined. A short distance to the west of the site lies a small wooden stable block. A derelict, stone structure lies approximately 70m to the west on the opposite side of the Cross River on higher ground. The site lies within a rural area with an undulating landform.
7. Policy CTY10 of PPS21 states that planning permission will be granted for a dwelling house on a farm subject to several criteria. Criterion (a) requires that *the* farm business (my emphasis) is currently active and has been established for at least 6 years. The holding comprises approximately 6.6 hectares of land, purchased by the Appellant in 2010. The land in question was previously owned by the Taylors, who let it in conacre to Messrs James and Aidan Rice. They claimed Single Farm Payment on the land under their own business ID number 649035 until June 2012. Details of their payment claims for 2009, 2010 and 2011 were provided.
8. It was confirmed that the Appellant has a farm business ID number (656278) but that it has not been established for 6 years. Further information confirmed that the Appellant was allocated this ID number in September 2011. The Appellant's documentary evidence pertaining to his own business ID number is dated April 2013 onwards. Whilst a farm map dated 11 August 2009 was submitted, this was in the Taylors' name and at that time the records indicate that the James and Aidan Rice were claiming single farm payment. Whilst the land has clearly been farmed for some time, remains in good agricultural condition, and I accept the Appellant is engaged in farming activity, the evidence is that until late 2011 the land was farmed under a separate farm business, that of James and Aidan Rice, even if they took the land in conacre from the Taylors. The subsequent creation of a new farm business ID number for the Appellant's business suggests that the land was at that point in essence subdivided from a separate farm business, that of James and Aidan Rice.
9. The Appellant's representative referred to Departmental advice from May 2010 which referred to buying an established farm business. That is not the situation in this case, where a new farm business has been created and the dwelling is sought under that particular business. In appeal decision 2014/A0116 at land 50m NE of 8 Killowen Village, Rostrevor, the Appellant was not a farmer but the case submitted effectively sought a dwelling under the adjacent farmer's business, which was found to be active and established for the requisite period. That case would not justify the appeal development, as although the land now belonging to the Appellant has been farmed for more than 6 years, the evidence does not demonstrate that this was done under the Appellant's own farm business for that period of time. I find that criterion (a) of Policy CTY10 is not met.

10. Criterion (b) of CTY10 requires that there have been no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. The Taylors' written statement says that prior to their selling the land, no sites were sold off. This only accounts for up to 2010 when the Appellant acquired the land. The Appellant supplied his own written statement that no sites have been sold off the farm since farm business number was bought, which evidence shows was September 2011.
11. The Council pointed to the planning permission granted on 13 March 2014 (ref. P/2013/0651/F) for a replacement dwelling on the holding. The application was submitted by Mr Frank Clerkin, the Appellant's brother. The Article 22 certificate that accompanied the application was also in Mr Frank Clerkin's name and indicated that the site in question was owned by Mr Frank Clerkin.
12. Paragraph 5.40 of PPS21 states that planning permission will not be granted for a dwelling under Policy CTY10 where a rural business has recently sold-off a development opportunity from the farm, such as a replacement dwelling. It goes on to state that for the purposes of Policy CTY10, 'sold-off' will mean any development opportunity disposed from the farm holding to any other person, including a member of the family. Irrespective of whatever arrangement may have taken place between the Appellant and his brother, the approved replacement dwelling site appears to belong to the Appellant's brother, not the Appellant. The farm business is in the sole name of the Appellant and the approved replacement site is shown as being within the Appellant's farm business on his farm map (Field 21). It therefore follows that the replacement dwelling site has been disposed from the holding within the last 10 years of the date of the application. The Appellant did not provide proof of land ownership in relation to the entirety of the holding, including the replacement dwelling site, to demonstrate otherwise. From the evidence provided I find that criterion (b) of CTY10 is not met.
13. Criterion (c) requires that the new building is visually linked for sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The access to the proposed dwelling would utilise the existing stoned laneway, thus this policy preference is met. In respect of the visual test element of the criterion, the stone derelict on the holding is not an established building for the purposes of this policy. The structure has four walls, but both gable peaks are missing. It has no roof and it cannot provide any meaningful form of storage or shelter as one would nominally expect a building to provide. Whilst it may have been sufficiently intact to meet the replacement criteria under Policy CTY3 of PPS21, for the purposes of CTY10 it cannot count as being an established building on the holding. In any event given its disposition in relation to the appeal site, the appeal dwelling would not be visually linked or sited to cluster with the derelict structure, or the new dwelling that would replace the derelict when the permission is implemented.
14. The other structure on the holding comprises a small wooden stable block. I am told this was erected approximately 4 or 5 years ago, although the Appellant did not recall precisely when. The structure is used most of the year for stabling horses, but during the lambing season it accommodates sheep and lambs. There is no planning permission for the building and no certificate of lawfulness of existing use or development to demonstrate that it has achieved immunity from enforcement action.

15. An argument was advanced that the structure would constitute agricultural permitted development as it was within 75m of the farm house. The farm house referred to is the derelict stone structure. The derelict is not a farm house but a derelict structure. The dwelling approved as its replacement has not been constructed. I am not persuaded that the structure could have benefitted from permitted development rights under Part 6 of the Planning (General Development) Order (NI) 1993, the legislation that would have applied at the time of construction. The structure was not designed for the purposes of agriculture and was not within 75m of the nearest part of a group of principal farm buildings. Similarly, the structure would not avail of permitted development rights under Part 7 of the Planning (General Permitted Development) Order (NI) 2015 for the same reasons and for the fact it would be the first building on the unit. As the building is unauthorised it cannot be counted an established building on the farm holding.
16. There are no established buildings on the farm holding for the proposed dwelling to cluster or be sited to group with. Criterion (c) of Policy CTY10 is not met. Policy CTY10 states that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons or verifiable plans to expand at the farm business at the existing building group. No arguments were presented under the exceptional test. The development does not comply with Policy CTY10 read as a whole.
17. As the development fails to comply with Policy CTY10 it also fails to meet Policy CTY1 of PPS21. There are no overriding reasons why the development is essential and could not be located in a settlement. The reason for refusal is sustained and determining. The appeal must fail.

This decision relates to the drawing entitled Site Plan & Location Plan numbered 2723sp Revision A dated 11 February 2015 submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:

Mrs L Grant (Newry, Mourne & Down District Council)

Mr P Smyth (Newry, Mourne & Down District Council)

Appellant:

Mr A Cole (Cole Partnership)

Mr E Clerkin (Appellant)

List of Documents

Newry, Mourne & Down District Council:

'A' Planning Authority's Statement of Case & Appendices.

'B' Rebuttal Statement

'D' Post site visit evidence – email containing date of allocation of farm business
ID number for Appellant

Appellant:

'C' Statement of Case & Appendices (Cole Partnership)



Appeal Decision

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Appeal Reference:	2016/A0005.
Appeal by:	Mr Michael Horner.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Infill Dwelling and detached Garage.
Location:	Adjacent to and north of 36 Belmont Road, Kilkeel.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	P/2014/0303/O
Procedure:	Written representations and accompanied site visit on 10 August 2016.
Decision by:	Commissioner Mark Watson, dated 24 August 2016.

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by Newry, Mourne & Down District Council against the Appellant. This claim is the subject of a separate decision.

Reasons

3. The main issues in this appeal are:
 - The principle of development; and
 - its potential impacts on the visual amenity and rural character of part of the Mourne Area of Outstanding Natural Beauty (AONB).
4. 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 single dwelling and is not material. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in respect of the appeal proposal. The policy provisions of PPS21 remain applicable to the proposed development.
5. The site comprises a portion of agricultural land on the western side of Belmont Road. It sits slightly above the level of the road along the frontage and slopes upwards steadily towards a hillock in the middle. The frontage is defined by a grassed bank and hedge. The northern and western boundaries are defined by a mature hedgeline, whilst the southern boundary is defined by a ranch style fence. The site lies adjacent and north of No. 36, a single storey dwelling with a yard and

outbuilding to its side and rear. To the south of No. 36 there is a dwelling under construction. It has reached the subfloor stage. There is a mobile home on land to the rear of No. 36. To the north of the site sits No. 38, a chalet bungalow. The site lies in a rural area with an undulating landform. It also lies within the Mourne AONB.

6. 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. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.
7. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy states that for its purposes, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
8. The Appellant considered that the appeal site was such a gap site, falling within a substantial and continuously built up frontage comprising the approved site, No. 36, its outbuilding and No. 38. The approved dwelling to the south of No. 36 was constructed only to sub floor level at the time of the site visit. Whilst it was stated that it would be finished early next year I must judge the appeal site and surrounding environment as it stands at the time of making the appeal decision. Although development on the approved site has commenced, there is no building on the site, merely the footings and subfloor for one. It does not present as a building taken in the ordinary sense of the word and cannot count as a building within the frontage.
9. The outbuilding belonging to No. 36, despite its slightly higher ridge level, reads as being subordinate to and part of No. 36 given its overall design and position relative to the host dwelling. It does not present as being a separate building along the road frontage. Consequently there are only two buildings, Nos. 36 and 38, which have a frontage to Belmont Road. The appeal site cannot be considered to represent a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Given my conclusions elsewhere in this decision relating to integration and rural character, it also does not meet the other planning and environmental requirements element of the policy. The proposed development does not meet the exception under Policy CTY8 of PPS21. The site currently serves as an important visual gap between the existing dwellings, arising from its elevated topography and position on the curve in the road. Development of the site would result in the creation of ribbon development, comprised of No. 36, the appeal dwelling and No.

38 when viewed both directions travelling along this part of Belmont Road. The proposed development does not comply with Policy CTY8.

10. I was informed that a senior planning officer had told the Appellant's representative that if the foundations were laid for the approved dwelling south of No. 36, it would count as a building. Reference was also made to a previous DoE decision at Carrogs Road, Newry, where I am informed the Department accepted that an approved site with only foundations laid constituted a building for the purposes of Policy CTY8. Whilst anecdotal in nature, even if these matters were the case, I do not agree that in-situ foundations on site constitute a building for reasons already given elsewhere in this decision. Nor would it be in the public interest to perpetuate poor decision making. I note the Ministerial statement that included reference to Policy CTY8 but its contents would not persuade me that the objections to the development under this policy should be set aside.
11. As the development does not meet CTY8, it does not meet CTY1. There are no overriding reasons why the development is essential and could not be located in a settlement. The Council's first and second reasons for refusal are sustained.
12. 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. The site is elevated in nature and any dwelling on the site would require a substantial amount of cutting into the site, as shown on the illustrative sectional drawing accompanying the Appellant's Statement of Case. The extent of the excavation works required is indicative of the site's unsuitability for development. I am mindful of paragraph 5.64 of PPS21 which states that a new building that relies on significant earthworks, such as mounding or cut and fill for integration will be unacceptable. Given the elevated topography and despite the existing boundary vegetation, the site lacks sufficient enclosure to integrate a dwelling and garage, even one of the design suggested by the Appellant. Although longer distance views of the dwelling and garage travelling south on Belmont Road towards the site would be partly obscured by No. 38, this effect would diminish the closer one gets to the site and the development would nonetheless appear as a prominent feature in the landscape due to the site's elevated nature and position on the curve of the road. The appeal development would not visually integrate into the landscape, even if it would sit no higher in the landscape than No. 38 following the excavation process. This would not justify the development, which I find contrary to Policy CTY13 of PPS21. The third reason for refusal is sustained.
13. 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. Although the locality has experienced some degree of built development, the site serves as an important visual gap between existing buildings. Approval of the appeal dwelling would result in a consolidation of buildings along this part of Belmont Road, resulting in a suburban style build-up of development. It would also create ribbon development for reasons outlined earlier. The Council considered that the appeal dwelling would not respect the traditional pattern of development in the area. However, given the mixture of roadside dwellings and those set slightly back from the roadside in the immediate locality, I am not persuaded that a dwelling sited as suggested in the Appellant's illustrative layout would be at odds with this. Nonetheless, for the

reasons given above the development would still result in a further erosion of the rural character in this area. The development is contrary to CTY14 and the Council's reason for refusal is sustained to the extent specified.

