



April 17th, 2018

Notice Of Meeting

You are invited to attend the Regulatory & Technical Services Committee Meeting to be held on **Wednesday, 18th April 2018 at 6:00 pm** in the **~Boardroom Monaghan Row Newry~**.

The Members of the Regulatory and Technical Services Committee are:-

Chair: Councillor J Trainor

Vice Chair: Councillor V Harte

Members:

Councillor T Andrews	Councillor J Rice
Councillor C Casey	Councillor W Clarke
Councillor G Craig	Councillor D Curran
Councillor G Fitzpatrick	Councillor L Kimmins
Councillor J Macauley	Councillor M Ruane
Councillor G Stokes	Councillor D Taylor
Councillor J Tinnelly	

Agenda

- 1.0 Apologies and Chairperson's Remarks.
- 2.0 Declarations of "Conflict of Interest".
- 3.0 Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 21 March 2018. (Attached).

📎 *RTS Action Sheet.pdf*

Page 1

For Consideration and/or Decision

- 4.0 Neighbourhood Services Business Plan 2018-2019. (Attached).

📎 *Report re. Neighbourhood Services Business Plan 18-19.pdf*

Page 9

- 5.0 Neighbourhood Services Transformation Project. (Attached).

📎 *Report re. Neighbourhood Services Transformation Project.pdf*

Page 36

- 6.0 ERT Business Plan. (Attached).

📎 *ERTBusiness Plan Report RTS 2018-19.pdf*

Page 39

For Consideration and/or Decision - Building Control and Licensing

- 7.0 Report re. Street Trading Designation at Mary Street/The Square, Rostrevor. (Attached).

📎 *REPORT re Mary Street Rostrevor Apr.18.pdf*

Page 58

- 8.0 Report re. Proposed installation of Height Restriction Barriers at Downs Road and Glen River car parks in Newcastle. (Attached).

📎 *Report - BarriersNewcastle.pdf*

Page 60

For Consideration and/or Decision - Planning

- 9.0 March 2018 Planning Committee Performance Report. (Attached).

📎 *MARCH 2018 Planning Committee Performance Report.pdf*

Page 65

10.0 Record of meetings between Planning Officers and Public Representatives 2017-2018. (Attached).

 *Record of Meetings 2017-18.pdf*

Page 73

11.0 Current Appeals. (Attached).

 *Appeals and Decisions March 2018.pdf*

Page 75

12.0 Register of Contacts Q4 January – March 2018 (Attached).

 *REGISTER OF CONTACTS - Q4 Jan - Mar 2018.pdf*

Page 127

For Consideration and/or Decision - Facilities Management and Maintenance

13.0 Report re. Capital Project, Public Conveniences. (Attached).

 *Report re. Public Conveniences (Capital Projects).pdf*


Page 133

14.0 Report re. Capital Projects, FM&M Department. (Attached).

 *Report re - Capital Projects.pdf*

Page 136

15.0 Report re. Proposal to provide to local communities an environmentally sustainable option of planting Christmas Trees. (Attached).

 *Report re - to provide local communities an environmentally sustainable option of planting Xmas Trees.pdf*

Page 138

For Consideration and/or Decision - Waste Management

16.0 Report re. Acquisition of vehicles 2017-2022. (Attached).

 *report re Acquisition of vehicles.pdf*

Page 140

17.0 Report re. request for presentation by Jenny Williams, Chief Executive, Habitat. (Attached).

 *Report re. request for presentation by Habitat.pdf*

Page 145

18.0 Report re. progress report with respect to completion of Household Civic Amenity Site at Downpatrick. (Attached).

 *Progress report -completion of HRC Downpatrick.pdf*

Page 148

19.0 Fleet Policy (Attached)

[Report-Fleet Policy.pdf](#)

Page 151

20.0 Staffing in Refuse and Cleansing (Attached).

[Filling Vacant Refuse, Cleansing posts.pdf](#)

Page 165

For Noting

21.0 ARC 21 Joint Committee Meeting Minutes 29 March 2018 (Attached).

[ARC21JointCommitteeminutes29March18.pdf](#)

Page 169

22.0 ARC 21 Members Monthly Bulletin 29 March 2018 (Attached).

[Arc21MembersBulletin29March18.pdf](#)

Page 223

23.0 Historic Action Sheet. (Attached).

[Historic Action Sheet RTS18April2018.pdf](#)

Page 226

Items Restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (NI) 2014

24.0 Report re. Proposal to Purchase Christmas Illuminations. (Attached).

[Report re. on Purchase of Christmas Illuminations April 2018.pdf](#)

Not included

25.0 Report re. Proposal to provide a concrete pathway to Dechomet Cemetery, Moneyslane. (Attached).

[Report re. Provision of concrete pathway to access Dechoment Cemetery April 2018.pdf](#)

Not included

26.0 Bio Waste Contract (Attached).

[Report - Biowaste Contract.pdf](#)

Not included

27.0 Review of Blue Bin Glass Process (Attached).

[RTS Report - Blue Bins.pdf](#)

Not included

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/030/2018	Street Trading Designation at Mary Street/The Square, Rostrevor	A resolution designating Mary Street/The Square, Rostrevor, for street trading be deferred to allow Officers to engage with the owner of the present pitch and the applicant for the proposed new pitch, to see if sharing arrangements could be agreed. If no agreement could be reached the issue be brought back to Committee.	C Jackson	An update report is to be taken to the RTS Committee meeting on 18 April	Y
RTS/031/2018	Road Closures for Special Events	To note the contents of this Report and approve a decision to offer a 100% concession on the administration costs to all voluntary organisations. This is in addition to the previous decision to waive the fees for all Council Community Associations and Registered Charities.	C Jackson	Actioned	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Agreed to approve a second recommendation to share the advertising cost between a number of organisations if Officers were in a position to do so.</p> <p>Issue a refund to those voluntary organisations that have already submitted an application to date.</p> <p>The original fees were set at £600 for a large event and £400 for a small event, these costs include an administration fee and £200 advertising costs.</p> <p>A further review of fees will be carried out after a further 6 months to determine if fees were appropriate.</p> <p>Relevant officers, including the DEA Co-Ordinators work with the Council's events team to prepare a draft template which organisations could use for their Traffic Management Plan.</p>		<p>Research ongoing at present and</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Officers to prepare a report detailing the economic benefits to the District in terms of spend as a result of these events being held.		results will be reported back to RTS in due course.	
RTS/032/2018	Planning Committee Performance Report	<p>The Director and Chief Planning Officer undertake a review of the back log of applications and how applications were prioritised, particularly those that bring economic benefits and business growth to the area. A report on the outcome of this review and proposals to move forward to be tabled at the May Regulatory and Technical Services Committee Meeting.</p>	M Ward/A McKay	Being progressed.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/035/2018	Bus Shelters	<p>Bus shelter at Belfast Road, Newry (Belfast Bound) - a cantilever type bus shelter (no side panels, unless agreed otherwise with TNI) to be erected subject to Mr Scullion liaising with Translink NI regarding any impact on this bus shelter in terms of the recent planning approval obtained for a Park and Ride facility at Sheepbridge.</p> <p>New bus shelter at Newry Road, Forkhill - A bus shelter should not be erected at this location as it does not fulfil all the criteria as per Council policy. Usage numbers in a rural location must be a minimum of 10 during the course of a day which is not at this location and at least one third or more of home owners in the vicinity objected to the proposed bus</p>	K Scullion	<p>Met with TNI on site and agreed location for bus shelter with scope to place double sized normal shelter to cater for numbers and include half side panels (50cm wide).</p> <p>TNI confirm that extension to Park n Share facility at Sheepbridge will include a bus shelter.</p>	<p>N</p> <p>Y</p> <p>N</p>

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Mr Scullion investigate a request for a bus shelter at Fathom Crossroads in Killeen (route used by the 43b bus).</p> <p>Councillor Taylor referred to the planning approval granted for a new park and ride facility at Sheepbridge and said one of the stipulations agreed by the Planning Committee was that a representative from Translink would meet with objectors and himself prior to work starting on the scheme. However work had started and no meeting had been held and Councillor Taylor advised he would be raising this with the Chief Planning Officer.</p>		Council	
RTS/036/2018	Implementation of a co-mingled collection service across the Council District	<p>Approval of the Project Plan for the completion of the standard system of a co-mingled collection service across the District to be</p>	L Dinsmore	<p>Project Plan approved by RTS Committee and is work in progress</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		implemented by 1 April 2019, at the latest.			
RTS/037/2018	Waste Management Scale of Charges 2018- 2019	<p>Approval of the Proposed Waste Service Scale of Charges 2018/2019 as set out in section 2.1. of the report circulated.</p> <p>That the date for the free issue of brown bins be extended for a further 3 months to the end of June 2018.</p> <p>That the list of locations from which Food Waste bags could be collected by the public be circulated to all Councillors for their</p>	<p>L Dinsmore</p> <p>L Dinsmore</p> <p>L Dinsmore</p>	<p>Trade Waste invoices currently being issued to reflect agreed prices.</p> <p>Actioned</p> <p>Completed</p>	<p>Y</p> <p>N</p> <p>Y</p>

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	18th April 2018
Subject:	Neighbourhood Services Business Plan 2018/19
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)

Decisions required:	
To note the contents of the report, and consider and agree to:	
<ul style="list-style-type: none"> • Neighbourhood Services Business Plan (2018-19) 	
1.0	Purpose and Background:
1.1	Directorate Business Plans are an essential part of the Council's Business Planning and Performance Management Framework, which provides for the cascade of Members' priorities throughout the organisation and their subsequent performance management.
1.2	The Business Plans provide important information in relation to planned activity during 2018-19 which will contribute to the achievement of important strategic outcomes for the Council; most notably in relation to the Community Plan, Corporate Plan, Performance Improvement Plan and other key strategies. Business Plans are aligned with the Council's budget for the same period, with other Directorates also tabling Plans for 2018-19 to their respective parent Committees in April 2018.
2.0	Key issues:
2.1	<p>Performance Review</p> <p>As part of the preparation of Business Plans for 2018-19, a review of the Plan for 2017-18 has been undertaken so as to provide an overview of progress made and where further improvements are required. This exercise is an important part of the Council's statutory obligations to strengthen the way performance is monitored, reviewed and reported across the organisation. A performance review of the Regulatory & Technical Services Business Plan for 2017-18 is provided in Appendix 1. It should be noted that functions within this business plan now sit within the new Neighbourhood Services Directorate and the ERT Directorate.</p>
2.2	<p>Business Plan</p> <p>Copies of The Neighbourhood Services Business Plan (2018-19) is provided in Appendix 2.</p>
3.0	Recommendations:
3.1	That the Committee adopt the Proposed Neighbourhood Services Business Plan as detailed in Appendix 2.

4.0	Resource implications
4.1	There are resource implications arising from this report as the delivery of actions within the respective Business Plans will be resourced from the agreed budget for 2018-19.
5.0	Equality and good relations implications:
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Appendices
	Appendix 1: Review of the R&TS Business Plan (2017-18) Appendix 2: Neighbourhood Services Business Plan (2018-19)

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

Key Result Area 1: Resource Management								
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018	Comment
Directorate								
A1	Manage Directorate budget within +/- 3% variance for the year 2016/17	All	+/- 3%					
A2	Manage Capital Projects within budget and project timeline	All	+/- 3%					
A3	Build the four new Departmental structures, recruiting against all managerial positions	All	Ongoing					Structure for Waste and FM&M to be considered as part of NS Transformation
A4	Effectively implement sickness absence management procedures	All	Ongoing					
A5	Recruit against all vacancies in a timely fashion	All	Ongoing					As above.
Building Control								
A6	Implement a centralised Licensing Unit	CJ	Q3					Licensing Section structure has been approved but slow progress on appointments to date, only one appointment so far this year. Urgent recruitment required but this is dependant upon proceeding beyond tier 5. Dog wardens now transferred to this section.
A7	Implementation of street café trading/licensing.	CJ	Q2					Lack of staff resources to fully implement this legislation. Will be fully implemented upon resolution of staff structure and recruitment. We are prepared to process applications submitted but are not proactively seeking applications.

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

A8	Implementation of Road Closure legislation.	CJ	Q3					Lack of Staff resources to fully implement this legislation. Will be fully implemented upon resolution of staff structure and recruitment.
Planning								
A9	Replace NI Direct call management with internal call management	AMK	Q3					Progress linked to reducing the number of live planning applications to 750 (currently 930)
A10	Develop and implement agreed mechanism of charging for pre application discussions.	AMK	Q4					Draft papers in preparation. Implementation linked to achieving a reduction in the live planning applications numbers to 750.
A11	Develop and EPIC replacement, working in partnership with the Dept for Infrastructure and other councils as appropriate	AMK	Q4					Working group is progressing with projects to develop a specification for the replacement system and a business case for the replacement system.
Facilities								
A12	Progress capital program to increase burial capacity of Loughinch Cemetery.	KS	Q4					Report to be issued to RTS Committee February 2018 recommending appointment of contractor to undertake works. Subject to approval estimated time for start of works is April 2018 with completion 12 weeks after works commence.
A13	Develop and implement a Christmas Tree/Lights Plan for 2017	KS	Q2					Complete.
A14	Implement an economically sustainable contract for metal fabrication work.	KS	Q2					No progress to date.
A15	Agree and implement rationalised departmental support for events.	KS	Q3					

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

Waste									
A16	Effectively administer the four year capital plan for the spend on Fleet Management.	JP	Ongoing						Finance have agreed provision of a Capital Budget for a 4-year period ,ending March 2022. Fleet has confirmed that replacement programme can be met within budget .A detailed annual replacement has been agreed.Work has commenced to prioritise the procurement of vehicles through public tender and established Frameworks.
A17	Agree a project plan to enable rationalisation of Glass collection across the district.	JP	Q2						Project timeline presented to March RT&S
A18	Implement an effective separate domestic Food Waste Collection services across the District.	JP	Q1						
A19	Progress design, build and opening of HRC for Downpatrick area.	JP	Q3						
A20	Devise strategy for managing local Authority Collected Municipal Waste that ensures we meet NILAS, Recycling and Landfill Diversion targets.	JP	Q3						Council NILAS and Landfill Targets are currently on target and well below the NI average.Recycling performance continues to improve with initiatives ongoing to achieve 50% performance by 2020.
A21	Implement the actions arising out of the Anti-Litter Task Force	JP	Ongoing						A draft Litter Strategy has been drawn up .Requirement to review the Strategy and to implement actions arising. Anti-Litter Strategy will now be integrated into the new Neighbourhood Services Directorate.

Key Result Area 2: People Leadership

Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018	Comment
Directorate								

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

B1	Create an environment that encourages cultural change, bringing together the legacy Down, Newry & Civil Servant cultures into a new NMD culture	All	Ongoing					
B2	Build a strong Regulatory and Technical Services "Lead Team"	All	Ongoing					
B3	Create, monitor and deliver against an ambitious performance improvement plan	All	Ongoing					
B4	Ensure appropriate development opportunities are presented to Lead Team members	All	Ongoing					
B5	Create formal and informal member engagement opportunities (e.g. project based 'task & finish' groups and appropriate 'Working Groups')	All	Ongoing					
B6	Deliver meaningful monthly Directorate updates to the R & TS Committee and the SMT	All	Monthly					
Waste								
B7	Ensure the Strategic Waste Working Group delivers recommendations to Committee.	JP	Ongoing					A number of meetings of the Strategic Waste Group have been held, with strategy agreed. Requirement exists to reconvene the Committee to re-evaluate the strategy, given current updated position regarding related projects and amend the strategy timetables in such respect. Committee has reconvened and has drawn up a Waste Strategy incorporating related aspects for period 2018-20 initially.
Key Result Area 3: Organisation Performance								
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018	Comment
Directorate								

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

C1	Create and publish a forward looking Directorate Business Plan	All	Q1					
C2	Deliver on the projects included in the Directorate Business Plan	All	Ongoing					
C3	Develop a targeted efficiency plan designed to lower costs and improve delivery	All	Q3					
C4	Identify and deliver against a number of critical projects	All	Ongoing					
C5	Report quarterly Business Plan updates to the R&TS Committee	All	Quarterly					
Building Control								
C6	Implementation effective administration of off street car parking.	CJ	Q2					Council have agreed to extend the existing Agency Agreement with TNI until 2022 and the working group are actively pursuing arrangements within the Agreement. Outstanding progress in relation to the monthly maintenance inspections still to be resolved. Allocation/ownership of existing legacy car parks still to be resolved.
C7	Implement an effective monitoring and reporting procedure to demonstrate effective performance in Building Control.	CJ	Q1					
C8	Successfully integrate the administration functions of Building Control and Planning.	CJ	Q4					A working group was set up to review, they reported back on the excessive costs associated with Tascomi Licenses. Agreed to defer progress pending the outcome of the wider Business Support review.
C9	Introduce an information sharing protocol so that following site inspection, BC surveyors can report unauthorised works to Planning.	CJ	Q2					Implemented and ongoing.

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

C10	Rationalise the provision of bye-law enforcement and dog control services; to ensure district wide effective enforcement and dog control	CJ	Q4					Legal Services to assist with the review of all legacy bye laws and to be complete by end of Q4. In the mean time all existing bye laws are being enforced.
Planning								
C11	Significantly improving planning department performance.	AMK	Ongoing					Dfi quarterly reports demonstrating ongoing improvement.
C12	Continue to focus on significantly reducing the backlog of historic planning applications.	AMK	Ongoing					Backlog reduced from 165 in September 2016 to 65 in October 2017.
C13	Implement improvement plan and performance monitoring that delivers planning application turn round targets (15 weeks)	AMK	Q4					Currently 41% of applications processed within 15 weeks.
C14	Successfully integrate the administration functions of Building Control and Planning.	AMK	Q4					Suspended - to be incorporated within Corporate Business Support Project
C15	Implement an effective monitoring and reporting procedure to demonstrate effective performance enforcement control.	AMK	Q4					Work ongoing
C16	Implement an effective procedure to monitor and manage correspondence.	AMK	Q2					Procedure in place. Monitoring ongoing.
C17	Introduce a joint inspection procedure for BC staff so that both BC and Planning infringements can be recorded during a single inspection.	AMK	Q3					Work ongoing.
Facilities								

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

C18	Review Monaghan Row Receptions (General, Building Control, Env Health)	KS	Q2					Project not to proceed - no change required
C19	Progress capital program to increase burial capacity of Loughinch Cemetery.	KS	Q4					Comments as per above.
C20	Develop and implement an automated planned maintenance schedule within the context of a broader council wide asset management strategy.	KS	Q4					Initial meetings held with Council's Corporate Services Directorate. Progress will be limited until review of structures complete and budget provision.
C21	Devise and implement staff procedures to allow the "sharing" of skilled and unskilled staff across Building Maintenance and Grounds Maintenance.	KS	Q4					Progress will be limited until review of structures complete.
C22	Standardise procedures for burials across the council's five municipal cemeteries.	KS	Q3					Function now transferred totally to FM&M Department. Limited progress made due to other work commitments.
Waste								
C23	Effectively plan for 2018 implementation of rounds optimisation, based on the capability provided by GPS Tracking across the entire fleet.	JP	Q4					To be considered as part of NS Transformation.
C24	Complete planning to enable a 2018 move to three weekly residual waste collections.	JP	Q4			N/A	N/A	This aspect requires review with Waste Strategy Group to restate intention to move to a 3xweekly cycle in due course and to reevaluate timing in respect of this matter , to ensure full participation and involvement with Ratepayers - not restated - look to 2020 before introduction.
C25	Rationalise T&Cs across legacy work forces and implement standardised work practices.	JP	Q4					Current Work- in- Progress
C26	Rationalise the HRC provision across the district, optimising the number of sites, each delivering the same level of service via the same operational procedures.	JP	Q4					Current Work- in- Progress

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

C27	Rationalise district wide street cleansing, optimising staff resources while delivering extended cleansing (up to 8.00 pm) for tourist areas.	JP	Q4					Current Work-in Progress
Key Result Area 4: Advocacy, external Networking and Communications								
Ref.	Key Activities	Owner	Target	Q1 A-J 2017	Q2 J-S 2017	Q3 O-D 2017	Q4 J-M 2018	Comment
Directorate								
D1	Support customisation of local delivery plans and the key R&TS directorate services via active engagement with the DEA fora.	All	Ongoing					
D2	Work with critical partners and stakeholders, to deliver priority projects, eg:- • DFI in relation to Planning Policy, EPIC • DAERA, (NIEA) in relation to Waste Management (licensing and reporting) • BCNI regarding standards in Building Control. • NI Licensing Forum in relation to Licensing Legislation.	All	Ongoing					
D3	Align the directorate delivery plans with the Community Plan through active engagement with the Environmental and Spatial Thematic Delivery Working Group.	All	Ongoing					
Planning								
D4	Publish a time line for the production of the Area Plan.	AMK	Q2					Timetable agreed by Council and accepted by DfI.

Regulatory & Technical Services Business Plan

2017 - 2018 Business Plan

D5 & D6	Work with Agents and Developers to cooperatively streamline regulatory government processes	All	Ongoing					Work ongoing.
Waste								
D7	In partnership AHC, get community involvement in litter management	JP	Ongoing					This matter is ongoing
D8	Work with the wider community to change cultural view on littering.	All	Ongoing					This matter is ongoing

Neighbourhood Services

Directorate Business Plan 2018-2019



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

**Newry, Mourne
and Down**
District Council

Contents	Pages
1.0 Introduction	3
2.0 Background	3
3.0 Purpose & Values	5-6
4.0 Challenges & Opportunities	7
5.0 Alignment with the Corporate Plan	8
6.0 Contribution to Corporate Objectives	9-10
7.0 NS Supporting Actions 2018-19	11-12
8.0 Directorate Structure	13
9.0 Financial Information	14
10.0 Governance Arrangements	15

1.0 Introduction

- 1.1 The Neighbourhood Services Directorate is responsible for the provision of a number of technical services, both internally to other council departments and externally to rate payers across the district. The Directorate is responsible for the primary waste management functions of Refuse Collection & District Cleansing along with the operational support to enable these services to be delivered. In addition, the Directorate has responsibility for the management and maintenance of the main corporate buildings (civic centres and depots) as well as the maintenance of other buildings and grounds owned by council.

The Directorate was previously known as the Regulatory & Technical Services Department (RTS), however two key functions of Planning and Building control have now transferred to the Enterprise, Regeneration and Tourism Department.

- 1.2 The new Neighbourhood Services Directorate is seen as one of the key transformation projects for the Council in 2018/19. The Council has agreed to develop this Directorate as within this Directorate sits many of the services which affect the general environment of the District, some requiring significant improvement, such as bin collection, street cleansing and public conveniences.

The transformation will focus on improving service delivery through appropriate levels of resource allocation, improving the customer experience if and when they need to contact the Council through new branding and new IT and Customer Relationship Management (CRM) tools, re-engineering of business processes and commitment to published service levels for our customers. The goal is to provide a more effective and customer focused, joined up service.

- 1.3 The core responsibilities of the Department are:

- **Waste Management**
 - Refuse Collection & Disposal
 - District Cleansing
 - Fleet Management & Maintenance
 - Recycling
- **Facilities Management & Maintenance**
 - Grounds Maintenance
 - Buildings Maintenance
 - Cemeteries & Public Conveniences
 - Civic Centre Domestic Services (Receptions, Canteens, Caretakers/Security)

2.0 Background

- 2.1 The Corporate Plan sets out in strategic terms what the Council intends to achieve over the lifetime of the Council (2015-19). In doing so, it guides our own activities and how we as a Directorate allocate the resources at our disposal.
- 2.2 Whilst the Corporate Plan focuses on issues which cut across the organisation and are strategic in nature, the Directorate Business Plan is more focused on the operational

delivery of those issues, as well as those services which are provided on an on-going and continual basis.

- 2.3 This Plan describes how the Directorate's proposed actions and targets for the year 2018-19, complement those in the Corporate Plan by explicitly linking Directorate activity with the desired outcomes of the Corporate Plan. It is also the basis upon which the Directorate is managed by the Regulatory & Technical Services Committee and the Directorate's Leadership Team (Lead Team).
- 2.4 The Community Plan, Corporate Plan and Performance Improvement Plan are cross cutting and strategic in nature. They guide all activity within the organisation, as well as the subsequent allocation of resources, and sit within a hierarchy of plans, as outlined in the 'Business Planning and Performance Management Framework' (Figure 1).
- 2.5 The Business Planning and Performance Management Framework drives and provides assurance that the Council is delivering its corporate vision and priorities, whilst securing continuous improvement in the exercise of functions. It provides a mechanism to join up and cascade the various plans and strategies across the organisation, demonstrating how employees contribute to achieving community planning outcomes and corporate priorities, for the ultimate benefit of the citizens we serve.

Figure 1: Business Planning and Performance Management Framework

3.0 Purpose & Values

3.1 Purpose

- 3.1.1 The Neighbourhood Services Directorate's primary purpose is to develop, implement and monitor key corporate (strategic) frameworks to maintain and improve the environmental sustainability of the district through the appropriate management of waste & litter in the physical environment while also ensuring the management and maintenance of the council's estate across the district.
- 3.1.2 As a result, the bulk of Directorate's activities are aligned with two of the Council's strategic objectives, which state that: "By 2019, we will have:
- protected our natural and built environment and
 - transformed and modernised the Council, providing accessible as well as value for money services."

- 3.1.3 There are other important Council strategic objectives where the Department makes a significant contribution. More detailed information is provided in Sections 5.0 and 6.0 of this Plan.

3.2 Values

- 3.2.1 The Department adheres to the Council's values which state:

We will be:	Which means:
Citizen Focused	We will actively encourage citizen and community engagement, as well as be a listening and responsive Council
Accountable	We will make decisions based on an objective assessment of need and operate in a transparent way as well as openly reporting on our performance
Collaborative	We will actively encourage and pursue working in partnership at all levels to deliver for our District
Sustainable	We will take into account the social, economic and environmental impacts of our decisions on current and future generations
Fair	We will proactively target actions at those which are marginalised in our community

- 3.2.2 We are also committed to delivering on the promotion of equality and diversity in accordance with our statutory requirements as laid out in Section 75 of The Northern Ireland Act (1998).

4.0 Challenges & Opportunities

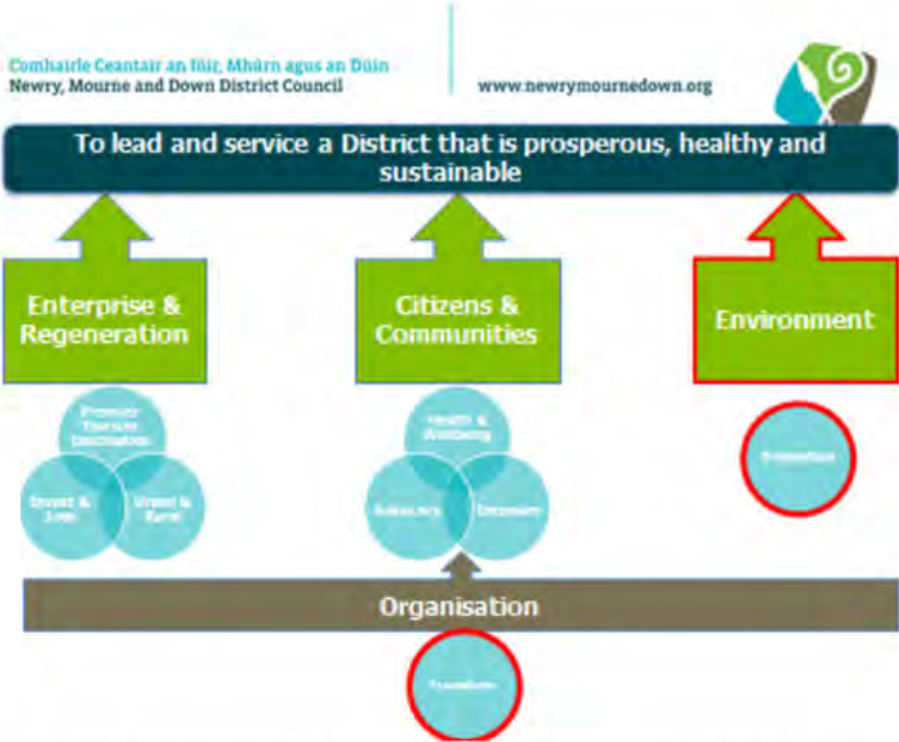
- 4.1 The Neighbourhood Services Directorate was established in January 2018, which was formally the RTS Directorate. The organisational design of the new Council has therefore evolved, to centralise the management of a number of existing Council functions as well as new powers which were transferred to the Council on the 1 April 2015.

One of the main strategic opportunity for 2018/19 is to undertake significant transformation within the Neighbourhood Services Directorate as considered by Council in Jan/Feb of 2018. The summary of the transformation project is detailed in section 1.2.

- 4.2 It is still in its developmental stage however over the course of this financial year, the Directorate will continue to develop the necessary corporate frameworks, policies, processes and systems to deliver strategic improvement across the organisation, specifically in the areas of Waste Management and Facilities Management. Changes in the external environment reflect heavily upon the operations of the Directorate.
- 4.3 The various (internal and external) challenges and opportunities for the Directorate are summarised as follows:
- **Management** – successfully establishing the new Directorate in terms of its structure, governance and internal processes. All Tier 3 posts (Assistant Director) and Tier 4 posts (Head of Service) now recruited. Focus is now on what the remaining structure will be required to deliver the new Neighbourhood Service.
 - **Resources** – identifying and securing the financial and non-financial resources needed for the Directorate to deliver the key frontline service for the Directorate.
 - **Legislation** – ensuring corporate legislative compliance in respect of existing and new statutory obligations in Waste, including Health & Safety and Equality (Section 75).
 - **Community Planning** – via the Environmental and Spatial Thematic Delivery Group, developing partnerships and plans that will assist in the creation of local area based plans to deliver on the Council's Community Plan.
 - **Performance Management** – continually monitoring and reviewing departments performance, highlighting areas of high-performance as well as identifying areas for intervention.
 - **Transformation & Improvement** – developing and implementing transformational change for the new Neighbourhood Services proposal.
 - **Strategic Projects** – ensuring the management and delivery of the Directorate's strategic projects within time, cost and quality parameters.
 - **Property & Land Assets** – successfully implementing centralised contracts and frameworks to support the effective and efficient management of the council's estate.
 - **Creating a Cleaner and Greener Environment** – implementing programs that will reduce waste arisings and litter, while increasing recycling and reuse.
 - **Engagement** – encouraging communities to take pride in their areas and support the Council by helping look after our environment through initiatives and campaigns.

5.0 Alignment with the Corporate Plan (2015-19)

5.1 The Neighbourhood Services Directorate contributes to the achievement of the following Council strategic objectives (as represented in the strategy map below):



5.2 This is reflected in how we will manage specific programmes and projects, as well as the way we will deliver "business as usual" services.

6.0 Contribution to Corporate Objectives

- 6.1 The Neighbourhood Services Directorate will effectively contribute to the following key and important Corporate Objectives:

Protect our Natural and Built Environment

through our work in managing waste, litter and in maintaining our own estate

Transform & modernise the Council, providing accessible as well as value for money services

as the majority of our services are directly delivered to the rate payers of the district. Over the planning period we will seek to streamline and optimise many of those services

Support improved Health and Wellbeing Outcomes

as a number of our services are directly related to the Health and Wellbeing of the ratepayers of the district

Empower and Improve the Capacity of Our Communities

as a number of our services will directly assist in increasing the empowerment of the communities we serve

Become one of the premier tourism destinations on the island of Ireland

by improving the quality of facilities and environment for those who visit our District.

- 6.2 We will do so by focusing on:

6.2.1 Resource Management:

- Manage Directorate budget within +/- 3% variance for the year 2018/19
- Manage Capital Projects within budget and project timeline
- Build the new Neighbourhood Services Directorate structures
- Effectively implement sickness absence management procedures
- Recruit against all vacancies in a timely fashion

6.2.2 People Leadership:

Build a strong Neighbourhood Services "Lead Team"

- Create, monitor and deliver against an ambitious performance improvement plan
- Create formal and informal member engagement opportunities (e.g. project based 'task & finish' groups and appropriate 'Working Groups')
- Deliver meaningful monthly Directorate updates to the R&TS committee and SMT

6.2.3 Organisation Performance:

- Scope, plan and implement the Neighbourhood Services Transformation
- Deliver on the projects included in the Directorate Business Plan
- Identify and deliver against a number of critical projects (see below)
- Ensure member engagement via committee working groups, e.g.: Strategic Waste Working Group

6.2.4 Advocacy, External Networking and Communications:

- Support customisation of local delivery plans and the key R&TS directorate services via active engagement in DEA for a
- Work with critical partners/stakeholders, to deliver priority projects,,:
- **Example** DAERA, (NIEA) in relation to Waste Management (licensing and reporting)
- Work with the wider community to change the cultural view on littering
- Align the directorates delivery plans with the Community Plan through active engagement with the Environmental and Spatial Thematic Delivery Working Group

7.0 Neighbourhood Services Supporting Actions 2018-19

As outlined in Section 1.0, the key focus of the Directorate this financial year will be to make the successful transformation to the new Neighbourhood Services Directorate. This transformation project will involve many key stakeholders across the organisation and is therefore seen as the most critical project and actions for 2018-19.

The table below is therefore split into three areas opposed to the two Departments within the Directorate to include, Neighbourhood Services Transformation, Facilities Management & Maintenance and Waste Management.