14. Policy NH6 of Planning Policy Statement 2 – Natural Heritage (PPS2) states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all of three criteria are met. The Council's objections fell under the first criterion; that the siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality. Siting the dwelling on the appeal site would require cutting into the site in order to achieve any level of acceptable integration, an unacceptable solution in the first instance and even then it would still give rise to issues already addressed earlier in this decision. Although the scale of the proposed dwelling would not be objectionable, its siting is such that it would not be sympathetic to the special character of the Mourne AONB in general and of the particular locality given the resultant impacts of the development and harm to the rural character of the area. The development does not fully meet criterion (a) of Policy NH6 of PPS2 and given the critical nature of this deficiency, the policy read as a whole. The fifth reason for refusal is sustained.
15. Whilst the Appellant's representative sought a further opportunity to discuss the proposed development, the appeal decision must be based upon the evidence submitted during the process. The appeals process is not one which allows for further negotiation subsequent to the conclusion of proceedings, even if circumstances prevented the Appellant's representative from attending the site visit.
16. As the Council's reasons for refusal have been sustained to the extent specified and are determining, the appeal must fail.

This decision is based on the 1:2500 scale Site Location Plan numbered 01 submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mrs L Grant
Ms O Rooney

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices

Appellant:- 'B' Statement of Case & Appendices (J M Kearney,
Architectural Design Service)



Appeal Decision

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Appeal Reference:	2016/A0009
Appeal by:	Mr Declan Mc Parlan
Subject of Appeal:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Adjacent to No.63 Ballycoshone Road, Rathfriland
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	P/2014/0798/O
Procedure:	Written representations and Commissioner's site visit on 2 nd August 2016
Decision by:	Commissioner Julie de-Courcey, dated 8 th August 2016

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and its effect on the locality's character and appearance.
3. The site is outwith a Special Countryside Area as defined in the local development plan, Banbridge, Newry & Mourne Area Plan 2015. In the "*Countryside and Coast*" section of Volume 1 of the plan, it refers to Planning Policy Statement 21: '*Sustainable Development in the Countryside*' (PPS 21) as setting out planning policies for development in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' (SPPS), which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. There is no conflict or change in policy direction between its provisions and those of PPS 21 in respect of the appeal proposal. It retains policy for the countryside within existing planning policy documents until a new plan strategy for the Council area has been adopted. Accordingly the operational requirements of the policies contained in PPS 21 are material to the assessment of this appeal.
5. The 1.4ha appeal site comprises the northern section of a field. The appellant's latest evidence indicated that the proposed buildings would be located in the site's south-western corner. The proposal is being considered on this basis.

6. The Council is content that the proposal complies with criteria (a) and (b) of Policy CTY 10 of PPS 21. However, it is considered to be inconsistent with criterion (c), which requires that the proposed buildings be visually linked or sited to cluster with an established group of buildings on the farm and, where practicable, access to the dwelling should be obtained from an existing lane.
7. On the opposite side of the road to the appeal site is a range of farm buildings with a concrete yard in the foreground. The proposed development would adjoin No.63 Ballycoshone Road, which is the dwelling associated with the farm business. The public road separates the farm buildings from the farm dwelling, which is set some 25m to the south-east. Criterion (c) refers to buildings on a farm as opposed to solely farm buildings. Albeit that No.63 Ballycoshone Road is a building on the farm, it does not read as part of the established group of buildings by virtue of separation distance and the intervening public road. The proposed buildings' curtilage would be undefined on two sides and the public road would separate them from the farm group. They would not cluster with the established group of buildings on the farm and form an integral part of it. Paragraph 5.41 of PPS 21 says that, when viewed from surrounding vantage points, a proposed dwelling must read as being visually interlinked with the established group of buildings on the farm with little appreciation of any physical separation that may exist between them. Whilst the proposed buildings would be seen in proximity to the farm group, the physical separation between them would be readily apparent. Therefore, the proposal does not satisfy this requirement.
8. Criterion (c) of Policy CTY 10 refers to exceptional circumstances where consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm. The appellant said that the proposed buildings' siting was dictated by flooding of the lands on the side of the road where the farm group is located. The River Bann runs approximately 80m to the west of it and an extract from the Rivers Agency flood map shows those buildings and more than half the holding's land east of the river and west of Ballycoshone Road to be within the present day floodplain. One of the appellant's photos shows the farmyard and part of the public road just north-east of its entrance as inundated with floodwater. In the round this evidence demonstrates health and safety reasons as to why the proposed development merits consideration under the exceptional provisions of Policy CTY 10.
9. The Department of Agriculture and Rural Development's 2013 Scheme Map is based on aerial photos of lands within the farm business. They refer to townlands, not road names. There does not appear to be another group of buildings on the farm or out-farm. However, this evidence is dated and the appellant did not engage with the policy requirement that an alternative site will be considered provided there are other sites available at another group of buildings on the farm or out-farm. On the basis of the evidence presented, the proposal does not come within the exceptional circumstances allowed for by Policy CTY 10.
10. The appellant considered that the proposed development is necessary to meet special personal or domestic circumstances in accordance with Policy CTY 6. The Council said that, by virtue of Article 59 (1) of the Planning Act (Northern Ireland) 2011, new evidence on this matter should not be admitted to the appeal process.

However, Article 59 (2) states that nothing in the preceding subsection affects any requirement or entitlement to have regard to any other material consideration. Special personal or domestic circumstances are such a material consideration. As the Council has had the opportunity to comment on the appellant's evidence thereon there is no prejudice to it in me considering the issue.

11. Policy CTY 6 of PPS 21 says that, subject to satisfying two criteria, planning permission for a dwelling in the countryside will be granted for the long-term needs of the applicant, where there are compelling, and site-specific reasons for this related to his personal or domestic circumstances. The appellant said that within the last few years a neighbour's child attending a birthday party at the family home chased a ball through their gates and was killed in a road traffic accident. Consequently the family feel that they can no longer live there and need to move back home to be beside parents at No. 63 Ballycoshone Road. This evidence is not indicative of a compelling and site-specific need for the proposed development, that it is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. Accordingly, the proposal does not comply with Policy CTY 6.
12. Policy CTY 8 of PPS 21 says that planning permission will be refused for a building which creates or adds to a ribbon. From static and transient views, the proposed buildings would be seen side-by-side with No. 63 Ballycoshone Road, each dwelling served by a separate entrance. This would create a ribbon of development, which would be detrimental to the countryside's character, appearance and amenity.
13. The Council considered that the proposal would not satisfy the requirements of criteria (a), (b) and (c) of Policy CTY 13 of PPS 21. A post and wire fence defines both the roadside boundary of the site's south-western corner and its common boundary with No. 63 Ballycoshone Road. From the south-western extent of the Council's defined critical view, vegetation on the site's north-eastern and south-eastern boundaries would not provide enclosure for the proposed buildings. They would be seen to occupy a roadside plot cut out of a larger field. Whilst planting could be used to define their curtilage, this would take time to establish and mature in order to provide a suitable degree of enclosure. Nearing the site, the buildings would increasingly be seen against the sky and would be poorly integrated and prominent. The appeal site has a road frontage of approximately 90m and a hedgerow on top of a roadside bank would screen views of the proposed buildings from the opposite approach until the point where it finishes. From this point, the backdrop of No. 63 Ballycoshone Road would not provide satisfactory integration and they would be prominent due to the lack of enclosure.
14. With regard to Policy CTY 14 of PPS 21, the Council considered the proposal to be at odds with criteria (a), (b) and (d). For reasons already set out, the proposed buildings would be unduly prominent in the landscape and would create a ribbon of development contrary to criteria (a) and (d). The Council described Nos. 61 and 63 Ballycoshone Road as incongruous in the landscape. Nevertheless they are part of the context against which the proposal's impact on rural character must be assessed. On the approach from the south-west, the farm group is seen to the west of Ballycoshone Road and the appeal site forms a visual break between it and No. 63. The proposed buildings would erode this gap. The resultant line of

development, moreover when seen in the cumulative context of No.61 Ballycoshone Road, would result in a suburban style of build-up and further erode the area's rural character contrary to criterion (b).

15. The appellant referred to an instance of development that he considered to be at odds with Policies CTY 1, CTY 8, CTY 10, CTY 13 and CTY 14. Other than the planning application reference number only a photo was supplied to corroborate this contention. As the decision was made in 2013, that the site is now within the jurisdiction of another planning authority and the intervening statutory change in weight to the provisions of the development plan, are not distinguishing considerations. The photo shows a dwelling of low elevation with swathes of vegetation in the foreground and taller buildings to the rear, seemingly on higher ground. On the basis of the information supplied, I cannot determine whether there was inconsistency in the application of Policies CTY 1, CTY 8 and CTY 10 between that site and the appeal proposal. The Council said that issues of integration and rural character were assessed and found acceptable. The submitted evidence is not persuasive that Policies CTY 13 and CTY 14 have been applied in an inconsistent manner.
16. As the proposal is not one of the types of development that is acceptable in principle in the countryside and there are no overriding reasons why it is essential and could not be located in a settlement, it is contrary to Policy CTY 1 of PPS 21. Therefore, all four of the Council's reasons for refusal are sustained.

This decision is based on the Site Location Map at scale 1:2,500.

COMMISSIONER JULIE DE-COURCEY

List of Documents

Planning Authority:	"A"	Statement of Case & appendices
	"B"	Rebuttal
Appellant:	"C"	Statement of Case
	"D"	Rebuttal

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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

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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

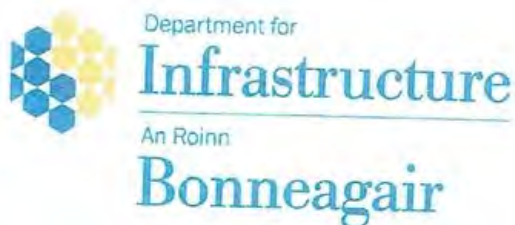
Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	EPIC Replacement - DISCOVERY Process
Reporting Officer (Including Job Title):	Canice O'Rourke Director, Regulatory and Technical Services
Contact Officer (Including Job Title):	Anthony McKay Chief Planning Officer

Decisions required: To consider and approve the council's payment towards the Discovery Process

1.0	Purpose and Background:
1.1	<p>The Dept of Infrastructure is continuing to work with all 11 councils to investigate a replacement for the present computer system (EPIC) that is used for planning across Northern Ireland.</p> <p>The contract for EPIC terminates in 2019 and it is essential that a replacement is in place before then.</p> <p>To that effect, the department has engaged a consultancy to investigate the options for replacement and together with the department; all 11 councils have already participated in a "Pre-Discovery" phase of the process.</p> <p>The department fully funded the Pre-Discovery" phase of the process.</p> <p>As the ultimate EPIC replacement will be jointly used by the department and all 11 councils, the department has requested that each council part fund the Discovery Phase of the project.</p> <p>They have estimated the cost of the Discovery Phase, to each council, to be in the region of £8K to £12K (see attached letter).</p>
2.0	Key issues:
2.1	<p>Investigations are underway to determine the most appropriate replacement for the presently used Planning computer system (EPIC). Council are being asked to part fund this on-going process.</p>
3.0	Recommendations:
3.1	<p>It is proposed that committee accept the recommendation to provide between £8K and £12K towards the Discovery Phase of the EPIC replacement project, as a replacement Planning computer system is a necessary requirement for the council.</p>
4.0	Resource implications
4.1	<p>Between £8k and £12K</p>

5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices
	Appendix I: Letter from Dol

Deputy Secretary
Planning Water & DVA



www.infrastructure-ni.gov.uk

Chief Executive of Local Councils

71 Ebrington Square
Derry~Londonderry
BT47 6FA
Tel: (028) 7131 4136

Date: 4 August 2016



5213.

Dear Chief Executive

Replacement Planning Portal System

Following on from the letter sent from Peter May, Permanent Secretary on 15th June I am writing to clarify the situation with regards to the funding of the Discovery Phase, should it be undertaken.

It would be the position of the Department that the development of a replacement planning portal system or systems is a responsibility that is shared between all the Councils and the Department.

As you will be aware Central Government funded the Pre-Discovery phase of the project without seeking monies from Councils. Moving forward, however whilst we are content to manage the procurement of the Discovery Phase, we would propose that the costs of are split 50/50 between local and central government. Based on costs estimated as part of the Pre-Discovery Process (circa £190k – £250k), this is likely to mean costs to each council of between £8-12k.

As an important citizen facing service, the Planning Portal Replacement Project could sit within the NI Digital Transformation Programme, a programme of work which is referred to in both the Fresh Start agreement and Programme for Government. This would raise the profile of the service and ensure a high level of support for the project moving forward to delivery. It should be noted that the Discovery Phase is an open and inclusive procedure, with all options for going forward available for consideration as part of the process.

As outlined by Peter it is essential that we urgently move to an agreed position on whether to undertake the Discovery Phase of the project. I should be grateful for a response on this matter by **31st August 2016**.

Yours sincerely

Fiona McCandless

FIONA McCANDLESS

Carrie to do sign



E-mail: planning@infrastructure-ni.gov.uk
Website: www.planningni.gov.uk

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	Report on Bus Shelter Requests
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and agree to the recommendations contained within Appendix 1.

1.0	Purpose and Background:
1.1	<p>The Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department of Regional Development to erect and maintain on any road within the district, shelters for the protection from weather of persons waiting to enter public service vehicles.</p> <p>At its Monthly Meeting held on 7th September 2015 the Council agreed a policy and set of procedures to be used to address requests for the erection and removal of bus shelters in the Council area.</p> <p>Attached at Appendix 1 is a report providing an update on requests with recommendations provided for approval/consideration.</p>
2.0	Key issues:
2.1	As detailed within Appendix 1.
3.0	Recommendations:
3.1	Approve the recommendations contained within Appendix 1.
4.0	Resource implications
4.1	Capital budget within this financial year for provision of bus shelters is £30,000.00.
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	Appendix I: Report on Bus Shelter Requests

Appendix 1: Report on Bus Shelter Request

Section A: Bus Shelters Requests for consideration to Approve/Decline

1. Roxborough Road, Dorsey – relocate bus shelter

Background & Summary of Findings to date

Previously reported to the Committee (August 2015) that a request had been received on behalf of Mr Stephen Casey to relocate an existing bus shelter at Roxborough Rd Dorsey. Mr Casey's son was building a dwelling and the existing shelter is located immediately in front of the dwelling and in the pathway of the approved entrance to this site.

During school term mornings this shelter is used by 7/8 children who get the bus to school. There is no other use of the shelter. Current policy of Council would require at least 10 people to use the shelter per day to be considered for approval.

Mr Casey was willing to provide a portion of his ground approx. 75m further up Roxborough Road to house the existing bus shelter but this has proved unsuitable. An alternative site has now been found which is adjacent to the existing site but in the ownership of the Catholic Church. A meeting was held with the Parish Priest who is agreeable to the Council locating a perspex type canteliver type bus shelter in this location.

Recommendation: As this is an existing site which is still used by school children it is recommended that the existing bus shelter be removed and a canteliver type bus shelter be installed at the new location agreed with the land owner.

2. Damaged Bus Shelter at McGeough's, Crossmaglen Road, Aughanduff

Background & Summary of Findings to date

A long established bus shelter located at Mc Geough's, Crossmaglen Road, Aughanduff, was recently damaged beyond repair. It is believed the damage was caused by a vehicle hitting the structure. For safety reasons the structure was removed by Council. The bus shelter is well used by both school children and bus users and would meet with current Council policy.

Recommendation: As this is an existing site which is still used by school children and other passengers it is recommended that a similar bus shelter that was previously on this site be installed.

Section B: Bus Shelter Requests under Consideration

Table 2 below lists the remaining requests under consideration.

Table 2

Location	Date Request Made
Glassdrumman Road, Annalong– new bus shelter (x2)	August 2014
Sandbank/Hilltown Road, Mayobridge – new bus shelter	October 2014
Turleys Crossroads/Prospect Road, Moneyslane – new bus shelter	February 2015
Clanvaraghan Road, Castlewellan – new bus shelter. (See item 2 in section A)	June 2015
Bryansford Road, Newcastle – new bus shelter	September 2015
Belfast Road, Newry close to Park n Share car park at Sheepbridge – new bus shelter	January 2016
Carnaney/Bavan Road Mayobridge – new bus shelter	February 2016
Ballyhornan village in the main square	July 2016
Killough Rd, Coney Island. Opposite the Caravan park	July 2016
Bus Shelter - Drummond Rd / Gosford Road, Newry	September 2016

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	Kilbroney Cemetery – Request for provision of individual surrounds to burial plots
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and agree to the recommendation to retain current practice of maintaining its cemeteries in a lawn format.

1.0	Purpose and Background:
1.1	<p>A member of the public, who has a family member buried within the Council operated cemetery in Rostrevor, has written to the Council concerning the management of this cemetery. One of the requests submitted was that families be allowed to place a surround around their graves and maintain their plot thereafter.</p> <p>The Council currently has five public cemeteries all of which are lawn cemeteries. This means that all graves are laid out in grass. Families are permitted, with approval of the Council, to erect a Headstone along the top of the grave. No surrounds are permitted with in any of our cemeteries.</p> <p>It was considered that setting a graveyard out in this manner would provide an aesthetically pleasing, peaceful environment and would reduce maintenance costs. The Council has byelaws for its cemeteries which would include a restriction on the placing of items on the grave. This byelaw is not adhered to resulting in staff having to remove wreaths and other items from the graves to allow for maintenance. The removal and replacing of these items to allow for grass cutting does increase the maintenance time required to maintain these facilities. Council has also received complaints in the past from family members who claim that staff have damaged items when they have been removed for grass cutting.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • The Owner of the plot does not own the actual ground/land. The Cemetery itself is still owned by the Council. The owner of the grave owns the right of burial. They are the person who gives permission as to who within the family can/cannot be buried within the grave. • Should the Council permit surrounds on graves, the current method of maintaining the Cemetery could not be achieved. • For surrounds to be permitted on graves issues such as insurance, responsibility of maintenance etc would have to be discussed with family members prior to approval of surround being erected. • Not all families may wish to have surrounds erected around their graves resulting in a patchwork pattern within the cemetery of areas with surrounds and areas without. It is also likely to increase the time it takes to maintain the Cemeteries.

3.0	Recommendations:
3.1	Council continue with current practice of maintaining its cemeteries in a lawn format and respond to current request to erect individual surrounds advising of this decision.
4.0	Resource implications
4.1	None
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	None

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	Magheradrool Old Cemetery and Graveyard
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.

1.0	Purpose and Background:
1.1	<p>A member of the public has been in contact with one of our Councillors, Patrick Clarke, concerning Magheradrool Old Cemetery and Graveyard. The member of the public is seeking to have maintenance works carried out on the church ruin on site and perhaps additional work which may be identified.</p> <p>Councillor Clarke has met on site with the local resident and with an official from the Heritage Advice and Regulation Branch of the Historic Environment Division of the Department of Communities. It would appear that there may be grant aid available from the Department for works to such sites</p> <p>This graveyard is the responsibility of the Council and the Council does maintain a pathway into the site to allow visitors to access the site. It is currently unclear if the Council has any responsibility for the maintenance of the church ruins.</p> <p>Councillor Clarke has been in contact with council staff seeking that the matter be raised in Council with the view to either the Council or a third party making an application to the Department of Communities for funding to undertake environmental improvement works within the graveyard which would include maintenance of church ruins.</p> <p>If a third party was to undertake such works they would require written approval from the Council prior to any application for grant funding being considered by the Department of Communities.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • The Council has a responsibility for maintenance of a number of historic graveyards throughout the district and this has been confined to limited grounds maintenance works to provide access to the sites. • There is no current budget for additional works to such sites, with the exception of Dechomet Cemetery where the Council has agreed a capital project to provide a pathway into the site.
3.0	Recommendations:
3.1	Council give consideration to the content of the report and provide direction on a way forward.

4.0	Resource implications
4.1	None at present.
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	None

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	The Strategic Waste Working Group (SWWG)
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: To consider and approve the recommendations of the SWWG	
1.0	Purpose and Background:
1.1	The Strategic Waste Working Group held its first meeting on 23 rd August 2016. The Action Points from that meeting are attached to this report. These Action Points - specifically Points 5a through to 5i , should be endorsed and approved by the committee.
2.0	Key issues:
2.1	The key issues are highlighted in the attached action points from the SWWG meeting from 23 rd August 2016
3.0	Recommendations:
3.1	The committee to consider the Action points from the SWWG meeting from 23 rd August 2016 and approve the specific actions in points 5a through to 5i.
4.0	Resource implications
4.1	The resource implication are significant, but will be detailed in each of the reports being brought to the committee for individual consideration
5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices
	Appendix I: The Action Points from the first meeting of the SWWG

Strategic Waste Working Group

Meeting on Tuesday 23rd August 2016

Present: Cllrs T Andrews, G Craig, J Maculey, G Stokes
Officers C O'Rourke, J Parkes

Action Points arising as per the agenda (see appendix 1):

1. Terry Andrews, as vice chair of the Regulatory and Technical Services Committee, was nominated as Chair of the Strategic Waste Working Group
2. Apologies were received from Cllr Sean Doran
3. There were no declarations of interest
4. The Terms of Reference (see appendix 2) were agreed
5. Following consideration of the immediate, short term and long term strategic waste issues, the following actions were agreed:
 - a) A detailed report, including legislative requirements, costs, benefits and operational considerations, in relation to the April 2017 introduction of **a district wide organic waste collection** service, to be presented to the R&TS Committee for consideration, at the earliest opportunity
 - b) A detailed report, including costs, benefits and operational considerations, in relation to the introduction of a **recycling (blue bin) collection service for commercial properties in the legacy Down area**, to be presented to the R&TS Committee for consideration, at the earliest opportunity
 - c) A detailed report, identifying **recycling targets**, present recycling performance and difficulties in attaining these targets, along with recommendations of actions, activities and budgets required to ensure we do manage to meet the targets, to be presented to the R&TS Committee for consideration, at the earliest opportunity
 - d) A detailed report, including legislative requirements, costs, benefits and operational considerations, in relation to the **removal of glass from the recycling (blue bin) collection service in the legacy Newry area**, to be presented to the R&TS Committee for consideration, early in the new year
 - e) A detailed report, including options, alternatives, costs, benefits and operational considerations, in relation to **dramatically changing the refuse collection service across the new district**, in order to meet our 2020 landfill diversion and recycling targets, to be presented to the R&TS Committee for consideration, early in the new year
 - f) A detailed report, including legislative requirements, costs, benefits, operational considerations & restraints and technology (GPS tracking) recommendations, in