	Key Neighbourhood Services Directorate Actions	Timescale
Neighbourhood Services Transformation	Develop and agree overall approach for NS Transformation.	Q1
	Develop and agree new operating model for NS, including timetable and key work packages.	Q1-2
	Identify and secure project governance and resources for NS implementation.	Q2
	Commence implementation of new NS service.	Q3

Facilities Management and Maintenance	Establish Project Team to progress the Departmental capital projects for 2018 to 2022 to be implemented by FM&M Department, including upgrade of Council Public Convenience Provision and extension of Council Municipal Cemeteries and other key projects.	Q1
	Commence Delivery of Key Capital projects	Q1-4
	Delivery of Key Facility Management Projects at Civic Centres	Q1-4
	Extending Oakleaf System across Council area and make use of this system to report to Council on reactive and planned building maintenance activities.	Q3
	Development of Facility Management contracts across Council Estate to achieve economies of scale	Q1-4

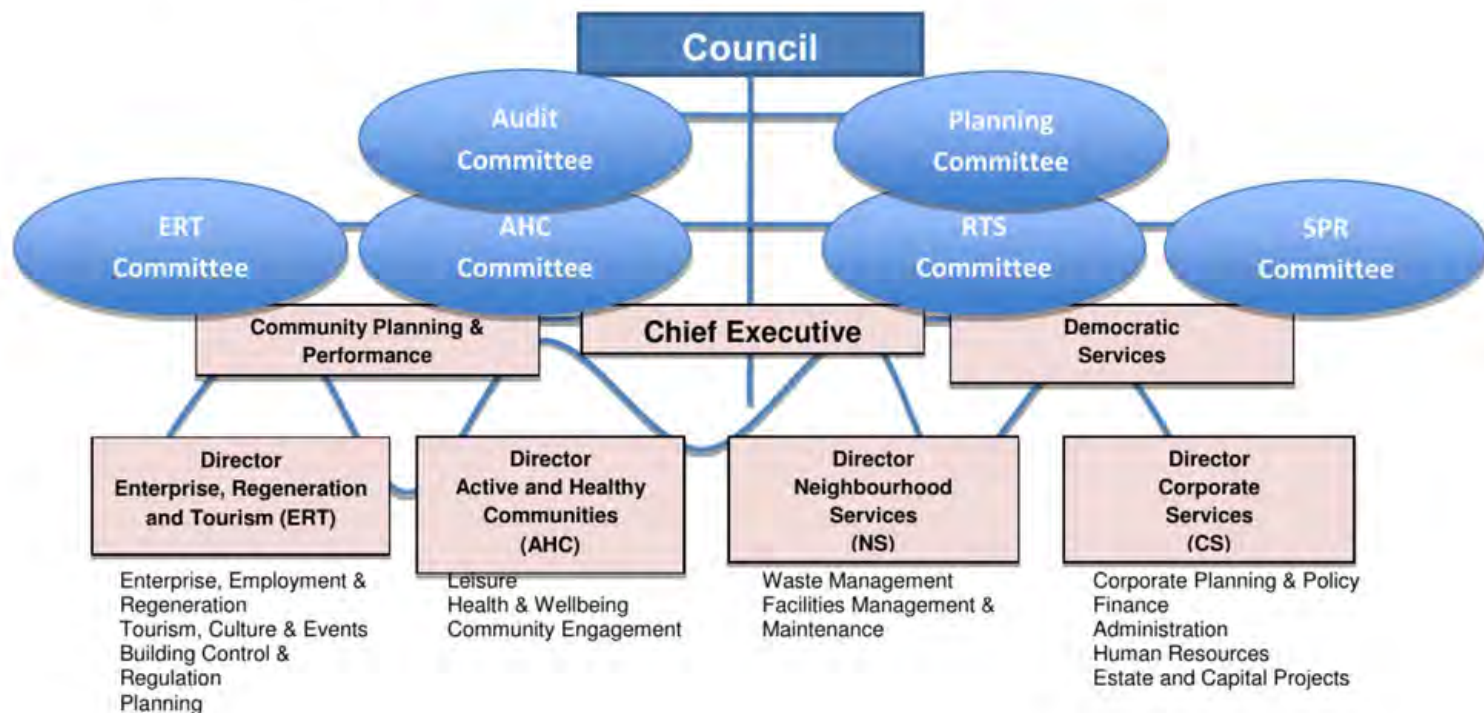
Waste Management	Implemented recommendations from Waste Management Strategy to work towards achievement of 50% recycling rate by 2020	Q1-4
	Closure and restoration of Drumanakelly Landfill Site	Q1
	Establish Interim Structure for Waste Management	Q1
	Establish new Household Amenity Site for Downpatrick	Q3
	Commence review of Refuse Collection and other frontline services incorporating Route Optimisation	Q2
	Continue to procure most economically advantages contracts to manage waste streams	Q1-4
	Implementation of single method of collection for Blue Bins	Q4
	Undertake Entrance and Usage Review for Household Amenity Centres	Q3
	Publish Vehicle Replacement Strategy to 2021	Q1
	Rationalise T and C's across the Refuse and Cleansing Services	Q2
	Establish cleansing measurement process to monitor impact of service and campaigns	Q3

8.0 Directorate Structure

The Neighbourhood Services Directorate is one of four service Directorates, which together comprise the management structure of the Council. The management structure of the Directorate contains two core frontline services, namely;

- Waste Management
- Facilities Management & Maintenance

Figure 3 - Council Management Structure



9.0 Financial Information

	Net estimated expenditure (2018-19)
Facilities Management and Maintenance	£5,861,318
Waste Management	£16,669,216
TOTAL: Neighbourhood Services	£22,530,534

10.0 Governance Arrangements

Reviewing performance and reporting progress to Elected Members and other key stakeholders facilitates transparency, accountability and improvement in everything the Council does. The governance arrangements to develop, monitor and report the Council's progress in implementing the Director's Business Plan are outlined below, and are supplemented by regular reviews by the Director and his team. The governance arrangements the Council has put in place to deliver continuous improvement are also subject to an annual audit and assessment by the Northern Ireland Audit Office.

Regulatory and Technical Services

- Ratification of Directorate Business Plan
- Ratification of annual review of Directorate Business Plan

Full Council

- Ratification of Directorate Business Plan
- Ratification of annual review of Directorate Business Plan

Senior Management Team

- Development, consideration and approval of NS Business Plan
- Development, consideration and approval of the annual review of NS Business Plan

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

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

Oifig an Iúir
Newry Office
O'Hagan House
Monaghan Row

Newry BT35 8DJ

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

Downpatrick BT30 6GQ

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	18th April 2018
Subject:	Neighbourhood Services Transformation Project
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)

Decisions required:

To note the contents of the report, and consider and agree to:

- **Approach for Neighbourhood Services Transformation Project**

1.0	Purpose and Background:
1.1	The RTS committee previously agreed to the "Neighbourhood Services Proposal" in January 2018. This proposal was the high-level vision for the new Directorate.
1.2	Officers have identified the need to develop a detailed Neighbourhood Services Transformation Project which will clearly articulate what the new service will look like and what projects will be required to affect this transformation.
2.0	Key issues:
2.1	Initial meetings with key Officers have identified the need to articulate further detail the Neighbourhood Services Proposal and how the services will be delivered in the future.
2.2	<p>Initial scoping from Officers identifies further research to be undertaken through comparable Councils to benchmark our current services and identify areas of best practice which may be replicable for NMDDC. This will continue for the next 1-2 months to allow officers to present options as part of the scoping process to Councillors.</p> <p>The proposal is that the presentation of these options would take the format of a workshop to which all Elected Members of the Council would be invited, given the importance and significance of issue.</p> <p>The purpose of the workshop will be to detail the requirements for the new Neighbourhood Services Directorate, as well as to present proposals for its future operation and to agree the next steps.</p> <p>A potential delivery framework and approach, with indicative steps are attached in Appendix 1 for information but will be considered in greater detail at the workshop.</p>

3.0	Recommendations:
3.1	<p>That the Committee agree to;</p> <p>Officers continue to undertake research into benchmarking and best practice for the Neighbourhood Services Proposal.</p> <p>A workshop be arranged before the end of June 2018 for all Elected Members to help shape the vision and requirements for the new service.</p> <p>Members note the indicative delivery framework in Appendix 1 as the proposed approach to the Neighbourhood Services Transformation.</p>
4.0	Resource implications
4.1	<p>Officer time to undertake research and arrange workshop.</p> <p>External facilitator to assist with workshop</p>
5.0	Equality and good relations implications:
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Appendices
	Appendix 1 - Draft delivery framework for Neighbourhood Services Project

Appendix 1 - Neighbourhood Services – Draft Delivery Framework

Neighbourhood Services (NS) Concept		
Scoping & Mobilisation	Planning	Implementation
<ol style="list-style-type: none"> 1. Best practice benchmarking to inform NMDDC NS model – what delivered elsewhere & overall approach? 2. Detailed visioning of NS model using established methods (involve key stakeholders) 3. Baseline current situation & subsequent gap analysis & to identify required changes 4. Prepare & agree Outline Business Case (do internally? If not, seek external support) 5. Establish guiding principles for the change (desired outcomes - budgets; workforce; customers; service standards etc & how change managed – how resourced?) 6. Identify key interdependencies & risks (what needed to be done to support change – inside & outside NS Dept) (what are the key risks?) 7. High-level identification of supporting projects / tasks & prepare high-level road map 	<ol style="list-style-type: none"> 8. Establish change governance – Member reference / steering group, Officer project board, stakeholder engagement 9. Prepare overarching NS project plan & schedule of activity 10. Prepare resources plan for NS project (budget, people, IT) 11. Appoint Project Manager Resource & designate lead Officers 12. Detailed scoping & planning of supporting projects & tasks 13. Establish other project governance – risk, issues management & benefits mgt plans 14. Prepare stakeholder engagement and communications plan 15. Develop / agree detailed business case for each supporting project / task 	<ol style="list-style-type: none"> 16. Monitoring & review – test against guiding principles / OBC, benefits realisation, risk & issues mgt, budget mgt etc 17. Political & other key stakeholder acceptance – test against guiding principles
NS Project Management		
Business As Usual		

Report to:	Regulatory and Technical Services Committee
Subject:	Business Plan 2018-19
Date:	18 April 2018
Reporting Officer:	Marie Ward, Director Enterprise, Regeneration and Tourism
Contact Officer:	Marie Ward, Director Enterprise, Regeneration and Tourism

Decisions Required

Members are asked to note the contents of the report, give consideration and agree to:
The Enterprise, Regeneration and Tourism Business Plan (2018-19)

And to note the section of the Business plan which refers to Enterprise, Regeneration and Tourism. This section of the Business plan will be approved at the Enterprise, Regeneration and Tourism Committee.

1.0	<p>Purpose and Background</p> <p>Directorate Business Plans are an essential part of the Council's Business Planning and Performance Management Framework, which provides for the cascade of Members' priorities throughout the organisation and their subsequent performance management.</p> <p>The Business Plans provide important information in relation to planned activity during 2018-19 which will contribute to the achievement of important strategic outcomes for the Council; most notably in relation to the Community Plan, Corporate Plan, Performance Improvement Plan and other key strategies. Business Plans are aligned with the Council's budget for the same period, with other Directorates also tabling Plans for 2018-19 to their respective parent Committees in April 2018.</p>
2.0	<p>Key Issues</p> <p>Performance Review</p> <p>Receives and makes decisions on the majority of planning applications Enforces breaches of planning permission Makes tree preservation orders Produced a local development plan outlining how land in Down and South Armagh should be used and developed in the future.</p> <p>Business Plans</p> <p>Copies of The Enterprise, Regeneration and Tourism Business Plans (2018-19) are provided at Appendices.</p>
3.0	<p>Recommendations</p> <p>Members are asked to note the contents of the report, give consideration and agree to: The Enterprise, Regeneration and Tourism Business Plan (2018-19)</p>
4.0	<p>Resource Implications</p> <p>There are resource implications arising from this report as the delivery of actions within the respective Business Plans will be resourced from the agreed budget for 2018-19.</p>
5.0	<p>Equality and Good Relations implications</p> <p>There are no equality or good relations implications arising from this report, however specific tasks within each Business Plan may be subject to their own statutory screening. The outcomes of which will be reported to Members as part of future Officer recommendations.</p>

6.0	Appendices Appendix I – Review of Enterprise, Regeneration and Tourism Directorates Business Plan (2017-18);
------------	--

Enterprise, Regeneration and Tourism Directorate

Annual Business Plan 2018-19



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Contents	Pages
1.0 Introduction	3
2.0 Background and Context	4-6
3.0 Purpose and Values	6-7
4.0 Challenges and Opportunities	7-8
5.0 Key Supporting Actions for 2018-19	9-12
6.0 Performance	13-14
7.0 Organisation and Office Structure	14
8.0 Financial Information	15
9.0 Governance Arrangements	15-16

1.0 Introduction

The Director of Enterprise, Regeneration and Tourism (ERT) is responsible for the following key functions of Council:-

- Economic Development
- Regeneration
- Tourism Development and Promotion
- Tourism Facilities Management and Development
- Arts and Culture
- Heritage
- EU Funding
- AONB Management
- Planning Development Management and Control
- Local Development Plan
- Building Control
- Licencing
- Events
- International Relations

The work of the Department is led by the following strategies:

- Economic, Regeneration and Investment Strategy
- Tourism Strategy
- Rural Development Strategy

The strategies all connect with the objectives and outcomes of the Community Plan.

The following Strategies/Plans will be developed in 2018-19

- Arts and Culture Strategy
- Local Development Plan – Preferred Options Paper

2.0 Background and Context

The ERT Business Plan is developed within the context of the Community Plan, Corporate Plan and Performance Improvement Plan. The Community Plan sets out the long term outcomes for the District, based on the needs and aspirations of local people. The Corporate Plan sets out the key priorities for the Council between 2015 19, and how it will contribute to achieving the community planning outcomes. The Performance Improvement Plan highlights the positive outcomes stakeholders can expect to see through the annual performance improvement objectives, which are clearly aligned to community planning outcomes and corporate priorities.

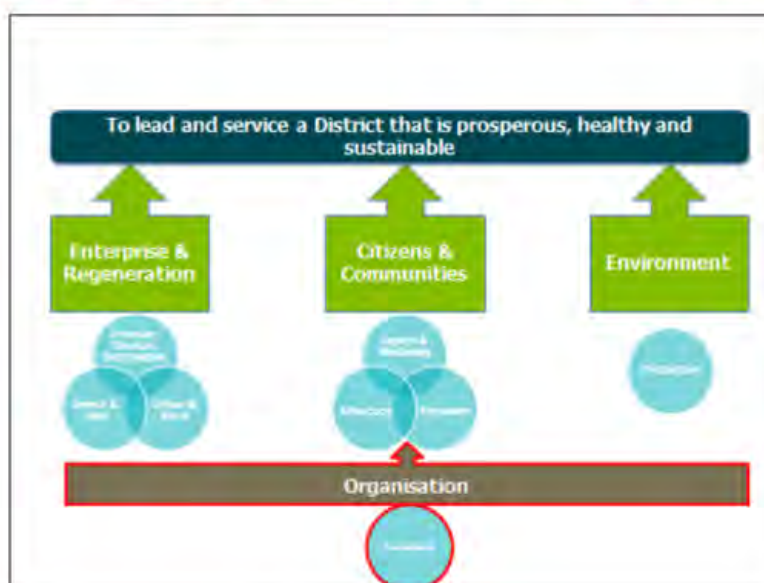
The Community Plan, Corporate Plan and Performance Improvement Plan are cross cutting and strategic in nature. They guide all activity within the organisation, as well as the subsequent allocation of resources, and sit within a hierarchy of plans, as outlined in the 'Business Planning and Performance Management Framework' (Figure 1).

The Business Planning and Performance Management Framework drives and provides assurance that the Council is delivering its corporate vision and priorities, whilst securing continuous improvement in the exercise of functions. It provides a mechanism to join up and cascade the various plans and strategies across the organisation, demonstrating how employees contribute to achieving community planning outcomes and corporate priorities, for the ultimate benefit of the citizens we serve.

Figure 1: Business Planning and Performance Management Framework

The ERT Business Plan provides an overview of the key operational activities for the coming year. These activities are explicitly linked to corporate priorities, and coupled with 'business as usual' service delivery, provide clear direction for all employees within the Office (Figure 2). The ERT Business Plan is published annually and is the basis upon which performance is managed and reviewed by full Council, the Enterprise, Regeneration and Tourism, Regulatory and Technical Service Committee's and Senior Management Team.

Figure 2: ERT alignment with corporate priorities



3.0 Purpose and Values

Purpose

The ERT Directorate's primary purpose is to develop, implement and monitor strategies and plans to deliver economic, regeneration, tourism and arts & culture outcomes for the Council that align to strategic objectives.

The department adheres to the Council's values:-

ERT activity is primarily aligned with the following corporate priority:

'Transform and modernise the Council, providing accessible as well as value for money services'

The ERT Business Plan also supports and underpins the delivery of other corporate Priorities.

Values

The Directorate adheres to the Council's values which are outlined in the Corporate Plan 2015-19:

We Will Be	What This Means
Citizen Focused	We will actively encourage citizen and community engagement, as well as be a listening and responsive Council.
Accountable	We will make decisions based on an objective assessment of need and operate in a transparent way as well as openly report on our performance.
Collaborative	We will actively encourage and pursue working in partnership and at all levels to deliver for our District.
Sustainable	We will take into account the social, economic and environmental impacts of our decisions on current and future generations.
Fairness	We will proactively target actions at those who are marginalised in our community.

In accordance with the Section 75 requirements of the Northern Ireland Act (1998), the ERT Directorate is committed to carrying out its functions having due regard to the need to promote equality of opportunity and regard for the desirability to promote good relations.

4.0 Challenges and Opportunities

The ERT was established in 2017 following the reorganisation of the former Strategic Planning and Performance Directorate and Regulatory and Technical Services Directorate. The directorate continues to evolve in line with organisational change, and remains committed to developing and embedding the necessary plans, policies and processes to deliver improvement across the organisation. Influences within the external and internal environment continuously present challenges and opportunities, which have an impact on the overall management and operation of the ERT Directorate. These influences can be summarised as follows:

External Environment

- **Legislation:** Ensuring legislative compliance with The Local Government (NI) Act 2014 and subsequent Orders, specifically in relation to the Duty of Community Planning, Duty of Improvement and Political Governance.
- **Strategic Alliances:** Collaborating with stakeholders to address the impact of Brexit and continue to operate amidst wider political uncertainty.
- **Community Planning:** Strengthening existing partnerships and progressing the implementation of the four Thematic Delivery Plans to support the achievement of the long term community planning outcomes.

- **Local Government Reform:** Addressing legacy issues and successfully integrating the new powers and functions created by Local Government Reform.
- **Evidence Based Decision-Making:** Ongoing collation of national, regional and local datasets to inform and influence local decision-making, policy development and service provision.
- **Global trends:** Considering the impact of complex social issues, the needs of a growing and ageing population, increased demand for public services and rising customer expectations on public service provision.

Internal Environment

- **Management:** Successfully establishing the Office in terms of its structure, governance, internal processes and increased responsibilities. Tier 4 positions are now in place and the focus is on recruiting to Tier 5 positions.
- **Resources:** Identifying and securing the financial and non-financial resources required for the Office to successfully develop and discharge its responsibilities amidst increased budgetary constraints and austerity.
- **Democracy:** Ensuring Elected Members and the Council's decision-making structures are provided with appropriate levels of support to enable the effective and efficient discharge of their responsibilities.
- **Transformation and Improvement:** Leading the development and implementation of a transformational programme of change at both strategic and operational levels, enabling employees and Elected Members to drive forward improvements that meet resident needs and aspirations.
- **Performance Management:** Monitoring and reviewing Council performance, highlighting areas of high-performance, identifying areas for intervention and facilitating the development of a performance improvement culture.
- **Risk Management:** Managing potential risks and opportunities in achieving the key actions outlined in the CEO Business Plan by adhering to the Corporate Risk Management Policy and reviewing the CEO Risk Register on a quarterly basis.

5.0 ERT Supporting Actions 2018-19

Corporate Priorities	Key Office Actions
<p>Become one of the premier tourism destinations on the island of Ireland. Attracted investment and supported the creation of new jobs. Protected our natural and built environment. Led the regeneration of our urban and rural areas. Advocated on your behalf specifically in relation to those issues which really matter to you.</p>	<p>Enterprise and Regeneration – Work with partners to lead the implementation of the Economic, Regeneration and Investment Strategy. Tourism, Culture and Events – Work with partners to lead the implementation of the Tourism Strategy. Lead the development and implementation of Culture and Arts Strategy Building Control and Regulation – A statutory duty to apply the Building Regulations and licencing obligations of Council. The management of Car Park facilities owned and operated by Council Planning– To secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.</p>

Corporate Priorities	<p>Become one of the premier tourism destinations on the island of Ireland. Attracted investment and supported the creation of new jobs. Protected our natural and built environment. Led the regeneration of our urban and rural areas. Advocated on your behalf specifically in relation to those issues which really matter to you.</p>
Service Areas	Enterprise, Regeneration, Tourism, Culture and Arts, Planning and Building Control.
Senior Responsible Officers	<p>Marie Ward: Director Jonathan McGilly: Assistant Director Enterprise, Employment and Regeneration Andrew Patterson: Assistant Director Tourism, Culture and Arts Colum Jackson: Assistant Director Building Control and Regulation Anthony McKay: Chief Planning Officer</p>
Community Planning Outcome(s)	n/a
Performance Improvement Objective(s)	n/a

Enterprise, Employment and Regeneration Actions

	Key Actions	Timescale
Enterprise, Employment and Regeneration	Implement an SME business mentoring programme Establish a cohesive Social Enterprise Programme that compliments and adds value to the work of other agencies (DfC, INI etc) that operate in this sector	September 2018
	Ongoing delivery of NI Business Start Programme in collaboration with 10 partner Councils and Invest NI	March 2019
	Submit Belfast Region City Deal bid in cooperation with 5 partner Councils	November 2018
	Implement the NI Rural Development programme as per strategy for 18/19. Develop 3 number village renewal applications to RDP and begin to implement across the NMD area	March 2019
	Establish delivery structures for the SEA FLAG programme and open programme for applications as year one of the 3 year strategy	
	Conclude Development brief exercises for sites at Warrenpoint Baths and Lisburn Street Carparks Ballynahinch	September 2018
	Secure all lands and carry out Development brief process to realise the regeneration of the former PSNI station site and adjacent lands in Downpatrick	March 2019
	Implement the Regeneration forward plan by developing scheme to complete public realm along lower Hill street and appoint team for scheme development 19/20	
	Secure a preferred partner for the development of Theatre, Conference and Civic Centre for Newry City	June 2019
	Establish an effective programme and structure for AONB management across the 3 AONBs in the district culminating in new 3 year programme funding bid to NIEA	January 2019
	Continued development of collaboration across all sectors to promote regeneration, business growth and business development in the District.	Ongoing
	Work in partnership with Councils and other partners in relation to BREXIT.	Ongoing
Deliver an Innovation Conference for the District	September 2018	

Tourism, Culture, Heritage and Events	Deliver a Destination Marketing Programme to support the proposition of the district becoming one of the premier tourist destinations and reinforce the position of Outdoor Capital	March 2019
	Create destination experiences through: <ol style="list-style-type: none"> 1. The development and delivery of Visitor Experience Plans; 2. Experiential Package Development; and 3. A Business Support Programme with industry. 	Ongoing
	Support the promotion of compelling experiences and align with Tourism NI's focus on driving international visitors and bed nights.	Ongoing
	Reinforce a strong partnership approach to destination management, leadership and collaboration through: <ol style="list-style-type: none"> 1. The Interdepartmental Tourism Working Group 2. Cross-party Tourism Task and Finish group 3. Industry Steering Group 4. Engagement with DEA Forums 	Ongoing
	Continue to develop and deliver an Annual Tourism Events Programme in line with emerging visitor experience plans and in partnership with Tourism NI	Annually
	Continue to reorganise the structure within ERT to oversee all aspects of experience development, destination management, visitor services and marketing	Ongoing
	Develop and deliver key projects to establish growth opportunities for the following key tourism sectors: <ol style="list-style-type: none"> 1. Food and drink 2. Screen Tourism 3. Cruise Tourism 4. Meetings, Incentive, Conferences and Events (MICE) 	Ongoing
	Continue to develop a submission for a UNESCO Geopark: Operate as a De facto Geopark from November 2019.	Ongoing
	Establish an inter sectoral Arts Forum to work on the development of an Arts, Culture and Heritage Strategy and develop marketing infrastructure and systems to support and voluntary, community and professional arts sector.	Sept 2018
	Facilitate connectivity between sectors e.g. linking cultural industries, education and tourism with those engaged in the evening economy.	Ongoing
Continue to progress the Mourne Mountains Gateway Project in partnership with partners.	Ongoing	
Continue to develop the Newry Canal Blueway and Great Eastern Greenway projects with partners.	Ongoing	

Building Control and regulation	Increase the online/automated phone applications for Dog Licences from 10% to 50%	Jan – Mar 2019
	Introduce the online facility for BN and RG BC applications	Oct – Dec 2018
	Introduce the online facility for Licences	Oct – Dec 2018
	Establish a centralised licensing unit and set performance targets	Oct – Dec 2018
	Implementation of the Street Café trading legislation.	Oct – Dec 2018
	Implementation of the Road Closures legislation.	Apr – June 2018
	Maintain an effective monitoring and reporting procedure to demonstrate effective performance within Building Control	Ongoing
	Maintain an effective information sharing procedure between Building Control and Planning	Ongoing
	Rationalise the alignment of bye-laws enforcement of the dog control and car park service throughout the District.	Jan – Mar 2019
	Implementation of the car park strategy in line with overall regeneration objectives for the district	Ongoing
Planning	Implement improvement plan and performance monitoring that delivers planning application turn round targets (15 weeks)	Ongoing
	Continually improve planning department performance	Ongoing
	Continue to focus on reducing the backlog of historic planning applications.	Ongoing
	Implement an effective procedure to monitor and manage correspondence.	Ongoing
	Complete consultation on Preferred Options Paper and publication of Draft Development Plan Strategy	
	Review implementation of planning policy in relation to large developments and developer contributions – Article 76	
	Implement an effective monitoring and reporting procedure to demonstrate effective performance enforcement control.	
Work with Agents and Developers to cooperatively streamline regulatory government processes	Ongoing	

Through the amalgamation of Enterprise, Regeneration, Tourism, Planning and Building Control and Regulation promote the regeneration of the District creating an efficient and effective service for all.

6.0 Performance

The ERT Directorate performs a key role in leading the regeneration of the District. This exercise will also identify additional, suitable performance measures for the ERT Directorate.

In addition to managing and monitoring financial and human resources, the following performance measures will be monitored during 2018-19:

Measures of Success

Economic Development:

- Business Plans Completed 284
- Jobs Created 155
- Business created 193

Building Control KPI Targets:

- Domestic Building Control applications processed within 21 days from the date of submission – Target 75%
- Commercial Building Control applications processed within 35 days from the date of submission – Target 75%
- All Building Control applications processed within 56 day from date of submission – Target 100%
- Amendments to applications (BR3 returns) to be processed within 14 days from date of re-submission – Target 80%

Assistant Director will report these KPIs to the Director of a monthly basis.

Tourism, Culture and Events:

- Tourism visitor revenue
- Tourism visitor volume (overnights)
- Tourism jobs supported
- Visitor revenue in arts, culture and heritage venues
- Visitor volume in arts, culture and heritage venues
- Engagement of local communities in arts, culture and heritage programmes

Planning Statutory Targets:

- Local planning applications to be processed within an average of 15 weeks.
- Major planning applications to be processed within an average of 30 weeks.
- 70% of all enforcement cases concluded within 39 weeks of complaint receipt.

ERT Plans and Strategies

The ERT Directorate is responsible for leading the development, implementation and review of the following plans and strategies, which influence the work of the Office and Council:

- Economic, Regeneration and Investment Strategy
- Tourism Strategy
- Rural Development Strategy

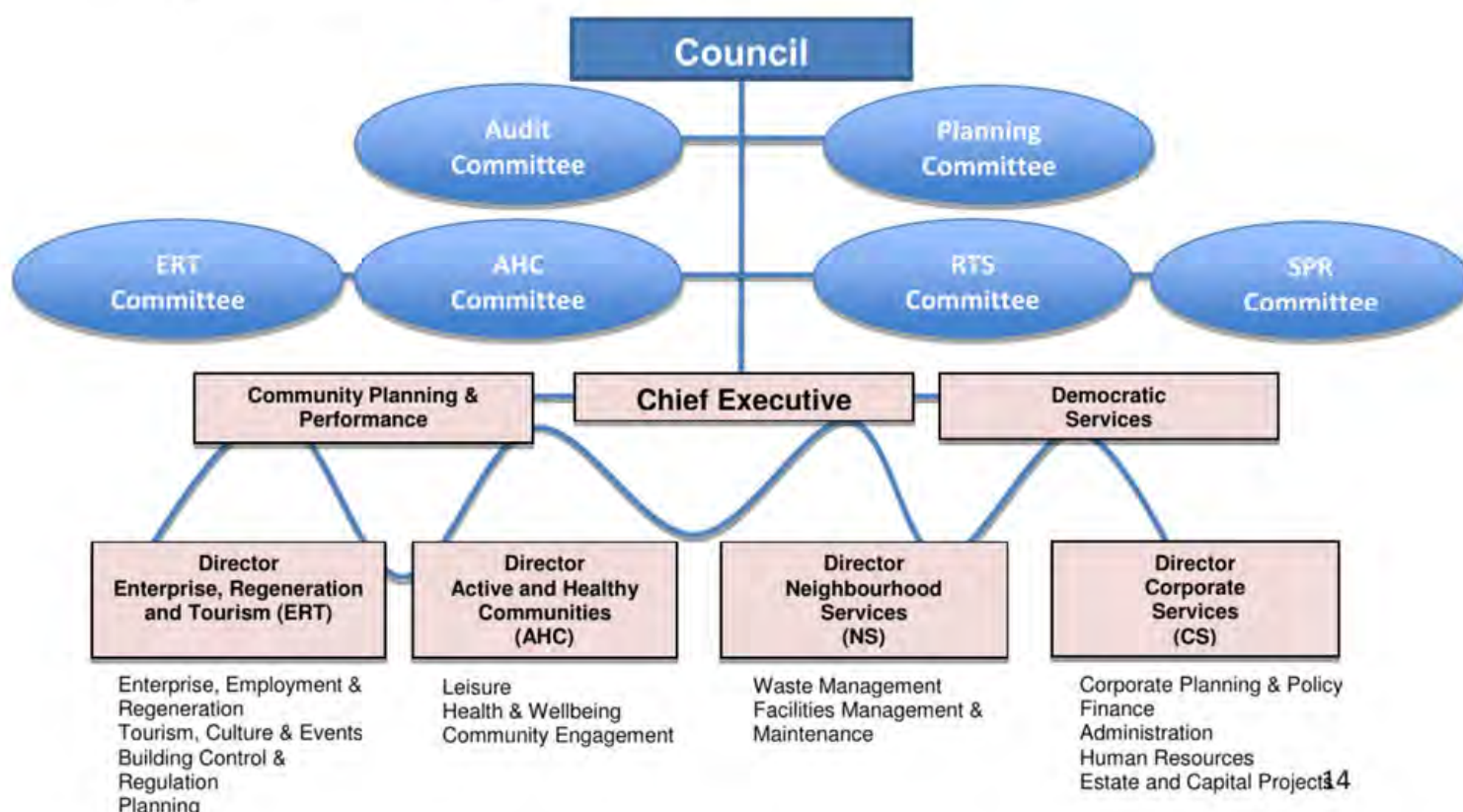
The following Strategies/Plans will be developed in 2018-19

- Arts and Culture Strategy
- Local Development Plan – Preferred Options Paper

7.0 Organisation and Office Structure

The ERT Directorate is one of five Departments, which together, comprise the Management structure of the Council. The management structure of the Council is set-out in Figure 3.

Figure 3 - Council Management Structure



8.0 Financial Information

	Net estimated expenditure Revenue (2018-19)
Enterprise, Employment and Regeneration	1,176,397
Tourism, Culture, Heritage and Events	5,743,811
Building Control and Regulation	187,702
Planning	824,855
TOTAL: ERT Directorate	7,932,765

9.0 Governance Arrangements

Reviewing performance and reporting progress to Elected Members and other key stakeholders facilitates transparency, accountability and improvement in everything the Council does. The governance arrangements to develop, monitor and report the Council's progress in implementing the ERT Business Plan are outlined below, and are supplemented by regular reviews by the ERT Director and her team. The governance arrangements the Council has put in place to deliver continuous improvement are also subject an annual audit and assessment by the Northern Ireland Audit Office.

Full Council

- Ratification of ERT Business Plan
- Ratification of annual review of ERT Business Plan

Strategy, Policy and Resources Committee / Audit Committee

- Scrutiny and challenge around the Duty of Improvement
- Provide assurance that performance management arrangements are robust and effective

Enterprise, Regeneration and Tourism and Regulatory and Technical Services Committees

- Consideration, scrutiny and approval of ERT Business Plan
- Consideration, scrutiny and approval of the annual review of ERT Business Plan

Senior Management Team

- Development, consideration and approval of ERT Business Plan
- Development, consideration and approval of the annual review of ERT Business Plan

Political Governance

Enterprise, Regeneration and Tourism Committee

Councillor Pete Byrne (Chair)
Councillor Davy Hyland
Councillor Robert Burgess
Councillor Michael Carr
Councillor Charlie Casey
Councillor William Clarke
Councillor Dermot Curran
Councillor Glyn Hanna
Councillor Harry Harvey
Councillor Terry Hearty
Councillor Declan McAteer
Councillor Oksana McMahon
Councillor Brian Quinn
Councillor Mickey Ruane
Councillor Gary Stokes

Regulatory and Technical Services Committee

Councillor John Trainor (Chair)
Councillor Valerie Harte
Councillor Terry Andrews
Councillor Charlie Casey
Councillor Willie Clarke
Councillor Garth Craig
Councillor Dermot Curran
Councillor Gillian Fitzpatrick
Councillor Liz Kimmins
Councillor Jill Macauley
Councillor John Rice
Councillor Mickey Ruane
Councillor Gary Stokes
Councillor David Taylor
Councillor Jarlath Tinnelly

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

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

Oifig an Iúir
Newry Office
O'Hagan House
Monaghan Row

Newry BT35 8DJ

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

Downpatrick BT30 6GQ

Report to:	Regulatory and Technical Services Committee
Subject:	Street Trading Designation at Mary Street/The Square, Rostrevor
Date:	18 April 2018
Reporting Officer:	Colum Jackson, Assistant Director of Enterprise, Regeneration and Tourism Department
Contact Officer:	Fintan Quinn, Head of Services for Licensing & Enforcement

Decisions Required

Members are asked to note the contents of the report, and consider and agree to: **REFUSE** the request for designating Mary Street/The Square, Rostrevor for Street Trading.

1.0 Purpose & Background

1.1 The Council's Licensing Section has received an email request from Seamus Parr on 19 June 2017 to designate a site at Mary Street/The Square, Rostrevor for Street Trading. The proposer wishes to trade in fresh fruit & veg along with fresh flowers at the location proposed.

One site at this location was identified for possible designation.

As required, the Council advertised the proposal for designation of a street in Rostrevor Village on 6 December 2017 in the Newry Reporter and Down Recorder.

The Council also consulted with the Department for Infrastructure (Roads Service) and Police Service of Northern Ireland, there were no objections noted.

1.2 At the previous RTS Committee meeting on 21 March, the committee decided to defer making a resolution on this proposal, instead they asked the Licensing Section to explore the possibility of utilizing the existing trading pitch in Rostrevor Square to facilitate this request with the possibility of sharing the pitch on separate days. Officers contacted the existing licence holder and the new applicant and both have agreed to share the existing pitch on alternative days.

2.0 Key Issues

2.1 Under the Street Trading Act(NI) 2001, the Council may pass a resolution designating a street in its District as a street in which it may allocate street trading pitches for stationary trading. The Council has authority to approve or refuse designation of a street for Street Trading. Currently there is one street trading site designated at The Square, Rostrevor.

3.0 Recommendations

3.1 Taking into consideration that there is available trading days at the existing designated area in The Square and both traders are willing to share the pitch, the recommendation is to **REFUSE** the designation of Mary Street/The Square, Rostrevor for Street Trading.

4.0 Resource Implications

- 4.1
- Processing the administration of the application and carry out the necessary consultation process.
 - Preparation of reports for the committee.

5.0 Equality and good relations implications

It is not anticipated that the proposal will have an adverse impact upon equality, opportunity and good relations.

6.0 Appendices

None

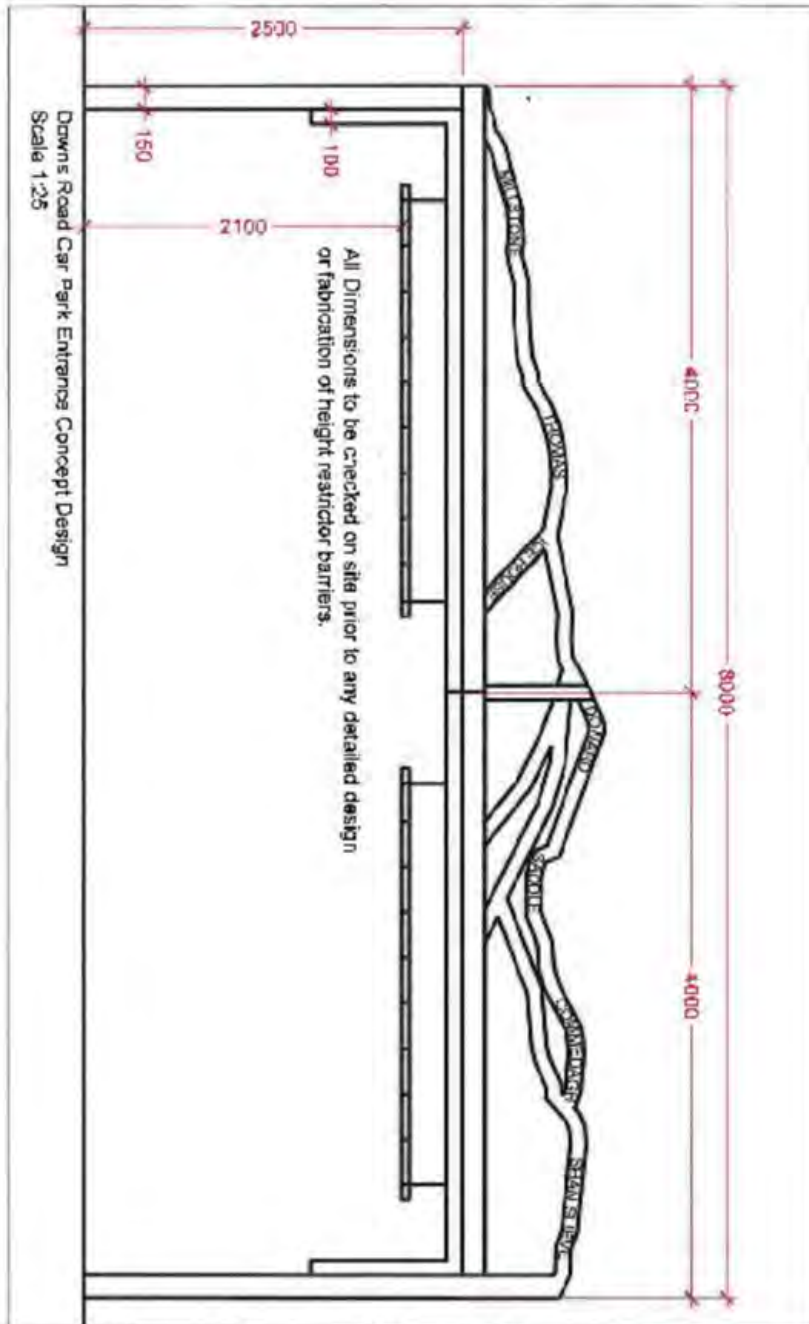
Report to:	Regulatory & Technical Services Committee.
Date of Meeting:	18 April 2018.
Subject:	Proposed installation of Height Restriction Barriers at Downs Road and Glen River car parks in Newcastle, County Down.
Reporting Officer (Including Job Title):	Mr Colum Jackson, Assistant Director, Enterprise, Regeneration and Tourism.
Contact Officer (Including Job Title):	Mr Gary McCurry, Duty Manager, Off Street Parking Function.