- relation to district wide **optimisation of the refuse collections routes**, to be presented to the R&TS Committee for consideration, early in the new year
- g) A detailed report, reviewing the present position in relation to the councils **Household Recycling Centres**, including proposals to rationalise and standardise the service across the whole district, to be presented to the R&TS Committee for consideration, early in the new year
 - h) The Strategic Waste Working Group to keep a watching brief on the **long term options for the processing of municipally collected residual waste**
 - i) The R&TS department to complete the final closure of both the Aughnagun and Drumanakelly landfill sites after which the Strategic Waste Working Group should give consideration to the **options for the long term management of these sites**
6. The Strategic Waste Working Group agreed to promote the work initiated by SoLACE together with NILGA, DAERA and SIB, in relation to the Future Management of Northern Ireland's Municipal Waste, and officers will present the associated paper, "The World Has Changed" to the September R&TS Committee
7. It was agreed that the Strategic Waste Working Group should meet on a quarterly basis, with ad hoc interim meetings if specific waste related issues arose that needed strategic consideration

Appendix 1**Strategic Waste Working Group**23rd August 2016**Agenda:**

- 1 Nominate a Chair for the SWWG
- 2 Apologies
- 3 Declaration of Conflict of Interests
- 4 Consider the Terms of Reference for the Strategic Waste Working Group
- 5 Consider Immediate, Short Term and Long Term Strategic Waste Issues
- 6 Consider SoLACE paper:-
 - The Future Management of Northern Ireland's Municipal Waste – The World Has Changed
- 7 Agree action points arising
- 8 Proposed next meeting

Appendix 2**Strategic Waste Working Group****Terms of Reference**

The Strategic Waste Working Group (SWWG) will consider the strategic issues that impact upon the council's immediate, short term and long term management of waste.

Having given due consideration to these issues, the SWWG will make recommendations to the Regulatory and Technical Services Committee regarding the implementation, resources and funding required to effectively and efficiently manage these strategic issues.

The SWWG will not consider day to day operational issues in relation to waste management.

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	"The Future of Northern Ireland's Municipal Waste"
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: To consider the attached paper and approve the associated draft Action Plan

1.0	Purpose and Background:
1.1	<p>To advise the Committee of recent work carried out on behalf of the Society of Local Authority Chief Executives (SoLACE) in collaboration with NILGA, DAERA and the SIB, which focused on the changing world of Waste Management in Northern Ireland.</p> <p>This work resulted in the attached detailed report which highlights the necessity for a joint central – local government approach to Waste Management and proposes several actions and outcomes in the form of a draft Action Plan for Central and Local Government, to manage Northern Ireland's municipal waste going forward.</p> <p>The paper also highlights that developing an effective cross-governmental, central-local approach to the Circular Economy, will not only enable the aims of the Programme for Government to be met, but will also transform the way in which waste is managed, by realising the true value of waste as a resource, thus allowing for increased income generation to offset the costs to local government.</p> <p>The paper highlights the trends and key issues associated with the management of waste, summarises the current operational and governance context and identifies the disadvantages of continuing 'as is', before proposing a series of Actions (Appendix 4) which will:</p> <ul style="list-style-type: none"> • Minimise municipal waste. • Achieve the 2020 target of recycling 50% of household waste and prepare to contribute to meet a 65% municipal waste recycling target by 2030. • Maximise recovery and use of energy from residual waste in Northern Ireland. • Ensure provision of sufficient landfill capacity in Northern Ireland.

	<p>The paper also identifies supporting activates as necessary to achieve the actions above, these being to:</p> <ul style="list-style-type: none"> • Develop a new delivery model to manage Northern Ireland’s municipal waste. • Create a new procurement strategy to deliver outcomes the above outcomes <p>The paper also proposes for consideration, a draft NI wide governance structure that would be required to enable the delivery of the above outcomes.</p>
2.0	Key issues:
2.1	<p>The cost of waste management to Local Government is enormous and is set to grow.</p> <p>It is presently managed and governed in a less than optimal fashion.</p> <p>A new joint central-local government model for the future management of waste management across Northern Ireland is identified as necessary to meet targets while managing costs.</p> <p>Several drat actions are proposed to ensure the most appropriate management of municipal waste going forward.</p> <p>Funding sources for the implementation of the Action Plan must be identified and agreed as a priority. Early estimates are required to inform council financial planning cycles, and a cost-benefit analysis must be considered at an early stage.</p> <p>If the Central-Local Action Plan is agreed, a new Programme Delivery Mechanism will need to be established and adequately resourced, to take forward its implementation. This will require consideration of existing governance and operational structures, as a forward-looking structure is created, designed to streamline activity and focussing on delivery of the Action Plan</p>
3.0	Recommendations:
3.1	It is recommended that the Committee endorse the proposals within “The Future of Northern Ireland’s Municipal Waste” paper and approve the associated draft Action Plan (Appendix 4).
4.0	Resource implications
4.1	No immediate resource implications
5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices
	“The Future of Northern Ireland’s Municipal Waste” paper and the Draft Action Plan

NB: The figures provided are for indicative purposes only and will be further assessed in detail as more robust data on options becomes available

APPENDIX 4: AN ACTION PLAN FOR CENTRAL AND LOCAL GOVERNMENT TO MANAGE NORTHERN IRELAND'S MUNICIPAL WASTE

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Outcome 1:		Minimal Municipal Waste				
ACTION		LEAD BODY	KEY PARTNERS	COUNCIL INVOLVEMENT	START	£
1.	Review and implement the Northern Ireland Waste Prevention Programme in light of the EU Circular Economy Proposals and incorporate relevant best practice from elsewhere.	DAERA	EU Councils	Regional	1-2 Years	£200,000
2.	Councils to develop Waste Prevention Plans.	COUNCILS		Sub regional	>2 Years	£250,000
3.	Develop business models to support the development of reuse networks across NI.	DAERA + COUNCILS	3 RD SECTOR	Regional	>2 Years	£100,000

NB: The figures provided are for indicative purposes only and will be further assessed in detail as more robust data on options becomes available

Outcome 2: Achieve the 2020 target of recycling 50% of household waste and preparing to contribute to meeting a 65% municipal waste recycling target by 2030		ACTION	LEAD BODY	KEY PARTNERS	COUNCIL INVOLVEMENT	START	£
1.	Produce an updated compositional analysis of Northern Ireland Municipal waste.	DAERA (CONSULTANT)	COUNCILS	Regional	Immediate	£50,000	
2.	Identify the factors affecting and the best way to influence behaviour change with respect to increasing recycling.	DAERA (WRAP)	COUNCILS	Regional	Immediate	£30,000	
3.	From this research, develop the methodology, secure the resources required and deliver a Communications Campaign to build public awareness, understanding of and confidence in Council led recycling.	DAERA + COUNCILS (COMMS CONSULTANT)		Regional approach at high level – some subregional and individual working also required	1-2 Years	£200,000	
4.	Work with the private sector and waste industry to find ways of investing in and increasing efficiency, and influencing behaviour change in order to maximise recycling volume and quality, including reinforcing the requirements of the Courtauld commitments	DAERA + COUNCILS	WASTE INDUSTRY INVESTNI	Regional, but must reflect current arrangements e.g. systems, treatment	Immediate		
5.	Identify and recommend the appropriate optimum collection processes in order to maximise recycling volume and quality (including for food and green waste).	DAERA + COUNCILS (? CONSULTANT)	WASTE INDUSTRY	Regional	1-2 Years	£100,000	
6.	Develop a consistent approach within NI to implement the optimum collections processes.	COUNCILS		Sub-regional to reflect current contracts/collection arrangements etc	>2 Years	SIGNIFICANT investment depending on the solutions identified	
7.	Consider the potential to introduce statutory recycling targets for 2030.	DAERA	COUNCILS		>2 Years	Within internal budgets	
8.	Optimise the use of existing infrastructure and if necessary develop new facilities to support the treatment of food and green waste.	COUNCILS		Sub-regional to reflect current arrangements NB direct link to action 4	1-2 Years	£5,000,000 - £10,000,000	
9.	Develop local markets for recyclates.	DEPARTMENT OF ECONOMY	COUNCILS DAERA INDUSTRY VOLUNTARY SECTOR EU	Regional	1-2 Years		

NB: The figures provided are for indicative purposes only and will be further assessed in detail as more robust data on options becomes available

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Outcome 3: Maximum recovery and use of energy from residual waste in Northern Ireland		ACTION	LEAD BODY	KEY PARTNERS	COUNCIL INVOLVEMENT	START	£
1.	Consider the potential to introduce statutory targets for landfill diversion up to 2030, with councils given an early indication of DAERA intentions for legislation. (moved to top)	DAERA	COUNCILS			1-2 Years	Internal budget
2.	Carry out further work to identify and confirm the expected tonnage of residual waste in NI by 2030, and assess the implications of not addressing this issue. Consideration of private sector activity and cross-border issues will be required.	DAERA (SIB)				1-2 Years	£50,000
3.	Confirm current and identify future infrastructure provision for treating and recovering residual waste, including private sector infrastructure.	COUNCIL (SIB)			Regional	1-2 Years	Included in above
4.	Assess the risks and benefits of energy from waste being deliverable and produce an influencing plan to change public and political perception.	DAERA + COUNCILS			Regional high level – some sub-regional working required to reflect political/operational differences	1-2 years <i>Clarity on arc21 project required</i>	£50,000
5.	Formulate plans to develop and subsequently deliver the infrastructure necessary to meet current and future EU targets. Plans should take account of the proximity and self-sufficiency principles and the need to optimise the % of renewable energy generated from residual waste in NI.	COUNCILS (SIB)	DAERA		Regional	1-2 Years	£150,000 for plans NB: Implementation is likely to require V. SIGNIFICANT investment which could be met by public and/or private sector. For example, the recent Trident Park plant in Cardiff was an investment of over £220m A recent plant in Aberdeen required investment of over £120m.

Outcome 4: Sufficient licensed landfill capacity in NI provided		ACTION	LEAD BODY	KEY PARTNERS	COUNCIL INVOLVEMENT	START	£
1.	Identify current landfill capacity and assess future needs and create a strategy for Northern Ireland up to 2030 taking into account current and future EU targets for landfill diversion.	COUNCILS (CONSULTANTS)	DAERA		Regional	1-2 Years	£110,000

NB: The figures provided are for indicative purposes only and will be further assessed in detail as more robust data on options becomes available

SUPPORTING OUTCOMES

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Outcome 5:		A new Delivery model to implement the Action Plan for Central and Local Government to manage Northern Ireland's municipal waste				
ACTION		LEAD BODY	KEY PARTNERS	COUNCIL INVOLVEMENT	START	£
1.	Consider the options and agree on a preferred delivery model to deliver this action plan.	COUNCILS / DAERA		Regional	Immediate	
2.	Identify the options and agree on a preferred governance model for council waste management.	COUNCILS		To be determined	Immediate	
3.	Prepare legislation to support the preferred model in 2 if required.	DAERA	COUNCILS		1-2 Years	
4.	Formation of a body to deliver across all streams and outcomes of the action plan in support of Circular Economy principles, within the context of and informing the developing Programme for Government.	DAERA ECONOMY	COUNCILS	Regional	Immediate	£1m

Outcome 6:		The creation of a new Procurement Strategy to deliver outcomes 1-4				
ACTION		LEAD BODY	KEY PARTNERS	COUNCIL INVOLVEMENT	START	£
1.	Map out current contracts to: a) identify good practice; b) understand and ensure an adequate "run in" in order to introduce new contracting arrangements and explore co-dependencies	COUNCILS	DAERA	Regional	Immediate	
2.	Identify the barriers to and identify solutions to current council contracting / procurement issues.	COUNCILS		Regional	Immediate	£30,000
3.	Review existing and identify potential new procurement models and evaluate benefits/risks.	COUNCILS + DAERA (SIB)		Regional	1-2 Years	£50,000
4.	Review and amend the current definition of recycling in line with the EU Circular Economy proposals.	DAERA	COUNCILS		1-2 Years	
5.	Using 1 - 4 actions above create a new procurement strategy for Council waste.	COUNCILS	DAERA	Regional	1-2 Years	

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	21 st September 2016
Subject:	Cloonagh Road HRC - Opening Hours
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: Grant permission to approve new opening hours for Cloonagh Road HRC to reduce complaints relating to skip emptying closures.