Decisions required: - *Members are asked to consider the contents of the report and provide authority to proceed with the works.*

1.0	Purpose and Background:
1.1	<p>In September 2017, the Regulatory and Technical Services Committee provisionally agreed to research the proposed installation of Height Restriction Barriers (HRB's) at two car parking sites, in order to address identified issues pertaining to motor homes in the Newcastle area. The two sites identified as being significantly problematic in relation to this matter, are Downs Road and Glen River (Patten's Bridge) car parks, Newcastle.</p> <p>It was further agreed to research the suitability of either Donard Park or Islands Park as a potential site for dedicated motor home parking bays to facilitate displaced motor homes once the barriers were installed. Islands Park was deemed unsuitable therefore Donard Park was the preferred option.</p>
2.0	Key issues:
2.1	<p>(A) <u>MAIN INSTALLATION</u></p> <p>Newcastle is recognised as a high profile tourist amenity area within the District and in order to maintain the aesthetic appreciation of the area, a bespoke concept design barrier was considered for installation, incorporating a silhouette of the Mountains of Mourne. (Appendix 1). A total of three such HRB's would be required, two at Downs Road car park and one at Glen River car park.</p> <p>A number of steel fabrication contractors supplied quotations for manufacture, supply and installation of the HRB's, with one contractor conducting an onsite inspection.</p> <p>The 3 quotations are outlined at Appendix 3:</p> <p>(B) <u>ADDITIONAL WORKS</u></p> <p>Furthermore, the decision to provide a quantity of designated parking bays to facilitate displaced motor homes utilising the area, requires the realignment of parking bays in Donard car park, Newcastle. Existing parking spaces would be reconfigured to create 6 dedicated motor home bays. This would also incorporate the need for additional signage and mounting posts at the motor home parking area, as the 12 hour occupancy restriction in any 24 hour period, would remain in operation as per the current Tourist Amenity Bye Laws.</p>

	<p>Additionally, speed calming ramps would be required at each HRB installation site, accompanied by correx warning signage, padlocks and thermoplastic road markings outlining the reconfigured bays. <u>Appendix 3</u> will detail approximate cost of additional works.</p> <p>(C) <u>CURRENT LEGISLATION</u></p> <p>As previously highlighted, the Tourist Amenity Bye-Laws dated 17th February 1997 provide the legislation for the car parks identified. These bye-laws are out dated, ambiguous and do not enable effective enforcement of any contraventions. The installation of the dedicated parking bays for motor homes in Donard car park, whilst accommodating for displaced motor home users, are unenforceable by Council, as no offence exists to deter other vehicles parking in the bays. Appropriate signage will be erected to advise of usage however compliance will be very much dependent upon good nature. This issue has potential to invoke complaints from motor home users, if they find dedicated parking bays occupied by other motorists.</p> <p>The Council legal administrative department plan to address the bye-law issue when structure and resourcing matters have been resolved. No time frame for resolution is available at this time.</p>
	<p>Recommendations: -</p>
3.1	<ol style="list-style-type: none"> 1. Committee to consider the content of this report and if agreed, authorise permission to install Height Restriction Barriers at Downs Road and Glen River car parks and the associated spend. 2. Authorise the reconfiguration of Donard car park to facilitate dedicated motor home parking.
	<p>4.0 Resource implications</p>
4.1	<ul style="list-style-type: none"> • Cost of all items identified for completion of the task. • Aspects of the work would be carried out by Council maintenance teams.
	<p>5.0 Equality and good relations implications:</p>
5.1	<ul style="list-style-type: none"> • This solution would exhibit a practical approach to a long standing issue.
	<p>6.0 Appendices</p>
	<ul style="list-style-type: none"> • Appendix 1: Concept design Height Restriction Barrier (HRB). • Appendix 2: Basic design Height Restriction Barrier. • Appendix 3: Approximate expenditure inclusive of additional works.

Appendix 1: Concept design Height Restriction Barrier (HRB).



 <p>North East Metro and Down Newry, Mountne and Down 2016-2017</p>	
Building	
Council reference r.d.:	Downs Road Car Park Newcastle
Drawing Title:	Proposed Height Restrictor Elevations
Drawing r.d.:	002A
Scale:	1:25
Drawn by:	TH
Date:	05-12-2017

Appendix 2: Basic design Height Restriction Barrier.



Manufacture and installation of the basic design HRB is estimated at £1885 + VAT for each unit. Therefore 3 units equates to £5655 inclusive of the additional works estimate of £2800, thus providing a total of £8455 + VAT.

Appendix 3. Approximate expenditure inclusive of additional works.

The following supplementary work/equipment would be required to complete this project.

- a. Removal of existing parking bay markings in Donard car park and replace with thermo plastic road markings with appropriate lettering and bay delineation in Donard car park. Approx. £1000.00
- b. Aluminium and correx signs and mounting posts, identifying designated motor home parking area and advising of new Height Restriction Barriers. Approx. £750.00
- c. Speed restriction ramps to be installed at each site in conjunction with the Height Restriction Barriers, in order to minimise damage to the barriers in the event that an oversized vehicle attempts access. Approx. £1000.00
- d. Padlocks/chains and keys. Required to secure the barriers with sufficient keys to be issued to Emergency services, Coastguard and Council cleansing and maintenance crews. Approx. £50.00

Total predicted costs of additional work = £2,800 + VAT.

A summary of the approximate cost of manufacture and installation of the Concept design HRB, inclusive of the cost associated with additional works is as follows:

Quotation 1. £16,369 + £2,800 = **£19,169 + VAT.**

Quotation 2. £11,650 + £2,800 = **£14,450 + VAT.**

Quotation 3. £24,620 + £2,800 = **£27,420 + VAT.**

Appendix 2: Basic design HRB - £5,655 + £2,800 = **£8,455 + VAT.**

Newry, Mourne & Down District Council – March 2018

1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263
July	135	957	250
August	166	959	249
September	140	910	243
October	157	935	230
November	163	912	230
December	83	869	230
January	158	917	228
February	135	921	212
March	161	923	225

Newry, Mourne & Down District Council – March 2018

66

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976
July	535	172	73	45	132	957
August	540	170	72	40	137	959
September	488	179	71	35	137	910
October	534	171	63	27	140	935
November	507	175	60	33	137	912
December	461	178	62	38	130	869
January	510	179	69	37	122	917
February	524	185	63	38	111	921
March	525	173	79	36	110	923

Newry, Mourne & Down District Council – March 2018

67

3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	67
May	62
June	58
July	50
August	50
September	57
October	58
November	57
December	55
January	50
February	54
March	54

Newry, Mourne & Down District Council – March 2018

4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170
July	149	124
August	140	122
September	174	154
October	162	146
November	178	160
December	118	103
January	96	87
February	136	116
March	150	140

Newry, Mourne & Down District Council – March 2018

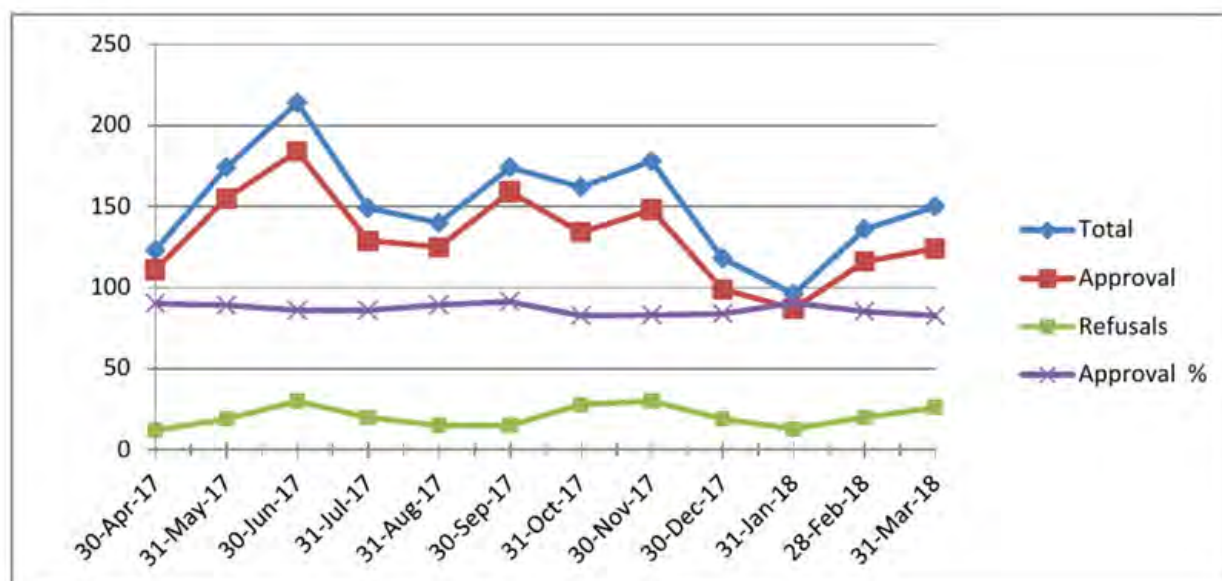
69

5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
		Approvals	Refusals
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%
July	660	Approvals (579)	88%
		Refusals (81)	12%
August	800	Approvals (704)	88%
		Refusals (96)	12%
September	974	Approvals (863)	89%
		Refusals (111)	11%
October	1,136	Approvals (997)	88%
		Refusals (139)	12%
November	1,314	Approvals (1,145)	87%
		Refusals (169)	13%
December	1,432	Approvals (1,244)	87%
		Refusals (188)	13%
January	1,528	Approvals (1,331)	87%
		Refusals (197)	13%
February	1,664	Approvals (1,447)	87%
		Refusals (217)	13%
March	1,814	Approvals (1,571)	87%
		Refusals (243)	13%

Newry, Mourne & Down District Council – March 2018

70



6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758
July	311	142	89	88	61	88	779
August	321	139	93	80	70	88	791
September	326	146	89	80	74	89	804
October	290	167	87	84	75	91	794
November	277	181	91	76	77	99	801
December	281	192	87	80	79	105	824
January	273	192	96	76	82	111	830
February	279	199	93	77	85	112	845
March	274	209	97	77	80	122	859

Newry, Mourne & Down District Council – March 2018

71

7. Planning Committees 2017/2018

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
26 April	26	19	7
24 May	39	28	11
21 June	34	18	16
19 July	32	20	12
16 & 23 August	36	19	17
13 September	16	10	6
11 October	22	13	9
8 November	38	23	15
6 December	28	15	13
10 January	17	8	9
7 February	23	16	7
7 March	14	7	7
Totals	325	196	129

8. Appeals

Planning Appeal Commission Decisions issued during March 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	19	7	0	6	1 Withdrawn
Down	7	1	0	1	0
TOTAL	26	8	0	7	1

Statutory targets monthly update - up to February 2018 (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 received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	35	20	64.2	60.0%
May	1	2	109.7	0.0%	150	157	17.4	45.9%	32	46	60.5	56.5%
June	2	2	72.4	0.0%	125	205	18.4	42.9%	32	21	64.5	52.4%
July	1	1	127.2	0.0%	133	141	18.8	41.8%	32	19	111.8	52.6%
August	1	1	247.6	0.0%	145	134	16.3	42.5%	29	28	61.6	42.9%
September	1	-	0.0	0.0%	132	153	18.2	41.2%	46	25	57.4	48.0%
October	0	2	276.3	0.0%	136	152	17.4	44.1%	29	41	31.6	85.4%
November	0	1	185.2	0.0%	130	167	14.0	54.5%	24	9	50.4	66.7%
December	1	2	271.0	0.0%	123	104	16.2	39.4%	19	5	41.7	80.0%
January	0	-	0.0	0.0%	126	94	19.1	44.7%	21	14	57.4	64.3%
February	0	2	214.6	0.0%	85	118	16.3	47.5%	26	23	48.6	60.9%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	7	14	131.2	0.0%	1,412	1,538	17.2	44.2%	325	251	53.4	60.2%

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.

Record of meetings between Planning Officers and Public Representatives 2017-2018

73

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker
04/08/2017	A McAlarney	Colin McGrath
04/08/2017	G Kerr	Cllr David Taylor
15/08/2017	P Rooney G Kerr	Justin McNulty MLA
25/08/2017	G Kerr	Cllr J Tinnelly
06/09/2017	A McAlarney	Cllr Curran
12/09/2017	A McAlarney	Cllr Devlin
15/09/2017	A McAlarney	Colin McGrath
21/09/2017	G Kerr	Cllr David Taylor
05/10/2017	A McAlarney	Colin McGrath (Office staff Carmel OBoyle attending)
05/10/2017	A McAlarney	Sean Doran
6/10/17	A Hay	Cllr Walker + Jim Shannon MP
06/10/2017	A McAlarney	Cllr Walker Jim Shannon
06/10/2017	G Kerr P Rooney	Cllr David Taylor
09/10/2017	G Kerr	Cllr Brian Quinn
20/10/2017	G Kerr O'Toole	Cllr David Taylor
23/10/2017	G Kerr	Cllr J Tinnelly
24/10/2017	A McKay G Kerr	Cllr J Tinnelly
27/10/2017	P Rooney	Cllr Brian Quinn
31/10/2017	A McAlarney	Cllr Harry Harvey
03/11/2017	G Kerr	Cllr D McAteer
06/11/2017	G Kerr	Cllr G Fitzpatrick
07/11/2017	L O'Hare	Cllr D McAteer
15/11/2017	A McAlarney	Colin McGrath
17/11/2017	G Kerr	Cllr Brian Quinn
20/11/2017	G Kerr P Rooney	Cllr Brian Quinn

Record of meetings between Planning Officers and Public Representatives 2017-2018

74

24/11/2017	A Davidson	Cllr David Taylor
28/11/2017	A Davidson	Cllr Terry Hearty
01/12/2017	G Kerr	Cllr J Tinnelly
11/12/2017	A McAlarney	Cllr Walker Jim Shannon MLA
18/12/2017	A McAlarney	Cllr W Clarke
31/01/2018	A McKay	C Hazzard MP
02/02/2018	A McAlarney	Cllr Walker
13/02/2018	A McAlarney	Cllr Enright
16/02/2018	A McAlarney	Colin McGrath MLA
22/02/2018	A McAlarney	CllrWilliam Walker
09/03/2018	A McAlarney	Cllr Sharvin
21/03/2018	A McAlarney	Colin McGrath
26/03/2018	A McAlarney	CllrWilliam Walker
29/03/2018	A McAlarney	Cllr Sharvin

Current Appeals

75

AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0185
Planning Ref:	LA07/2016/0381/	DEA	Crotlieve
APPELLANT LOCATION	Mr Matt Burns Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2016/A0226
Planning Ref:	LA07/2016/0477/	DEA	Slieve Gullion
APPELLANT LOCATION	Mr Caolan Quinn 50m South-east Of No 106 Carrickgallogly Road Carrickgallogly Belleek		
PROPOSAL	Erection of dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

76

ITEM NO	3		
Planning Ref:	LA07/2017/0624/	PAC Ref:	2017/A0094
APPELLANT	Mary Rooney	DEA	Crotlieve
LOCATION	80A Kilbroney Road Rostrevor BT34 3R1		
PROPOSAL	Single storey side and rear extension		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/08/2017
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:	LA07/2017/0172/	PAC Ref:	2017/A0114
APPELLANT	SCS	DEA	Newry
LOCATION	Lindsay's Hill Approx 60 Metres South East Of 53-55 North Street Newry BT34 1DD		
PROPOSAL	Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	25/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

77

ITEM NO	5	PAC Ref:	2017/A0121
Planning Ref:	LA07/2017/0563/	DEA	Crotlieve
APPELLANT	Mr John Morgan		
LOCATION	Land 20m North Of 24 Ballyvally Mayobridge		
PROPOSAL	RT34 2RT 2 dwellings with detached garages to rear		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2017/A0151
Planning Ref:	LA07/2017/0145/	DEA	The Mournes
APPELLANT	Cathal Sloan		
LOCATION	Lands Approximately 55 Metres South Of 14 Sandy Brae Attical		
PROPOSAL	Site for dwelling and detached garage at existing cluster of development in the countryside		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	30/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO 7
Planning Ref: LA07/2017/0371/ **PAC Ref:** 2017/A0158
APPELLANT Kieran And Briega King **DEA** Newry
LOCATION 56a Drumintee Road
 Meigh
PROPOSAL ^{Newry} Retention of existing caravan port at rear of dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 07/11/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 8
Planning Ref: LA07/2015/1123/ **PAC Ref:** 2017/A0161
APPELLANT Quayside Propoeties Ltd **DEA** Newry
LOCATION 2-3 Sugarhouse Quay
 Lisdrumgullion
PROPOSAL ^{Newry} Demolition of remaining parts of building for health and safety reasons

APPEAL TYPE DC - Refusal of LB Consent
Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 15/11/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

79

ITEM NO	9		
Planning Ref:	LA07/2017/0370/	PAC Ref:	2017/A0165
APPELLANT	Fergal Rafferty	DEA	Slieve Gullion
LOCATION	16 Ummeracam Road Silverbridge		
PROPOSAL	Newry Retention of two storey projection to southern gable of dwelling, alterations to bay windows at front of dwelling and alterations to window fenestration to side and front elevations of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/11/2017
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:	LA07/2017/0687/	PAC Ref:	2017/A0168
APPELLANT	Steven And Diane Campbell	DEA	The Mournes
LOCATION	30m North Of 94 Greencastle Road Kilkeel		
PROPOSAL	RT34, 4DF Infill site for new dwelling and garage in existing cluster (amended plans)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	11	PAC Ref:	2017/A0169
Planning Ref:	LA07/2016/1647/	DEA	Newry
APPELLANT LOCATION	DBM Contracts 20 Metres East Of 6 Daisy Hill Carnagat		
PROPOSAL	Newry Erection of two dwellings and retention of retaining walls		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2017/A0178
Planning Ref:	LA07/2017/0786/	DEA	Slieve Croob
APPELLANT LOCATION	Walter Watson 4 Drumnaquoile Road Castlewellan		
PROPOSAL	Replacement dwelling and detached garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO 13
Planning Ref: LA07/2017/0856/ **PAC Ref:** 2017/A0181
APPELLANT Brian Hollywood **DEA** Slieve Gullion
LOCATION 20 Lough Road
 Mullaghbawn
 RT35 QXP
PROPOSAL Proposed change of use from Spa Centre Business to dwelling with some minor renovations

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 06/12/2017
Date of Hearing 15/03/2018
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: LA07/2017/1174/ **PAC Ref:** 2017/A0186
APPELLANT Brendan McCartan Esq **DEA** Slieve Croob
LOCATION Approx 18m North Of 156
 Downpatrick Road
 Rallynahinch
PROPOSAL Dwelling & garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 11/12/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

ITEM NO	15		
Planning Ref:	LA07/2017/0319/	PAC Ref:	2017/A0188
APPELLANT	Mr Sean O'Hare	DEA	Slieve Gullion
LOCATION	10A Limekiln Road Newry BT35 7JX		
PROPOSAL	Retention of authorised treatment facility for end-of-life vehicles, including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, all buildings, structures, racks, fencing and gates		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	12/12/2017
Date of Hearing		18/04/2018	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2017/0018/	PAC Ref:	2017/A0189
APPELLANT	Rozanna Huq	DEA	Downpatrick
LOCATION	To The South Of 24 Crossgar Road East Crossgar BT30 9ER		
PROPOSAL	Proposed 2no infill dwellings and garages (Amended site plan received re: Site splays).		
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure		Date Appeal Lodged	11/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	17		
Planning Ref:	LA07/2017/0563/	PAC Ref:	2017/A0201
APPELLANT	Mr John Morgan	DEA	Crotlieve
LOCATION	Land 20m North Of 24 Ballyvally Mayobridge		
PROPOSAL	RT34 2RT 2 dwellings with detached garages to rear		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	09/03/2018
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:	LA07/2017/0114/	PAC Ref:	2017/A0202
APPELLANT	Mr Vincent McGuinness	DEA	Newry
LOCATION	210m South 30 Low Road Killeavy		
PROPOSAL	Newry Retention of existing industrial units and yard area for use as a waste transfer station. Includes associated car parking, external storage are and weighbridge.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO 19
Planning Ref: LA07/2017/1138/ **PAC Ref:** 2017/A0209
APPELLANT Bernard Morgan **DEA** Newry
LOCATION Adjacent To And Immediately South East Of No.1 Newtown Court
 Newtown Road
 Clinghogue
PROPOSAL Erection of Agriculture Buildings

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 11/01/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 20
Planning Ref: LA07/2016/0952/ **PAC Ref:** 2017/A0213
APPELLANT D & M Downey **DEA** Newry
LOCATION 113-117 Dublin Road
 Newry
PROPOSAL RT35 RQP
 Sub-division of part of existing bulky goods retail warehouse (No 115)
 to provide 3 No. ground floor class A1 retail units with new shopfronts
 (the 3 No. units to operate without compliance with the bulky goods
 condition on approval P/1993/0605); and western extension of site area

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 18/01/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

ITEM NO	21	PAC Ref:	2017/A0214
Planning Ref:	LA07/2016/1331/	DEA	Downpatrick
APPELLANT	Ms Joanna Magee		
LOCATION	Lands Adjoining And Between 57 And 61 Churchtown Road Downpatrick		
PROPOSAL	Two detached dwellings and garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	23/01/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2017/A0228
Planning Ref:	LA07/2017/0770/	DEA	Slieve Croob
APPELLANT	Mr And Mrs J McPolin		
LOCATION	13 Downpatrick Road Ballynahinch RT24 RSH		
PROPOSAL	Proposed detached garage, rear extension to dwelling and extended site curtilage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/02/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

86

ITEM NO	23		
Planning Ref:	LA07/2017/0823/	PAC Ref:	2017/A0246
APPELLANT	Adrian McParland	DEA	Slieve Gullion
LOCATION	Adjacent And 30m South-west Of No.20 Newry Road Belleek		
PROPOSAL	Armanh Site for dwelling and garage (Policy CTY8)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	09/03/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2017/1095/	PAC Ref:	2017/A0251
APPELLANT	Mr William Jordan	DEA	Rowallane
LOCATION	1 Milltown Lane Carsontown Road Saintfield		
PROPOSAL	Detached garage and store (partly constructed)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/03/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	25	PAC Ref:	2017/A0254
Planning Ref:	LA07/2017/1627/	DEA	Slieve Gullion
APPELLANT	Mr Gerard Donnelly		
LOCATION	20 Metres East Of 15 Newry Road And 45 Meters North Of 96 Maphoner Road Mullaghbawn		
PROPOSAL	Proposed 2 No. dwellings on an in-fill site		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/03/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2017/E0046
Planning Ref:	LA07/2017/1400/	DEA	Slieve Croob
APPELLANT	Nu Screen Ltd		
LOCATION	70 Ballywillwill Road Castlewellan BT31 9L6		
PROPOSAL	Erection of engineering workshop and the carrying on of a fabrication and glazing business		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/01/2018
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

88

Appeal Reference:	2016/A0224
Appeal by:	Mr William McCluskey.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	2 No. proposed dwelling houses.
Location:	lands between 1 Brae Road and 212 Belfast Road, Ballynahinch.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2016/0365/O
Procedure:	Written representations and accompanied site on 11th January 2018.
Decision by:	Commissioner Damien Hannon, dated 14 th March 2018.

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 impact on visual amenity and rural character.
3. The appeal site lies within the open countryside outside any settlement development limits as designated in the Ards and Down Area Plan 2015 (ADAP), which operates as the relevant Local Development Plan (LDP). The LDP however, contains no provisions specific to the appeal proposal.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply existing retained policy including Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21) and the SPPS. However, paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies, this should not be judged to lessen the weight to be afforded to the retained policy.
5. The provisions of the SPPS in respect of new dwellings in existing clusters are less prescriptive than those of retained policy and no other conflict arises between the

- SPPS and any other retained policy. In these circumstances the policy context relevant to this appeal is provided by PPS 21.
6. Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. The appellant argued that the proposal constituted acceptable development as the infilling of a small gap site in accordance with Policy CTY 8 and as dwellings sited within an existing cluster of development in accordance with Policy CTY 2a.
 7. Belfast and Brae Roads join at right angles to form a 'T' junction. The appeal site is a roughly rectangular plot of land with a 90m frontage onto Belfast Road, which forms its eastern boundary and a 40m frontage onto Brae Road which forms its southern boundary. A dwelling and its curtilage at No 212 Belfast Road abuts the appeal site's northern boundary while No. 1 Brae Road, the easternmost of a row of three detached dwellings fronting Brae Road, forms the its western boundary.
 8. Policies CTY 8 and CTY 14 both state that planning permission will be refused for a building which creates or adds to a ribbon of development. Nos. 1, 3, and 5 read as a ribbon of development fronting Brae Road. The southernmost of the proposed dwellings, with a frontage onto Brae Road as illustrated in the indicative layout, would add to this ribbon. Also, both proposed dwellings would, in conjunction with No 212, create a ribbon of three dwellings along Belfast Road.
 9. Policy CTY 8 also states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 environmental requirements. A substantial and built up frontage is defined in Policy CTY 8 as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. The appeal site is a corner plot bounded by 1, 3, and 5 Brae Road to the west and by No. 212 Belfast Road to the north. The appellant argued the appeal site to be a gap site within an otherwise substantial and continuously built up frontage comprising No. 212 Belfast Road and the Brae Road group. However these buildings do not constitute a substantial and continuously built up frontage for the purposes of Policy CTY 8 as they do not share a common road frontage but rather, front two different roads.
 10. Consequently, the appeal site is not part of an otherwise continuously built up frontage for the purposes of Policy CTY 8 and the proposal does not constitute a gap site, set out in Policy CTY 8 as acceptable in the countryside.
 11. Policy CTY 2a is entitled 'New Dwellings in Existing Clusters' and states that planning permission will be granted for a dwelling at an existing cluster provided all of a number of stated criteria are met namely:
 - The cluster of development lies outside of a farm and consists of four or more buildings of which at least three are dwellings.
 - The cluster appears as a visual entity in the local landscape.
 - The cluster is associated with a focal point.
 - The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.
 - Development would not adversely impact on residential amenity.
12. There is an accumulation of development, which is mainly residential, on either side of the Belfast Road for a stretch of approximately half a kilometre extending from 212 in the north to No. 199 in the south. However, because of the spaces between them, the varying degree of setback from the road and the screening impact of existing vegetation, these buildings read not as one discrete cluster appearing as a visual entity in the local landscape but rather as a dispersed, loose collection of buildings sited either individually or in small groups.
 13. Nos. 1, 3 and 5 Brae Road and No. 212 Belfast Road constitute a cluster in accordance with criterion 1 above. However, the vegetated embankment forming the appeal site's Belfast Road frontage and existing vegetation along the southern boundary of No. 212 serve to restrict views of the existing buildings from Brae and Belfast roads. Consequently, intervisibility between the Brae Road group and No. 212 is limited and restricted to two static points, one on Brae Road and one on Belfast Road. This group of four dwellings does not therefore appear as a visual entity in the local landscape for the purposes of Policy CTY 2a and the proposal would not meet criterion 2 above. Furthermore, I do not consider a 'T' junction to be a focal point for the purposes of Policy CTY 2a and the proposal would not therefore comply with the third criterion.
 14. Provided existing boundary vegetation is augmented, the appeal site would provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. Criterion 4 above would therefore be met. However, the proposal involves addition to ribbon development along Brae Road and the creation of ribbon development along Belfast Road. When viewed from the site's Brae Road frontage and particularly from Belfast Road, the proposed ribbon development would present as visually intrusive in the landscape and would significantly alter the existing character of this part of the countryside. Criterion 5 would therefore be offended. There was agreement that the development would not adversely impact on residential amenity and would comply with criterion 6.
 15. The proposal would offend criteria 2, 3 and 5 and consequently, would not constitute development in compliance with Policy CTY 2a. I have already concluded that the proposal would not be in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No such case was advanced and the Council's objection in principle is upheld and its first reason for refusal based on Policy CTY 1 is sustained. The proposal would add to an existing ribbon of development along Brae Road and create a ribbon of development along Belfast Road thereby further eroding rural character. The Council's objection on rural character grounds is well founded and its second, third and fourth reasons for refusal based on policies CTY 2a, CTY 8 and CTY 14 respectively are sustained. All four of the Council's reasons for refusal, which I have found to be upheld, are determining in this case.

This decision is based on the 1:2500 scale Site Location Map with Indicative Layout and Aerial View numbered 01 by the Council and stamped 'refused' by them on 27th October 2016.

COMMISSIONER DAMIEN HANNON

List of Appearances

Planning Authority:-	Mr Mark Keane
Appellant:-	Mr Sam McKee (Turley)

List of Documents

Planning Authority:-	C1 Statement of Case C2 Rebuttal
Appellant:-	A1 Statement of Case A2 Rebuttal



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:	2016/A0185
Appeal by:	Matt Burns
Appeal against:	The refusal of outline planning permission
Proposed Development:	Farm retirement dwelling
Location:	Opposite No.107 Kilbroney Road, Rostrevor
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2016//0381/O
Procedure:	Written representations and accompanied site visit on 4 May 2017
Decision by:	Commissioner Brigid McGlinchey dated 22 March 2018

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its impact on the character of the area.
3. The Planning Act (Northern Ireland) 2015 requires the Commission in dealing with the appeal to have regard to the local development plan, in so far as material to the application, and to any other material considerations. The Banbridge Newry & Mourne Area Plan 2015 operates as the local development plan for the area. In the Plan the appeal site is located in the rural area within the Mourne Area of Outstanding Natural Beauty (AONB). No objections were raised by the Council in respect of the impact of the development on the AONB. The Plan contains no specific provisions which are material to the site or the appeal proposal. The Strategic Planning Policy Statement for NI (SPPS) is material to all decisions on individual planning applications and appeals. It identifies policy documents that are retained including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context in this appeal.
4. Policy CTY1 of Planning Policy Statement 21 (PPS21) identifies various types of development which in principle are acceptable in the countryside. One of these is a dwelling on a farm in accordance with Policy CTY10. This policy is expressed permissively stating that planning permission will be granted where three criteria are met. The planning authority accepts that the farm business is currently active and established for more than 6 years and that no development opportunities had been sold off from the farm holding thus satisfying criteria (a) and (b). Its objection is that the proposal fails to comply with criterion (c) which requires that the new building is 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.

5. Whilst the application is in respect of a farm retirement dwelling for the appellant, Matt Burns, the farm business is in the joint name of both the appellant and his daughter Mrs Clerkin. The submitted maps identify the farm holding as comprising two separate elements with 1 field at Kilbroney Road (the appeal site) and 6 fields at Sandbank Road. Notwithstanding the Council's concern that the farm holding has been manipulated/artificially divided since permission was refused in 2014 in respect of a similar planning application submitted by the appellant under P/2013/0217/O, I must assess the proposal based on the farm holding as currently presented in the farm maps.
6. The appeal site comprises a large roadside field that fronts onto the Kilbroney Road. The appellant's dwelling at No.107a and an adjacent shed in his ownership are located on the opposite side of the road. There was no dispute that these represented an established group of buildings on the farm. The appellant contends that a dwelling sited on the appeal site would be visually linked and would cluster with these buildings.
7. Paragraph 5.41 of the amplification of Policy CTY10 advises that proposed dwellings on farms should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. Given the detached arrangement either side of the Kilbroney Road, the visual separation between a dwelling on the appeal site and the subject farm buildings would be apparent when travelling in either direction along the road. Whilst the frontage of the site is approximately 20m from the appellant's dwelling at its closest point and a building positioned in the front eastern portion of the site would be seen in proximity to the farm grouping, I nonetheless consider that it would not read as an integral part of the established buildings but rather as a separate entity on the other side of the road.
8. Whilst the proposal may read as clustering with the buildings from the identified long distance view on Newtown Road, this does not set aside the more critical closer views along Kilbroney Road. Along Kilbroney Road the proposed building on the appeal site would appear physically separated from the established farm group. It would not be visually linked nor could it be sited to cluster with the established group of buildings on the farm to satisfy the initial requirement of criterion (c).
9. The appellant's evidence on this issue is premised primarily on the deliberations of the case officer regarding the previous historic planning application submitted by the appellant on the appeal site (P/2013/0217/O). I note however that the comments of that case officer were not supported by the final corporate opinion of the planning authority at that time, the Department of the Environment, which ultimately refused permission for that application. Furthermore, the case officer's comments in that application do not reflect the opinion of the present planning authority. I therefore attach little weight to those comments and they do not alter my assessment of the relationship of the appeal proposal to the established farm buildings.
10. Criterion (c) goes on to state 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 demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. Though there is a large shed located to the northwest of the appeal site, this is a single entity that is owned by the appellant's son-in-law (Mr Clerkin) and is not part of the farm holding. The site location map that accompanied

the planning application shows that the appellant is also in possession of two other fields to the rear of the farm buildings on the other side of the road. Whilst these were formerly shown to be part of the holding in the historic planning application, they no longer form part of the holding and cannot be considered under this appeal as an alternative site. Therefore the health and safety concern raised by the appellant in respect of the access to a dwelling if sited to the rear of the farm buildings is superfluous. Furthermore, there was no evidence that there are verifiable plans to expand the farm business at the existing building group.

11. Considering all the matters raised, I have not been provided with any substantive evidence that merits setting aside the requirement for the proposal to be visually linked or sited to cluster with an established group of buildings on the farm. I conclude that the Council is justified in finding that the appeal proposal fails to satisfy criterion (c) of Policy CTY10.
12. Policy CTY10 goes on to state that the proposal must also meet the requirements of Policy CTY13 and Policy CTY14 which I consider below.
13. Policy CTY13 provides criteria for assessing the capability of a new building to visually integrate into the surrounding landscape. The appeal site has an area of almost 0.9ha and extends approximately 120m back from the road. It has a frontage of about 80m defined by a wooden ranch style fence. The other boundaries are demarcated by a post and wire fence to the south along the laneway leading to the shed, an earth bank along the west separating it from the yard of the shed and a mature hedgerow along the northern perimeter. The site which rises gently upwards from the road is open to views from the site frontage and from a stretch of the Kilbroney Road approaching from the south. I judge that the site would not provide a suitable degree of enclosure for a new building without relying primarily on new landscaping to satisfactorily integrate the development on such a large site. This would be contrary to criteria (b) and (c). Even if the ridge height of the dwelling was under 6m in height, the shed and the earth bank to the rear would only provide a backdrop if the proposed dwelling was sited to the western half of the site which would further increase the physical and visual separation of it from the subject farm buildings. This would be at odds with criterion (g) which specifically refers to the requirements for a dwelling on a farm to visually linked or sited to cluster as set out under Policy CTY10. I consider that a dwelling on the appeal site would not successfully integrate into the landscape contrary to Policy CTY13.
14. Policy CTY14 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 the area. The policy lists a number of criteria where a new building in the countryside would be unacceptable one of which is where it creates or adds to a ribbon of development with specific reference made to Policy CTY8. Policy CTY8 indicates that planning permission will be refused for a building which creates or adds to a ribbon of development. The amplification of that policy indicates that buildings sited back, staggered at angles and with gaps can represent ribbon development if they have a common frontage and are visually linked. A dwelling (No.108) is located to the north of the appeal site with another dwelling (No.110) set back from and further along the road. I consider that a building sited anywhere on the appeal site would be viewed collectively with the properties at Nos. 8 and 10 when travelling north along Kilbroney Road whilst a transient awareness of the buildings with the proposal would be apparent when travelling south. Notwithstanding the separation distances between the appeal site and the existing properties, I consider that the proposal would extend development in a linear fashion on the north side of Kilbroney Road thereby creating a

ribbon of development and resulting detriment to the rural character of the area contrary to Policies CTY8 and consequently CTY14.