1.0	Purpose and Background:
1.1	Cloonagh Road Household Recycling Centre is located in Downpatrick and is an 'old style' site, which is in the process of being replaced by a new site mid 2017.
1.2	The residual waste skips, take around an hour and a half to empty. A system had been in place where half the site was sectioned off at a time during skip emptying, allowing the skips to be emptied in one part, while the public could use the other.
1.3	Unfortunately people using the site would ignore the barriers and basic instructions given by staff not to go past the barriers. Due to Health & Safety concerns this system had to be abandoned and the site closed to the public during skip emptying.
1.4	Emptying times of the skips could vary and the long closure time of an hour and a hour would mean frustrated customers waiting at the gates and at times long queues of traffic, at busy times of the year.
1.5	Numerous complaints have been received in relation to the ad-hoc opening times of the site and on assessment, it would be better to have a fixed closure time for the skips. On checking with the skip contractor they have advised they could service them first thing in the morning, which would be beneficial in securing robust opening times.
1.6	In addition other types of skips/receptacles for recycling, such as metal, wood and glass require emptying and these contractors could be requested where possible, to provide services during the 8.00am - 9.30am period. It should be noted that some of these contractors may not be able to work to these timings, but closure times for the emptying of these skips are normally around fifteen minutes.
2.0	Key issues:
2.1	Cloonagh Road HRC is in the process of being replaced by a new household recycling centre that will meet customer demands. The residual waste skips take around an hour and a half to empty.

2.2	The Cloonagh Road HRC needs to close for skip emptying, due to Health and Safety requirements.
2.3	The emptying of skips is within the opening hours of the site (Appendix A), which leads to complaints from the public using the site.
2.4	A set time for skip emptying, would mean clearer and more robust opening times.
3.0	Recommendations:
3.1	Cloonagh Road HRC 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.
4.0	Resource implications
4.1	No implications on resources, with staff working their normal shift.
5.0	Equality and good relations implications:
5.1	No impact on equality and good relations
6.0	Appendices
	Appendix A: Cloonagh Road Household Recycling Centre opening times

Appendix: A

Cloonagh Road Household Recycling

Present Opening Times

1st April – 30th September

Sunday	12.00pm – 4.00pm
Mon - Fri	8.00am – 7.00pm
Saturday	8.00am – 5.00pm

1st October – 31st March

Sunday	12.00pm – 4.00pm
Mon - Fri	8.00am – 5.00pm
Saturday	8.00am – 5.00pm

Proposed Opening Times

1st April – 30th September

Sunday	12.00pm – 4.00pm
Mon - Fri	9.30am – 7.00pm
Saturday	9.30am – 5.00pm

1st October – 31st March

Sunday	12.00pm – 4.00pm
Mon - Fri	9.30am – 5.00pm
Saturday	9.30am – 5.00pm



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

**Newry, Mourne
and Down**
District Council

Pavement Cafés

Designation Procedure

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

REGULATORY & TECHNICAL SERVICES DEPARTMENT

Dated: 16 August 2016

Contents

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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 Procedure 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 Procedure 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 are already licensed for street trading (including those areas where applications have previously been refused).

The District Council will consider on an annual basis in October of each year any new areas proposed for designation. The District Council will also take these opportunities to review existing designated sites. In so doing the District Council will consider all representations made to it in respect of said areas.

3. References

- 3.1 Licensing of Pavement Cafés Act (Northern Ireland) 2014
- 3.2 Pavement Café Designation Policy
- 3.2 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 are 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 Pavement Café Licensing Procedure

6.1 Where in relation to any street, a District Council receives an application for a pavement café licence, the District Council shall-

- (a) Make the application available to be viewed by the public until the end of the period allowed for representations.

(b) Publicise the fact that representations relating to the application may be made in writing to the District Council until the end of that period.

(c) Consult-

(i) The Department of Infrastructure as regards that Department's functions with respect to roads and the regulation of road traffic.

(ii) The District Commander of the PSNI in which the premises is situated, where such premises are licensed under the Licensing Order.

6.2 The District Council may consult such other persons as it considers appropriate: e.g.

- The District Council's Planning Department
- Relevant Chamber of Commerce/Trade
- Town Centre Management Bodies
- Community Groups/Local residents
- Business and Commercial premises in the vicinity of the site in respect of which the application has been received
- Any other persons, as it may deem appropriate
- Similar businesses within the District

6.3 The notice referred to in section 6.1 (b) above shall state that representations relating to it may be made in writing to the District Council within such period, being not less than 28 days beginning with the first working day after the date when the application is received by the District Council.

6.4 Not less than 28 days after the first publications of the notice in the paper the District Council will consider all written representations from statutory consultees and any other persons.

6.5 After the District Council has considered those representations, it may if it thinks fit refuse the application.

6.6 If it refuses an application, the District Council will notify the applicant in writing of its decision.

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. 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.

Licensing Report - Matters for Noting

1.0 Application Information

1.1 Application Information

**1 March 2016 -
31 August 2016**

Number of Licensing Applications Received and Validated (Entertainment, Cinema, Amusement, Marriage, Street Trading and Dogs)	3014
Number of Licences Granted (Entertainment, Cinema, Amusement, Marriage, Street Trading and Dogs)	3030
Number of Annual Inspections Carried out (including During Performance Inspections)	268

2.0 List of Entertainment Licences issued from 1 March 2016 - 31 August 2016

Name of Premises	Address
Meadow Community Centre	Whitegates, Killeavy Road, Newry, BT35 6UA
Welcome Inn	35 Main Street, Forkhill, BT35 9SQ
Peadar O'Doirnin GAA Club	4 Bog Road, Forkhill, BT35 9SZ
St Moninnas GAC Killeavy	49 Forkhill Road, Newry, BT35 8QX
Kilmorey Arms Hotel	41-43 Greencastle Street, Kilkeel, BT34 4BH
Kilhorne Parish Church Hall	110 Kilkeel Road, Annalong, BT34 4TJ
Whitecross Lounge	Tullyah Road, Whitecross, BT60 2SN
Dan's Bar & Danni's Function Room	109 Camlough Road, Newry, BT35 7EE
Newry Sports Centre	Patrick Street, Newry, BT35 8TR
Corner House Bar	1 Bridge Street, Rostrevor, BT34 3BG
Irish National Foresters	22 Rostrevor Road, Hilltown, BT34 5TS
Newry Masonic Social Club	Downshire Road, Newry, BT34 1EE
St Patricks GFC	18 Aghadavoyle Road, Dromintee, BT35 8JJ
St Moninna INF Club	55 Forkhill Road, Newry, BT35 8QX
The Harbour Inn	6 Harbour Drive, Annalong, BT34 4TT
The Red Fella's Bar	51 Lurgan Road, Crossmaglen, BT35 9EF

Continued from Page 1

Name of Premises**Address**

Sheepbridge Inn	143 Belfast Road, Newry, BT34 1QU
Ti Chulainn Centre	2 Bog Road, Mullaghbawn, BT35 9TT
Trainor's Bar	21 Main Street, Camlough, BT35 7LX
Irwins Public House	1 Castleblayney Street, BT35 0PD
Carrickcruppen GAA & Social Club	Lowes Lane, Camlough, BT35 7JS
Riverside Bar	4 Forkhill Road, Mullaghbawn, BT35 9RA
Meigh Community Centre	Drumintee Road, Meigh, BT35 8JS
St Bronaghs GAA Club	Mary Street, Rostrevor, BT34 3AY
Murphy's Bar	2 Dromintee Road, Meigh, BT35 8JT
Cappy Wines and Spirits Ltd	124 Concession Road, Newry, BT35 9JE
Forkhill Community Centre	Bog Road, Forkhill, BT35 9TA
Kilkeel Sports Centre	Mourne Esplanade, Kilkeel, BT34 4DB
Cabra Community Centre	Castlewellan Road, Cabra, BT34 5EP
Lislea Community Association	7 Mountain Road, Lislea, BT35 9UG
Mullaghbawn Community Centre	Tullymacrieve Road, Mullaghbawn, BT35 9RD
Three Ways Community Centre	Well Lane, Newry, BT34 1HE
Cullyhanna Community Centre	Tullyah Road, Cullyhanna, BT35 7QP
Hunter Moore Social Club	90 Belfast Road, Newry, BT34 1QA
Cavern Bar	28 Church Street, Newry, BT34 2AH
Mountain House Bar	37 Newry Road, Belleek, BT35 7PB
Belleek Country House	16 Main Street, Belleek, BT35 7PH
Fossett Brothers Circus Limited	Albert Basin, Newry, BT35 8QS
Irish National Foresters Club	9 Havelock Place, Warrenpoint, BT34 3NE
Dorsey Community Centre	Roxborough Place, Dorsey, BT35 0QJ
Saval GFC Sports & Leisure Complex	22 Coalpit Road, Saval, BT34 2RG
The Lough and Quay	1-3 Marine Parade, Warrenpoint, BT34 3HA
Newry Independent Social Club	Kilmorey Street, Newry, BT34 2DF
Kilkeel Parish Bridge Association Ltd	17-19 Greencastle Street, Kilkeel, BT34 4BH
Atticall GAC Social Club	4 Sandy Brae, Atticall, BT34 4SS
Ballymartin Inn Limited	17 Ballymartin Village, Ballymartin, BT34 4PA
Bellinis	25 Merchants Quay, Newry, BT35 6AH
Kilkeel Royal British Legion Club	20 The Harbour, Kilkeel, BT34 4AX
Forge Bar	100 Carrickasticken Road, Forkhill, BT35 9RL
McSwiggans Bar	59 North Street, Newry, BT34 1DD
Cosy Bar	42 Dundalk Street, Newtownhamilton, BT35 0PB
St Patricks Gaelic Social Club	4B Old Road, Mayobridge, BT34 2HE
Jade Centre	14 Jade Business Park, Jonesborough, BT35 8JP
Kilkeel Bowling Pavillion	Mourne Esplanade, Kilkeel, BT34 4BD
Barnmeen Community Centre	Longstone Road, Barnmeen, BT34 5BT