15. I consider that the proposal does not comply with the requirement of criterion (c) of Policy CTY10 and fails to meet Policies CTY13 and CTY14 and the latter's reference to Policy CTY8. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. No persuasive evidence was presented in this regard. As I have found that the dwelling in the proposed location fails to meet the requirements of policies CTY10, the appeal proposal does not represent development that is acceptable in principle in the countryside under Policy CTY1.
16. The planning authority therefore has sustained its first reason for refusal based on Policies CTY1 and CTY10. As the proposal fails to meet Policies CTY8, CTY13 and CTY14 in that the proposal would not integrate into the countryside and would result in detrimental impact, the Council consequently has sustained its other three reasons for refusal.

This decision is based on Drawing No. 266671p - 1:1250 scale Site location plan submitted with the planning application.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:-	G Kerr
Appellant:-	A Cole S Clerkin (Daughter of the Appellant)

List of Documents

Planning Authority:-	C1 Statement of case + Appendices C2 Appellant
Appellant:-	A1 Statement of case + Appendices



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:	2016/A0192
Appeal by:	Darren O'Hagan
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for dwelling and detached garage
Location:	60m NE of 11a New Line Road, Hilltown
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2016/0802/O
Procedure:	Written Representations and Accompanied Site Visit on 25 May 2017
Decision by:	Commissioner Brigid McGlinchey dated 14 March 2018

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development would be acceptable in principle in the countryside.
3. Section 6(4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. The Banbridge Newry & Mourne Area Plan 2015 operates as the local development plan for the area. In the Plan, the appeal site is located in the rural area and within the Mourne Area of Outstanding Natural Beauty (AONB). No objections were raised by the Council in respect of the impact of the development on the AONB. The Plan refers to Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) as setting out planning policies for development in the countryside. The Strategic Planning Policy Statement for NI (SPPS) is material to all decisions on individual planning applications and appeals. There is no conflict or change in policy direction between its provisions and PPS21 in respect of the proposal.
4. Policy CTY1 of PPS21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes a dwelling on a farm in accordance with Policy CTY10. The planning authority accepts that the farm business is currently active and established for more than 6 years and that no development opportunities had been sold off from the farm holding thus satisfying criteria (a) and (b) under this policy. Its objection is that the proposal fails to comply with criterion (c) which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. Paragraph 5.41 of the amplification of Policy CTY10 advises that a new dwelling should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

5. The appeal site comprises a roadside portion of a field that slopes down from New Line Road. The concept drawing accompanying the application indicates the positioning of the proposed buildings within the SE corner of the appeal site. The proposal is being considered on this basis.
6. The principal farmhouse (No11a) and its associated outbuildings along with another dwelling (No.15) belonging to the appellant's family, are located on the southern side of the road opposite the appeal site. The indicated positioning in the concept drawing sites the proposed dwelling approximately between 20-25m from the farm building closest to the road. Whilst the dwelling would be seen in proximity to the established farm grouping, the intervening physical separation would be readily apparent from both approaches along New Line Road especially as the proposal would be at different level below the road to that of the farm buildings. Notwithstanding the minor nature of the road I consider that the proposed development would be viewed as a separate entity and as a result it would not be sited to visually link or cluster with the established group of buildings.
7. Albeit that the proposal in cited appeal decision 2016/A0009 referred to by the Council was also located on the other side of the road from an established farm grouping and was deemed to be unacceptable, I agree with the appellant that the circumstances are not directly comparable to the appeal proposal. The photographs provided by the appellant indicate that the proposed buildings in that case were to be located on an elevated site above the road thus it is at variance with the current appeal proposal. I have judged the appeal proposal on its own merits and within its own context.
8. Criterion (c) goes on to state 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 demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. The Council stated that there are other suitable sites on the holding for a farm dwelling that would satisfy the policy requirements. It accepted that the grant of approval for a dwelling between No.11a and the farm buildings in mid-2017 under Policy CTY8 did not thwart consideration of an additional dwelling on the farm holding under Policy CTY10. Albeit that the Council did not engage in discussions with the appellant about other potential sites after it had issued its decision on the appeal application, it is up to the appellant to clarify why he considers that other lands on the holding would not be suitable or practicable. The linear layout of the holding with limited frontage to the road and rising landform is not definitive that there are no other potential sites that would acceptably cluster with the farm buildings. There was no evidence presented regarding plans to expand the farm business or health and safety concerns. The possibility of erecting an agricultural shed in the host field under Part 6 of the Planning (General Development) Order (NI) 1993 (GDO) has no bearing in my determination which must be confined to consideration of established buildings and not any future speculative building.
9. The appellant referred to two planning decisions where he argued that planning permission for dwellings on farms has been granted contrary to Policy CTY10. The Council stated that planning approval under P/2010/0519/O was granted in the context of Department of the Environment advice on the interpretation of PPS21 where there was no established group of farm buildings. This advice was challenged and subsequently withdrawn. This historical permission therefore has no bearing on this appeal. Under the other cited decision S/2013/0077, the Council indicated that in that planning application a farm building existed on the side of the road where the dwelling was proposed. This permission is therefore not comparable to the circumstances in the appeal proposal. In any case, I accept that this permission was granted by a different planning authority and does not bind or set a precedent for the Council in this case.
10. I have not been provided with any substantive evidence that merits consideration under the exceptional provisions of criterion (c) of Policy CTY10 and the other matters raised

would not justify siting the dwelling away from the established group of buildings. I conclude that the Council is justified in finding that the appeal proposal fails to satisfy criterion (c).

11. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Notwithstanding that the appeal site is below the level of the road, the proposed buildings on this open frontage plot would be read with the dwelling and outbuildings at No.20 and the dwelling and garage of No.18 albeit that this latter property is set back from the road. The proposal would unacceptably add to a ribbon of development on the northern side of New Line Road and consequently result in unacceptable erosion of rural character. The Council has sustained its fourth reason for refusal.
12. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. No persuasive evidence was presented in this regard. As I find that the dwelling in the proposed location fails to meet the requirements of policies CTY10 and CTY8, the proposal does not represent development that is acceptable in principle in the countryside under Policy CTY1 and consequently is not acceptable under the SPPS. The planning authority has sustained its first reason for refusal.
13. Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. Two of the boundaries of the proposed curtilage are undefined. The proposal to create a new access necessitates removal of much of the roadside hedge leaving only one established boundary. Though new planting is proposed on the boundaries and behind the visibility splays this will take some time to establish to provide any meaningful enclosure. Notwithstanding that the site slopes down from the road, views would be readily available into the site from both directions along New Line Road. The lack of established boundaries means that the site would not provide a suitable degree of enclosure. In the absence of any landform or other backdrop, the proposed dwelling and garage even if restricted to 6m in height would appear prominent on such an open site. The proposed buildings would rely on the use of new landscaping for integration. I find that the appellant's relative comparison with the Council's consideration of the circumstances and context in planning application P/2014/0798/O (subject of subsequent appeal 2016/A0009), does merit the appeal proposal as being acceptable. The Council has sustained its second reason for refusal.
14. Policy CTY14 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 the area. The appeal proposal would be prominent in the landscape for the reasons set out above. The proposed buildings would be viewed collectively with the properties at Nos. 18 and 20 and also with Nos. 11a and 15. The proposal is not located within this existing built form as argued by the appellant but rather as set out in paragraph 11 above, it extends development in a linear fashion on the north side of New Line Road contrary to planning policy. The proposal would result in a suburban style build up of development with resulting detriment to the rural character of the area. The Council has sustained its third reason for refusal.

This decision is based on Drawing 01 1:2500 scale Site location plan and the 1:500 scale Concept sketch and access layout drawing submitted during the processing of the planning application.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:- G Kerr

Appellant:- N Coffey
D O'Hagan

List of Documents

Planning Authority:- C1 Statement of case + Appendices
C2 Rebuttal

Appellant:- A1 Statement of case
A2 Rebuttal



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

102

Appeal Reference:	2017/A0071
Appeal by:	Mr Gary O'Hare
Appeal against:	The refusal of full planning permission
Proposed Development:	Construction of 2 No. new detached one and a half storey infill dwellings with detached garages, associated site works and new access to the public road.
Location:	Lands between No 20B and No 22 Derrycraw Road, Newry
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/0077/F
Procedure:	Written representations and Commissioner's site visit on 21 December 2017.
Decision by:	Commissioner Pauline Boomer, dated 28 February 2018

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 impact on visual amenity and rural character.
3. The appeal site is located in the countryside and not within any designation in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to this proposal for residential development in the countryside. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and any retained policies regarding issues raised by this appeal. Consequently, the relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21).
4. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside. The appellant argued that the proposal was acceptable as a gap site in accordance with Policy CTY 8 of PPS 21. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While ribbon development is not defined in policy, it is taken to mean a row of buildings which have a common frontage onto a road or are visually linked

- when viewed from that road. Policy CTY 8 also states that, in respect of ribbon development, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. The policy also requires that such development to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and to meet other environmental requirements.
5. The appeal site comprises the roadside sections of two large agricultural fields which lie on the south western side of Derrycraw Road, within which it is proposed to erect two detached one and a half storey dwellings and garages. Immediately south east of the appeal site there are two dwellings at Nos 20B and 20A whilst to the north there is a dwelling at No 22 with associated outbuildings. A substantial and continuously built up frontage includes a line of three or more buildings along a road and there is no dispute that the appeal site meets the first element that is required in order to qualify as an infill site.
 6. The 2nd element of Policy CTY8 requires that the gap site to be small. The third element requires that any development respect the existing development pattern along the frontage in terms of size, scale, siting and plot size (my emphasis). This excludes any approved development not yet substantially completed and any development on the opposite side of the lane or in the general area which does not form part of the substantial and continuously built up frontage within which the appeal site sits.
 7. There was much debate about the size of the existing gap and how this is to be calculated. The Local Planning Authority (LPA) consider that the existing gap extends to 156m with the measurements taken between the ancillary buildings at Nos 20b and 22. I calculate that the gap between the principal buildings on each adjacent plot extends to 172m. The appellant argues that the perception of the gap is that viewed on the ground at roadside level and that it is inappropriate to consider the gap between buildings. In accordance with Paragraph 5.34 of the Amplification text which makes it clear that the gap is between houses or other buildings and regardless of which figure is used, I concur with the LPA's assessment that the existing gap cannot be considered to fall within the definition of "small". I therefore find that the appeal proposal does not satisfy the 2nd requirement to qualify as an infill site.
 8. The appellant concentrates his assessment on whether the proposed development respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and provides a list of frontage widths, including some that do not form part of the substantial and continuously built up frontage within which the appeal site sits. As only Nos 20A, 20B and 22 contribute to the line of three or more buildings along that side of the road, I can only make direct comparisons with those properties rather than others within the vicinity.
 9. It is acknowledged that the frontage width of the overall appeal site along the roadside extends approximately 104m with Site A and Site B displaying a frontage width of 50.2m and 54.3m respectively. However the width of each of both fields within the appeal site expands as you move westwards away from the road, with the rear site boundary extending 147m in width, with both plots achieving maximum widths of 70m and 77m respectively. Given the lack of definition along the western boundary of the two plots and the rising gradient, it is readily apparent when travelling in a

northerly direction particularly that the ever increasing gap is widening within the site. On the ground, there is an awareness of how extensive the gap between the existing buildings actually is. I note that unlike the appeal site, Nos 20B, 20A and 22 all decrease in width as you move away from the road and it is not therefore appropriate to concentrate only on the frontage widths along the roadside as the appellant has done. In these circumstances, I agree with the LPA that it is the gap between the buildings that offers a true representation of the infill width which is considerably greater than the frontage width. In these circumstances, as I have concluded that the appeal site is neither small nor respectful of the existing development pattern, I find that it fails to satisfy the 2nd and 3rd elements that are required in order to qualify as an infill site. In this respect, the LPA have therefore sustained that part of the 2nd reason for refusal.

10. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. While ribbon development is not defined in policy, it is taken to mean a row of buildings which have a common frontage onto a road or are visually linked when viewed from that road. As the appeal site lies between Nos 20B and 22, the appeal proposal would visually link the development to the south with that immediately north and so would create a ribbon of development along this stretch of the road. As the proposal does not constitute an exception to Policy CTY 8, the LPA's objection on grounds of creating a ribbon of development is well founded. In so doing, it also offends criterion (d) of Policy CTY14 which states that any new buildings are unacceptable if they create a ribbon of development.
11. The appellant argues that given the previous determinations in the area, there are inconsistencies and incompatibility in the interpretation and implementation of policy by both the previous and current planning authorities. He considers that these authorities have already established a precedent for ribbon development in approving LA07/2016/0249/F immediately south of No.20A and LA07/2015/0535/F at No.23B and P/2012/0937/F at No 31 on the opposite side of the road. The LPA offered no rebuttal and failed to explain against what policies these applications were assessed and why they were considered compliant with those policies. As neither party presented me with the full details of these cases, I cannot ascertain if they were assessed against Policy CTY8 or a different policy and am therefore unable to make direct comparisons with the appeal proposal. The appellant also argues that the immediate area has become a substantial suburban-style built up area which has been allowed to develop by the previous and current planning authorities. On this basis he considers it unreasonable and unsound to cite ribbon development as a reason for refusal in this appeal when an existing ribbon of development already exists. I acknowledge that the character of the area has already changed as a result of planning approvals granted and that a ribbon of development does extend along certain stretches of Derrycraw Road but not alongside the appeal site. At present there are existing gaps in development along the southwestern side of the Derrycraw Road which help to retain some rural character and the appeal site, given its size, represent a significant break in development. As the appeal site does not meet the exception as an infill site, the introduction of two large detached dwellings and garages would not only create another ribbon of development but would further erode the remaining rural character. As I conclude that the appeal proposal conflicts with Policies CTY8 and CTY14, that aspect of the 2nd reason for refusal and the third reason for refusal are sustained.

12. No persuasive overriding reasons were advanced as to why the development is essential and could not be located in a settlement. I therefore consider the LPA's objection to the proposal in principle based on Policy CTY 1 to be well founded and the first reason for refusal is also sustained.
13. This is a full planning application and whilst there is no issue with the size, scale or design of the buildings now proposed, concerns are raised about the overall visual impact of the proposal on this open and exposed site. The LPA considers that the appeal proposal conflicts with Policy CTY13 as it lacks long established boundaries to aid integration. Whilst the appeal site does benefit from a backdrop of rising ground, the southwestern boundary is undefined with only a wooden ranch fence defining the southern site boundary and a low hedge along the northern boundary. At least 40m of the roadside hedgerow would be removed to facilitate the necessary sightlines. The appellant indicates that he proposes to introduce new planting with native species hedgerows around all external and internal boundaries which would take time to mature in order to soften the visual impact of the development. This reliance on new planting runs contrary to criterion (c) of Policy CTY13. The appellant argues that the appeal site is not unique in this respect as sites dependant on new planting are commonplace. Whilst he refers me again to other sites approved in the immediate area, in the absence of full details provide by either party, I am unable to make meaningful comparisons. In these circumstances, this does not justify setting aside current policy.
14. Taking account of the open nature of the site at present and the reliance on new planting, I am not satisfied that the proposed development will blend into the landscape. As I am not persuaded that a satisfactory level of integration can be achieved as required under Policy CTY13. I conclude that the fourth reason for refusal has been sustained.
15. As I have found all four reasons for refusal to be sustained, the appeal must fail.

This decision is based on the following drawings:-

Drawing No 120 -:2500 site location plan and 1:250 existing layout plan received by the LPA on 20.1.17;

Drawing No 300 – 1:500 existing and proposed context sections received by the LPA on 20.1.17;

Drawing No 200 REV A - 1:250 site layout plan received by the LPA on 14.4.17;

Drawing No 210 REV A – 1:100/1:250 floor plans and elevations of House A received by the LPA on 14.4.17;

Drawing No 220 REV A – 1:100/1:250 floor plans and elevations of House B received by the LPA on 14.4.17; and

Drawing No. 400 – 1:1000 site plan submitted with Appellant's Statement of Case.

COMMISSIONER PAULINE BOOMER

2017/A0071**List of Documents**

LPA1 Statement of Case from Newry, Mourne and Down District Council

APP1 Statement of Case from Appellant

APP2 Rebuttal from Appellant



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:	2017/A0177
Appeal by:	Mr Declan Kearney
Appeal against:	The refusal of outline planning permission
Proposed Development:	Farm dwelling and garage
Location:	30m west of No.34 Station Road, Killeavy, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2017/0375/O
Procedure:	Written representations and Commissioner's site visit on 7 th March 2018
Decision by:	Commissioner Diane O'Neill, dated 13 th March 2018

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
 - would create ribbon development
 - would result in a detrimental change to the rural character of the area and AONB
 - would be able to integrate into the surrounding landscape
3. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. BNMAP identifies the site as being located within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). BNMAP however identifies this designation for information purposes only. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with dwellings in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these are Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and Planning Policy Statement 2: Natural Heritage (PPS 2); these provide the relevant policy context for the appeal proposal. The appellant referred to Policy DES 5 (Buildings in the

Countryside) within A Planning Strategy for Rural Northern Ireland however the policy provisions within PPS 21 take precedence over this policy.

5. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant argued that the appeal proposal represents a dwelling and garage on a farm in accordance with Policy CTY 10 of PPS 21. Whilst the planning authority accepted that the proposal met criteria (a) and (b) of Policy CTY 10, in that the farm business is currently active and has been established for at least 6 years and that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application, they argued that the proposal would not be visually linked or sited to cluster with an established group of buildings on a farm and therefore contrary to criterion (c). The planning authority also argued that the proposal would be contrary to Policies CTY 8, CTY 13 and 14 of PPS 21, the SPPS and Policy NH 6 of PPS 2.
6. Criterion (c) of Policy CTY 10, which is the basis for the first reason for refusal, states that the new building should be visually linked or sited to cluster with an established group of buildings *on the farm* (my emphasis) and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, it is stated that 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 the farm business at the existing building group(s).
7. The appeal site is located along the roadside and has low level vegetation, stone walls and post and fencing defining its northern-western, north-eastern and southern-eastern boundaries; the south-western boundary is undefined. The appeal site is located within the relatively flat eastern section of a long, narrow roadside field. The appellant is proposing to locate a dwelling and garage opposite his farm yard and buildings which are located along Station Road. The farm buildings are positioned beside each other within the farmyard making them read as one long 'I' shaped visual entity. It is contended that the proposal would be visually linked and sited to cluster with the buildings on the farm however these are visually separated from the appeal site by an intervening public road. Whilst the appellant argued that PPS 21 does not state that a single lane carriageway prohibits clustering or visual linkage, paragraph 5.41 does state that such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The proposed dwelling and garage would have to be sited within the eastern corner of the appeal site in order to try to integrate the proposal. Despite the minor nature of the road and the appellant's argument that the case is distinguishable from appeal 2016/A0009, looking at the particular circumstances in this present appeal, the separation distance that would result between the appellant's farm buildings and the proposal would mean that it would not form an integral part of that building group or be visually interlinked with those buildings

- when travelling in either direction along the Station Road. It would therefore appear as a separate entity to the appellant's farm complex.
8. The appellant stated that the planning authority ignored the adjacent roadside farmhouse and outbuildings, located to the east of the appeal site at No.34 Station Road, which form part of the farm. However, a letter from the appellant's solicitor dated 15th February 2017 states that he does not own the dwelling at No.34 Station Road nor the small field located to the east of No.34. As criterion (c) of Policy CTY 10 requires the buildings to be on the appellant's farm, with paragraph 5.41 stating that it will not be acceptable to position a new dwelling with buildings which are on a neighbouring farm holding, the buildings at No.34 Station Road cannot be taken into account when assessing the proposal against this policy. The appellant also alluded to the fact that he has recently expanded his farm business at Station Road and needs a dwelling adjacent to the existing farmyard and sheds. However, no substantive details were presented. It is also noted that the appellant appears to reside a short distance away on a neighbouring road. No health and safety reasons or verifiable plans to expand the farm business adjacent to the existing group of buildings were presented. Therefore despite the modest definition on the site's boundaries, the presence of roadside vegetation and development at No.34 Station Road and the fact that views would be restricted to along Station Road, this would not prevent the appeal proposal being contrary to criterion (c) of Policy CTY 10.
 9. As the proposal does not meet Policy CTY 10, it is not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. The appellant argued that he and his family have a long association with the locality, are active participants in the various businesses, cultural and sporting activities and have a desire to live in the area. However, given that the appellant appears to reside a short distance away, I am not persuaded by these various arguments. Despite it being stated that this site was the appellant's best option for a dwelling and garage on the farm, with reference made to the unsuitability of one siting option, no substantive evidence was presented that this was indeed the case and this does not overcome the fact that the proposal does not meet all of the required criteria of Policy CTY 10. As there are no overriding reasons why the development is essential and could not be located in a settlement, it is contrary to Policy CTY 1 of PPS 21. Accordingly the first reason for refusal is sustained.
 10. The appellant argued that the development would be unobtrusive, have three defined boundaries, would not rely on new landscaping in order to integrate into the landscape and that an appropriate design could be negotiated at detailed reserved matters stage. However, as it has been concluded that the development would not be visually linked or sited to cluster with an established group of buildings on the farm, the proposal would be contrary to criterion (g) of Policy CTY 13. Accordingly, the third reason for refusal is sustained.
 11. Policy CTY 8, which is the basis for the second reason for refusal, states that planning permission will be refused for a building which creates or adds to a ribbon of development. Despite claims that only two buildings could be seen at one time from any viewpoint, travelling along Station Road the proposed dwelling and garage would be viewed with the roadside dwelling at No.34 together with its outbuildings located to the east of No.34; it would elongate development along the road. This would result in the proposal creating ribbon development along this

section of Station Road. Irrespective of the argument that there is open countryside to the west and east of No.34, this built-up appearance along the road would be detrimental to the character, appearance and amenity of the countryside. Accordingly, the second reason for refusal is sustained.

12. Despite the arguments that the proposal would not be a prominent feature, would not lead to suburban style development and would not result in difficulty accessing other land, as the proposed dwelling and garage would result in the creation of ribbon development along Station Road this would have a detrimental impact on the rural character of this area. Accordingly, the fourth reason for refusal in relation to Policy 14 of PPS 21 is sustained.
13. Policy NH 6 of PPS 2 states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where a number of criteria are met. Objection was raised in relation to criterion (a) of the policy in that the siting and scale of the proposal would be unsympathetic to the special character of the AONB in general and of the particular locality. Irrespective of the arguments that the proposal would be of an appropriate modest design and that existing site features would be retained, given that the proposal would create ribbon of development along Station Road and have a detrimental impact on the character of this rural area, its siting would not be sympathetic to the special character of the AONB. Accordingly the fifth reason for refusal has therefore been sustained.
14. As the five reasons for refusal are sustained, the appeal must fail.

This decision is based on Drawing 01 Rev 1 site location map dated received by the planning authority on 12th June 2017

COMMISSIONER DIANE O'NEILL

List of Documents

Planning Authority
(Newry, Mourne and Down District Council):-

Statement of Case (PA1)
Rebuttal (PA 2)

Appellant (M.P. Toale & Associates-agent):-

Statement of Case (A 1)



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

113

Appeal Reference:	2017/A0094
Appeal by:	Ms Mary Rooney
Appeal against:	The non-determination of an application for full planning permission
Proposed Development:	Single storey side and rear extension.
Location:	80a Kilbroney Road, Rostrevor
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/0624/F
Procedure:	Written Representations with Commissioner's Site Visit on 16 March 2018
Decision by:	Commissioner Pamela O'Donnell, dated 30 March 2018

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by the Council against the Appellant. This claim is the subject of a separate decision.

Reasoning

3. The appeal building is single storey in height and rectangular in shape with an external area of some 55 sq m. It has a door and two windows on the front elevation and two windows in the rear elevation. The walls are finished in smooth render and the roof is of corrugated tin. It sits gable onto and some 5m set back from the Kilbroney Road in Rostrevor. The appeal proposal seeks to extend the building to the side and rear.
4. Planning approval P/2001/1009/O granted outline planning permission for a replacement dwelling at 80 Kilbroney Road, Rostrevor on 9 August 2001. Condition 5 of this permission indicated that the dwelling permitted would not be occupied until the existing building coloured green on the approved plan (the appeal building) was demolished. It goes on to say that all rubble and foundations were to be removed and the site restored in accordance with a scheme to be submitted to and approved in writing to the Department. A similarly worded condition seeking the demolition of the appeal building was replicated on the approval of the Reserved Matters - P/2002/2382/RM (Condition 2).
5. The planning application for the proposed development, as described above, was submitted on a Householder Development Planning Application form (Form PHD).

- This form is used for applications for full planning permission for works of alterations/extensions to a dwelling or other development for domestic purposes within the curtilage of a dwelling.
6. The Council have indicated that the subject building should have been demolished in accordance with the aforementioned planning approvals as the replacement dwelling is now built and occupied. They argue that the subject building has lost its residential use and thus is not considered to be a dwelling. Accordingly, it can not avail of a residential extension, as proposed.
 7. It is clear that the appeal building was never demolished and that the replacement dwelling is currently occupied and I have not been made aware of any enforcement action taken by the Planning Authority. Section 132 (3) of the Planning Act (NI) 2011 indicates that no enforcement action may be taken after the period of five years beginning with the date of the breach. The Appellant mainly argues that the replacement dwelling was occupied post 2003, that the conditions are no longer enforceable and that the residential use of the building was not abandoned. The Appellant's evidence indicates her intention to secure a determination, at appeal, as to whether or not the residential use has been abandoned and, if not, the assessment of the proposal as a residential extension.
 8. In the context of this appeal, the proposal cannot be assessed as proposed, because to do so would be tantamount to accepting that the residential use has not been abandoned and that the subject building is a lawful dwelling. Whilst this is a possibility, there is no certainty and the onus is on the Appellant to demonstrate immunity from enforcement action. Case law has established that the proper vehicle for determining lawfulness is through an application for a Certificate of Lawfulness of Existing or Proposed Development or Use under Sections 169 and 170 of the Planning Act (Northern Ireland) 2011. No such certificate has been issued in this case and in the absence of such, it is unsafe to assume that the appeal building is a lawful dwelling. Whilst the Council (and indeed the Commission at appeal) registered and advertised the proposal as described above, this was carried out because the application was described thus by the Appellant and made on a householder developer form. However, for the reasons given, the proposal cannot be considered as described in the appeal. Rather, without any certificate, the proposal represents a new unit of residential accommodation in the countryside. The planning context for the consideration of such development is provided below.
 9. The Planning Act (Northern Ireland) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The Plan places the appeal site outside any settlement limit and within the countryside and there are no specific policies in the Plan relevant to the determination of the appeal. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of retained policy regarding issues relevant to the appeal. Accordingly, the main policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). The Council's first reason for refusal in respect of PPS21 is not therefore misplaced, as argued by the

Appellant, but a reflection of the status of the proposal, in the circumstances of this case, as a new residential unit in the countryside.

10. Policy CTY1 of PPS21 indicates that there are a range of types of development which are considered to be acceptable in principle in the countryside and it identifies a number of instances where a dwelling may be permitted. The Appellant did not present evidence in relation to Policy CTY1. As such, I must conclude that the proposal fails to comply with this policy. Furthermore, no overriding reasons were presented to deem the proposal essential. Accordingly, the first reason for refusal in respect of Policy CTY1 of PPS21 is sustained insofar as stated.
11. Though the Council could have been clearer in advising the Appellant of the correct approach to determine lawfulness, in the circumstances of this appeal, without a certificate, insufficient information has been provided to determine the appeal as proposed. Additionally, no information has been provided to determine whether or not, as a new unit of accommodation in the countryside, this would be acceptable in principle. The second reason for refusal in respect of the failure to supply adequate information is therefore sustained for these reasons.
12. As both reasons for refusal are sustained, the appeal must fail.

This decision relates to Drawing No IN(00)001 Site Location Map @ 1:1250, Drawing No G(00)101, Proposed Floor Plan and Section Rev A @ 1:100, Drawing No IN(00)101 Existing Floor Plan and Elevations @1:100, Drawing No IN(00)101 Existing Site Block Plan @1:100 and Drawing No G(00)001 Proposed Site Block Plan @1:100 stamped received by the Council on 2 February 2017,

COMMISSIONER PAMELA O'DONNELL

2017/A0094

List of Documents

Planning Authority:-

'A' Statement of Case
'A1' Rebuttal

Appellant(s):-

'B' Statement of Case
'B1' Statement of Case



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

118

Appeal Reference:	2017/A0151.
Appeal by:	Mr Cathal Sloan.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Site for dwelling and detached garage at existing cluster of development in the countryside.
Location:	Lands approximately 55 metres south of 14 Sandy Brae, Attical.
Planning Authority:	Newry Mourne & Down District Council.
Application Reference:	LA07/2017/0145/O.
Procedure:	Hearing on 7 February 2018.
Decision by:	Commissioner Mark Watson, dated 28 March 2018.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council in its Statement of Case referred to Policy NH6 of Planning Policy Statement 2 – Natural Heritage, stating that it had concerns regarding the impact on the Mourne Area of Outstanding Natural Beauty. However, no reason for refusal was advanced under this policy and at the hearing the Council's witness confirmed that no objection under Policy NH6 of PPS2 was being advanced.
3. In its Statement of Case the Council accepted that, without prejudice to its overall argument that the relevant policy was not met, the appeal site lay in proximity to an existing cluster of development associated with a focal point. Given this I need not address the content of the additional statement provided by the Appellant in respect of that particular issue. The history of processing of the application and how it was initially presented to the Council Planning Committee is not a determining matter for this appeal.

Reasons

4. The main issues in this appeal are whether or not the appeal development would:
 - be acceptable in principle;
 - result in ribbon development;
 - fail to integrate; and
 - adversely impact on rural character.
5. The Banbridge Newry and 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 (SPPS) 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.
6. The site comprises the south-eastern section of a grassed agricultural field situated on a laneway serving a number of detached dwellings. The Sandy Brae laneway runs off the Tullyframe Road and loops back round to re-join the same road some distance to the east. The site itself is bounded on three sides by dry stone walls, whilst the north-western boundary is undefined. The site slopes upwards to the north, with rising land beyond the site to the north and north-west. A private laneway runs adjacent and alongside the north-eastern site boundary and serves two dwellings, Nos. 10 and 12 Sandy Brae, that lie further to the north-west on higher land. No. 14 Sandy Brae, a single storey dwelling, lies on the opposite side of the laneway to the north of the site. Nos. 8 and 6 Sandy Brae, also single storey dwellings, lie adjacent and east of No. 14. Adjacent and south-west of the appeal site lies a recently built 1.5 storey replacement dwelling and detached garage. Opposite and south-east lies No. 134 Tullyframe Road, a two storey dwelling. The Holy Cross Park football ground grounds and Club House lie beyond and east of that dwelling. A community centre lies adjacent and south of the football pitch.
 7. 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 a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. Another 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 either CTY2a or CTY8 it will also comply with Policy CTY1 of PPS21.
 8. Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of six criteria are met. The Council considered that the appeal development failed to meet the fourth and fifth criteria. The fourth criterion is that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The fifth criterion is that development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.
 9. The Appellant identified what he considered to be the existing cluster in his statement of case. The Council accepted that Figure 6 in the Appellant's Statement of Case encapsulated the existing cluster, except for the new-build 1.5 storey adjacent and south-west of the appeal site, which it considered, like the appeal site itself, lay outside the cluster. Whilst in its written evidence the Council refer to that same dwelling bounding the appeal site on one side, the final position of the Council at hearing was that this dwelling lay outside the cluster. Whilst this is somewhat contradictory given the assessment under the fourth criterion was within the context that development bounding the site must lie within the cluster in the first instance, I shall nevertheless make my own conclusion as to the extent of the cluster.

10. The Appellant suggested that the laneway adjacent and north-east of the site did not separate the site from No. 14, particularly as there was no policy definition of "bounded" in Policy CTY2a. From a common sense reading of Policy CTY2a, despite the permissive nature of the policy, the term "bounded" suggests to me that the site must connect or be immediately adjacent to other development on at least two sides, even if the words "immediately" or "directly" do not precede the word "bounded" in the policy. The tests contained within the various criteria of Policy CTY2a predominantly comprise visual assessments. Whilst I note the Appellant's land ownership map and how it differs from the appeal site boundary, I am not persuaded that legal ownership should be adopted as a substitute or alternative means to assess whether a site is bounded by other development in the cluster. It was also suggested that the neighbour notification process could provide assistance in defining neighbouring land. The neighbour notification process exists for a different purpose. I am not persuaded that definitions or distances relating to the notification of neighbouring dwellings in the planning application process should be a determining factor under Policy CTY2a. The Appellant's supporting information cited an application (ref. LA07/2016/1156/F, Carrowdore Rd, Belleek) where the neighbouring land concept was accepted by the Council. I do not have the detailed information as to how the planning authority reached that decision, but regardless, I am not persuaded that an instance of questionable decision making should be replicated.
11. The Appellant also considered that the laneway itself could represent development which bounded the site on one side. Policy CTY2a, although pertaining to a dwelling at an existing cluster of development, when read as a whole relates to the clustering of buildings and does not encompass all types of development. Thus I am not persuaded that the laneway itself constitutes "development" bounding the appeal site for the purposes of the policy. Nor am I persuaded that greater flexibility should be employed in this case in assessing the appeal development against this criterion, or the policy as a whole, even if PPS21 did not envisage every potential scenario for development proposals.
12. Whilst the new-build 1.5 storey dwelling lies adjacent and south-west of the appeal site, I disagree with the Appellant that it lies within the existing cluster. Whilst the other buildings identified in the Appellant's Figure 6 appear as a visual entity in the landscape and read as a cluster, the new-build does not form part of that cluster given its visual relationship to the cluster and position on the opposite side of the Sandy Brae laneway. Thus, although bounded on one side by that 1.5 storey dwelling and its garage, those buildings are not in the existing cluster. To the other side of the appeal site to the north-west lies a laneway that serves Nos. 10 and 12 Sandy Brae. Although the Appellant considered the site to be bounded on the north-eastern side by No. 14, that dwelling and its curtilage lie on the other side of the laneway. The laneway serving Nos. 10 and 12 and the obvious physical gap it provides between the site and No. 14 is such that I am not persuaded that the appeal site is bounded on that side by No. 14. It was also suggested that No. 134 Tullyframe Road bounded the site on the eastern side. I do not agree given the disposition of that dwelling and the fact it lies south-east of the site on the opposite side of the Sandy Brae laneway. The land directly opposite and east of the appeal site is heavily overgrown and even if it is to be cleared or cut back, it would not assist the Appellant's argument in visually lining the appeal site to the existing cluster. It was suggested that a proposed granny flat for No. 134, still to be submitted as a

planning application, would visually link the appeal site to No. 134 and the cluster. However, the appeal must be decided on the circumstances at the time of the decision, not on a potential future scenario.

13. In respect of the suitable degree of enclosure element of the fourth criterion, the site does not provide this given the width of the frontage and the topography of the wider landform the site lies within when viewed travelling from the Appellant's identified viewpoints B to A. Despite the falling land to the west when travelling from B to A towards the bend in the Sandy Brae laneway at No. 14, the site appears open and exposed, even with the rising land to the north and north-west of the site. I am not persuaded that the existing buildings provide enclosure for the site. The laneway that separates the site from No. 14 serves two other dwellings, thus I accept that it comprises a public viewpoint, contrary to the Appellant's assertion. From here the site reads as open and lacking sufficient enclosure for the appeal dwelling, even though there are three in situ boundaries. For the reasons given above, the appeal site does not provide a suitable degree of enclosure. The Council referred to views from the Tullyframe Road, however from here the appeal development would barely be seen and the glimpsed views would not be critical in respect of consideration of the appeal development under Policy CTY2a or indeed Policies CTY13 and CTY14. However, notwithstanding this, the fourth criterion of Policy CTY2a is not met.
14. In respect of the fifth criterion, the appeal site would not round off existing development given its disposition in relation to the existing buildings within the locality. Although the site occupies the lowest part of the host field and despite the rising landform to the north / north-east, development of the appeal site would still extend the cluster rather than consolidating it. At present the existing cluster only straddles the Sandy Brae laneway at the upper, northern side, above Holy Cross Park, with the cluster lying on the sloping landform that runs north from Holy Cross Park. This extension to the cluster would allow it to cross onto the opposite side of the Sandy Brae laneway on the western side of the cluster, significantly altering its existing character from views on Sandy Brae to the south-west of the new build dwelling. The fifth criterion of Policy CTY2a is not fully met.
15. The appeal development does not satisfy two of the criteria of Policy CTY2a, which I find critical in respect of the appeal development. The appeal development does not meet Policy CTY2a of PPS21 when read as a whole. Reference was made to several appeal decisions and planning application decisions, contained in the Appellant's submitted Statement of Case and supporting information at application stage. However, these are not on all fours with the appeal site given the differing site contexts and relationships those sites had to the existing buildings in the vicinity. In any event, each application must be assessed on its own merits. They would not alter my conclusions in respect of Policy CTY2a above. The second reason for refusal is sustained insofar as specified.
16. 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.

17. The Appellant considered that the appeal site was a gap site, falling within an otherwise substantial and continuously built up frontage comprising the new-build 1.5 storey, No. 14, No. 8 and No. 6 Sandy Brae. The Appellant considered that the gap formed by the intersecting laneway serving Nos. 10 and 12 did not break up the frontage of development. Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and *continuously* (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. The intersecting laneway, notwithstanding its single vehicle width, separates the appeal site from No. 14 Sandy Brae. This, along with the 45 degree bend in the Sandy Brae laneway at the point of intersection with the other laneway, breaks the development into two frontages, both physically and visually. On the western side of the intersecting laneway lie the 1.5 storey new build, its garage and the appeal site itself. On the eastern side of the intersecting laneway lie Nos. 14, 8 and 6 Sandy Brae.
18. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same laneway. Whilst visually, travelling south-west towards the site, the angle of the intersecting laneway and disposition of No 14 and the site are such that one might think it was a single frontage until reaching the start of the curtilage of No. 14 itself, the same is not the case when travelling the opposite direction. When travelling north-east on the laneway past the 1.5 storey new build towards the site, the topography and alignment of the Sandy Brae laneway and intersection with the other laneway render the two frontages distinct from one another. Whilst the Appellant made reference to guidance illustrations within the Building on Tradition design guide which show acceptable infill sites where there are laneways punctuating the frontage, assessment must be made against the actual site context itself and a judgement made on that basis. For the reasons given above I am not persuaded that the existing buildings constitute an otherwise substantial and continuously built up frontage for the purposes of the policy.
19. The Appellant referred to a permission granted in the Armagh area (ref. LA08/2017/0384/O) where a laneway punctuated the frontage, but permission was nevertheless granted. From examination of the submitted information, the disposition of existing buildings and plots in relation to that site and the laneway in question differed from the appeal before me. That decision would not justify the approval of the appeal development and in any event, each application must be assessed on its own merits.
20. Whilst a maximum of two dwellings with plot widths similar to the existing buildings along Sandy Brae could be accommodated within the site, for the reasons already given above, the appeal site is not a small gap site sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built up frontage. The appeal development does not therefore meet the exceptional test within Policy CTY8. Additionally, given my conclusions below relating to ribbon development and consequent impacts on rural character, the appeal development would not fully meet the other planning and environmental requirements element of Policy CTY8.

21. The Council considered that development of the site would create ribbon development along Sandy Brae, comprised of Nos. 128 and 130 Tullyframe Road and the new build 1.5 storey. I consider this to be a flawed analysis as the physical and visual disposition of Nos. 128 and 130 are such that they would not read with the new build 1.5 or appeal site as part of a ribbon of development. However, without prejudice to my conclusions above on the exceptional test within Policy CTY8, when travelling either direction along Sandy Brae towards the appeal site, the new build and its garage, both of which lie on the laneway frontage, would read with the appeal dwelling as a ribbon of development. For the reasons given above the appeal development would be contrary to Policy CTY8 of PPS21. The Council's third reason for refusal is therefore sustained to the extent specified.
22. 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. I am not persuaded by the Council that a dwelling sited in the lower, lane-side area, in line with that shown on the Appellant's illustrative layout, would in itself appear visually prominent within the landscape, provided the existing stone boundaries were retained. I accept the Appellant's suggestion that the frontage wall could be relocated behind the splays with relative ease. However, prominence is only one element of integration, with the appeal development still heavily reliant on new landscaping for enclosure, even though the number of in situ boundaries exceeds that set out in Building on Tradition. The stone walls are insufficient to provide the necessary enclosure given the width and topography of the site, even though a dwelling on the site would not read on the skyline. The appeal development would still not adequately integrate into the landscape given the site's lack of enclosure, which in this case is a critical factor. The appeal development does not meet Policy CTY13 of PPS21 read as a whole. The fourth reason is sustained insofar as specified.
23. 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. For the reason already outlined above, the appeal dwelling itself would not appear unduly prominent in the landscape given its position on the lowest part of the host field and the backdrop to the north / north-west. However, given my conclusions in respect of the creation of ribbon development and the alteration to the character of the existing cluster, the appeal development would nonetheless result in suburban style build-up. The appeal development would be contrary to Policy CTY14 read as a whole. The Council's fifth reason for refusal is sustained insofar as specified.
24. For the reasons given above the development would not comply with prevailing regional planning policy, as well as resulting in harm to rural character, these matters being interests of acknowledged importance. There are no overriding reasons why the appeal development is essential and could not be located in a settlement. The appeal development is contrary to Policy CTY1 of PPS21 and the related provisions of the SPPS. The first reason for refusal is sustained.

25. The Council's reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

This decision relates to the 1:2500 scale Site Location Plan dated January 2017 and numbered 01 Rev 01, submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

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

Appellant:- Mr C O'Callaghan (O'Callaghan Planning)
Mr & Mrs C & K Sloan

List of Documents

Planning Authority:- 'A' Statement of Case & Appendix (NM&D DC)

Appellant:- 'B' Statement of Case & Appendices (O'Callaghan Planning)

CONTACT FROM PUBLIC REPRESENTATIVES – 2 Jan – 30 Mar 2018

127

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
2/1/18	Cllr S Burns	-----	Enquiry	M McIlhone	Call answered	2/1/18
" "	C McGrath MLA	Bryansford Road, Newcastle	Request for e mail sent 2016	A McAlarney	Direct e mail	8/1/18
4/1/18	Cllr G Fitzpatrick	-----	Query EIA determination letter	G Kerr	Direct e mail	5/1/18
5/1/18	Cllr G Fitzpatrick	-----	Will PAC notify objector of appeal?	G Kerr	Direct e mail	5/1/18
5/1/18	Cllr D Taylor	LA07/2017/1738/F	Update required	S Trainor	Call answered	5/1/18
8/1/18	Cllr D Curran	-----	Update requested	A McAlarney	Call transferred	8/1/18
" "	Elizabeth for J McNulty MLA	LA07/2015/1102	Update requested	A Davidson - G Kerr	E mail sent	8/1/18 & 15/1/18
" "	Cllr R Burgess	LA07/2017/1353/O & LA07/2017/1095/F	Updates requested	A McAlarney	Call transferred	8/1/18
" "	Cllr R Burgess	LA07/2017/0398/F	Updates requested	A McAlarney	Call transferred	8/1/18
" "	Yvonne for C Hazzard MLA	LA07/2016/0448/O	Update requested	A McAlarney	Direct e mail	9/1/18
9/1/18	Cllr P Byrne	-----	Query	A Davidson	E mail sent	10/1/18
10/11/18	C McGrath MLA	Kilclief GAA	Update requested	A McAlarney	Direct e mail	11/1/18
11/1/18	Cllr McMahan	LA07/2016/1564/F	Update requested	P Rooney	E mail sent	
13/1/18	Cllr D McAteer	LA07/2017/0546/F & Brian McGivern's application	Updates requested	P Rooney – A McAlarney	Direct e mail	15/1/18 & 18/1/18
15/1/18	Cllr G Fitzpatrick	LA07/2017/0743/F	When will application appear on Committee Schedule?	C McAteer – A Davidson	Direct e mail	
" "	Cllr G Fitzpatrick	LA07/2017/1248/O	Has Planning Decision issued?	L O'Hare/G Kerr	Direct e mail	
16/1/18	Cllr L Devlin	LA07/2017/1044 & Amenity Centre, Newcastle	Updates requested	A McAlarney	Call transferred	16/1/18
" "	Cllr L Devlin for C McGrath MLA	-----	Meeting request	A McKay	E mail sent	26/1/18

CONTACT FROM PUBLIC REPRESENTATIVES – 2 Jan – 30 Mar 2018

128

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
17/1/17	Cllr C Enwright	Saul Rd Developments	Conditions not implemented	D Watson	E mail sent	
18/1/18	Cllr D Curran	-----	Query	A McAlarney	Call transferred	18/1/18
" "	Cllr L Devlin	LA07/2018/0001	Query	A McAlarney	E mail sent	8/2/18
22/1/18	Cllr L Devlin	-----	To set up meeting with C McGrath	A McKay	E mail sent	26/1/18
23/1/18	Cllr L Devlin	-----	Queries	A McAlarney & A McKay	Call transferred to A McAlarney	23/1/18
" "	Cllr G Fitzpatrick	LA07/2017/1248/O	Update requested	L O'Hare	Direct e mail	
24/1/18	Cllr J Macauley	LA07/2017/1738/F	Has Decision notice issued?	M McIlhone	Telephone call	24/1/18
" "	Cllr G Stokes	56 Ashgrove Road, Newry	Update requested	A McKay-J McParland	Direct e mail	29/1/18
25/1/18	Cllr L Devlin	-----	To set up meeting with C McGrath	A McKay	E mail sent	26/1/18
25/1/18	Cllr L Devlin	-----	Re Newcastle Road Dundrum	D Watson	E mail sent	8/2/18
" "	Cllr D Curran	-----	Query	A McAlarney	Call transferred	25/1/18
26/1/18	Cllr D Taylor	-----	Update requested	A Davidson	E mail sent	26/1/18
29/1/18	Cllr R Burgess	Crossgar Memorial development	Information requested	A McAlarney	Call transferred	29/1/18
30/1/18	J McNulty MLA	-----	Query	A Davidson	E mail sent	5/2/18
" "	Cllr H Reilly	LA07/2017/1715/F	Update requested	G Kerr	Direct e mail	31/1/18
" "	Cllr T Andrews	LA07/2016/0606/F	Query	A McAlarney	Direct e mail	9/2/18
2/2/18	Cllr J Macauley	LA07/2017/0418/CA	Information required	D Watson	E mail sent	
5/2/18	J McNulty MLA	-----	Query	P Rooney	E mail sent	5/2/18
" "	Cllr C Enwright	Kilclief Community Park	PAD requested	A McAlarney	Direct e mail	6/2/18
6/2/18	C McGrath MLA	LA07/2017/0024/F	Update requested	A McAlarney	Direct e mail	6/2/18
" "	Cllr S Burns	Bryansford chapel	Discuss application	A McAlarney	E mail sent	6/2/18
" "	Cllr J Tinsley	LA07/2017/1170/F	Update	A McAlarney	E mail sent	
" "	Cllr L Kimmins	Banbridge, Newry &	Requested link to document	A Hay	E mail via Liam	6/2/18

CONTACT FROM PUBLIC REPRESENTATIVES – 2 Jan – 30 Mar 2018

129

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
6/2/18	Clr C Enwright	Mourne Area Plan Kilclief Community Park	Meeting date requested	A McAlarney	Hannaway Direct e mail	8/2/18
7/2/18	J McNulty MLA	-----	Query	P Rooney/A Davidson	E mail sent	8/2/18
8/2/18	Clr S Doran	LA07/2018/0168/F	Request for application to go to Planning Committee	J McParland	E mail sent	8/2/18
" "	Clr J Tinsley	-----	Update	A McAlarney	E mail sent	
" "	Clr W Walker	-----	Request for e mail addresses	A McAlarney	Direct e mail	8/2/18
" "	Clr L Devlin	LA07/2018/0168/F	Information requested	J McParland	E mail sent	8/2/18
9/2/18	Brenda for S Bradley MLA	LA07/2016/1572/O	Update requested	J McParland	E mail sent	12/2/18
9/2/18	William Irwin	LA07/2017/1896/F	Update requested	S Trainor	Call answered	9/2/18
12/2/18	Clr L Devlin	Kilclief Gaelic Club	Update requested	A McAlarney	Call transferred	12/2/18
" "	C McGrath MLA	LA07/2016/0597 and LA07/2017/1521	Meeting requested	A McAlarney	Direct e mail	13/2/18
" "	Clr H Harvey	LA07/2017/0290/O & LA07/2017/1551/O	Updates requested	A McAlarney	Direct e mail	13/2/18
13/2/18	Sinead Bradleys Office	LA07/2018/0137/F	-----	P Rooney	Call transferred	13/2/18
" "	Clr G Sharvin	R/2009/1063/F	Meeting request	A McAlarney	Direct e mail	20/3/18
15/2/18	Clr L Devlin	LA07/2017/1669	Update requested	J McParland	Call transferred	15/2/18
16/2/18	Clr S Doran	LA07/2017/1326/F	Request for call back	A McAlarney	Direct e mail	21/2/18
" "	Clr D McAteer	LA07/2017/1069/F	Update requested	A McKay & M Ward	Direct e mail	27/2/18
20/2/18	Clr H Reilly	LA07/2015/0248/F	Update requested	G Kerr	Direct e mail	21/2/18
" "	Clr G Hanna	LA07/2018/0151/F	Update requested	A McKay- J McParland	Direct e mail	26/2/18
21/2/18	Clr W Clarke	-----	Enquiry	A McAlarney	Call transferred	21/2/18
" "	Clr H Reilly	LA07/2015/0248/F	Referral to Committee	G Kerr	Direct e mail	21/2/18
" "	C McGrath MLA	LA07/2017/0546/F	Is a meeting required with Roads NI?	A McAlarney	E mail sent	22/2/18

CONTACT FROM PUBLIC REPRESENTATIVES – 2 Jan – 30 Mar 2018

130

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
22/2/18	Cllr L Devlin	LA07/2017/0546	Update requested	A McKay	E mail sent	22/2/18
" "	Cllr G Wilson	LA07/2017/1636/F	Update requested	J McParland	E mail sent	23/2/18
" "	Cllr P Brown	LA07/2017/1648/F	Update requested	A McAlarney	Call transferred	22/2/18 & 26/2/18
22/2/18	C McGrath MLA	LA07/2018/0052/F	Request for meeting	A McAlarney	Direct e mail	22/2/18
23/2/18	J McNulty MLA	LA07/2015/0150/F	Update requested	P Rooney	Call transferred	23/2/18
26/2/18	Cllr L Devlin	LA07/2017/1044/F	Update requested	A McAlarney	E mail sent	26/2/18
" "	Cllr H Harvey	LA07/2016/1211/F	Potential enforcement issue	A McAlarney	Direct e mail	26/2/18
" "	Cllr L Devlin	LA07/2018/0121/F	Update requested	A McAlarney	Direct e mail	26/2/18
" "	C McGrath MLA	LA07/2016/0865/F	Update requested	A McAlarney	Direct e mail	26/2/18
" "	Cllr T Andrews	LA07/2018/0096/F	Update requested	A McAlarney	Direct e mail	27/2/18
" "	C McGrath MLA	LA07/2017/1044/F & LA07/2017/1066/DCA	Update requested	A McAlarney	Direct e mail	27/2/18
" "	Cllr G Fitzpatrick	LA07/2018/0038/F	Update requested	J McParland/A McAlarney	Direct e mails	27/2/18 & 2/3/18
27/2/18	C McGrath MLA	LA07/2017/0078 & LA07/2017/0072	Update requested	A McAlarney	Direct e mail	27/2/18
" "	Cllr W Clarke	Newcastle to rear of Seaweed Baths	Update requested	A McAlarney	Direct e mail	27/2/18
" "	Cllr L Kimmons	P/2013/0242/F	Update requested	A McKay	Direct e mail	27/2/18
28/2/18	C Hazzard MP	R/2005/1097/F	Update requested	A McAlarney	Direct e mail	28/2/18
" "	Cllr C Enwright	Kilclief Village's community park	Advice on Planning Application	A McAlarney	Direct e mail	28/2/18
" "	Cllr C Enwright	Kilclief Village's community park	Further query	A McAlarney	Direct e mail	28/2/18
1/3/18	C McGrath MLA	R/2014/0305/F	Query	A McAlarney	Direct e mail	2/3/18
2/3/18	Cllr W Clarke	LA07/2017/1066/DCA	Update requested	A McAlarney	Direct e mail	2/3/18
5/3/18	Cllr R Burgess	1 or 2 The Mill, Saintfield	Update requested	A McAlarney	Call transferred	2/3/18

CONTACT FROM PUBLIC REPRESENTATIVES – 2 Jan – 30 Mar 2018

131

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
6/3/18	Cllr P Brown	LA07/2017/1648/F	Query re meeting	A McAlarney	E mail sent/Direct e mail	6/3/18
6/3/18	Cllr W Walker	R/2014/0676/F	Update requested	A McAlarney	Direct e mail	6/3/18
" "	Cllr J Tinsley	LA07/2017/1170/F	Update requested	A McAlarney	Direct e mail	8/3/18
7/3/18	Cllr M Murnin	LA07/2018/0063/F	Update requested	A McAlarney	Direct contact	7/3/18
8/3/18	William Irwin MLA	LA07/2017/0309/F		J McParland	Call transferred	8/3/18
" "	Cllr W Walker	-----	Query re Social Housing appl. Ballynahinch	A McAlarney	Call transferred	8/3/18
" "	C McGrath MLA	LA07/2018/0121/F	Update requested	A McAlarney	Direct e mail	9/3/18
9/3/18	Cllr W Walker	-----	-----	A McAlarney	Call transferred	9/3/18
11/3/18	C McGrath MLA	R/2014/0305/F	Queries re light flicker and noise	A McAlarney	Direct e mail	20/3/18
12/3/18	Cllr G Craig	Choice Housing Dev. Ballynahinch	Update requested	A McAlarney	Call transferred	12/3/18
" "	W Irwin MLA	-----	Query	J McParland	E mail sent	12/3/18
" "	Cllr R Mulgrew	-----	Query	M McIlhone	Telephone call	12/3/18
" "	W Irwin MLA	-----	Query	J McParland	E mail sent	12/3/18
" "	Cllr L Devlin	LA07/2018/0052/F	Meeting request	A McAlarney	Direct e mail	12/3/18
" "	C McGrath MLA	LA07/2017/0024/F	Letters from Objector	A McAlarney	Direct e mail	15/3/18
" "	Cllr T Hearty	P/2009/0002/O	Query re Farm dwelling	A Davidson	Direct e mail	15/3/18
13/3/18	C Hazzard MP	R/2014/0079/F	More time requested	L Hannaway-A McKay	Direct e mail	13/3/18
14/3/18	J Shannon MP	Down High School	Update requested	A McAlarney	Direct e mail	14/3/18
15/3/18	Una from Sinn Fein office, Downpatrick	-----	Query re; a closed enforcement case	D Watson	E mail sent	
" "	C McGrath MLA	LA07/2017/0937/F	Meeting request	A McAlarney	Direct e mail	15/3/18
20/3/18	David Taylor			J McParland	Transferred	20/3/18
20/3/18	C McGrath MLA		Updates from meeting on 9/2/18	A McKay	Emailed	20/3/18
" "	C McGrath MLA	154 Loughinisland Road, Annacloy	Update requested	A McAlarney	Direct e mail	21/3/18

CONTACT FROM PUBLIC REPRESENTATIVES – 2 Jan – 30 Mar 2018

132

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
21/3/2018	Una from Sinn Fein office, Downpatrick	LA07/2015/0512	Phoned 3 times	A McAlarney	e-mailed	
21/3/18	Cllr W Walker	-----	Meeting request	A McAlarney	Direct e mail	21/3/18
22/3/18	Cllr L Devlin	Temp Structure	What form is req'd?	A McAlarney	Direct e mail	23/3/18
23/03/18	Cllr D Curran		Re POP in Burrendale	S Trainor	Call answered	23/3/18
23/3/18	Cllr G Stokes	LA07/2018/0404/F	Re complaints about noise	G Kerr	Direct e mail	23/3/18
28/3/18	Cllr P Brown	LA07/2018/0418	_____	S Trainor	Call answered	28/3/18
29/3/18	Cllr O McMahon	LA07/2015/0109/F	Objections	G Kerr	Direct e mail	4/4/18
30/3/18	Cllr D McAteer	_____	_____	A Davidson	Transferred	30/3/18
" "	Cllr W Walker	Coulter Homes	Request for meeting	A McAlarney	Direct e mail	30/3/18

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 th April 2018
Subject:	Capital Project – Public Conveniences
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance

Decisions required:

To note the contents of the report, and consider and agree to:

- **Pubic Convenience Recommendations**

1.0	Purpose and Background:
1.1	<p>The Council is committed to improving the quality of Public Conveniences (PC's) service provided to the public, which will take account of improving and upgrading the existing stock of 31 PC's, the difficulties experienced by people living with autism and others less abled users in using our PC's, and to provide a new PC facility within the village of Killough.</p> <p>To achieve this the Council has committed £1.2 million spend from its Capital Budget with a planned even spread of spend over the next three financial years starting in 2018/19. Priority in Year 1 was to be given to address concerns raised in relation to the PC's provided in the Newcastle and Saintfield area and the new facility in Killough.</p> <p>The PC's in Newcastle, with exception of Castle Park, and that in Saintfield are all Danfo Prefabricated Units. Condition Surveys of these buildings are underway and findings from these surveys will help determine whether the existing structures can be refurbished to an appropriate standard or whether a complete replacement unit is required.</p> <p>The Council has also agreed to the setting up of a cross Directorate Study Group to gather relevant information concerning the use and operation of our PC's so that in making consideration concerning future spend and use of our PC's all relevant issues are considered.</p> <p>Since these matters were last considered by Committee the Council, through requests made via this Directorate, is asked to consider the provision of a new PC facility in village of Dundrum and another at Kilclief. There has also been a request that a new location be considered for the existing PC in Saintfield, which has been the subject to considerable vandalism over the years. There was also a recent incident of vandalism at our PC facility in Kilkeel which has been discussed with local Councillors with the view to improving security at this site and reviewing closing times for the facility.</p> <p>There may have been an expectation that by this summer period that some of the units planned for refurbishment/replacement in Year 1 would have been achieved</p>

	<p>but this has not been possible due to insufficient time and resources to achieve a clear understanding of the requirements for the project and to take this forward to completion.</p> <p>It is recognised that if the existing PC's are to remain in both Newcastle and Saintfield until their refurbishment/replacement that improvements are required in the interim period to bring and keep them to an acceptable standard. Consideration has been given to providing temporary PC's at these locations but it has not been possible to source suitable alternatives.</p> <p>Below in section 1.2 is the proposed action plan for addressing the above issues.</p>
1.2	<ul style="list-style-type: none"> • In order to move this project forward, and a number of other FM&M capital projects, it is proposed to establish a Project Team using existing resources within the department, with agreement of Human Resources Department. The Project Teams role will be to lead on the roll out of this project and others. This Project Team will be formed initially for the duration of this financial year with a review of this taking place as part of the overall review of the Neighbourhood Services (NS) Directorate. • All existing Danfo PC's will be inspected by Danfo Contractor to identify issues with each unit which require remedial action and that these actions are addressed prior to the summer season. • A review is carried out in relation to cleaning frequency and extent of cleaning carried out on the Danfo PC's and changes required to keep these units to an acceptable standard are agreed and implemented. • Requests for new or relocation of PC facilities be considered first by the cross Directorate Study Group (to be established) with recommendations coming back to the RTS Committee for consideration.
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • The capital program for refurbishment/replacement Council's PC provision is not moving forward at a pace which will ensure delivery of the key aims within the desired time frame. • It is proposed to establish a Project Team within the FM&M Department to lead on this capital project and others for this current financial year with a review of this being carried out as part of overall review of NS Directorate. • Steps to be taken to address identified issues with the stock of Danfo prefabricated PC's and that any remedial work required is implemented before the summer season. • Requests for new PC facilities or relocating existing PC's to be considered by the cross Directorate Study Group with recommendations from this coming back to the RTS Committee.

3.0	Recommendations:
3.1	Committee to endorse the action plan proposed in section 1.2 of this report.
4.0	Resource implications
4.1	Officer time. Capital budget - £1.2 million over financial years 2018 to 2021.
5.0	Equality and good relations implications:
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Appendices
	None

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 th April 2018
Subject:	Capital Projects – FM&M Department
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance

Decisions required:	
To note the contents of the report, and consider and agree to:	
Capital Projects – FM&M Department	
1.0	Purpose and Background:
1.1	The Council has agreed under its Capital Program for 2017 to 2022 to the capital projects as listed within Appendix A of this report, all of which will be led by the Facilities Management and Maintenance Department. Procurement procedures require full Council approval to proceed to tender for projects listed within its Capital Program. This report seeks this approval.
2.0	Key issues:
2.1	Officers require approval to proceed with tendering for the capital projects listed within the Council Capital Program. Attached at Appendix A is a list of capital projects to be led by the Council's Facilities Management and Maintenance Department. Committee approval is requested to proceed to tender for the projects listed in Appendix A.
3.0	Recommendations:
3.1	Approval to proceed to tender for the projects listed in Appendix A. Award of tender to follow subject to award within agreed budget provided for each of the capital projects listed.
4.0	Resource implications
4.1	Officer's time. Capital costs already budgeted within 2018/19. to 2021/22 financial years.
5.0	Equality and good relations implications:
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Appendices
	Appendix A: Facilities Management & Maintenance Capital Projects 2018 to 2022

Appendix A: Facilities Management & Maintenance Capital Projects 2018 to 2022

Project	2018/19 £	2019/20 £	2020/21 £	2021/22 £
Bus Shelters	45,000	30,000	30,000	30,000
Dechomet Graveyard – Pathway*	25,000	-	-	-
Kilbroney Municipal Cemetery Extension	125,000	-	-	-
Warrenpont Graveyard Extension	125,000	-	-	-
Provision of Navigational Aids	20,000	20,000	10,000	-
Public Convenience Upgrades	400,000	400,000	400,000	-
Re-aligning Pathway at Mourne Esplanade Kilkeel	50,000	-	-	-
Replacement of Emergency Lights at Greenbank Depot	40,000	-	-	-
Provision of Secondary Glazing - Downshire Civic Centre	18,000	-	-	-
Refurbishment of Depot Kilkeel & Grounds Depot Rostrevor	20,000	-	-	-
Upgrading CCTV/Fire Alarms/Burglar Alarms – Various sites	15,000	15,000	15,000	15,000
Replacement of Safety Tiles in Play Parks	100,000	-	-	-
Replacement of Christmas Illuminations	40,000	20,000	20,000	20,000
Heater Boiler Replacement	20,000	20,000	20,000	20,000
Provision of Heating in Downshire Civic Centre	-	100,000	-	-
Provision of gas heating at Buscoil an luir**	110,000	-	-	-

Notes

*Indications are that budget of £25,000 will be insufficient for scheme proposed. Separate report to be provided.

**Tender issued.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 th April 2018
Subject:	Proposal to provide to local communities an environmentally sustainable option of planting Christmas Trees
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance

Decisions required:

To note the contents of the report, and consider and agree to:

- **Environmentally Sustainable Option of Planting Christmas Trees**

1.0	Purpose and Background:
1.1	<p>The Council established a Councillors' Christmas Illuminations/Celebrations Group to agree a three to five year programme for how Council will help local communities across the district celebrate Christmas. A number of meetings of this Group have been held and one of the actions arising from this was to pursue the potential to provide a more environmentally sustainable way of supplying a Christmas Tree to local communities.</p> <p>For Christmas 2017 the Council supplied 28 "cut" Christmas trees across the district, but mainly in the legacy NMDC areas due to historic practices. The Councillors' Christmas Illuminations/Celebrations Group proposes to offer to local communities a "starter kit" which would comprise a Christmas tree (4 – 4.5 metres in height) planted to replace the "cut" tree erected each year for the Christmas period and to seek to roll out this offer to other parts of the district. The receiving community would be responsible for maintenance of tree once planted.</p> <p>The Councillors' Christmas Illuminations/Celebrations Group identified a number of existing sites where a "cut" tree is supplied, leaving out the larger urban areas of Newry, Warrenpoint, Ballinahinch and Castlewellan which it is intended will continue this year to be supplied with a "cut" Christmas tree. Site visits have been carried out at these sites and the following sites have been identified as suitable at this stage for planting a Christmas tree; Rostrevor, Belleeks, Cullyhanna, Annalong, Attical, Culloville and Burren.</p> <p>The Councillors' Christmas Illuminations/Celebrations Group seeks to have examples of this proposal working before Christmas 2018 so that local communities can see how this proposal would look in reality. Having identified these seven potential sites approval is sought from the Committee to engage with relevant local community groups associated with the Christmas tree in these areas to seek their agreement on piloting this proposal. There will also be further site survey work required at these locations to ensure that the site is suitable for the planting of a Christmas tree. This will include assessing the suitability of the ground, the absence of any underground or above ground restrictions, availability</p>

	<p>of electricity supply and the suitability of the site from a road safety perspective.</p> <p>Where it is found that any of these sites meet all the above requirements; has support from local community and the ground and site is suitable then it is proposed that a Christmas tree between 4 to 4.5 metres in height will be planted.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • Council has established a Councillors' Christmas Illuminations/Celebrations Group to agree a three to five year programme for how Council will help local communities across the district celebrate Christmas. • A proposal arising out of this Group is the offer to provide a "starter kit" to local communities comprising a planted Christmas tree in an agreed location with an initial height of 4 to 4.5 metres in height. • The Group seeks to have a number of pilot sites in operation by Christmas 2018 and this report seeks approval to look to establish this in 7 identified sites.
3.0	Recommendations:
3.1	Council seeks to agree with local communities identified within the report to the planting of a Christmas tree at an agreed location in the community where it can be shown that the site is suitable.
4.0	Resource implications
4.1	<p>Officer time.</p> <p>Available Revenue budget for purchase of Christmas Trees in this current financial year is £35,000.00. This budget was initially set based on supply of "cut" trees but it is proposed to use this budget location for the purchase of Christmas trees which are to be planted.</p>
5.0	Equality and good relations implications:
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Appendices
	None

Report to:	Regulatory & Technical Services Committee															
Date of Meeting:	18 April 2018															
Subject:	Position Paper: Ref: Acquisition of vehicles 2017-2022															
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)															
Contact Officer (Including Job Title):	Liam Dinsmore, Assistant Director of Waste (Acting)															
Decisions required:																
To note the contents of the report, and consider and agree to:																
<ul style="list-style-type: none"> Report is for noting as details the replacement for scheduled replacements of vehicles , subject to Fleet Assessment. 																
1.0	Purpose and Background:															
1.1	The Council Fleet currently comprises of the following vehicles, as made up of specialist Refuse and Cleansing Vehicles, as well as general purpose vans and lorries:															
	<table border="1"> <thead> <tr> <th>Service Area</th> <th>Nos Of Vehicles</th> </tr> </thead> <tbody> <tr> <td>Refuse</td> <td>51</td> </tr> <tr> <td>Cleansing</td> <td>29</td> </tr> <tr> <td>Grounds</td> <td>20</td> </tr> <tr> <td>Building Maintenance</td> <td>23</td> </tr> <tr> <td>Miscellaneous</td> <td>37</td> </tr> <tr> <td>Plant</td> <td>17</td> </tr> </tbody> </table>		Service Area	Nos Of Vehicles	Refuse	51	Cleansing	29	Grounds	20	Building Maintenance	23	Miscellaneous	37	Plant	17
Service Area	Nos Of Vehicles															
Refuse	51															
Cleansing	29															
Grounds	20															
Building Maintenance	23															
Miscellaneous	37															
Plant	17															
2.0	Key issues:															
2.1	Vehicles are required to be replaced on a regular basis to ensure that service delivery is not compromised by old vehicles which are not dependable.															
2.2	Report details the numbers and categories of vehicles as are anticipated to be replaced during the current five -year replacement period.															
2.3	It is important that all vehicles are replaced on a planned basis .In this way the budgets can best be managed from perspectives of capital planning, vehicle maintenance, breakdown costs and service delivery costs.															
2.4	As technology changes (eg new vehicles having clean exhaust emissions, particularly PM10 and NOX emissions),. the replacement of older vehicles with these clean vehicles will complement the Council's Corporate clean air environment objectives.															
2.5	Currently the fleet includes 8 no. Refuse Vehicles extended beyond their replacement dates to facilitate Brown Bin collections. These vehicles should be considered as additional to the fleet profile against which the replacement policy and budget , was set in 2016/17.															