Continued from Page 2

Name of Premises**Address**

Cobbles Bar	15 The Mall, Newry, BT34 1XA
Marine Tavern	4 Marine Parade, Warrenpoint, BT34 3NB
Courtneys	24 Margaret Street, Newry, BT34 1DF
Canal Court Hotel	29-32 Merchants Quay, Newry, BT35 8HF
Railway Bar	79 Monaghan Street, Newry, BT35 6AY
Warrenpoint Golf Club	Lower Dromore Road, Warrenpoint, BT34 3LL
Carlingford Lough Yacht Club	Kilowen Point, Rostrevor, BT34 3AN
The Three Steps	75 Finnegans Road, Dromintee, BT35 8TA
Magees Bar	20 Merchants Quay, Newry, BT34 6AH
Annalong Presbyterian Church Hall	Majors Hill, Annalong, BT34 4TH
St Peters GAA	17-19 Mary Street, Warrenpoint, BT34 3NT
Windmill Bar	46 Church Street, Newry, BT34 2AU
Longstone Community Association	65 Longstone Road, Annalong, BT34 4UY
Amplified Bar	2 Upper Water Street, Newry, BT34 1DJ
Culloville Community Centre	Corrasmoor Road, Culloville, BT35 9JF
Duffy's Circus	Land at Fiveways Roundabout and Albert Basin, Newry
Kilkeel Golf Club	Mourne Park, Kilkeel, BT34 4LB
The Yellow Heifer	16 Main Street, Camlough, BT35 7JG
St Bronaghs GAA Club	Mary Street, Rostrevor, BT34 3AY
Youth with a Mission	Shore Road, Rostrevor, BT34 3EQ
The Balmoral	13 Seaview, Warrenpoint, BT34 3NJ
Kitty's Road Community Centre	Kitty's Road, Kilkeel, BT34 4EJ
Lisnacree Community Centre	Ballymaderphy Road, Kilkeel, BT34 4SW
Newry and Mourne Museum	Bagnels Castle, Castle Street, Newry, BT34 2BY
King George VI Memorial Orange Hall	27 Castleblayney Street, Newtownhamilton, BT35 0PD
The Quayside Inn	55-56 Merchants Quay, Newry, BT35 8HE
Victoria Hotel	1 Dock Street, Warrenpoint, BT34 3LZ
Cross Square Hotel	4-5 O'Fiaich Square, Crossmaglen, BT35 9AA
Old Killowen Inn	10 Bridge Street, Rostrevor, BT34 3BG
The Rostrevor Inn	33-35 Bridge Street, Rostrevor, BT34 3BG
McGuigan's Bar	48 Monaghan Street, Newry, BT35 6AA
The Whistledown Hotel	6 Seaview, Warrenpoint, BT34 3NH
Cloughmor Inn	2 Bridge Street, Rostrevor, BT34 3BG
Newry Variety Market	Mary Street, Newry, BT34 3NT
The Bank Bar	1-4 Trevor Hill, Newry, BT34 1DN
Ballyholland Community Centre	11 Bettys Hill Road, Ballyholland, BT34 2LY
Downshire Arms	Main Street, Hilltown, BT34 5UH
Royal British Legion	5 Derrymore Road, Newry, BT35 7DY

Continued from Page 3

Name of Premises**Address**

Ye Old Ship Inn	12-14 The Square, Warrenpoint, BT34 3JT
Orchard Bar	114 Rathfriland Road, Newry, BT34 1PH
Mourne Stimulus Day Centre	1 Council Road, Kilkeel, BT34 4NP
The Banque	15-19 Main Street, Castlewellan, BT31 9DF
Russell Gaelic Union	Old Course Road, Downpatrick, BT30 8BD
The Mill at Ballydugan	Drumcullen Road, Downpatrick, BT30 8JA
Newry, Mourne & Down District Council	Ballynahinch Centre, 55 Windmill Street, Ballynahinch, BT24 8HB
Spa Golf Club	20 Grove Road, Ballynahinch, BT24 8PN
Dufferin Coaching Inn	31-33 High Street, Killyleagh, BT30 9QF
Skiffieworlds Support Society	30 Drumroe Road, Downpatrick, BT30 7AR
Shimna Integrated College	The Lawnfield, King Street, Newcastle, BT33 0HD
Newry, Mourne & Down District Council	Bridge Centre, 27 Braeside Gardens, Killyleagh, BT30 9QE
Quinns Bar	62-64 Main Street, Newcastle, BT33 0AE
Slieve Donard Hotel	Downs Road, Newcastle, BT33 0AH
Inverbrena Community Centre	Stella Maris Street, Strangford, BT30 7NJ
St Mochais GAC	121 Manse Road, Crossgar, BT30 9LZ
Benraw Orange and Community Hall	127 Slievenaboley Road, Ballyward, BT31 9UD
Drumaness Mills Football Social Club	Meadowvale, Drumaness, BT24 9RL
Friends of Kilcoo	97 Dublin Road, Kilcoo, BT34 5HT
Percy French Restaurant	Downs Road, Newcastle, BT33 0AH
Mackens Bar	71-73 South Promenade, Newcastle, BT33 0EY
Second Saintfield Presbyterian Church Hall	Ballynahinch Road, Saintfield, BT24 7AE
Marquee at Teconnaught GFC	Rann Road, Annacloy, BT30 9AP
Leitrim Fontenoy GAC	11 Backaderry Road, Castlewellan, BT31 9SL
Millbrook Lodge Hotel	5 Drumaness Road, Ballynahinch, BT24 8LS
The Road Houses	67 Ballyhornan Road, Downpatrick, BT30 7AA
Mullan's Bar	48-50 Church Street, Downpatrick, BT30 6EJ
The Cabin	40 Church Street, Downpatrick, BT30 6EJ
Marquee at Leitrim GAC	11 Backaderry Road, Castlewellan, BT31 9SL
Music Initiative Northern Ireland	2 The Fairways, Downpatrick, BT30 7BN
St Michael's Parochial Hall	Rathfriland Road, Finnis, Dromara, BT25 2EE
Annsborough Community Hall	42 Ballylough Road, Castlewellan, BT31 9NN
St Aquinas Hall	33 Main Street, Dundrum, BT33 0LU
Minerstown Tavern	68 Minerstown Road, Downpatrick
The Oaks Bar	5 Darragh Cross, Saintfield, BT24 7EQ
Ramery Inn	45 Windmill Street, Ballynahinch, BT24 8HB

Continued from Page 4

Name of Premises	Address
Ardglass Community Centre	19A High Street, Ardglass, BT30 7TU
St Patrick's Golf Club	43 Saul Road, Downpatrick, BT30 6PA
The Cuan	The Square, Strangford, BT30 7ND
Rowallane Inn	1 Belfast Road, Saintfield, BT24 7AP
Mooney's Bar	36 Main Street, Castlewellan, BT31 9DG
Dan Rice Memorial Hall	Drumaness Road, Ballynahinch, BT24 8LT
Newry, Mourne & Down District Council	Newcastle Centre, Newcastle, BT33 0AA
Round House Bar	28 Stream Street, Downpatrick, BT30 6HY
The Arkle Bar	17 Irish Street, Downpatrick, BT30 9QS
The Anchor Bar	49 Castle Street, Killough, BT30 7QQ
Loughinisland GAC	7 Teconnaught Road, Loughisland, BT30 8QE
The Russell Bar	7 Church Street, Downpatrick, BT30 6EH
St Mary's Hall	54 Main Street, Newcastle, BT33 0LU
Patrician Youth Centre	John Street, Downpatrick, BT30 6BY
Cocos Indoor Playground	27A Central Promenade, Newcastle, BT33 0AA
Denvir's Coaching Inn	14-16 English Street, Downpatrick, BT30 6AB
Turley's Bar	5-7 Scotch Street, Downpatrick, BT30 6AQ
Marquee at Liatroim Fontenoys GAC	11 Backaderry Road, Castlewellan, BT31 9SL
Mulholland's Bar	18-20 Main Street, Castlewellan, BT31 9DG
The Shed	155 Dundrum Road, Dromara, BT25 2JS
Old Court Wedding Barn	60A Old Court, Strangford, BT30 7NB
Ballyward Masonic Hall	42 Ballyward Road, Ballyward, BT31 9PP
St Michael's Parochial Hall	145B Rathfriland Road, Finnis, Dromara, BT25 2EE

3.0 List of Petroleum Licences issued from 1 March 2016 - 31 August 2016

Name of Premises	Address
Ghan Filling Station	43 Warrenpoint Road, Rostrevor, BT34 3EB
Glenview Service Station	10 Dublin Road, Newry, BT35 8DA
Millvale Services Ltd	17 Millvale Road, Bessbrook, BT35 7NH
Newry Filling Station	16 Belfast Road, Newry, BT34 1QA
O'Hares Supermarket	37 Newry Road, Mayobridge, BT34 2ET
Whitecross Filling Station	15 Kingsmill Road, Whitecross, BT60 2SS
Rockmount Service Station	32 Rathfriland Road, Newry, BT34 1JZ
Square View Filling Station	33 Newry Street, Newtownhamilton, BT35 0AB
Mulkerns Eurospar	51A Forkhill Road, Newry, BT35 8QY
Murdock Services Ltd	61 Upper Dromore Road, Warrenpoint, BT34 3PN

Continued from Page 5

Name of Premises	Address
Gregory's Service Station	109 Camlough Road, Newry, BT35 7EE
Rafferty's Garage	42 Newry Road, Kilkeel, BT34 4DT
Todays Shop	4 Forkhill Road, Mullaghbawn, BT35 9RA
Barbican Annalong	35 Kilkeel Road, Annalong, BT34 4TJ
Morgan Xpress Station	251 Dublin Road, Newry, BT35 8RL
Coole Fuels Ltd	71 New Road, Silverbridge, BT35 9LR
Grants Stores	2 Bog Road, Kilkeel, BT34 4SY
Murphy Brothers	103 Carrickasticken Road, Forkhill, BT35 9RL
Henderson Retail	74-78 Newcastle Road, Kilkeel, BT34 4NJ
McGeough Fuels	68 Edenappa Road, Jonesborough, BT35 8HY
Mac Fuels	56 Forkhill Road, Newry, BT35 8QX
Killens Service Station	49 Main Street, Hilltown, BT34 5UJ
O'Neills Filling Station	207 Concession Road, Crossmaglen, BT35 9JD
Clarnew Limited	30A Newry Road, Crossmaglen, BT35 9BW
Fiveways Shop and Service Station	99-101 Armagh Road, Newry, BT35 6PW
Morgan Xpress Archview Garage	26 Camlough Road, Newry, BT35 6JP
Eurospar	55 Greencastle Street, Kilkeel, BT34 4BL
Donnelly's Service Station	236 Dublin Road, Newry, BT35 8RL
Mace Food Centre	41 Annacloy Road, Downpatrick, BT30 9AG
Lennons	1 Newcastle Road, Castlewellan, BT31 9DP
Fresh Food Centre	7 Dublin Road, Castlewellan, BT31 9AQ
Donard View Service Station	76 Crossgar Road, Ballynahinch, BT24 8XS
Barbican Filling Station	Dundrum Road, Newcastle, BT33 0LN
Meadowside Filling Station	27 Church Street, Downpatrick, BT30 6NQ
O'Hares Drumaness	Drumaness Road, Drumaness, BT24 8RL
Brennans	149 Newcastle Rd, Seaforde BT30 8PL
Henry McVeigh	Clonvaraghan Rd, Castlewellan BT31 9JX
Bryansford Service Station	23 Bryansford Rd, Newcastle BT33 0PT
Corner Service Station	51/55 St Patricks Avenue, Downpatrick, BT30 6DN
Royal County Down Golf Club	36 Golf Links Rd, Newcastle BT33 0AN

4.0 List of Amusement Permits issued from 1 March 2016 - 31 August 2016

Name of Premises	Address
Boyle Gaming	45-51 Mill Street, Newry, BT34 1AG
Casino Palace	8 Water Street, Newry, BT34 1DJ
Oasis Gaming Centre	4 Margaret Square, Newry, BT34 1DE

Continued from Page 6

Name of Premises

Boyle Bingo & Amusements

Joyland Amusements

Address

29 & 31 Church Street, Warrenpoint, BT34 3HN

1-11 Central Promenade, Newcastle, BT33 0AA

5.0 Implementation of the Licensing of Pavement Cafes Act (NI) 2014

The Licensing of Pavement Cafes Act (NI) 2014 (the 'Act') is a new piece of legislation and comes fully into operation with effect from 1 October 2016. The licensing scheme will allow owners of cafés, restaurants, pubs or other premises selling food or drink to apply to Council for a pavement café licence.