2.6	Requirements for both Refuse Collection Vehicles and Street Cleansing Vehicles will be reviewed, with a Route Optimisation project to be undertaken for Refuse Collection .Route Optimisation to be undertaken during 2018.
2.7	Vehicle requirements for Refuse and Cleansing to be further reviewed and updated following the completion of the relevant reviews.
2.8	Capital Program has been made in each of 5 x years, 2017-2022, to a total value of £9.7 million, as detailed Appendix No.1.
2.9	Procurement of any replacement vehicle is subject to a condition survey being undertaken by the Fleet Manager in consultation with the service user Manager with recommendation submitted for Director approval, by way of Capital Appraisal Form, detailing Business Case with, recommendation for approval, as appropriate.
3.0	Recommendations:
3.1	It is important that Fleet procurement is undertaken and managed and as such it is recommended as follows:
3.2	Vehicles are replaced 2017-2022, in accordance with the target replacement schedule as attached Appendix No.1.
3.3	Replacement of existing vehicles to be subject to the completion of a Capital Appraisal Form, detailing the Business Case for the replacement of such vehicle authorised by the Fleet Manager, Assistant Director and Director.
3.4	Vehicles listed at Appendix No. 2, to be replaced in accordance with their planned replacement year. Exception may arise, in instance where Fleet Manager may recommend early replacement of any vehicle, due say to accidental damage and such consideration should be provided for during replacement decisions. Similarly a vehicle may be retained longer than scheduled but always in the best interest of the condition of the Fleet.
3.5	Any new vehicles, which are additional to the existing fleet, will require a detailed Business Case to be raised by the user Department subject to separate approval by Council at Rates Estimates.
3.6	A Progress Report to be considered by Committee on a six –monthly cycle, with first Report due August 2018.
4.0	Resource implications
4.1	Total spend for Capital Plan for Vehicle Purchases is £9.7 million, to March 2022.
4.2	Provision has been made within the Council's Capital Projects and has been approved by Council.
5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices: Appendix 1 :Fleet Investment Plan Appendix 2 :Target Vehicle Replacement Year

FLEET INVESTMENT PLAN
(2017/2022)

Investment Period	Service/Section																Annual Sum Total				
	Refuse			Cleansing			Parks/ Grounds			Build/ Maint			Small Vehicles			Misc Plant					
	Capital Budget	No of vehicle to be Replaced	% Vehicles >7-yrs	Capital Budget	No of vehicle to be Replaced	% Vehicles >7-yrs	Capital Budget	No of vehicle to be Replaced	% Vehicles >7-yrs	Capital Budget	No of vehicle to be Replaced	% Vehicles >7-yrs	Capital Budget	No of vehicle to be Replaced	% Vehicles >7-yrs						
2017/18	£1,316,000	7	25%	£0	0	41%	£0	0	75%	£0	0	87%	£0	0	68%	£0	£1,316,000				
2018/19	£1,223,000	8	38%	£710,718	12	31%	£352,124	11	50%	£213,000	10	57%	£128,625	13	70%	£275,000	£2,902,467				
2019/20	£1,485,000	10	28%	£377,500	4	14%	£72,750	3	25%	£209,280	7	26%	£79,025	7	46%	£273,000	£2,496,555				
2020/21	£955,000	8	29%	£392,550	4	1%	£0	0	15%	£64,000	2	13%	£53,500	5	27%	£252,000	£1,717,050				
2021/22	£825,000	7	20%	£172,000	1	17%	£0	0	15%	£13,000	1	0%	£33,500	3	24%	£130,000	£1,173,500				
Sub Total	£5,804,000	40		£1,652,768	21		£424,874	14		£499,280	20		£294,650	28		£930,000	£9,605,572				

% of Vehicles replaced 78.4%

72.5%

70.0%

£7.0%

75.7%

£101,053

forecast spend Balance Against Council Budget (£9,706,624.00)

Key:

Exceeds Council's Replacement Policy Age Profile

Overspend against Budget

Underspend against Budget

% of Total Vehicles in that Section replaced in 5-year Investment Plan (2017-22)

VEHICLE REPLACEMENT LIST (2017-20)

APPENDIX NO.2

Planned Replacement Year

REG NO.	YEAR	LOCATION CODE	PROJECT CODE	ASSET NO	MAKE & MODEL	SERVICE	LOCATION	GWW (kg)	Replacement Value (2017)	Planned Replacement Year			Remarks
										17/ 18	18/ 19	19/ 20	
RLZ 7859	2006	2274	M155	005052	Dennis Lorry	Refuse Collection	Newry/Greenbank	26000	£156,000	X			Retained As Additional Vehicles.
MJ Z 2283	2007	2274	M166	005064	Mercedes Econic	Refuse Collection	Newry/Greenbank	26000	£156,000	X			
MJ Z 2284	2007	2274	M165	005063	Mercedes Econic 2629	Refuse Collection	Newry/Greenbank	26000	£156,000	X			
MJ Z 5708	2007	2274	M171	005062	Mercedes Econic	Refuse Collection	Newry/Greenbank	32000	£171,000	X			
NJ Z 5187	2008	3274	M307		Mercedes - RCV	Refuse Collection	Strangford Rd	26000	£156,000	X			
OJ Z 1329	2008	2274	M189		Iveco Euro Cargo Model 75e 36	Refuse Collection	Newry/Greenbank	7500	£68,398	X			
OJ Z 5110	2008	3274	M302		Mercedes - RCV	Refuse Collection	Strangford Rd	26000	£156,000	X			
SEZ 7503	2008	2274	M180	005186	Dennis Phoenix	Refuse Collection	Newry/Greenbank	26000	£156,000	X			
SEZ 7504	2008	2274	M179	005187	Dennis Phoenix	Refuse Collection	Newry/Greenbank	26000	£156,000	X			
BV56 OJK	2008	3274	M313		Mercedes RVC	Refuse Collection	Strangford Rd	26000	£156,000		X		
PJ Z 2755	2009	3274	M309		Mercedes - RCV	Refuse Collection	Strangford Rd	26000	£156,000		X		
XEZ 5743	2009	2274	M195		Dennis Elite/Phoenix Body/Terberg	Refuse Collection	Newry/Greenbank	26000	£156,000		X		
XEZ 5744	2009	2274	M196		Dennis Elite, Phoenix Body/Terberg Lifts	Refuse Collection	Newry/Greenbank	26000	£156,000		X		
RJ Z 7101	2010	2274			Mercedes - RCV	Refuse Collection	Newry/Greenbank	26000	£156,000		X		
SJ Z 3403	2011	3274			Mercedes - RCV	Refuse Collection	Strangford Rd	26000	£156,000		X		
RJ Z 6962	2010	2274			DAF REL	Refuse Collection	Newry/Greenbank	32000	£155,000			X	
SJ Z 3488	2011	3274			Mercedes - RCV	Refuse Collection	Strangford Rd	26,000	£160,000			X	
SJ Z 4057	2011	2274			Dennis Elite EURO 5	Refuse Collection	Newry/Greenbank	26,000	£160,000			X	
SJ Z 4058	2011	2274			Dennis Elite EURO 5	Refuse Collection	Newry/Greenbank	26,000	£160,000			X	
SJ Z 4061	2011	3274			Iveco Flat Back rvc	Refuse Collection	Strangford Rd	10,000	£100,000			X	
SJ Z 4063	2011	2274			Refuse Hook Loader	Refuse Collection	Newry/Greenbank	32,000	£183,000			X	
UJ Z 3578	2012	3274			Isuzu Macpac rvc	Refuse Collection	Strangford Rd	7,500	£75,000			X	
TJ Z 6559	2012	2274			Dennis Elite EURO 5	Refuse Collection	Newry/Greenbank	26000	£160,000			X	
TJ Z 7520	2012	2274			Farid Body on DAF	Refuse Collection	Newry/Greenbank	14000	£110,000			X	
UCZ 5984	2013	3274			Mercedes - RCV	Refuse Collection	Strangford Rd	26,000	£160,000			X	
FJ Z 7713	2003	3260	M129	004703	DAF Tipper	Bulky Collections	Newry/Greenbank	7500	£40,000				
KJ Z 8681	2006	2274	M161	005064	Iveco Daily Cage Body Litter	Street Cleansing	Newry/Greenbank	6000	£38,000		X		
MJ Z 3134	2007	3260	M321		Crew Cage Litter	Street Cleansing	Strangford Rd	5000	£42,000		X		
MJ Z 3135	2007	3260	M324		Iveco Daily Med Van	Street Cleansing	Strangford Rd	5000	£35,280		X		
MJ Z 8378	2007	3260	M318		Scarab Sweeper	Street Cleansing	Strangford Rd	12000	£110,000		X		
NJ Z 3763	2008	2260	M189		Scarab Magnum Sweeper	Street Cleansing	Newry/Greenbank	15000	£120,750		X		
OJ Z 7183	2008	2260	M193		Renault Mascot ISO DXI	Street Cleansing	Newry/Greenbank	6000	£44,100		X		
REZ 9979	2008	2260	M178	005188	Hako Mini Sweeper	Street Cleansing	Newry/Greenbank	3500	£76,000		X		
REZ 9980	2008	2260	M177	005189	Hako Mini Sweeper	Street Cleansing	Newry/Greenbank	3500	£57,000		X		
PJ Z 4062	2009	3260	M323		Crew Cage Litter	Street Cleansing	Strangford Rd	5000	£38,588		X		
PJ Z 4063	2009	3260	M320		Crew Cage Litter	Street Cleansing	Strangford Rd	5000	£35,000		X		
SJ Z 5903	2011	2260	M212		Road Sweeping Vehicle	Street Cleansing	Newry/Greenbank	7500	£110,000			X	
TJ Z 4916	2012	2260	M243		Johnston Dual Sweep DAF LF	Street Cleansing	Newry/Greenbank		£110,000			X	
NFZ 4837	2013	2260	M247		Johnston GX201	Street Cleansing	Newry/Greenbank	4500	£78,750			X	
NFZ 4838	2013	2260	M248		Johnston GX201	Street Cleansing	Newry/Greenbank	4500	£78,750			X	
SBZ 1236	2012	M037	001471	1997	Ford Cargo Tipper	Play Areas	Newry/Greenbank	7500	£42,000		X		
FJ Z 7762	2013	M130	004699	2003	Iveco Daily Crew Cab	General Recreation	Newry/Greenbank	4600	£33,000		X		
GJ Z 8700	2013	M136	004700	2004	Iveco Daily Crew Cab	General Recreation	Newry/Greenbank	4600	£32,000		X		
HJ Z 6372	2004	3078	M353		Iveco 5T Beaverfall - Grounds	Grounds	Strangford Rd	4600	£35,000		X		
IJ Z 5046	2005	2973	M146	004794	Iveco Ford Daily 35C15 Crew Cab	General Recreation	Newry/Greenbank	4500	£32,000		X		
IJ Z 5494	2005	2973	M147	004793	Iveco Daily Model 50C13	General Recreation	Newry/Greenbank	4600	£32,000		X		
LJ Z 1811	2006	2752	M162	005050	Iveco Daily 35C12CH	Playing Fields	Newry/Greenbank	3500	£36,750			X	
LJ Z 1812	2006	2973	M354		Iveco 5T Beaverfall - Grounds	Grounds	Strangford Rd	5000	£36,000		X		
OJ Z 1328	2008	2278	M188		Iveco Daily Model 50c 15	Newry Canal	Newry/Greenbank	4500	£37,044		X		
OJ Z 1647	2008	2612	M191		Ford Transit NW 350	Play Areas	Newry/Greenbank	3500	£18,000			X	
OJ Z 1648	2008	2612	M192		Ford Transit NW 350	Play Areas	Newry/Greenbank	3500	£18,000			X	
OJ Z 3864	2008				Iveco Daily Crew Cab	Grounds	Strangford Rd	5000			X		
RBZ 8799	1997	2281	M081	002303	Ford Cargo Tipper	Build/Maint/Comeries	Newry/Greenbank	7500	£43,000		X		
CJ Z 8802	2002	3281	M342		Van 3.5T	Bahn Rd, HRC		3500	£12,500		X		
CJ Z 8803	2002	3281	M343		Van 3.5T	Bldg Serv - Spare	Strangford Rd	3500	£17,000		X		

VEHICLE REPLACEMENT LIST (2017-20)

144

APPENDIX NO.2											Planned Replacement Year		
REG NO.	YEAR	LOCATION CODE	PROJECT CODE	ASSET NO	MAKE & MODEL	SERVICE	LOCATION	GWW (kg)	Replacement Value (2017)	17/18	18/19	19/20	Remarks
DJ Z 2782	2002	2281	M108	004527	Ford Transit Van	Building Maintenance	Strangford Rd	3500	£16,200		X		
DJ Z 2783	2002	2281	M107	004528	Ford Transit Van	Building Maintenance	Newry/Greenbank	3500	£16,200		X		
EJ Z 5543	2002	3281	M548		Iveco 3.5T Van	Bldg Serv - Painters	Strangford Rd	3500	£12,500		X		
EJ Z 8044	2003	2281	M121	004590	Iveco Daily Van	Building Maintenance	Newry/Greenbank	3500	£17,000		X		
GJ Z 7350	2004	2281	M135	004709	Iveco Daily Crew Cab	Building Maintenance	Newry/Greenbank	5000	£33,600		X		
IJ Z 3462	2004	2281	M145	004800	Iveco Van 29L9	Building Maintenance	Newry/Greenbank	3500	£13,000		X		
IJ Z 3465	2005	3281	M340		Iveco 3.5T Crewcab	Bldg Serv - Spare	Strangford Rd		£12,500		X		
IJ Z 5499	2005	2281	M150	004799	Iveco Daily Model 50C13	Building Maintenance	Newry/Greenbank	5000	£31,500			X	
JJ Z 5168	2005	3281	M339		Iveco 5T Crewcab	Bldg Serv - Bldg Section	Strangford Rd	5000	£32,000		X		
MJ Z 3133	2007	3281	M349		Iveco 5T Crewcab	Bldg Serv - Bldg Section	Strangford Rd	5000	£35,280			X	
MJ Z 6988	2007	2281	M174	005085	Iveco 2.5D Panel Van	Building Maintenance	Newry/Greenbank	3500	£14,333			X	
MJ Z 6989	2007	2281	M175	005086	Iveco Guilgano Chassis Cab with Droopside body	Building Maintenance	Newry/Greenbank	4500	£35,280			X	
MJ Z 6990	2007	2281	M176	005087	Iveco Guilgano Chassis Cab with Droopside body	Building Maintenance	Newry/Greenbank	4500	£35,280			X	
OJ Z 3865	2008	3281	M344		Iveco 5T Crewcab	Bldg Serv - Bldg Section	Bann Rd HRC	5000	£32,000			X	
OJ Z 3866	2008	3281	M345		Iveco 5T Crewcab	Bldg Serv - Bldg Section	Strangford Rd	5000	£32,000			X	
VKZ7681	2008	2281			Transit Van	Building Maintenance	Newry/Greenbank	2600	£14,000			X	
UBZ 7235	1998	2204	M000	002518	Peugeot Van	Monaghan Row	Monaghan Row		£10,000		X		
TBZ 7246	1998	2074	M005	002283	Peugeot Partners Van	Tech/Leisure	Newry/Greenbank		£9,600		X		
AJ Z 9472	2001	3281	M361		Peugeot Small Van	Leisure	Down Leisure Centre		£10,000		X		
FJ Z 3134	2003	2074	M125	004704	Citroen Berlingo LX	Tech/Leisure	Newry/Greenbank		£10,000		X		
HJ Z 3332	2004	2033	M142	004769	Ford Transit Van	ERT/Environmental	Monaghan Row		£15,000		X		
HJ Z 9270	2004	3281	M352		Renault Small Van - Leisure	Leisure (Down Leisure Centre)	Down Leisure Centre		£10,500		X		
OLZ 2115	2004	2973	M143	004702	Renault Kangoo Van	General Recreation	Newry/Greenbank		£10,500		X		
OLZ 2227	2004	2260	M144	004706	Renault Kangoo Van	Street Cleansing	Newry/Greenbank		£10,500		X		
IJ Z 8561	2005	3269	M525		Peugeot Small Van	Env Services - Toilets	Strangford Rd		£10,500		X		
KJ Z 7489	2006	2002	M159	005051	Renault Kangoo	ERT	Newry Arts Centre		£11,025		X		
KJ Z 9614	2006	3260	M326		Renault Small Van	Env Services - Toilets	Strangford Rd		£9,600		X		
KJ Z 6643	2006	2073	M160	005049	Renault Kangoo	Grounds Maintenance	Newry/Greenbank		£11,025			X	
LJ Z 3367	2006	3281	M347		Ford Fiesta Van	Bldg Serv - Water Safety	Strangford Rd		£11,000		X		
RLZ 6512	2006	2281	M153	004982	Renault Kangoo SL 17DC160 Euro IV)	Building Maintenance	Newry/Greenbank		£11,000			X	
LJ Z 4529	2006	3281	M346		Renault Van	Bldg Serv - Plumbers	Strangford Rd		£10,000			X	
MJ Z 4158	2007	2033	M173	005100	Renault Kangoo SL17 DC160	ERT/Environmental	Monaghan Row		£10,000		X		
LJ Z 6533	2007	2952	M170	005080	Renault Kangoo SL17 DC160	Bowling Grounds	Newry/Greenbank		£10,000			X	
MJ Z 1462	2007	2973	M169	005061	Renault Kangoo SL17 DC160	Grounds Maintenance	Newry/Greenbank		£10,000			X	
OJ Z 4794	2009	3235	M335		Ford Connect Van	Env Serv - Enforcement	Downshire Rd		£13,500			X	
OJ Z 4795	2009	3235	M336		Ford Connect Van	Env Serv - Enforcement	Downshire Rd		£13,500			X	
RBZ 9198	1997	2752	M040	001477	Ford 763 TDX Tractor - New Holland	Playing Fields	Newry/Greenbank		£35,000		X		
RBZ 9199	1997	2752	M039	001476	Ford Tractor - New Holland	Playing Fields	Newry/Greenbank		£35,000		X		
WAZ 7680	1998	2973	M051	001487	Renault Tractor	General Recreation	Newry/Greenbank		£35,000		X		
CCZ 2313	1999	2309	M041	001447	Ransome Comm.3510	General Bural Grounds	Newry/Greenbank		£35,000		X		
VL EC25	2004	2281	M100	004881	Volvo Compact Excavator	Building Maintenance (Cimetries)	Newry/Greenbank		£40,000		X		
SJ Z4054	2011	3973	M355		Kubota Tractor	Grounds	Strangford Rd	5000	£35,000			X	
					Small Plant	Grounds	Newry/Greenbank		£35,000		X	X	
					Small Plant	Grounds	Strangford Rd		£35,000		X	X	
		2275/3275			Misc Equipment Upgrades	Fleet/Garages			£25,000		X	X	

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 April 2018
Subject:	Request for presentation to RTS Committee by Jenny, Williams, Chief Executive, Habitat
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Liam Dinsmore, Assistant Director of Waste (Acting)
Decisions required:	
To note the contents of the report, and consider and agree: <ul style="list-style-type: none"> • That Habitat NI are invited to May RTS Committee to make a presentation on their organisation and plans in the District. • That officers undertake "an Expression of Interest" process to implement a re-use scheme with appropriate partner(s) within the Council District. 	
1.0	Purpose and Background:
1.1	<p>Re-use extends the life of materials providing tangible benefits to the economy and to the environment.</p> <p>The revised Waste Framework Directive Code defines 're-use' as 'any operation by which products or components as are not waste are used again for the same purpose for which they were conceived' .</p> <p>The WFD requires member states to promote re-use ,thereby extending the lifespan of such items and reducing demand for new materials.</p> <p>A WRAP Report , Reuse of Bulky Waste in Northern Ireland ,showed that there are significant opportunities to increase re-use activities.</p> <p>Ms Williams as Chief Executive of Habitat for Humanity , Northern Ireland , seeks to make presentation to the Council to seek to explore options for partnering with the Council , in these respects.</p>
2.0	Key issues:
2.1	<p>Reuse schemes are currently in operation with respect to large Electrical Goods from Household Civic Amenity Sites and are not available as part of any other Re-use Scheme.</p> <p>Operation of a re-use scheme from Council's Household Civic Amenity Sites will further underpin Council's commitment to waste reduction.</p>
3.0	Recommendations:
3.1	That Habitat NI are invited to May RTS Committee to make a presentation on their organisation and plans in the District.
3.2	That officers undertake "an Expression of Interest" process to implement a re-use scheme with appropriate partner(s) within the Council District.
3.3	Proposal to be submitted to Council, June 2018.

4.0	Resource implications
4.1	There are no cost implications anticipated.
5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices: Appendix 1 :Letter dated 3 April 2018 from Ms Jenny Williams, Habitat for Humanity



Roland Moore
Director of Neighbourhood Services (Acting)
Newry, Mourne and Down District Council
Newry Office
Haughey House
Rampart Road
Greenbank Industrial Estate
Newry
BT34 2QU

Tuesday 3rd April 2018

Dear Roland,

I write to ask for an opportunity to present to Newry, Mourne and Down council in whatever forum would be most appropriate since we plan to launch a Habitat ReStore in Newry later this year. We believe ReStore will add value for the community and deliver benefits for all those who seek to build a more sustainable future.

Since 1994, Habitat for Humanity Northern Ireland's local work has focused on reconciliation and building strong communities in which everyone can reach their full potential. Our commitment to community building through construction and volunteer engagement has supported community regeneration. More than 30,000 volunteers from across Northern Ireland have engaged in practical projects, locally and globally, which break down barriers and help build a shared future.

Based on a successful model in the US we opened the first Habitat ReStore in Europe, in Lisburn just over 5 years ago and the second in Ballymena almost 2 years ago. Habitat Restore has delivered real impacts for the local community in partnership with local people, companies, schools and community organizations.

ReStore

- enables local people to improve their homes at low cost (more than 30,000 customers last year, more than 40% from deprived communities)
- provides opportunities for volunteers of different abilities and backgrounds (currently volunteers invest more 1500 hours every month in a unique multi-generational workplace where over 30% of volunteer placements are supported eg people with learning difficulties, mental health challenges, engaged with justice system and disadvantaged young people.)
- diverts tons of reusable waste from landfill.

We are excited to extend our impact to Newry and would welcome the opportunity to share our plans and hopefully have council support. I would welcome the opportunity to present at a meeting and hopefully later to arrange a visit for Officers and Councillors to our ReStore Lisburn.

I will look forward to hearing from you, and in the meantime if there is any other information which would be useful please don't hesitate to be in touch.

Best wishes

A handwritten signature in black ink that reads "Jenny Williams".

Jenny Williams
Chief Executive

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 th April 2018
Subject:	Progress Report with respect to completion of Household Civic Amenity Site at Downpatrick
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Mr Liam Dinsmore, Acting Assistant Director Waste Management

Decisions required:

To note the contents of the report, and consider and agree to:

- **RPS, Consulting Engineers to be appointed to prepare Bill of Quantities for NEC 3 Contract, at cost £6,439.00.**
- **Existing Lease to be extended at Cloonagh Road for a further period of 6 months, with option for month to month extensions if required.**
- **Regular Project Progress Reports as to progress to be communicated to Committee during the Construction Phase.**

1.0	Purpose and Background:
1.1	<p>Council has approved the replacement of the existing Household Amenity Site from it's present site at Cloonagh Road to a purpose built site at Flying Horse Road, Downpatrick.</p> <p>Design and Management Consultant is RPS, Consulting Engineers, Belfast. Report details current progress and is submitted for noting.</p> <p>To facilitate the Tender Process, it is necessary for a Bill of Quantities to be prepared.</p> <p>Estates have recommended that these and related services are provided by RPS, Consulting Engineers.</p> <p>Approval is required to appoint RPS to provide Quantity Surveying services for the project as it was not included in the original tender process. RPS are currently appointed to provide detail design and management of the scheme in the tendered amount of £19,950.00. Costs to provide the BOQ equates to approximately 0.75% of total budget cost for the project (£930,000 of which £650,000 is for the construction work element).</p> <p>Due to timeframe as is applicable to the construction of this facility, an extension of 6 months, to 1 March 2019, will be required for the existing lease as applies for rental of lands at the Cloonagh Road, on which the existing facility is located with option to extend on a month by month basis should need arise.</p> <p>Approval to appoint RPS Consulting Engineers, as Design Consultants, to provide a Bill of Quantities, at cost £6439.00 which is required to enable Tender Process to be commenced.</p>
2.0	Key issues:
2.1	Construction of the site is undertaken in various stages, from site clearance

	<p>through completion.</p> <p>A Tender Document will be drawn up detailing timescales, relevant to the construction phase as will be managed on the Council's behalf by Design Consultants, RPS.</p> <p>Site Clearance is now practically complete and arrangement has been made to secure the site boundaries once the contractor has completed clearance of stumps.</p> <p>Essential steps will now be taken, to submit relevant applications:</p> <ul style="list-style-type: none"> • Design Consultants to submit Consent for Discharge Application, to NIEA at a cost of £1081.00 • Site Licence Application to NIEA to be submitted by Officers, at a cost of £1061.00. <p>Procurement for relevant site equipment will be undertaken by Officers e.g. Compactors and Hook-Lift Bins.</p> <p>A time-line for completion of the Project, to be managed by Estates Section is as detailed below: Refer Appendix 1.</p>
3.0	Recommendations:
3.1	<p>It is recommended :</p> <p>3.1 RPS, Consulting Engineers to be appointed to prepare Bill of Quantities for NEC 3 Contract, Option B Contract, with associated Budget Planning and Final Report at cost £6439.00.</p> <p>3.2 Existing Lease to be extended at Cloonagh Road for a further period of 6 months, to ensure a CAS site continues to be available during the construction phase for the new site, with option for month to month extensions if required.</p> <p>3.3 Regular Project Progress Reports as to progress to be communicated to Committee during the Construction Phase.</p>
4.0	Resource implications
4.1	Project for delivery of a new Household Civic Amenity Site for Downpatrick is a significant Capital Project for which Capital Provision has been made.
5.0	Equality and good relations implications:
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Appendices
	Appendix No 1: Proposed Project Timeline for completion of a new Household Civic Amenity Site for Downpatrick.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 April 2018
Subject:	The Fleet Policy defines the organisations and devices responsibilities with respect to driving activities
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Mr Liam Dinsmore, Acting Assistant Director Waste Management

Decisions required:

To note the contents of the report, and consider and agree:

- **That the Fleet Policy is adopted.**
- **That the Fleet Policy is implemented and amended as necessary to operationalize the Policy and is reviewed at the end of a six-month period and thereafter every 4 years, to ensure it remains reflective of legislative developments.**

1.0	Purpose and Background:
1.1	The purpose of the Fleet Policy is to provide the framework to ensure that all the Council's driving activities are organised safely and efficiently and comply with statutory legislation.
2.0	Key issues:
2.1	<p>The Council's Fleet is operated under the terms of an Operator's Licence.</p> <p>It is essential that Operators requirements are proactive at all times when it comes to their vehicle and drivers safety requires and especially so, where they have been put on notice of failures or shortcomings.</p> <p>These must be addressed and documented to ensure compliance.</p> <p>The implementation of the Policy will follow approval and allow amendments within a 6-month period, as the Policy becomes operational.</p> <p>A separate Policy will be required for "grey fleet" and will be developed within 2018/19.</p>
3.0	Recommendations:
3.1	It is recommended that the Fleet Policy as submitted is endorsed by RTS Committee and thereafter by the Council.
3.2	It is recommended that the Fleet Policy is implemented and amended as necessary to operationalize the Policy and is reviewed at the end of a six-month period and thereafter every 4 years, to ensure it remains reflective of legislative developments.

4.0	Resource implications
4.1	The Fleet Policy will be required to be communicated to all relevant staff e.g. Council Vehicle Line Managers, Council Vehicle Drivers and Corporate Services. It is considered that such communication will be undertaken with current resources.
5.0	Equality and good relations implications:
5.1	This Policy has been equality screened with no mitigating measures required. This policy has been rural needs impact assessed and determined to have no mitigating impacts.
6.0	Appendices
	Appendices: Newry Mourne and Down District Council, Fleet Policy.

Newry, Mourne & Down District Council



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

FLEET POLICY

CONTENTS

		Page
1.	Policy Statement	3
2.	Aim	3
3.	Scope	3
4.	Definitions	4
5.	Policy Owner	5
6.	Policy Review Date	5
7.	Responsibilities	5
8.	Framework	8
	o Council Vehicle Driver Authorisation	
	o Principles of Driver Licensing Checking	
	o Principles of Vehicle Allocation	
	o Permitted and Prohibited Use of Council Vehicles	
	o Collision Damage	
	o Insurances	
	o Driver Training	
	o Vehicle Maintenance and Servicing	
	o Fleet Management	
9.	Implementation of this Policy	11
10.	Monitoring the Effectiveness of this Policy	11
11.	References	12
12.	Associated Controlled Documents	12
13.	Equality Screening.	12
14.	Rural Impact Assessment.	12
15.	Policy Authorisation.	12

1. Policy Statement

Driving is an essential part of working life for many people. Driving is one of the most dangerous activities that people do. It is estimated that **one third** of all road traffic collisions involves someone who is at work at that time

- 1.1 Newry, Mourne & Down District Council (the Council) is responsible for the health and safety of its employees whilst at their place of work (Health and Safety at Work (NI) Act etc). Any vehicle in which an employee carries out business on behalf of their employer is regarded as a place of work and is therefore subject to the current legislation. It follows that the Council is required to carry out an assessment of the risks to the health and safety of its employees, while they are at work and to other people who may be affected by their work activities.

The purpose of the Fleet Policy is to provide the framework to ensure that all the Council's driving activities are organised safely and efficiently and comply with statutory legislation.

- 1.2 This Policy regulates:

- The allocation and management of vehicles owned, hired or leased by the Council ("Council Vehicles");
- The management of employees driving Council vehicles ("Council Vehicle Drivers");

And is supported by the Drivers' Handbook and a number of operating Procedures

2. Aim

The aims of the Fleet Policy are:-

- to ensure that Driving activities within the Council are conducted in a manner that minimises the risk to its Employees and the Public.
- To ensure that Council's vehicles are used efficiently to meet the needs of the Council's services.

3. Scope

This policy applies to all Council Employees who drives a Council Vehicle for Council Business.

4. **Definitions**

Council Vehicle: Vehicles owned, leased or hired by the Council, including "Special Vehicles" eg Tractors, & other plant that travel on the public highway.

Council Vehicle Driver: Any Council Employee who has been authorised to undertake driving of a "Council Vehicle" as opposed to a "Grey Fleet Vehicle".

Grey Fleet Vehicle: A private, hired or leased vehicle used for "Official Business Journeys".

Council Vehicle Line Manager: All Managers who allocate and use Council vehicles to meet their Service's needs.

Fleet Management Unit (FMU): This includes the Head of Fleet, his/her approved Delegates, eg. Garage Managers and any other Supporting Staff with responsibility for maintaining the Fleet.

Official Business Journey: Any driving where the Employee has been authorised, implicitly or expressly, by the Council to carry out or further Council business. An employee is driving "*during the course of his/her employment*" when driving to a business meeting, training session or workplace away from the usual workplace. The term "during the course of their employment" therefore excludes the commute to and from home to the usual workplace.

Council Fleet Asset Register: A Register of all Council vehicles detailing make, model, year and registration number of all Council vehicles, as well as the name and Driver Permit number of any Council vehicle driver.

Council Fleet Insurance Policy: The motor insurance policy that covers all vehicles owned, leased or hired by the Council.

Driver Permit: Authorisation issued by the Fleet Management Unit in consultation with the Driver's Line Manager to confirm that a driver has been authorised to drive a "Council Vehicle".

5. Policy Owner.

Responsibility for ensuring this Policy remains current will lie with the Head of Fleet Management

6. Policy Review Date:

This Policy will be reviewed in 6-months, otherwise in line with Council's agreed policy review cycle, i.e. every 4-years (as per Council's Equality Scheme Commitment 4.31), or sooner, to ensure it remains reflective of legislative developments.

7. Responsibilities:

7.1 The Senior Management Team (SMT) will:

- Ensure the requirements of the Fleet Policy are implemented as an integral part of the business and operations planning and service delivery.
- Ensure appropriate resources are made available to ensure compliance with this Policy.

7.2 Assistant Directors & Heads of Services¹:

- Ensure the requirements of the Fleet Policy are implemented as an integral part of the business and operations planning and service delivery.
- Ensure that risk assessments are conducted to cover driving activities.
- Ensure that all employees permitted to drive vehicles must undergo an agreed assessment & appropriate training before being permitted to drive.
- Ensure arrangements are in place for the inspection of Driver licenses and other driving qualifications;
- Though liaising with appropriate Section or Officer responsible ensure insurance arrangements are in place for vehicles.
- Notify the SMT of any serious offences against this Policy.
- Review and, if necessary, revise this Policy and any related procedural documents.
- Monitor vehicle insurance claims reports and patterns
- Ensure persons affected by this Policy have access to this Policy.

(*1: or their Delegated Officer)

7.3 Head of Fleet:

The Head of Fleet or his/her delegates will:

- Issue Council Driver Permits to all authorised Council Vehicle Drivers;
- Keep an up-to-date Fleet Asset Database;
- Provide advice to other members of staff with regards to the day-to-day conduct of drivers and use of Council Vehicles.
- Review compliance of Councils' undertakings in line with The Goods Vehicles (Licensing of Operators) Act (NI) 2010.
- Provide regular updates on compliance to the Senior Management Team through their Line Manager/Director.
- Ensure all Vehicles are maintained in line with Council's Policies and the legal undertakings under the Council's Operator License.

7.4 Corporate Services/Human Resources:

The Assistant Director HR, or his/her delegates will:

- Ensure that all appropriate driving qualifications & pre-employment checks for new Employees are completed in line with this Policy
- Establish though appropriate assessments and procedures that Drivers are medically fit to drive.
- Ensure Drivers' records are maintained in line with Council's procedures and Data Protection.

7.5 Line Managers with Responsibility of Drivers:

It is the responsibility of each Manager that uses Council vehicles to deliver their Service to ensure they: -

- Assist the FMU in checking the driving licenses of the Council Vehicles Drivers in their Department in accordance with the License Check Procedure;
- ensure that Council Vehicle Drivers have the required driver license entitlements & other driver qualifications) to drive Council Vehicles, review and suspend any such authorisation thereafter as set out in this Policy;
- Check that all those driving for on and on behalf of the Council are competent and fit to do so.
- Ensure that all Driver activities complies with Driving Hours regulations and records are maintained
- Check that, as far as reasonably practicable, the driver's vehicle is suitable for the task
- Ensure that Drivers have received training on the safe operation of vehicles, related plant and associated equipment, including Driver Certificate of Professional Competence (CPC).

- Notify the Head of Fleet or the FMU of any Council Vehicles to be added to or deleted from the Council Fleet Log Book and any subsequent changes to such entries,
- Monitor Council Vehicle Drivers' compliance with this policy and the Drivers' Handbook and take action accordingly.
- Notify their Line Manager and the Finance office of any vehicle damage or collisions.
- Investigate driving collisions or near misses which occur at Work in line with Vehicle Accident reporting procedures & Health & Safety Policy procedures
- Identify Council Vehicle Drivers' training needs and communicate these to their Line Manager;
- Arrange driver training as identified by the Council Vehicle Line Managers,
- Forward to the Head of Fleet/ FMU any information regarding Council Vehicles' defects that could affect the Council Fleet Insurance Policy or Operator License.
- Monitor the safety, roadworthiness, general condition of Council Vehicles;
- Carry out spot checks to ensure the safety and cleanliness of Council Vehicles

7.6 Council Vehicle Drivers

Council Vehicle Drivers must:

- Hold a valid current driving license and present such license to their Council Vehicle Manager in accordance with this policy (see 6.1.3 above)) and carry such license with them at all times unless it has been submitted to the DVLA or the Council Vehicle Manager for routine checking.;
- Notify their Council Vehicle Line Manager of any sanctions imposed on their driving license, medical conditions or medical restrictions that impacts on their ability to drive, vehicle defects or anything else that could impact on the Council Fleet Insurance Policy;
- Obtain a Council Driver Permit from the Fleet Management Unit prior to using any Council Vehicle;
- Undergo regular eye tests and/or any other medical checks as may be required by the type of vehicle driven;
- Notify the DVLA and their Council Vehicle Manager if they feel they might be affected by certain illnesses that could inhibit their ability to drive (A full listing of these conditions can be found in DVLA Form D100 which is available from post offices or downloadable at: <http://www.dft.gov.uk/dvla/forms.aspx>;

- Abide by this policy and all related procedures;
- Drive in keeping with any road traffic law;
- Follow the guidance contained in the Drivers' Handbook;
- Advise the Council if they undertake any other work outside of their employment with the Council, especially driving for another Employer.
- Use Council Vehicles for business purposes only.
- Regularly clean the inside and outside of the Council Vehicle they are driving;
- Carry out and record daily vehicle roadworthiness inspections as required under the Operator License, and in line with Council Procedures.
- Undertake & complete any training identified by their Council Vehicle Line Manager.

8. Framework

This section describes the broad framework for the management of the Council Fleet to ensure that the Council complies with its statutory duties as set out in Section 1.0 above.

8.1 The framework will be divided into the following sub-sections:

- Council vehicle Driver authorisation
- Principles of license checking
- Principles of Council vehicle allocation
- Permitted and prohibited use of Council vehicles
- Collisions/Vehicle Damage
- Insurance
- Driver Training
- Council Vehicle Maintenance and Servicing
- Fleet Management Unit

8.1.1 Council Vehicle Driver Authorisation

A Council Vehicle's Line Manager may authorise a member of staff to become an authorised Council Vehicle Driver provided the Employee has passed the appropriate driving assessment tests and training needs as agreed between the FMU and the Driver's Line Manager.

8.1.3 Principles of Licence Checking – Council Vehicles

Council Vehicle Line Managers shall assist the FMU in periodically checking the licences of all authorised Council Vehicle Drivers working in their Department/Division in line with the agreed Driver Licensing Checking Procedure.

8.1.4 Principles of Vehicle Allocation

It is the responsibility of each Vehicle Line Manager to ensure that their Staff uses the most efficient and economical means of transport for any business related journey.

8.1.5 Permitted and Prohibited Use of Council Vehicles

Use of a Council Vehicle must be for business purposes only.

The use of Council Vehicles is strictly prohibited in the following circumstances:

- For personal gain, for example, to transport passengers or goods for personal purposes;
 - Whilst being impaired by alcohol, drugs, illness or fatigue;
 - Whilst smoking or vaping;
 - Whilst using a mobile phone;
 - For transporting unauthorised passengers or unauthorised goods.
- Council details as to the driving and loading requirements are included in the Drivers' Handbook.
 - All Drivers should be aware that the Council does not accept responsibility for expenses other than travel expenses (*refer to **Travelling Expenses & Subsistence Policy and Procedures***).
 - Road Traffic offences, e.g. for parking or speeding will be the responsibility of the Driver.
 - Council Vehicle Drivers, who knowingly commit a breach of any of the above rules, may face disciplinary action under the Council disciplinary procedures including suspension from driving a Council Vehicle.