Council have approved to grant pavement café licences initially for the duration of 3 years in line with the Council's timeframe for policy review and have approved the licence fees for the grant, renewal or variation of a pavement café licence.

6.0 Breakdown of Animal Welfare calls in Newry, Mourne and Down

**01 March 2016
- 01 September
2016**

6.1 Animal Welfare Calls

Total number of calls received to date by Southern Region Area	693
Number of calls for Newry, Mourne and Down District area	271
Completed calls for Newry, Mourne and Down District area	249

6.2 Animal Welfare Cases

Number of animal welfare cases in Southern Region group	577
Number of animal welfare cases in Newry, Mourne and Down District Council	234
Number of calls that are not animal welfare cases	37

6.3 Breakdown of Animal Welfare Cases

Total number of animal welfare cases in Northern Ireland	234
Number of animal welfare cases closed in Northern Ireland	212
Number of animal welfare cases open in Southern Region group	22

6.4 Breakdown of Visits and Actions

Number of visits carried out	391
Improvement Notices	31
Number of cases of animals seized	4

7.0 Street Nameplates

7.1 Street Nameplates

**1 March 2016
- 31 August
2016**

Nameplates Requests Received	82
Nameplates Ordered	43
Nameplates confirmed as being erected	30

**8.0 List of Single Language Nameplates erected from
1 March 2016 - 31 August 2016**

Street Name

- Irvington Park, Kilkeel
- Cully Road, Silverbridge
- Carrigans Pass, Silverbridge
- Cross Road, Rathfriland
- Nos. 43 and 49 Clontafleece Road, Warrenpoint
- Mill Road, Kilkeel
- Church Road, Crossgar
- Oriel Drive, Downpatrick
- Hilltown Road, Newcastle
- Weavers Way, Ballynahinch
- Comber Way, Killyleagh
- Clay Road, Killyleagh
- Rathcillan Wood, Newcastle
- Drumnaquoile Road, Castlewellan
- Glassdrumman Road, Ballynahinch
- Market Road, Kilcoo
- Sheepland Road, Ardglass
- Demesne Court, Seaford
- Manse Walk, Seaford
- Racecourse Way, Downpatrick
- Cedar Heights, Bryansford
- Sloane Crescent, Killyleagh

9.0 Requests for Dual Language Nameplates

9.1 Lower Catherine Street, Newry

It was approved to erect a Dual-language street nameplate at Lower Catherine Street, Newry, following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Lower Catherine Street, Newry.

22 questionnaires were posted to same amount of properties in Lower Catherine Street, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.2 Monaghan Street, Newry

It was approved to erect a Dual-language street nameplate at Monaghan Street, Newry, following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Monaghan Street, Newry.

69 questionnaires were posted to same amount of properties in Monaghan Street, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.3 Oldbridge Road, Forkill

It was approved to erect a Dual-language street nameplate at Oldbridge Road, Forkill following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Oldbridge Road, Forkill.

1 questionnaire was posted to same amount of houses in Oldbridge Road, Forkill (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.4 Darragh Road, Crossgar

It was approved to erect a Dual-language street nameplate at Darragh Road, Crossgar following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Darragh Road, Crossgar.

33 questionnaires were posted to same amount of houses in Darragh Road, Crossgar (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.5 Bog Road, Kilcoo

It was approved to erect a Dual-language street nameplate at Bog Road, Kilcoo following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Bog Road, Kilcoo.

11 questionnaires were posted to same amount of houses in Bog Road, Kilcoo following (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.6 Tullyree Road, Kilcoo

It was approved to erect a Dual-language street nameplate at Tullyree Road, Kilcoo following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Tullyree Road, Kilcoo.

52 questionnaires were posted to same amount of houses in Tullyree Road, Kilcoo (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.7 Gargory Road, Gargory

It was approved to erect a Dual-language street nameplate at Gargory Road, Gargory following a request from an occupant; a postal survey was initiated

by the Licensing Section, to each occupier at Gargory Road, Gargory.

18 questionnaires were posted to same amount of houses in Gargory Road, Gargory (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.8 Magheramayo Road, Ballyward

It was approved to erect a Dual-language street nameplate at Magheramayo Road, Ballyward following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Magheramayo Road, Ballyward.

31 questionnaires were posted to same amount of houses in Magheramayo Road, Ballyward (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

9.9 Dollys Brae, Ballyward

It was approved to erect a Dual-language street nameplate at Dollys Brae, Ballyward following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Dollys Brae, Ballyward.

18 questionnaires were posted to same amount of houses in Dollys Brae, Ballyward (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

10.0 Postal Numbering

10.1 Postal Numbering

Allocation of New Postal Address

**1 March 2016 - 31
August 2016**

257

Postal queries responded to

194

Postal queries are address queries from Pointer, Land and Property services and queries from members of the public.

11.0 Requests for Development Naming

11.1 Moss Lane, Ballynahinch

The name Moss Lane was approved for the proposed development at Moss Road, Ballynahinch by Nevada Properties Limited.

The proposal met the Street Naming Criteria as 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development will be accessed from the existing Moss Road, hence the name Moss Lane

11.2 Derryboy View, Crossgar

The name Derryboy View was approved for the proposed development at Derryboy Road, Crossgar by DTL Construction Limited

The proposal met the Street Naming Criteria as 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development will be accessed from the existing Derryboy Road, hence the name Derryboy View.

11.3 Sloanehill, Killyleagh

The name Sloanehill was approved for the proposed development at Comber Road, Killyleagh by Mistco UK Ltd.

The proposal met the Street Naming Criteria as 'the name reflects a local topographical feature'.

The development is situated on a hill and the area has connection with Sir Hans Sloane, who was born in Killyleagh in the 17th century, hence the name Sloanehill.

11.4 Ben Crom Close, Kilkeel

The name Ben Crom Close, Kilkeel was approved for the proposed development at Newry Street, Kilkeel by Choice Housing.

The proposal met the Street Naming Criteria as 'The prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development is situated beside the existing development 'Ben Crom Place', hence the name Ben Crom Close.

11.5 Blinne Court, Newry

The name Blinne Court, Newry was approved for the proposed development at Forkhill Road, Newry by Dowdall Contracts Limited.

The proposal met the Street Naming Criteria as 'the name reflects a local historical feature'.

The proposed development is situated beside St Moninna GAA Club. Saint Moninna is the patron saint of Upper and Lower Killeavy and she is also known as 'Blinne' or 'Moblinne', hence the name Blinne Court.

11.6 Parsons Hill, Newry

The name Parsons Hill, Newry was approved for the proposed development at Hilltown Road, Newry by Patsy Murphy.

The proposal met the Street Naming Criteria as 'the name reflects an historical feature'.

The Parson family owned the Flour Mill in Newry around the 19th century and Samuel Parson is believed to be buried at the graveyard to the rear of the development site, hence the name Parsons Hill.

12.0 Request for Change of Road Name

12.1 Tullywinney Hill Upper, Bessbrook

It was approved to re-name 'Tullywinney Hill', Bessbrook to Tullywinney Hill

Upper, Bessbrook.

Upon receipt of a petition received on 24th June 2016, signed by not less than 50% of the residents of Tullywinney Hill to change the road name to Tullywinney Hill Upper, Bessbrook. The Council canvassed by post the residents of all the properties on the Tullywinney Hill to seek their views on the request to change the name of the road.

As a result of the survey carried out, 100% of the residents indicated they were in favour of the road name change. The Council Policy on road naming states that 100% of the residents must be in favour of the proposed name change.

**Recommendation:
For Noting**

**Signed
Colum Jackson
Assistant Director of Regulatory & Technical Services**

1.0 Building Regulations Report - Matters for Noting

1.1 Number of Building Regulation Applications Received

1 March 2016 - 31 August 2016

1815

1.2 Fees Received

1 March 2016 - 31 August 2016

Plan Fee	£119,414.25
Inspection Fee	<u>£291,770.39</u>
Total	£411,184.64

1.3 Site Inspections carried out

1 March 2016 - 31 August 2016

6,883

1.4 Performance

All of the DOE Performance Indicators and Service Level Agreement targets continue to be met.

2.0 Enforcement

Number of premises visited to assess extent of unauthorised works between March 2016 and August 2016 = 16

Church Street, Downpatrick	Renovation of a thermal element	Resolved
33 Seaview, Warrenpoint	New door opening and ground floor slab	Resolved
5 Aileen Terrace	Creation of a balcony over flat roof to single storey extension to rear of property	Reminder letter sent
Opp 51 Dublin Road, Newry	Proposed stables	Resolved

199 Killeel Road, Annalong	Erection of a gymnasium	Resolved
103 Belfast Road, Newry	Conversion of garage / store to 2 storey dwelling	Resolved
Unit 1 Craigmores Industrial Estate, Newry	Change of use	Resolved
Unit 2 Craigmores Industrial Estate, Newry	Change of use	Resolved
Unit 3 Craigmores Industrial Estate, Newry	Garage	Resolved
Unit 7 Craigmores Industrial Estate, Newry	Change of use	Resolved
Unit 8 Craigmores Industrial Estate, Newry	Change of use	Resolved
Unit 9 Craigmores Industrial Estate, Newry	Change of use	Resolved
Units 4-5 Armagh Road, Newry	Alterations	Resolved
36 Newtown Road, Camlough	Extension / alteration to dwelling	Resolved
21 Ballygowan Road, Saintfield	Steel framed storage shed	28 day timeframe not expired
20-22 Market Street, Downpatrick	Change of use from shop to office	28 day timeframe not expired

3.0 Dangerous Structures

Number of premises identified as dangerous structures between March 2016 and August 2016 = 5

The Harbour, Annalong	Derelict building	Resolved
27 Monaghan Street, Newry	Existing canopy	Outstanding
16 The Square, Strangford	Loose Slates	Outstanding
1 The Quay, Strangford	Loose Slates	Outstanding
14 Castle Street, Strangford	Loose Slates	Resolved

4.0 Property Certificates

Property certificates responded to date.

1 March 2016 - 31 August 2016

678

These figures indicate an increase of 34 property certificate requests over the same period last year.

5.0 Fire Risk Assessments

Fire Risk Assessments responded to date.

1 March 2016 - 31 August 2016

16

6.0 Vacant Property Inspections

Vacant property inspections were carried out and an additional income of £18,215 will be forwarded to the Council.

Note: This amount does not include the figure for Downpatrick.

7.0 Energy Performance of Buildings (EPB) Checks

ESTATE AGENTS

- * Total no of agents checked (on site/ website) - 53
- * Total number of non-compliance - 60
- * Number of first warning letters issued - 13
- * Number of successful first warning letters - 9
- * Number of second warning letter issued - 4
- * Number of successful second warning letters - 4

Disply Energy Certificates (DEC's)

- * Number of buildings visited - 28
- * Number of buildings checked on Landmark - 28
- * Number of buildings compliant on Landmark & on site - 28
- * Number of 2 month expiry letters issued - 84
- * Number of first warning letters issued - 2
- * Number of successful first warning letters - 2
- * Number of second warning letters issued - 2

AIR CONDITIONING

- * Number of air con buildings checked on landmark - 33
- * Number of air con buildings compliant - 33

EPCs RECEIVED (ON CONSTRUCTION)

- * Number received for new dwellings - 78

Recommendation: For Noting

Colum Jackson
Assistant Director of Regulatory & Technical Services



JOINT COMMITTEE
8 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 3 - Minutes of Joint Committee meeting 014 held on 28 July 2016**For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 28 July 2016.