8.1.6 Collisions/Damage

Where the Driver is involved in a vehicle collision the Driver must comply strictly to the Road Traffic Collision Procedure detailed in the Council's Drivers' Handbook,

8.1.7 Insurance

The Director of Corporate Services, or their Nominee, is responsible for ensuring that the Council has the appropriate type and level of insurance in place for all Council Vehicles (Council Fleet Insurance Policy). Line Managers must advise Corporate Services, through the Fleet Management Unit, of any vehicles to be added to or removed from the insurance Schedule as soon as it is known. The FMU will notify the Safety Health & Emergency planning unit (SHE) who will arrange for insurance cover.

Taking a Council vehicle outside of the Northern Ireland boundaries will only be allowed under strict conditions. Where this is a requirement, the Vehicle User's Line Manager, through the FMU, must seek approval in writing from SHE and confirm that appropriate insurances cover is in place.

8.1.8 Driver Training

Council Vehicle Drivers' training needs are to be assessed by Line Managers before the authority to drive a Council Vehicle is granted. Identified training needs are to be approved in line with current Council Training approvals procedures.

8.1.9 Vehicle Maintenance and Servicing

- Vehicle roadworthiness is the responsibility of each driver, in particular, drivers have to ensure that the Council Vehicle they are driving is in a safe and roadworthy condition & is suitable for the purpose it is to be used. Council Vehicle Drivers should follow the recommendations set out in the Drivers' Handbook.
- Council Vehicle Line Managers are to monitor at an appropriate frequency the roadworthiness condition and cleanliness of Council Vehicles under their control.

8.1.10 Fleet Management Unit:

The Fleet Management Unit (FMU) is required to keep an Asset Register of all Council Vehicles (Council Fleet Log Book), setting out the make, model, year and registration number, as well as the name and Driver Permit number of any driver authorised to drive each vehicle. This logbook is to be reviewed annually and two months prior to any change or renewal of the Council Fleet Insurance Policy.

9. Implementation of this Policy

- 9.1 Council's Head of Fleet will provide advice and support about the implementation of this policy.
- 9.2 Vehicle User Line Managers are to report to their Line Manager or the Head of Fleet any serious breaches of this Policy.

10. Monitoring the Effectiveness of this Policy:

Auditing of compliance with this Policy will be in accordance with Internal Audit requirements.

11. References

- Health & Safety at Work Order 1978
- Corporate Manslaughter and Corporate Homicide Act 2008
- Provision & Use of Work Equipment Regulations (PUWER) 1998
- Management of Health & Safety Regulations 1992 (updated 1999)
- Health and Safety (Offences) Act 2008
- Road Traffic Act 1988
- Highway Code (NI)
- Road Safety Act 2006
- The Road Vehicles (Construction and Use) Regulations 1984 & Amendments.
- The EU Drivers' Hours Rules (Regulations (EC) 561/2006)
- NI Domestic Rules – Vehicles (Drivers Hours of Duty) Regulations (NI) 1991
- Goods Vehicles (Licensing of Operators) Act (NI) 2010
- The Road Transport Working Time Regulations 2005.
- The Vehicle Drivers (Certificate of Professional Competence) Regs. 2007

12. Associated Controlled Documents

- Drivers' Handbook

13. Equality Screening.

This Internal Policy has been Equality Impact screened and the outcome is that it is not subject to an equality impact assessment (with no mitigating measures required).

14. Rural Impact Assessment:

This Internal Policy has been Rural Needs Impact assessed and determined to have no mitigating impacts.

15. Policy Authorisation.

Policy approved by Director Regulatory & Technical Services Department on 20th February 2018 & the SMT on the 13th March 2018.

To be endorsed by the RTS Committee in April 2018 with formal adoption by Full Council in May 2018. Policy to take effect from that date.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	18 th April 2018
Subject:	Filling of vacant posts in Refuse and Cleansing
Reporting Officer (Including Job Title):	Roland Moore, Director of Neighbourhood Services (Acting)
Contact Officer (Including Job Title):	Liam Dinsmore, Assnt Director Waste(Acting)

Decisions required:

To note the contents of the report, and consider and agree to:

Works are currently being undertaken, led by Human Resources to confirm staff in posts and to fill any vacant posts, where possible, on a permanent basis.

- **Report as provided is for noting**

1.0	Purpose and Background:
1.1	<p>Refuse and Street Cleansing Services are front line services, with delivery of services critically impacted upon by availability of well-trained staff, with relevant skills eg HGV licences.</p> <p>Council approved a Report December 2017, presented by previous Interim Director, following a review of staffing levels relating to Refuse and Cleansing Services. The Report recommended the recruitment of additional staff members following assessment that the services were under-sourced.</p> <p>Operational issues do currently exist within the Refuse and Cleansing Services, due to staff shortages.</p> <p>Refuse Management and Human Resources are currently working to implement arrangements whereby all vacant posts, as may be filled within the Refuse and Cleansing Services, are filled as quickly as possible.</p> <p>Purpose of this Report is to update Council as to when this project may be concluded so that adverse service issues, due to reduced staffing levels, may be eliminated.</p>
2.0	Key issues:
2.1	<p>Appropriate employment and recruitment practices must be followed, including liaison with relevant Trade Unions, to ensure that the recruitment process is carried out in an appropriate manner.</p> <p>Human Resources have identified several key stages with respect to filling of the posts.</p>

Key Stage/Description	Completion Date	Comment
1. Appoint relevant staff in Temp. Contracts to permanent positions.	11 April 2018	Existing employees on temporary contracts, where appropriate and where a vacancy exists have been confirmed in post
2. Identify any permanent staff requiring adjustment eg regarding capability and reassign.	11 April 2018	Examples may be staff where licence has changed or other adjustments required
3. Conclude on-going recruitment exercise	April 2018	Interviews scheduled 17 and 18 April
4. Appoint staff from Reserve lists to permanent vacant positions, where possible.	April & May 2018	Lists held from previous recruitment campaigns.
4. Advertise and recruit to resulting identified vacancies.	June 2018	Establish Interview Panel and Recruitment Campaigns to ensure process delivered.
3.0	Recommendations:	
3.1	<p>1. To ensure that Process may be completed it is required that Human Resources and Refuse Management do work closely to ensure that process is followed to ensure that all posts as can be filled on a permanent basis, are filled within target timelines.</p> <p>2. Work to achieve full staffing by end-June 2018.</p>	

4.0	Resource implications
4.1	There are no resource implications as posts to be filled are identified within the Staffing Structure approved for the Service.

5.0	Equality and good relations implications:
5.1	Issues do arise but are managed by Human Resources within existing Codes of Practice to ensure compliance.
6.0	Appendices
	N/A

arc21 Joint Committee - Meeting No. 029

**to be held at 10.30am on Thursday 29 March 2018
in Antrim Civic Centre
hosted by Antrim and Newtownabbey Borough Council**

AGENDA

Item 1 Conflicts of Interest

Joint Committee Members are reminded of their personal responsibilities under the Northern Ireland Local Government Code of Conduct for Councillors relating to any conflict of interest that might arise during the meeting, and should any member declare an interest, that declaration, and any action resulting therefrom will be recorded in the Minutes.

Item 2 Apologies

Item 3 Minutes of Joint Committee Meeting 028 held on 23 February 2018 - *for approval* (pages 3-7)

Item 4 Matters Arising

In Committee

You must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required to do so by law.

Item 5 Minutes of Joint Committee Meeting 028 held on 23 February 2018 'in committee' - *for approval* (pages 8-9)

Item 6 Matters Arising

Item 7 Residual Waste Treatment Project (written report plus Annex 1) - *John Green, for noting* (pages 10-36)

Out of Committee & Return to Main Agenda

Item 8 Contracts and Performance Update (written report plus Appendix A) - *Ricky Burnett/Karen Boal: (pages 37-47)*

- **Organic Waste - *Karen Boal, for noting* (page 37)**
- **MRF - *Ricky Burnett, for approval* (page 40)**
- **Landfill - *Ricky Burnett, for noting* (page 42)**
- **Bring Sites - *Ricky Burnett, for noting*, (page 43)**
- **Street Sweepings - *Ricky Burnett, for noting* (page 43)**
- **Haulage - *Ricky Burnett, for noting* (page 44)**
- **Supplies - *Ricky Burnett, for noting* (page 44)**

- **WEEE and Batteries - *Ricky Burnett, for noting*** (page 45)
- **Contracts and NILAS - *Ricky Burnett, for noting*** (page 45)

Item 9 **2013 WEEE Regulations – Proposed Collection Targets for 2018** (*written report plus Appendix B*) - ***Ricky Burnett, for noting*** (pages 48-50)

Item 10 **arc21 Conference 2018** (*written report plus Appendix C*) - ***Ricky Burnett, for noting*** (pages 51-52)

Item 11 **Review of Packaging Waste Regulations** (*written report*) - ***Ricky Burnett, for noting*** (pages 53-54)

Item 12 **AOB**

Next Meeting: Thursday 26 April 2018 to be hosted by Ards and North Down Borough Council - *for noting*

ITEM 3
ARC21 JOINT COMMITTEE
Meeting No 028
Hosted by Newry, Mourne and Down District Council
MINUTES
Friday 23 February 2018

Members Present:

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

Members' Apologies:

Councillor B Duffin	Antrim and Newtownabbey Borough Council
Councillor M Magill	Antrim and Newtownabbey Borough Council
Alderman A Carson	Ards and North Down Borough Council
Councillor G Milne	Belfast City Council
Councillor J Bunting	Belfast City Council
Councillor M Collins	Belfast City Council
Councillor L Poots	Lisburn & Castlereagh City Council
Councillor B Adger	Mid and East Antrim Borough Council

Officers Present:

J Quinn	arc21
G Craig (<i>Secretary</i>)	arc21
H Campbell	arc21
K Boal	arc21
J Green	arc21
R Burnett	arc21
L Mayne	Antrim and Newtownabbey Borough Council
T Walker	Belfast City Council
P Thompson	Mid and East Antrim Borough Council
Liam Dinsmore	Newry, Mourne and Down District Council
Collette 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
C Campbell	Belfast City Council
H Moore	Lisburn & Castlereagh City Council
A Wilkinson	Newry, Mourne and Down District Council

R Moore

Newry, Mourne and Down District Council

In attendance for Item 3:

The Chair welcomed Stephen Mungavin, Consultant and former Head of CIPFA Northern Ireland, who was in attendance to make a presentation on Governance along with Mr Craig as set out under Item 3 of the Agenda.

The Chair advised the Members and Officers that it was Councillor Stephen Burns last arc21 Joint Committee meeting. He extended his sadness at his departure and thanked him for his contributions during his time on the Committee and wished him well for the future.

Item 1 - Conflicts of Interest Statement

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

Action: Noted

Item 2 - Apologies

Apologies were noted.

Action: Noted

Item 3 - Governance Overview

Mr Craig and Mr Mungavin provided a PowerPoint presentation on the governance framework that surrounds both the Joint Committee and the Members nominated to serve on the Joint Committee.

Mr Craig provided an overview of the legal regime and governance structure of the organisation including the Terms of Agreement and Statement of Principles. Mr Mungavin focussed on the regulatory framework and the Northern Ireland Local Government Code of Conduct for Councillors.

Following discussion, the Chair advised that a copy of the presentation would be circulated to all Joint Committee Members for their information and that Mr Mungavin, Mr Craig and the Chair would make themselves available should any Members seek further advice or clarification.

Action: Mr Craig

Mr Mungavin left the meeting.

Item 4 - Minutes

The minutes of Joint Committee meeting 027 held on 26 January 2018 were proposed and seconded.

Action: Agreed

Item 5 - Matters Arising from the Minutes

There were no matters arising.

Action: Noted

Item 6 - Contracts and Performance Update

Ms Boal and 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 discussions is replicated as follows:

- *January 2018 Type 2 Organics tonnages increased by 64% compared to January 2017 Type 2 tonnages.*
- *Organic Waste Treatment Service Contract Schedule of Rates and Prices increase of 3.9% in line with RPI from 1st December 2017.*
- *Tonnage accepted at both MRFs during January has increased by 8.5% and 11% respectively when compared with the same period last year.*
- *Tonnage landfilled during January reduced by 11% when compared with the same period last year.*
- *Glass and Textile Banks collections have the highest monthly tonnage for the duration of the current Bring Contract.*
- *Recommendation for approval in relation to the Supplies contracts as follows:*
 - *the undertaking of a procurement utilising the Dynamic Purchasing System provisions for the supply of various waste containers and associated products; and*
 - *the delegation of decisions relating to determining the application of new suppliers and the outcome of individual order competitions to the arc21 Chief Executive.*

Following discussion, the Joint Committee agreed to endorse the recommendation presented in relation to the Dynamic Purchasing System and the delegation of decisions to the Chief Executive, as set out above and note the rest of the report.

Action: Agreed

Item 7 - 2017/18 Waste Statistics - First Half

Mr Burnett presented a report to inform Members of the indicative position in respect of key waste statistics covering the first six months of 2017/18.

He advised that the information provided by Councils to the Department through the wastedataflow system for the first two quarters of 2017/18 had been completed and will be the subject of a subsequent validation process by the NIEA. Consequently, the figures may be subject to change.

The key waste statistics categories are as follows:

1. Waste Arisings (Household and Local Authority Controlled Municipal Waste (LACMW));
2. Recycling Rates (Household and LACMW);
3. Waste to Landfill (Household and LACMW); and
4. Summary.

A number of charts were presented relating to the aggregated arc21 quantum.

Following discussion, the Joint Committee agreed to note the report.

Action: Noted

Following the presentation on governance at Item 3 it was considered appropriate that the following statement from section 4.15 of the Councillors' Code of Conduct be read out at each Joint Committee meeting before going 'In Committee'. Accordingly, the Chair read out the following:

You must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required to do so by law.

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 three matters discussed as follows:

- | | |
|---|-----------------------|
| Item 8 - In Committee Minutes of Joint Committee Meeting No. 027 held on 26 January 2018 | Action: Agreed |
| Item 9 - Matters arising from the Minutes | Action: Noted |
| Item 10 - Residual Waste Treatment Project | Action: Noted |

Out of Committee

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

Item 11 - AOB

arc21 Conference - Mr Burnett reminded the Committee of the forthcoming arc21 Conference being held on Friday 2 March at Belfast Metropolitan College, Titanic Campus, Belfast. He advised that numbers were a little disappointing to date and asked both Members and Officers to promote and encourage attendance within their Councils.

Action: All

Next Meeting

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 29 March 2018 at 10.30am and hosted by Antrim and Newtownabbey Borough Council.

Action: Noted

Date: _____

Chairman: _____

ITEM 5
IN COMMITTEE
ARC21 JOINT COMMITTEE

Meeting No 028

Hosted by Newry, Mourne and Down District Council

MINUTES

Friday 23 February 2018

Matters Discussed 'in committee'

The following matters were raised 'in committee' during the meeting of the Joint Committee on 23 February 2018. The minute of this agenda item is to be treated as commercially sensitive and confidential. Therefore, its existence and content should not be made publicly available until such time that it ceases to be commercially sensitive and confidential or that the Joint Committee so agrees.

Such non-disclosure will, at all times, be subject to any statutory provisions in place such as the Freedom of Information Act and Environmental Information Regulations.

The minute will be retained as a record by arc21.

There were three items discussed 'in committee' at this meeting.

Item 8 - 'In committee' Minutes of Meeting Number 027 held on 26 January 2018

The minutes of meeting number 027 held, 'in committee', on 26 January 2018 were agreed.

Action: Agreed

Item 9 - Matters Arising from the Minutes

There were no matters arising from the minutes.

Action: Noted

Item 10 - Residual Waste Treatment Project

Mr Green provided Members with a report on the Residual Waste Treatment Project.

The key points made were as follows:

***Judicial Review of decision to grant planning permission** - the substantive hearing in the High Court took place on 14 February 2018. Following Senior Counsel's advice, the Agent for the planning application submitted an affidavit on behalf of both arc21 and the bidding consortium, as interested parties.*

***Grid Connection** - An extension to the time to complete the technical studies underway by SONI and NIE Networks has been allowed by the Utility Regulator. NIE / SONI have also released on 31 January 2018 a consultation document - Connecting Further Generation in Northern Ireland.*

Belfast Region City Deal - Engagement with staff from the Senior Responsible Owner's (SRO's) office in Belfast City Council (BCC) provided further clarity on the City Deal.

Procurement - A briefing paper was prepared for DAERA to facilitate discussions with the Department of Finance (DoF) on accessing the £50.5million of Financial Transactions Capital (FTC) funding currently allocated to the project.

Land assembly - LPS and the legal team have been re-engaged to start to look at the next steps in relation to land issues.

Programme / Timetable - An assessment of the large number of activities and tasks necessary to deliver the waste treatment infrastructure at Hightown Quarry is underway. There are numerous scenarios and sensitivities to consider along with some fixed constraints when compiling the programme.

Discussion ensued regarding the grid connection and Members suggested that it was now appropriate to escalate representations to relevant bodies who have influence in relation to grid connections. Mr Green agreed to progress the matter.

Action: Mr Green

Following discussion, the Joint Committee agreed to note the report.

Action: Noted

Date: _____

Chairman: _____

ITEM 7
IN COMMITTEE
Residual Waste Treatment Project

Purpose of Report

To provide an update to the Joint Committee on the Residual Waste Treatment Project.

Executive Summary

Judicial Review of decision to grant planning permission - the substantive hearing in the High Court took place on 14 February 2018 and the judgement is awaited.

Grid Connection - An extension to the time to complete the technical studies underway by SONI and NIE Networks has been allowed by the Utility Regulator. An arc21 response to the NIE / SONI consultation document - *Connecting Further Generation in Northern Ireland* was submitted on 9 March 2018 and a copy is provided at Annex 1.

Land assembly - LPS and the legal team have been re-engaged to start to look at the next steps in relation to land issues.

Programme / Timetable - An assessment of the large number of activities and tasks necessary to deliver the waste treatment infrastructure at Hightown Quarry is underway. There are numerous scenarios and sensitivities to consider along with some fixed constraints when compiling the programme.

The Joint Committee is asked to note the report.

Planning

The Department for Infrastructure continues to make planning decisions on projects of regional significance without a Minister being in office nor an Executive Committee being formed from elected members of the Assembly.

The substantive hearing for a judicial review of the decision of the Department of Infrastructure to grant planning permission for developing waste treatment infrastructure at Hightown Quarry took place in the High Court on 14 February 2018 in front of The Honourable Mrs Justice [Siobhan] Keegan, following a final preliminary review by The Honourable Mr [Bernard] McCloskey on 8 February 2018.

The judgement of the High Court is awaited.

Procurement

Some preliminary meetings to plan activities for the next few months have taken place. A briefing paper was prepared for DAERA to facilitate their discussions with DoF on the £50.5 million allocation of FTC funding.

Land assembly

The advisory team for land assembly (BCC Legal Services, Land and Property Services and Arthur Cox) is being re-mobilized but further meetings are not being scheduled until after the judicial review decision.

Grid connection

In respect of the RWT project the Utility Regulator has agreed that NIE Networks grant an extension of time for the "Connection Application" to 30 April 2018.

arc21 responded to the NIE Networks and SONI consultation document [Connecting Further Generation in Northern Ireland](#) issued on 31 January 2018. The response is included as Annex 1.

Further background investigations on other legal and policy strands that could be utilised to secure a grid connection offer are being pursued by arc21 to see if they could reinforce the prospects of a successful outcome arriving. The risk of not securing a grid connection offer should not be underestimated.

Following the directions given at the last Joint Committee meeting, preparations are being made to escalate the level of representations to the relevant bodies who could have some influence in a grid connection offer issuing from NIE Networks. These bodies include the sponsoring Department for environmental and waste projects, DAERA, the sponsoring Department for the energy sector, DfE, the Utility Regulator and SONI. The benefits of approaching both regional and national political representatives is being considered.

Risk profile

The project team will be looking to further control and/or extinguish as many regulatory risks and third party risks over the coming few months to reduce uncertainty around deliverability of the project. However, the out-workings of the judicial review process will moderate that to an extent.

Programme / Timetable

An assessment of the large number of activities and tasks necessary to deliver the waste treatment infrastructure at Hightown Quarry is underway. There are numerous scenarios and sensitivities to consider along some fixed constraints when compiling the programme.

Media queries / FOIs

arc21 Officers continue to respond to media queries and FOI requests.

Action to be Taken

The Joint Committee is asked to note the report.

Officer to Contact

John Green
Acting Project Director
Tel: 028 9037 3000
Email: john.green@arc21.org.uk

ANNEX 1

181

To: NIE Networks and SONI

ConnectionDesign@NIENetworks.co.uk

Connections@soni.ltd.uk

9 March 2018

Dear Sirs

**Consultation on Connecting Further Generation in Northern Ireland
Consultation Paper - 31 January 2018**

arc21 as a statutory Joint Committee of six Councils and is charged with delivering key elements of a common statutory waste management plan to allow its constituent Councils meet their legal obligations in respect of waste management.

As expressed in arc21's response to your call for evidence¹ arc21 is only ever likely to have a single project that would have an interface with the Northern Ireland electricity grid. That is via the proposed publicly owned residual waste treatment infrastructure that includes an energy from waste treatment facility to be developed at Hightown Quarry.

Being an entity that is formed by Councils and democratically accountable arc21 has no choice but to rely on rational, functional behaviour by other statutory bodies and regulated undertakings it relies on to fulfil its mission. arc21 is at the margins of the electricity sector and is unlikely to be a repeat customer for grid connections. However, arc21 looks for the regulated actors in securing a grid connection offer for its residual waste treatment project to act in accordance with the broad aims of government policy and be mindful of the statutory obligations of other public-sector bodies. We note that in the above consultation paper some of the questions posed seek stakeholders to provide rationale that requires them to reference NIE Networks statutory and licence obligations. We would ask you likewise to consider the statutory obligations of arc21's Councils in formulating your decisions.

¹ [Consultation on Connecting Further Generation in Northern Ireland - Call for Evidence - 12 October 2017](#)

The above consultation document has been prepared with some thought on a range of factors which characterise a grid subject to underinvestment and that has not been allowed to evolve to reflect the growth of renewable sources of energy. It is fundamentally non-strategic in its outlook and is framed on the assumption that no medium or large scale new generator will be seeking a connection and unfortunately (due to prevailing circumstances) looks to identifying expedient measures. However, it could be that the Northern Ireland's economy is stuck with what were assumed to be 'temporary' arrangements for a decade or more.

It is not clear to arc21 (i) what SONI and NIE Networks know they can do within their existing licences; (ii) what is assumed with respect to the degree of the exercisable powers and authority of the Utility Regulator; and, (iii) what needs new legislation.

It is not clear to arc21 what framework NIE Networks and SONI are proposing to rely on in bringing forward each and all of the positions being advanced in the consultation. Is it just the four corners of the existing licences? Is it extant NI legislation? Is it extant NI and/or UK and/or EU legislation and associated policies? The consultation should have been clearer. A gap analysis would have been helpful to improve the understanding of stakeholders, particularly as the Utility Regulator has, it seems in its April 2017 'Next Steps' consultation document, already disavowed any involvement in developing processes for new applications beyond 'Phase 1'. It has left respondents guessing, in most cases, what is being relied on.

We note that NIE Networks and SONI accepts without any reservation that the Utility Regulator requires the Department for the Economy to bring forward new legislation and policy development before agreeing to a basis for new investment and changes to licences that would facilitate connecting further generation. It would be somewhat of an unsatisfactory turn of events for all concerned if - after several years of inaction and wasted opportunities to move the sector to longer-term arrangements and provide the targeted investment under the regulatory regime for improving capability of network to connect renewable generation - it is found that the Department views the Utility Regulator has all (or most) of the necessary powers to be exercised at its discretion and has simply chosen not to exercise them.

Question [1] – Do stakeholders agree;

- a) With the proposed NIE Networks Planning Approval milestone and timelines?**
- b) With the evidence required to meet the Planning Approval milestone?**
- c) With the Stage 1 enforcement rules?**
- d) That NIE Networks will not grant an extension to the Planning Approval milestone to allow applicants to go through planning appeal?**

In its earlier consultation responses arc21 has stressed the public policy and transparency benefits of linking planning related criteria to Northern Ireland's planning legislation that recognises regionally significant projects. It is strange to arc21 that this is not being embraced – particularly in any interim regime - given the North-South Interconnector project which NIE Networks and SONI are desirous of seeking developed was subject to these legislative provisions. It is also difficult to foresee that regionally significant planning applications with a generation component would not have a direct bearing on complying with government policy and it is common sense that NIE Networks and SONI would want to be able to provide a weighted approach to prioritising them. In any interactions to date neither NIE Networks nor SONI have provided an explanation as to why they are ignoring this. One would have thought NIE Networks and SONI would be aware from the North-South Interconnector project that regionally significant projects can be contentious, geographically dispersed and have multi-stakeholders. arc21 respectfully request that a full explanation be provided as to why there is no recognition in the consultation document (or anywhere for that matter) of projects that go through the planning process as regionally significant projects.

Question [2] – Do stakeholders agree with the;

- a) Use of Stage 2 milestones after planning permission has been obtained is reasonable?
- b) Agreed customer's programme of works will be used to determine the timelines attached to the rest of the Stage 2 milestones?
- c) Evidence required for each milestone stage as described in the table above is appropriate?
- d) With the Stage 2 Milestone enforcement rules?

Where stakeholders disagree with any of the above approach, please provide a full explanation for doing so and provide an alternative approach that would be acceptable and also comply with NIE Networks statutory and licence obligations.

See also response to Question 1. arc21 would have reservations for the milestone approach for projects, particularly those that are regionally significant. For these projects we have previously suggested a simple single long-stop date for energising the connection 8-years after the connection offer (and after planning permission secured) be set. This could be combined with a rising significant bond for the project being abandoned part way through the 8 years. E.g.

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
£50k	£100k	£150k	£200k	£250k	£300k	£350k	£400k

arc21 sees the need to prevent 'hoarding' of capacity for non-regionally significant projects that are commercially driven. For non-regionally significant projects it therefore may also be appropriate to introduce a long-stop date for energising the connection (along with milestones if adopted). arc21 has previously suggested this be 4 years. The case for having a bonding regime in addition to milestones for this category of projects is less clear.

However, as an alternative to the milestones approach for non-regionally significant projects arc21 have previously identified that there could be an overall public-sector interest in incentivising those with grid connection offering to surrender them if they are not needed. This could be done by the exchange of a sum of money equivalent to some transparent reference, say related to the original grid connection application fee. The rules / legislation could be set so a sum of money (up to a cap of say £ [100] k for non-strategic projects) which is equivalent to 1x or 2x or 3x etc. the original application fee. The sum then being recovered from the next [20] applicants for connections on an equal basis. The sum could be set to decrease in a straight line with time so the later the offer is surrendered the less is recovered.

Questions [3] – Do stakeholders agree with the meeting milestones early principles?

arc21 agrees with the principle that delivering ahead of programme should not result in a developer being penalised. The only concern would be that is the NIE Networks and SONI are alive to is the possibility of developers accelerating a project's delivery to the detriment of other parties (including taxpayers and electricity bill payers) when these other parties were relying on the original programme. Some protection should be provided in the connections regime to mitigate this risk.

Questions [4] – Do stakeholders agree with the resetting stage 2 milestones principles?

Protections to prevent gaming will be required. The simpler the system the fewer there will be. arc21 has previously expressed that the milestones approach could end up being ineffective if each milestone that could be used to withdraw a connection offer is litigated/injuncted.

arc21 has previously expressed a view that network operators should not be complicit in giving connection offers for projects that would be on a trajectory to simply be vehicles to hoard capacity. This is patently against the public interest. The application of transparent criteria prior to any connection offer being made would at least show a degree of due diligence and provide reputational protection in this respect. Particularly, if an obviously more meritorious project entered the equation before available connection capacity during a particular period was exhausted.

That said, if a milestones approach is adopted the principles suggested only seem proportionate for schemes that are solely generators. However, if generation is a secondary (but critical environmental and/or bankability) output of a project such as the construction of an impounding dam or a pump storage scheme or a tidal barrage or a large energy from waste facility then the milestones should reflect the totality and complexity of the scheme and not just assume it is a low risk on shore wind turbine or solar array development. Without recognition of anything but smaller scale generator connections (there is no evidence of NIE Networks or SONI running any scenario testing for large more complex developments seeking grid connections) arc21 would consider the proposed milestone approach as inherently discriminatory and could frustrate the implementation of government policies and have articulated elsewhere in this response and in previous consultation responses an alternative approach.

Questions [5] – Do stakeholders agree with the NIE Networks approach for;

- a) Designation of ‘at risk’ capacity queuing following failure to meet Stage2 milestones**
- b) Re-allocation of capacity designated ‘at risk’**
- c) Re-instatement of the original export capacity**

arc21 would have concerns that the NIE Networks approach described in the consultation document will immediately be subject to legal challenge and will become difficult to implement in reality. Any notice the NIE Networks gives to a developer that their connection offer is going to be withdrawn could be answered by an injunction with the result of what was expected to be a managed process to ensure capacity is efficiently allocated being locked up in the courts.

Question [6] - Do stakeholders believe that the proposals made by NIE Networks (as described in Section 5.3) is a reasonable approach to assigning capacity to projects which are ready and of minimising capacity hoarding?

If not, please suggest an alternative approach confirming what other milestones need to be included and what timelines should be attached to these?

Where stakeholders disagree with any of the above questions, please provide a full explanation for doing so and provide an alternative approach that would be acceptable.

In arc21’s response to the Utility Regulator’s April 2017 ‘*Next Steps*’² consultation document (included as an appendix to this letter and also provided as part of arc21’s response to SONI and NIE Networks October 2017 Call for Evidence) a rationale for an approach (non-milestones based) for assigning capacity was set out. arc21 is disappointed that the players who frame how the regulated electricity market operates have not to date seen any merit in any of the arguments put forward.

² [Review of Electricity Distribution and Transmission - Connections Policy - Consultation on next steps - 3 April 2017](#)

Question [7] - Is there any other information that could be provided in the forecast statement to help inform industry in their commercial decision making?

A forecast statement that would provide lower and upper bound estimates for capacity availability using a maximum 3-year time horizon would be welcome. It is difficult to see longer time horizons being useful for investment decisions.

Question [8] - Would stakeholders be in favour of a clause requiring mandatory disclosure of generator information to be published?

Please note that this will not be achievable solely by NIE Networks, but responses would inform how NIE Networks might approach engagement with parties such as the UR or DfE on the matter.

(This only applies to non-grid code compliant generation connections as grid code compliant connections are already published).

arc21 believes that economic efficiency for all applicants (grid code and non-grid code compliant) would be assisted in knowing what else is part of their 'cluster' in order to take informed investment and risk weighted decisions. The Utility Regulator has already adopted a 'well-functioning connections market' type of language and basic economic theory requires market participants to transparency of information. Therefore, if properly consulted on, it is difficult to see the grounds for parties to object to any necessary amendments to the relevant provisions of the 1992 Electricity Order and the system/network operators' licences.

Question [9] - Do you agree that a provision should be made in the Northern Ireland Connections Process to enable the prioritisation of connection applicants to provide DS3 System Services?

arc21 find this question somewhat disingenuous. On one hand it gives a nod to a criterion that indicates that NIE Networks and SONI are open in principle to multi-criteria basis for connection offers arc21 has previously argued for and evidenced³ to the Utility Regulator and SONI and NIE Networks that there is an extant basis in law for adopting, whilst on the other hand setting the parameters so narrowly that it seems they have a particular project in mind to deal with a pressing operational issue. Also the reference to 'cost benefits' is selective and there is no comparison of these 'cost benefits' (presumably to fellow citizens, the electricity bill payers) to other criteria such as the 'cost benefits' of having a subsidy free-price taking, base load renewable generator connected.

The question however, does draw attention to the lack of transparency and dialogue by NIE Networks and SONI with developers seeking connection offers where a potentially 'unsuccessful' application can be converted to a 'successful' one by dint of modifying the application. Without such dialogue a developer will not know how 'close' or 'far' they got to securing a grid connection offer.

NIE Networks and SONI have yet to explain to stakeholders why Article 3(2) of the Directive 2009/72/EC ('...concerning common rules for the internal market in electricity...') cannot be mobilised and relied on in any interim or long-term connections process, particularly in relation to prioritisation. arc21 respectfully request that such an explanation be provided to stakeholders.

³ arc21's response to the Utility Regulators Next Steps consultation also provided as part of response to SONI and NIE Networks Call for Evidence. See appendix to this letter.

Question [10] - In the absence of a batch process, do you have any other suggestions or specific comments on how the approach discussed above should be augmented for Northern Ireland? What, if any, pre-conditions, rules or limits do you think should be applied?

arc21 does not see the relevance of the ROI batch process for Northern Ireland nor indeed following the end of ROCs subsidies for new generators the current NI clustering policy (where the entire cluster can only progress at the pace of the slowest member) for having a role for prioritising grid connection using DS3 System Services criterion. arc21 would however support the DS3 System Services criterion being used as one of several criteria in a multi-criteria evaluation post a pass/fail test related to a development having secured planning permission. arc21 has evidenced that such an approach is grounded in law (Article 3(2) of the Directive 2009/72/EC), will naturally align with government policy and by periodic reweighting can be adapted to evolving circumstances so the process will remain relevant and will meet the system/network operators changing needs. It is also amenable to regulation, easily understood by politicians and citizens and would give NIE Networks a useful metric for use in periodic price reviews related to its investment programmes.

Question [11] - Is there industry appetite for Zero FAQ connections with no assurance of full FAQ being achieved?

The scope of study for the proposed connections innovation working group suggests that NIE Networks and SONI should anticipate its outputs informing the basis for allocation grid capacity. The milestones approach will not do this. Using as a single criterion the DS3 System Services will not do this. It appears to arc21 that a multi-criteria approach needs to be adopted with a suitable weighting given to such innovation and new technologies (e.g. battery storage). Otherwise the work of such a working group will end up in a cul-de-sac with no means of it being expressed or having traction in a transparent, objective manner in the connections policy and processes that is understandable by stakeholders.

Question [12] - What indicative level of curtailment and constraint do industry believe such a solution would become commercially unviable?

Why not let developers 'bid-back' the level of sub 100% FAQ they can tolerate on a project by project basis as they deem appropriate to their technological package. Also this question does bring to the fore the issue of the non-existence of rebates. At present the NIE Networks Statement of Charges says that if a developer triggers the need for a second transformer at a substation that developer must bear 100% of upfront cost regardless of what percentage of the total transformer capacity they use. There is no mention in the consultation paper of revisions to this and it seems odd to suggest zero FAQ connection with a developer still being at risk to pay for 100% of the second transformer.

Question [13] - Does industry agree that a working group is required to deal with the more complex matters above including [A] technical and [B] process-commercial matters [YES/NO]

Practically arc21 can envisage the commitment of all developers to participate in a working group will be impacted by current clustering policy where the entire cluster can only progress at the pace of the slowest member.

Question [14] - With respect to the potential ANM solution set out in Appendix 4 do you have any views on the various options outlined?

See answer to Question 13.

Question [15] - If the answer to (1) (2) or both is [NO] – please advise what alternative approach you believe might be workable

The scope of study for the proposed working group suggests that NIE Networks and SONI should anticipate its outputs informing the basis for allocation grid capacity. This is not possible with a milestone approach and arc21 would advocate the use of a multi-criteria assessment so relevant outputs can be weighted appropriately and included in the grid capacity allocation process.

In conclusion, when undertaking your functions you expect public bodies and regulators and others to facilitate rather than frustrate your mission. We hope the above response will be considered and your decision recognises the statutory obligations of other public bodies and government policy, not just the parts of government policy you choose to recognise.

If you decide to ignore the possibilities presented by extant legislation for prioritising grid connections – i.e. Article 3(2) of the Directive 2009/72/EC ('...concerning common rules for the internal market in electricity...') that provide ready-made criteria, and Section 26 of the Planning Act (Northern Ireland) 2011 that differentiates regionally significant developments - it would be helpful to have explanations as to why.

Yours faithfully



John Quinn
arc21 Chief Executive

Appendix to this letter.

arc21's response to the Utility Regulator's April 2017 *Next Steps* consultation also provided as part of response to SONI and NIE Networks October 2017 *Call for Evidence*.