'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL**Item 5 - Minutes of Joint Committee meeting 014 held 'in committee' on 28 July 2016****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held 'in committee' on 28 July 2016.

Item 7 - Residual Waste Treatment Project**For approval**

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. Recent developments now make pro-active management of certain critical risks appropriate and a review has been launched.

PAC hearing - arc21 has completed its assessment of the costs associated with participating in the PAC hearing, including advancing discussions with the Bidder on cost sharing. It is now anticipated that the costs payable by arc21 will fall below the threshold of £250,000 and therefore, in line with arc21's constitution, approval is sought from the Joint Committee to incur expenditure up to this limit which is available from within existing resources without the need to seek top up contributions from Participant Councils.

Approval is also sought, within the above quantum, for the Chief Executive to be given delegated authority, in relation to the expenditure thresholds and the application of single tender actions, for the appointment of specialist advisors necessary to provide support for the PAC hearing.

The Statement of Case was submitted to the PAC in time for the deadline on 11 August 2016. Statements of Case were also submitted by the Department of Infrastructure and a number of objectors. The date for submission of rebuttals to information contained in the Statements of Case is 8 September 2016 and the arc21 response is being finalised in time to meet this deadline.

RETURN TO MAIN AGENDA

Item 8 - Contracts and Performance Update

For noting

The monthly level of contamination at the MRF has slightly decreased.

It is important to remain vigilant to mitigate delivery of items which pose a high risk to the MRF facilities and their personnel e.g. nappies, weapons and batteries being delivered.

Bring contractor reporting significant increase of 23% in textile tonnages when compared with the same period last year.

The Joint Committee is asked to note the report.

Item 9 - WEEE

For approval

The utilisation of grant money secured by arc21 has resulted in significant increase in reuse of appropriate WEEE items consistent with that predicted.

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.

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

It is recommended that the proposed amendment to the ERP Service Delivery Plan be agreed and the Joint Committee is asked to endorse this.

Item 10 - Consultation on Landfill Tax: Improving Clarity and Certainty for Taxpayers

For noting

The stated purpose of the consultation is 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.

The Joint Committee is asked to note the report and response.

Item 11 - Environmental Services Association (ESA) Strategy Paper

For noting

The ESA have recently published a UK wide Strategy paper. They indicate further more detailed work will be undertaken and we have encouraged direct engagement with arc21 as part of their stakeholder consultation process.

The Joint Committee is asked to note the report.

Item 12 - NILAS 15/16

For noting

The NIEA have issued the reconciliation letter covering the 2015/16 position.

The arc21 protocol has been initiated and councils have been forwarded the appropriate documentation to enable them to process the transfer of allowances consistent with NIEA requirements.

The Joint Committee is asked to note the report.

Item 13 - Consultation on Proposed Changes to the Northern Ireland Local Authority Collected Municipal Waste (NI LACMW) Annual Report**For approval**

The stated purpose of the consultation is to seek views on proposed changes to the Northern Ireland Local Authority Collected Municipal Waste annual statistical report

The Joint Committee is asked to endorse the attached draft response.

Next Meeting: Thursday 29 September 2016 at 10.30am, to be hosted by Belfast City Council

ITEM 3**ARC21 JOINT COMMITTEE****Meeting No 014****Hosted by Antrim and Newtownabbey Borough Council****MINUTES****Thursday 28 July 2016****Members Present:**

Councillor M Goodman	Antrim and Newtownabbey Borough Council
Alderman R Gibson	Ards and North Down Borough Council
Alderman A Carson	Ards and North Down Borough Council
Alderman J Tinsley	Lisburn & Castlereagh City Council
Councillor B Adger	Mid and East Antrim Borough Council
Councillor D O'Loan (<i>Deputy Chair</i>)	Mid and East Antrim Borough Council
Councillor R Wilson	Mid and East Antrim Borough Council
Councillor D Curran	Newry, Mourne and Down District Council
Councillor G Craig (<i>Chair</i>)	Newry, Mourne and Down District Council

Members' Apologies:

Councillor M Rea	Antrim and Newtownabbey Borough Council
Councillor AM Logue	Antrim and Newtownabbey Borough Council
Alderman A Graham	Ards and North Down Borough Council
Councillor R Brown	Belfast City Council
Councillor J Bunting	Belfast City Council
Councillor M Collins	Belfast City Council
Councillor O Gawith	Lisburn & Castlereagh City Council
Councillor L Poots	Lisburn & Castlereagh City Council
Councillor S Burns	Newry, Mourne and Down District Council

Officers Present:

J Quinn	arc21
R Burnett	arc21
G Craig (<i>Secretary</i>)	arc21
H Campbell	arc21
K Boal	arc21
J Green	arc21
M Laverty	Antrim and Newtownabbey Borough Council
T Walker	Belfast City Council
H Moore	Lisburn & Castlereagh City Council
P Thompson	Mid and East Antrim Borough Council
C O'Rourke	Newry, Mourne and Down District Council

Officers' Apologies:

G Girvan	Antrim and Newtownabbey Borough Council
D Lindsay	Ards and North Down Borough Council
N Grimshaw	Belfast City Council
S Toland	Belfast City Council

Apologies

Apologies were noted.

Action: Noted

Draft Conflicts of Interest Statement

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

Action: Noted

Minutes

The minutes of Joint Committee meeting 013 held on 30 June 2016 were agreed.

Action: Agreed

Matters Arising from the Minutes

Page3, The Chair informed the Committee that following the last meeting he had forwarded a letter to Councillors Nigel Kells and Jim Bingham thanking them for their input and support to the Committee during their time in office and wished them well for the future.

Action: Noted

There were no further matters arising.

Action: Noted

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. In Committee Minutes of Joint Committee Meeting No. 013 held on 30 June 2016.
Action: Agreed
2. Residual Waste Treatment Project.
Action: Noted

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

Consultation on the Consolidation of the Producer Responsibility Obligations (Packaging Waste) Regulations (NI) and Subsequent Amendments

Mr Burnett presented a report to advise the Joint Committee on the consultation issued by DAERA. The stated purpose of the consultation is to seek views on consolidation of the producer responsibility regulations governing packaging waste.

Mr Burnett reported that the consolidation of the packaging regulations does not introduce any policy changes to the existing regime for packaging waste but aims to make the regulations more accessible by combining them into a single statutory rule. The draft regulations consolidate a total of 9 statutory rules from 2007 to date and are designed to reduce complexity, e.g. by deferring procedural details to the Schedules, and provide a greater clarity of language where there is ambiguity.

The draft regulations also include amendments to the plastic and glass packaging targets, following the consultation exercise published in November 2015 and subsequent publication of the summary of responses and selected options in March 2016.

It was recommended that the Joint Committee endorse the draft response presented, subject to any further amendments to take account of further contributions or developments prior to the closing date.

Following discussion the Joint Committee agreed to approve the recommendation.

Action: Agreed

Draft Programme for Government Framework 2016-21

Mr Burnett presented a report to advise the Joint Committee on the consultation issued by the NI Executive.

He reported that the stated purpose of the consultation is to seek views on the Programme for Government Framework which sets the direction for the NI Executive for the next five years and that the NI Executive is keen to encourage people to respond with their views through an online survey.

Mr Burnett reported that arc21 had been liaising with other bodies e.g. NILGA to develop an appropriate arc21 response which was consistent with the wider ranging local government perspective and that the following themes had emerged through this engagement:

- Short timescale for consultation responses;
- Need for a greater consideration and application of cross cutting issues e.g. circular economy and climate change;
- Sole use of greenhouse gases and household recycling rates as indicators is inappropriate;
- Suitable development of waste infrastructure can contribute to a number of the outcomes; and
- The 'Brexit' position shouldn't unduly influence strategic outcomes at this stage particularly those associated with resource efficiency.

He advised that the closing date for responses was 22 July 2016 and accordingly arc21 had responded on the basis of the above themes using the online survey mechanic as recommended by the NI Executive.

Following discussion the Joint Committee agreed to note this report.

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.

A summary of the key discussion areas is reported below.

MRF - The new Optical Sorter is now installed and fully operational at the Bryson MRF in Mallusk. Resources under pressure due to prevailing level of contract management activities.

Agreement has been reached with the bottle bank contractor in relation to expansion of sites served by the contract in the Newry, Mourne and Down District Council area.

Organics - Commissioned by arc21, recent independent tests on samples of caddy liners have confirmed they meet the standards outlined in the contract specification.

NILAS - Early indications are that the NILAS targets at an arc21 level for 2016/17 are likely to be met.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

NILGOSC's Funding Strategy Statement

Mr Craig reported that at the meeting of the Joint Committee held on 30 June 16 delegated authority was granted to enable arc21 to submit the response to NILGOSC by the deadline which was the same day and accordingly a copy of the response was presented to the meeting for Members' information.

Following discussion the Joint Committee agreed to note the response.

Action: Noted

AOB

There was no further business discussed.

Next Meeting

The Chair advised that the next scheduled meeting would be held on Thursday 25 August and to be hosted by Ards and North Down Borough Council. The Chair advised Members that the venue would be confirmed in due course.

Chairman

ACTIONS TRACKING UPDATE**REGULATORY & TECHNICAL SERVICES COMMITTEE**

DATE OF MEETING /AGENDA ITEM	SUBJECT	DECISION	FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed
		RTS MEETING – 22 JUNE 2016	
		No outstanding issues	
		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.
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. Also agreed officers investigate what happened to the bangor blue slates formerly on roof of building recently renovated.	Report provided to Committee Meeting 17 August 2016 where it was agreed to provide removable bench seating and a planter in the amenity area between the Library and Public Toilets in

			<p>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 Landfill Site	Agreed to tender for the final capping at Drumanakelly Landfill Site.	Ongoing tender process, working on a two stage 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
		RTS MEETING – 9 DECEMBER 2015	
RTS/140/2015	Application for funding to provide a pathway to Dechomet Graveyard	Officials investigate if there were other Council owned graveyards that had access issues.	Report to be provided in September 16

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
		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 maintenance works of the Transport NI owned grass verges on the entrance to Ardglass but not extend this at present. Details of how much was being spent on the upkeep of non-council lands be provided along with a map of each

			<p>location.</p> <p>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 assistance be sought from the DEA Co-ordinator to draw down funding for planting.</p>
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	<p>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.</p> <p>Councillor Casey asked if officials could investigate if a bus shelter could be provided on the Drummond Road, off the Armagh Road if this area was in the Newry, Mourne and Down Council area.</p> <p>A letter to Transport NI asking them to</p>	<p>Report to be provided at September Committee Meeting</p> <p>3 possible locations identified. Councillor Casey advised and is to consult with residents to determine which site is requested.</p>

		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.	No progress to report.
RTS/125/2015	Proposed extension to Struell Cemetery	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.
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.
		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.	
		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 maintenance of this area after Japanese knotweed and giant hogweed has been eradicated and works to the wall completed.</p>	Engineering Company going on site 22 August 2016.
RTS/40/2015	Crematorium in the NMD Area	Funding be included in the Draft 2016/2017 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, Kilkeel	Permission for Council officials to review options for providing electricity to the 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.	Options being reviewed.
RTS/46/2015	Summary Review Report – Reservoir Bill (NI) Future	To include the costs of this survey work in the 2016/2017 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.
END			