Response to

Review of Electricity Distribution and Transmission Connections Policy – next steps

Introduction

The arc21 Joint Committee ('arc21') is a Local Government sector statutory entity encompassing six Constituent Councils located along the Eastern Region of Northern Ireland. These Councils cover approximately 33% of the land mass of Northern Ireland and includes approximately 59% of its population and accounts for approximately 60% of the national Local Government controlled municipal waste arisings.

The establishment of arc21 and its functions is embodied in NI legislation and associated agreements. Consistent with EU, UK and Northern Ireland policy and legislative frameworks arc21 it is primarily responsible for activities associated with the production, ongoing development and implementation of a common statutory Waste Management Plan for the six Constituent Councils of arc21. These are Antrim and Newtownabbey Borough Council, Ards and North Down Borough Council, Belfast City Council, Lisburn & Castlereagh City Council, Mid and East Antrim Borough Council and Newry Mourne and Down District Council.

The statutory waste management plan incorporates the internationally accepted waste hierarchy. As well as waste prevention, minimisation, re-use, recycling the hierarchy also includes energy recovery from waste. arc21 is currently in the process of a public procurement for regional scale waste treatment infrastructure that includes a facility to recover energy from fuel derived from council collected waste (an 'energy from waste' EfW facility that generates electricity). The requirements for the public procurement are aligned with UK and NI energy policy in relation to reduction of the most damaging greenhouse gas emissions, energy security and resource management and also reflect key aspects of the Northern Ireland Sustainable Development Strategy.

The EfW will require a grid connection to achieve R1 'recovery' status consistent with the revised Waste Framework Directive.

Background

In November 2016 the Utility Regulator published a Call for Evidence relating to its review of electricity distribution and transmission connections policy to which arc21 responded. The responses to this call for evidence have now been considered and on 3 April 2017 the Utility Regulator issued a consultation document on the next steps.

The consultation document sets out the next steps in relation to the connections process and network management, customer service and transparency. The Utility Regulator also sets out its view of the issues considered in the consultation and identifies some potential actions it intends to undertake.

It also sets out a list of actions on issues that stakeholders feel are important and highlights the expectation that the Utility Regulator expects NIE Networks and SONI to consider what steps they need to take and then to begin to deliver actions.

It therefore anticipates that there will be further engagement with those organisations going forward.

Consideration is also given to modifications to NIE Network's and SONI's Licence with the aim of providing clarity and removing inconsistencies between their connections regulatory and legal obligations.

arc21 Response

1. Preliminary Observations

The projects arc21 promote do not currently participate in the electricity market as a power producer and are, through its residual waste treatment project, engaging with the sector as an owner of a generator for the first time. In this context, we would offer the following preliminary observations:

- 1.1 “Connections Market”** – it is difficult to reconcile the term “connections market” used in the consultation document with what has developed since 2002. Rather than a ‘market’ it has been and - as indicated by the Utility Regulator’s views in the Next Steps document – will continue to be an allocation of limited resources. We struggle to see why that is not recognised in plain language and future actions mapped out accordingly. The vista projected by NIE Networks (in their recent update letter to applicants for network connections) of a market where no transactions take place is in our view not a market, whether regulated or not.

- 1.2 Government Policy Framework** – in para 1.10 of the next steps consultation document the Utility Regulator stresses “..we must work within the policy framework set by Government.” arc21 fully supports this providing it is done on a non selective basis. We feel that it is not right that some Government policies inform decision making and others are ignored.

In October 2016, the Executive agreed the publication of a draft *Programme for Government 2016-2021* for a period of consultation. This Programme for Government is a different model than before being constructed around a framework of outcomes. The outcomes in the framework were identified as being only achieved by collaboration and partnership across organisations and across sectors. Delivery plans have and are being developed by Government departments with input from a wide range of stakeholders which set out the intended approach to making progress on the achievement of outcomes, including collaboration across sectors. Local government has also widely adopted the outcome based model for Councils Community Plans as part of their response to the Part 10 of the Local Government Act (NI) 2014.

In January 2017 the Department for the Economy published proposals for a new Industrial Strategy *Economy 2030*. It prioritises key Investments in energy, waste treatment networks and facilities and recognises Northern Ireland’s major cities and population centres as drivers for economic growth and supporting this through investment in infrastructure.

arc21 believe that many of the outcomes desired by the draft Programme for Government and Industrial Strategy and associated indicators should inform policy and the Utility Regulator’s forward planning and actions. These include: increase environmental sustainability, promoting a modern and sustainable economic infrastructure, improve air quality, increase household waste recycling; improve our international reputation; and, increase the competitiveness of the economy.

Further, we are concerned that there is no reference in the consultation document to the Northern Ireland Executive’s Sustainable Development Strategy or the extant Sustainable Development Implementation Plan (particularly were DETI and DOE were identified as the lead Department for delivering Strategic Objectives) and given the timetable set in the Next Steps document (*‘Publication of Decision 30 May 2017’*) there appears no time allowed to consult key government departments such as the Department of Infrastructure, the Department for Finance and the Department for Agriculture, Environment and Rural Affairs on the outcome of the consultation. We believe, given the Utility Regulator’s declared mission is “**value and sustainability in energy and water**”, this is a significant oversight and weakness and should be addressed. It appears odd to us that the Utility Regulator could make a decision that

could impact sources of energy and electricity prices and all the consequences that has for the economic prospects of Northern Ireland for the next decade without consulting key government departments on the outcome of the consultation.

- 1.3 **Technology neutrality / Non-discrimination** - we struggle to understand in the absence of a genuine market and if the oft quoted 'trilemma' is a frame for decision making, how the stances of technology neutrality by the Utility Regulator and non-discrimination licence condition imposed upon network operators are appropriate or desirable or necessary under extant legislation. It is common sense that a subsidy free price taking generator will reduce prices for consumers and that a non-intermittent generator that than can offer a range of system services will contribute more to system security than an intermittent wind powered generator. Why not recognise these in prioritising connection offers?
- 1.4 **'Market' signals** - we struggle to understand why NIE Networks in its recent letters to applicants on their connection applications has been allowed by the Utility Regulator to seek to remove the evidence of the 'demand' for connections. If the Utility Regulator considers that a market exists then it is surprising that it considers 'demand' signals should be suppressed as this could result in decision the Utility Regulator may make in respect of the 'supply' side being based on false information.
- 1.5 **Extant legislation** - a plain reading of Article 3(2) of Directive 2009/72/EC allows for the imposition on undertakings operating in the electricity sector, in the general economic interest, **public service obligations** which may relate to security, including security of supply, regularity, quality and price of supplies and environmental protection, including energy efficiency, energy from renewable sources and climate protection with such obligations being required to clearly defined, transparent, non-discriminatory and verifiable. Article 3(2) also mentions that - in relation to security of supply, energy efficiency/demand-side management and for the fulfilment of environmental goals and goals for energy from renewable sources - Member States may introduce the implementation of long-term planning, taking into account the possibility of third parties seeking access to the system.

It appears to us that there has since 2009 been a framework grounded in legislation for the Utility Regulator to work to develop a 'fit for purpose' scheme for prioritising grid connections and we struggle to understand why the Utility Regulator has not sought to simply transpose (if required) this framework into NI legislation and then direct its efforts to modifying licences of the distribution and transmission system operators and consulting on its implementation in practice. We struggle to understand why the Utility Regulator has wanted to limit itself to applying over-simplistic principles to

complex problems if it is at odds to its vision of making a difference for consumers by “...*listening, innovating and leading*”.

- 1.6 Transparency** – the process for applicants for grid connection has been and – given the Utility Regulator views in the consultation document – is acknowledged as being opaque. For example, NIE Networks has updated applicants for grid connections on 11 April 2017 by saying it is offering grid connections in ‘Phase 1’ ‘subject to planning’, but does not say whether the validity of the offer runs from the date of the offer or from when planning permission is determined. If it is the latter it is both tying up capacity and seems contrary to the Utility Regulator’s July 2015 determination.
- 1.7 Cause and Effect** - It would not be unreasonable for an observer to come to the conclusion given that in July 2015 – based on a single complaint (which was not tested in the Courts) - the Utility Regulator disallowed a fairly robust, logical and obvious criterion and tool for NIE Networks for queue management of grid connection applications (i.e. the need for an applicant to have planning permission for the developing the generator). This was a criterion all the other sector participants seemed to be content with. The Utility Regulator came to its decision essentially on the grounds there is not an explicit/express requirement in extant legislation for NIE Networks to refuse an applicant without planning permission a grid connection offer. It is difficult not to see the outcome of this decision as anything other than a precedent for ‘regulation by complaint’. Therefore, is it realistic to expect the Utility Regulator (or NIE Networks) to venture into any interpretation of the extant Northern Ireland law or provisions in EU Directives (mandatory and non-mandatory)? The consequences of the July 2015 decision by the Utility Regulator in terms of the volume of grid applications were wholly foreseeable and it is disappointing to see that the Utility Regulator has not used the privilege position its independence affords to have engaged with the Department for the Economy and have already obtained the legislative cover it thinks it needs for an alternative regime to emerge and be established. The Department may, possibly, consider the Utility Regulator has sufficient legislative cover already, including for allowing NIE Networks to lawfully use planning permission as a criterion.
- 1.7 Pre-determined outcome?** – the next steps consultation document includes the views of the Utility Regulator and given that the timetable is for the decision is 30 May 2017 it is difficult to see how any feedback to the next steps consultation will be considered properly given these time restraints. A reasonable inference for respondents to take is that the views expressed by the Utility Regulator in the document are, effectively, its draft final determination. This does not seem appropriate in the circumstances.

2. Issues covered in Next Steps Consultation Document

2.1 Connections network management

- Utilising Network Capacity** (paras 1.14 to 1.21) – in paras 1.4 and 1.5 of the consultation document it mentions reasons for not building more reinforcement to increase capacity and that it may not be required. We struggle to reconcile this position given the Eirgrid/SONI *All-Island Generation Capacity Statement 2017-2026* published on 27 April 2017 (extracts below) and the lead time in planning and executing the reinforcement necessary if (i) the north-south interconnector does not show up, and (ii) the large conventional generators are decommissioned in line with the requirements of the Industrial Emissions Directive (IED).

Adequacy Analysis

Jurisdictional Adequacy Analysis

In the following sections, we look at Ireland and Northern Ireland separately. Each jurisdiction is studied on their own, with a small reliance on the other, as provided by the current interconnection. As we have taken account of the current interconnection between the jurisdictions, the analysis is valid up to 2020. From 2021, this analysis is valid only in the absence of the second North South Interconnector. Both jurisdictions would require additional capacity to meet the adequacy standard in the absence of the second North South Interconnector.

Northern Ireland in the absence of the second North South Interconnector

In Northern Ireland, a significant amount of plant is due to decommission or be restricted in its running hours due to emissions legislation. By 2021, this causes the system to experience deficits over 100 MW in the median demand scenario. By 2024, the Kilroot steam units are assumed to have closed, and so the system goes into further deficit, over 200 MW. This situation would be relieved by the second North South Interconnector, or by the commissioning of new generation.

Without the second North South Interconnector, it will not be possible to share enough capacity from Ireland to alleviate the serious concerns over security of supply that Northern Ireland will face from 2021 onwards.

It can be seen that the high and low scenarios for Northern Ireland do not cause a large spread in results.

Northern Ireland	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Scale
Low Demand	550	530	310	200	-50	-70	-80	-160	-150	-150	± = 500
Median Demand	530	510	280	160	-100	-110	-90	-220	-220	-220	0
High Demand	520	490	250	130	-140	-160	-150	-290	-300	-310	± = -500

Figure 0-6 Adequacy results for Northern Ireland

3.2 Changes to Conventional Generation in Northern Ireland

In Northern Ireland, we will only consider new conventional generators that have a connection agreement with SONI or NIE Networks. In addition, to be included in our adequacy studies, plant needs to have planning permission, financial close and have indicated a commissioning date to SONI by the data freeze date.

Plant	Export Capacity (MW)	Expected to close by the end of year:
Ballylumford 4, 5	250	2018 ¹⁵
Kilroot ST1, ST2	514	2023

Table 3-3 Closures of conventional generators. (Dates are interpreted as 'by the end of each year'.)

¹⁵ With the option of a 2-year extension to 2020

There seems an imperative - even on an 'insurance' basis - to build more reinforcement to allow base-load generators who could be on line by 2021 or 2023 to be connected to mitigate the risk of supply deficits that will impact consumers and the prospects for economic development of Northern Ireland.

The consultation discusses the potential to operate the current network more efficiently "...without building network which is not economically justifiable. ..." Innovation is always welcome and arc21 note NIE Networks is considering these ideas in the context of RP6. That said there is little in terms of detail in this consultation nor in the RP6 documentation either. If this is to be an activity which is to be prioritised over investment in new physical assets that could provide immediate price reductions for consumers much more information should be shared to show value for money. The opportunity cost of keeping subsidy free, price taking generators off the grid should be evaluated.

- **Recovering network capacity** (paras 1.22 to 1.25)

An argument provided in May 2015 to the Utility Regulator in the complaint by Solar Ventures Limited in relation to a request to Northern Ireland Electricity Limited for a connection offer and reported in the Utility Regulator's decision document¹ (which resulted in the Utility Regulator disallowing the electricity distributor from using planning permission policy when considering applications

¹ https://www.uregni.gov.uk/sites/uregni.gov.uk/files/media-files/DET-572_Determination_of_Solar_Ventures_connection_dispute_with_NIE.pdf

for a grid connection²) was that there was (ref. para 4.94) a time bound window to access subsidy support mechanisms in the form of [NI]ROCs, Feed in Tariff and Contracts for Difference.

Also worryingly, para 4.68 of the decision document reported (emphasis added):
"It is NIE's view that where the network reaches capacity (as has happened in certain parts of Northern Ireland) and connection offers can no longer be given (pending 33kV reinforcement) due to a lack of capacity then connection to the network is in the hands of those speculative developers who already hold connection offers. This is not in the interests of customers and is not conducive to the efficient planning of the network."

There is no publicly available information available that arc21 is aware of that disproves this view. It does not seem unreasonable to assume, given the detailed operational and investment information that NIE Networks hold, such hoarding is already taking place given the clear position it set out in 2015. Yet the Utility Regulator seems sanguine about this. Due to the lack of transparency and limited information put in in the public domain the Utility Regulator should act in the consumers' interest to ensure that there is no hoarding of capacity. The Utility Regulator should also ensure that it is possible for NIE Networks to revoke grid connection offers or revised capacity allocated if not fully utilised.

- **Building more network capacity** (paras 1.26 to 1.29)

The consultation document in paras 1.4 and 1.5 references not building new build and we have responded to that above.

The view of the Utility Regulator is that no new spend on assets is to be made up-front. It is noted that the Utility Regulator's draft determination on the Transmission & Distribution 6th Price Control (RP6) dated March 2017 scaled back NIE Networks proposed investment in distribution and transmissions systems, particularly the distribution system. Whilst the Utility Regulator references the D5 mechanism there is insufficient information available to any applicant to say if the four system projects identified will have any relevance to the prospects of a grid connection for them (although it looks unlikely). It is hard to reconcile the

² In para 6.27 the Utility Regulator stated - *"We have determined that, on the basis of its statutory duties, NIE is not entitled to refuse to consider a connection application solely on the basis that planning permission has not been granted in relation to the relevant site. ..."*

development of long-term strategic physical assets and a 'case by case' determination approach mechanism.

- **Connections charging framework** (paras 1.30 to 1.35)

The Utility Regulator observes in para 1.33 that it is possible in certain circumstances that an applicant would be willing to pay more "deep" connection costs if this had a material impact on schedule or other aspects of their project. arc21 agrees this should be done on a case by case basis by each developer who can assess the financial viability of their proposal relative to paying for extra deep reinforcement charges.

In para 1.40 the Utility Regulator quotes from NIE Networks Statement of Charges without commenting whether it endorses it as being legal and compliant with NIE Networks licence conditions. It says if a developer triggers the requirement for a second transformer then they must bear 100% of the cost of this upfront regardless of what percentage of capacity is used. In the absence of long term energy policy and without a requirement for planning permission for new generator capacity it is difficult for the Utility Regulator to be reasonable certain that assets underwritten by the consumer will not be under-utilised. That said some developers may be willing to take a commercial decision to progress. In which case the potential for future rebates is likely to be a very material consideration in any investment decision and should be an essential part of any connections policy.

2.2 Connections process and queue (1.41 to 1.43)

- **Planning permission** (paras 1.44 – 1.46) – arc21 struggles to see how a 'milestone' approach for grid application management will align with developing a strategic approach to identifying optimum investment in the network which one would think the Utility Regulator would want to encourage.

For a future connections policy arc21 considers that an initial pass/fail criterion in relation to planning permission being an essential pre-requisite prior to a valid application for a grid connection to NIE Networks followed by the use of a multi-criteria evaluation matrix.

Further, we would suggest that “regionally significant” developments seeking a grid connection as defined under the Planning Act (NI) 2011³ be considered in a separate stream to those developments that are not regionally significant. The Act, in force from 1 April 2015, has a special regime (“Section 26”) for planning applications for developments considered of regional significance⁴.

All proposed developments need to be screened against criteria in the Planning (Development Management) Regulations (Northern Ireland) 2015⁵ and if they fall under the Section 26 regime it means that the development proposed is of importance to the whole of Northern Ireland.

Under this regime the Minister for the Department for Infrastructure (acting through the Department) is the planning authority, not local councils. The Minister will be making his determination on such planning applications in the context of the same policy framework the Utility Regulator works to. It would be perverse if the Minister (possibly with the endorsement of other NI Executive Ministers) gives planning permission for a development with an important electricity generation component (thereby validating its regional significance) but the Utility Regulator and/or NIE Networks and/or SONI do not acknowledge this when it comes to prioritising a grid connection offer.

Article 3(2) of Directive 2009/72/EC⁶ concerning common rules for the internal market in electricity (adopted in 2009 and in force from 2011) seems to have suitable provisions to allow such an approach (e.g. *‘Member States may introduce the implementation of long-term planning, taking into account the possibility of third parties seeking access to the system.’*)

arc21 would then propose using the same multi-criteria basis for prioritising grid connection applications for each stream. In our view, there is already a frame set in legislation relating to a (non-exhaustive) list of public service obligations that could be developed so as to satisfy Government policy and satisfy legislative requirements. For the purposes of illustration some example criteria – anchored in public service obligations- are shown in Annex I attached.

³ http://www.legislation.gov.uk/nia/2011/25/pdfs/nia_20110025_en.pdf

⁴ Meaning a “*proposed development would, if carried out be of significance to the whole or a substantial part of Northern Ireland of have significant effects outside Northern Ireland*” – Section 26(4)(a) of the 2011 Act.

⁵ http://www.legislation.gov.uk/nist/2015/71/pdfs/nisr_20150071_en.pdf

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0072&from=en>

The weighting given to each such criterion could be consulted on and then set but periodically reviewed so that the outcomes are in line with the extant policy framework and developments in legislation

- **Prioritisation of connections** (paras 1.47 to 1.51) - arc21 does not consider it appropriate for the Utility Regulator to abdicate any responsibility for developing a 'robust process' for considering new applications beyond 'Phase 1'. arc21 believe that no such robust process is possible without the leadership and innovation of the Utility Regulator and such involvement would be compatible with its vision of making a difference for consumers by "*...listening, innovating and leading*". Otherwise an institutional 'pass-the-parcel' is likely to develop that will drag on for years with 'regulation by complaint' becoming embedded. How can the Utility Regulator innovate if it is not involved?

Concluding remarks

In arc21's view that locking citizens and electricity bill payers in to paying c20-years of subsidies (when subsidy free renewable generation could be available) and preventing access to new generators without subsidies (by hoarding of transmission/distribution capacity) can only put the bills up for consumers.

arc21 struggles to see how a 'milestone' approach for grid application management will align with developing a strategic approach to identifying optimum investment in the network which one would think the Utility Regulator would want to encourage. arc21 would suggest a multi-criteria approach to the allocation of capacity for grid connections and deeper reinforcement of the network, however funded.

arc21 would recommend that regionally significant developments seeking a grid connection as defined under the Planning Act (NI) 2011 be considered in a separate stream to those developments that are not regionally significant and are prioritised so as to align with government policy.

In any conventional market-place it is possible to 'outbid' others for some tangible or intangible asset at any point before a contractual commitment is made by offering a 'better proposition'. Conventionally this done by offering more money. In the 'market/competition' for grid connection and capacity the 'currency' should be the quality of the characteristics of the connecting generator (as informed by policy), not just money. It is arguable that it is not material how late or early it is when an applicant turns up (it could be argued that using timing of applications to prioritise is in itself discriminatory) if the proposition the applicant

makes has (objectively) better economic and technical characteristics than those applications already lodged.

arc21 would like to see a timely structured process to develop a connections regime before time overtakes us all and the Utility Regulator is left with making expedient, 'keep-the-lights-on' short-termist decisions.

15th May 2017
arc21

ANNEX I

Tentative example criteria for public service obligations to inform the general economic interest and decision making in relation to prioritising grid connections. (based on Article 3 of Directive 2009/72/EC).

Public service obligation	Example Criterion
1. Security of supply	
	1.1_Fuel from indigenous sources?
	1.2_Continuous presence of operational staff?
	1.3_Ease of maintenance?
	1.4_Proximity to demand
2. Regularity of supply	
	2.1_Availability hours/year
	2.2_Grid code compliance
3. Quality of supply	
	3.1_System Services
	3.2_System Policies
	3.3_System Tools
4. Price of supply	
	4.1_Subsidy requirement from consumers?
	4.2_Price taker or maker in the market?
	4.3_Associated Transmission Reinforcement capex
5. Environmental protection	
	5.1_Energy efficiency
	5.2_Enables demand-side management?
	5.3_Energy from renewable sources?
	5.4_Climate protection / Net air quality implications
	5.5_Provision of environmental educational programme?
6. Economic interests	
	6.1_Public good infrastructure as a result of development
	6.2_Inward investment into Northern Ireland?
	6.3_NI job creation in construction phase for low carbon generator
	6.4_NI job creation in operational phase for low carbon generator

ITEM 8**Contracts and Performance Update****Purpose of Report**

To advise the Joint Committee on the prevailing monthly situation pertinent to the operational performance of the service and supply contracts.

Executive Summary

February 2018 Type 2 Organics tonnages increased by 65% compared to February 2017 Type 2 tonnages.

Bryson Recycling have initiated the dispute procedure in relation to the proposed MRF contract extension and have submitted a variation proposal.

Main elements of next MRF contracts listed for approval.

Landfill Tax increase on 1st April 2018.

Work started on development of documents for securing agreement of PCSs for the collection and treatment of WEEE and batteries.

Councils asked to be vigilant for flytipping of relatively large number of TVs following recent occurrence.

On track for compliance with 2017/18 NILAS targets.

The Joint Committee is asked to approve the recommendation in section 2 and note the rest of the report.

Report

A summary of statistical information relating to the four main contracts, Organics, MRF, Landfill, and Bring, is shown in Appendix A attached.

1. Organic Waste

A summary of the relevant aspects pertinent to the organics contracts is outlined in Table 1 overleaf.

Table 1

arc21 Organic Waste Treatment Contract	February 2018
arc21 Organics Type 1 (tonnes)	1,355
arc21 Organics Type 2 (tonnes)	5,302
Total arc21 Organics (tonnes)	6,657
Total Deliveries	1,007
Deliveries into NWP Glenside	726
Deliveries into NWP Antrim WTS	144
Deliveries into NWP Drumanakelly WTS	137
Direct Deliveries into Greenacres	0
Vehicles >5% overweight*	1
Turnaround >20 mins	3
Rejected Loads	0
Reporting non-compliances	0
Other non-compliances	0
Site monitoring visits	10

*Contractor vehicle

A summary of the grades allocated to the Type 2 material sent to Glenside, Antrim WTS and Drumanakelly WTS over the last 12 months can be seen in Table 2.

Table 2

Grade	2017										2018	
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
	%	%	%	%	%	%	%	%	%	%	%	%
1	2.2	2.0	1.3	1.9	1.4	0.6	0.3	0.9	0.5	0.1	0.5	0.4
2	45.4	49.9	44.2	64	58.4	54.8	60.4	58.5	57.3	65.0	56.4	57.9
3	49.5	46.9	53.9	33.7	40.2	44.4	38.8	40.6	42.1	34.4	43.0	41.7
4	2.8	1.2	0.5	0.4	0.1	0.2	0.4	0	0.1	0.5	0	0
5	0.1	0	0.1	0	0	0	0.1	0	0	0	0.1	0

Commentary

February 2018 Tonnages

The total Type 1 and Type 2 tonnage delivered through the contract in February 2018 was 47% higher than in the corresponding month last year, with Type 2 increasing 65% from 3,212 tonnes in February 2017 to 5,302 tonnes in February 2018.

Request for approval of additional sub-contracting arrangement

NWP have asked arc21 to consider a request to approve the use of an additional sub-contractors facility to act as a contingency for Type 1 material. This is a prudent step to consider given the increasing amount of Type 1 material that is being received and in light of the increasing overall volumes of material being diverted through the contract. Additional information is being sought particularly in relation to licences, consents and certification before a decision can be made.

Compost Awareness Week

NWP will commence delivering bagged compost ordered for use in promotions during compost awareness week.

Compost for use by Councils

Officers from the Councils have been contacted to ascertain their requirements for compost to September 2018.

NWP Trailer Graphics

The pictures below show the new graphics which NWP have recently put on one of their trailers.





2. MRF

A summary of the relevant aspects pertinent to the MRF contract is in Tables 3 and 4.

Table 3

arc21 MRF Contract lot 1 Bryson	February 2018
Total delivered (tonnes)	2,394
Total processed (tonnes)	2,372
Contamination % against processed	14.62%
Contamination tonnage against processed	347
Samples 0<5%	1
Samples 5<10%	10
Samples 10<15%	3
Samples 15<20%	4
Samples >20%	0
No of rejected loads	1
Turnaround >30 mins	6
Vehicles >5% overweight	0
Reporting non compliances	0
Other non-compliances	0
Site monitoring visits	9

Table 4

arc21 MRF Contract lot 2 Re-Gen	February 2018
Total delivered (tonnes)	581
Contamination	9.83%
Contamination tonnage	57
Samples 0<5%	0
Samples 5<10%	3
Samples 10<15%	2
Samples 15<20%	0
Samples >20%	0
No of rejected loads	0
Turnaround >30 mins	0
Vehicles >5% overweight	0
Reporting non compliances	0
Other non-compliances	0
Site monitoring visits	2

Commentary

Members may be aware from previous meetings and media articles that the import restrictions imposed by China are now having a significant impact on the global prevalence of reprocessing outlets, tightening of quality standards and material market prices particularly on paper and cardboard.

Primarily flowing from the prevailing climate as referred to above, Bryson Recycling have notified arc21 that they do not agree to the extension period under the existing terms and conditions. They have initiated the dispute procedure as set out in the terms of the contract. Furthermore, they have requested a variation to the pricing terms. Contact is ongoing in respect of such.

Notwithstanding the above, it will be necessary to prepare the procurement for new contracts for MRF services. Accordingly, and following discussion with Council Officers, it is recommended that the following main elements of a new specification be approved by the Joint Committee:

- Separate lot specific to the delivery and processing of comingled dry recyclable material comprising of paper, card, cardboard, tins, cans, aluminium foil, beverage cartons and plastics including bottles and mixed rigid packaging collected comingled from households and commercial premises with a further lot for the above with the addition of glass comingled with the other dry recyclable material;
- Allow for the acceptance and processing (where appropriate) of duly separated material types which is collected at the kerbside;

- Allow for as much flexibility as practicable within the generic material headings;
- Contract duration to be three years with an option to extend for up to 2 years;
- No guaranteed tonnage;
- Exclusivity on material collected in the form of comingled material collected at the kerbside;
- Delivery point(s) to be provided by contractors;
- Payment based on gate fee per tonne for comingled material with a suitable mechanism to take account of aggregated tonnage delivered;
- Incorporation of an appropriate mechanism to provide for a balanced risk share on the cost/sale of material from comingled collections to the market for recycling;
- Suitable cost mechanism (payment or income) to address the acceptance and processing (where appropriate) of duly separated material types which is collected at the kerbside;
- Incorporate a suitable sampling regime;
- Measure(s) to be designed to promote high quality recycling for the outputs and in particular closed loop recycling;
- Measure(s) designed to promote the collection and delivery of quality feedstock material with minimal contamination;
- Residual material to be managed in accordance with the waste hierarchy;
- Provision of information to provide End of Destination facilities; and
- Evaluation shall be the most economically advantageous tender received with the application of a price/quality split of 60%/40%.

Recommendation

It is recommended the Joint Committee approve the main elements of the new MRF service contracts as outlined above.

3. Landfill

A summary of the relevant aspects pertinent to the landfill contracts is outlined in Table 5.

Table 5

arc21 Landfill Contract	February 2018
Total delivered to Mullaghglass (tonnes)	11,610
Total Loads	1,128
Vehicle 5% Overweight	0
Turnaround >30 mins	10
Reporting non compliances	0
Other non-compliances	0
Number of site visits	5

Commentary

Landfill Tax

From 1st April 2018 standard rated landfill tax increases to £88.95 per tonne from £86.10, a £2.85 per tonne increase in accordance with the current policy of using the Retail Prices Index (RPI).

4. Bring Sites

A summary of the relevant aspects pertinent to the bring site contracts is outlined in Table 6.

Table 6

arc21 Bring Sites Contracts	February 2018
Mixed Cans (tonnes)	3.03
Mixed Glass (tonnes)	559.15
Textiles (tonnes)	84.81
Mixed Paper (tonnes)	55.94
Total (tonnes)	702.93
Bring Site checks	10
Sites checked with <20% capacity available	10
Reporting non compliances	0
Other non-compliances	0

5. Street Sweepings

A summary of the relevant aspects pertinent to the street sweepings contract is outlined in Tables 7 & 8.

Table 7

arc21 Street Sweepings Contract Lot 1	February 2018
Total delivered (tonnes)	240
Total deliveries	197
Turnaround >30mins	21*
Reporting non-compliances	0
Other non-compliances	0
Site monitoring visits	1

**Vehicles making use of wash down facilities following depositing waste.*

Table 8

arc21 Street Sweepings Contract Lot 2	February 2018
Total delivered (tonnes)	436
Total deliveries	197
Turnaround >30mins	7
Reporting non-compliances	0
Other non-compliances	0
Site monitoring visits	1

6. Haulage

A summary of the relevant aspects pertinent to the haulage contract is outlined in Table 9.

Table 9

arc21 Haulage Contract	February 2018
Total delivered (tonnes)	4,933
Vehicles >5% overweight	0
Reporting non compliances	0
Other non-compliances	0
Site Monitoring Visits	6

7. Supplies

A summary of the relevant aspects pertinent to the supplies contract is outlined in Table 10.

Table 10

arc21 Supplies Contracts Orders	February 2018
Supply Orders Placed	7
Supply Orders Delivered	9
Delivery within required delivery period	9
Delivery over required delivery period	0
Delivery date non-compliances	0
Other non-compliances	0

Commentary

8. WEEE and Batteries

Work on developing the documents pertinent to an Northern Ireland wide competitive exercise to appoint a Producer Compliance Scheme for the collection and processing of WEEE and Batteries respectively has commenced. The provisions of the service will be broadly consistent with the UK framework of operating practices and follow similar lines as the current arrangement with a duration of 2 years with the option of a further year. arc21 is working collaboratively with the other NI councils on this exercise.

Members may be interested to learn of a recent incident involving flytipped TVs in the Lisburn and Castlereagh City Council area. This involved a sizable number (c120) of units all of which had the more valuable components removed prior to fly-tipping.

Following arc21 intervention suitable arrangements are being made for the collection and processing from two of the Council’s Household Waste Recycling Centers by the current partner Producer Responsibility Scheme.

In tandem with their own investigations and following a recommendation from arc21, the Council has also referred the circumstances to the NIEA Environmental Crime Unit.

Councils are asked to be vigilant for any similar incidents and should report such to the NIEA Environmental Crime Unit. Councils have also be asked to pay particular attention for parties depositing unusually high number of TV’s at their facilities and to keep relevant details as it could aid further enquiries should this prove necessary.

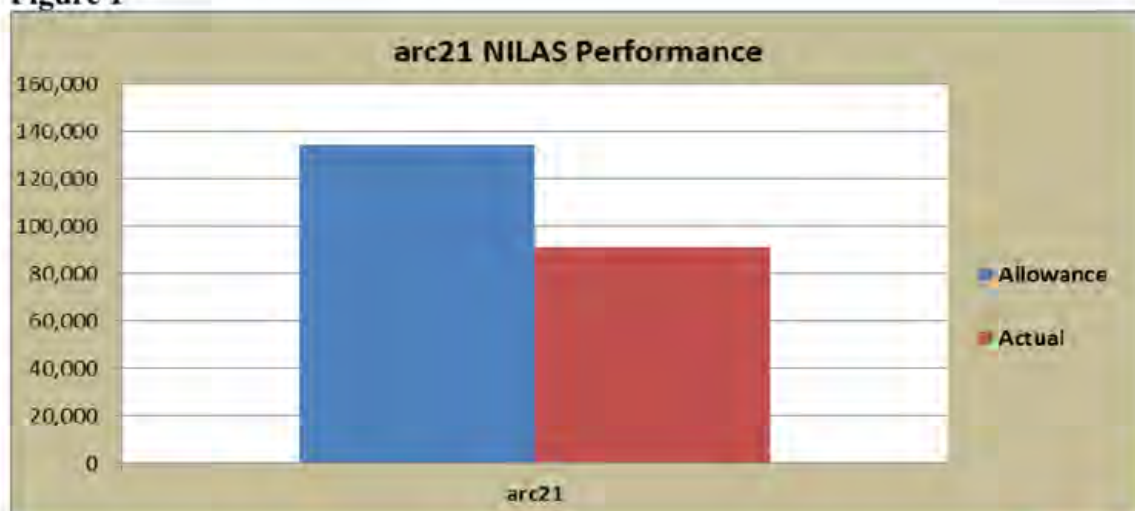
9. Contracts and NILAS

The contracts make a significant contribution to ensuring compliance with NILAS for this year.

It should be noted that this should be viewed only for indicative purposes.

The situation is as illustrated in Figure 1.

Figure 1



Action to be Taken

The Joint Committee is asked to approve the recommendation in section 2 and note the rest of the report.

Officer to Contact

Ricky Burnett,
Policy and Operations Director,
Tel: 028 9037 3000 Ext: 6677
Email: ricky.burnett@arc21.org.uk

APPENDIX A - SUMMARY CONTRACT STATISTICS FEBRUARY 2018

SERVICE	ACTUAL TONNAGE 15/16		ACTUAL TONNAGE 16/17		APRIL 2017	MAY 2017	JUNE 2017	JULY 2017	AUGUST 2017	SEPTEMBER 2017	OCTOBER 2017	NOVEMBER 2017	DECEMBER 2017	JANUARY 2018	FEBRUARY 2018	TOTAL	%
<u>M R F Lot 1</u>																	
TONNAGE	30,008	8.95%	30,549	8.83%	2,308	2,551	2,580	2,439	2,911	2,713	2,511	2,625	2,568	3,334	2,394	28,933	9.29%
CONTAMINATION	3,791		4,094		346	423	391	302	414	311	388	370	313	495	339	4,093	
CONTAMINATION %	12.6%		13.4%		15.0%	16.6%	15.2%	12.4%	14.2%	11.5%	15.4%	14.1%	12.2%	14.8%	14.2%	14.1%	
<u>M R F Lot 2</u>																	
TONNAGE			7,184	2.08%	547	750	706	590	570	585	679	685	620	735	581	7,048	2.26%
CONTAMINATION			837		57	87	79	70	60	60	65	67	61	75	57	737	
CONTAMINATION %			11.7%		10.2%	11.6%	11.2%	11.8%	10.5%	10.3%	9.7%	9.7%	9.8%	10.2%	9.8%	10.5%	
<u>BRING</u>																	
TONNAGE	8,570	2.55%	9,018	2.61%	712	872	816	800	833	784	688	734	819	1,041	703	8,802	2.82%
<u>ORGANICS</u>																	
TYPE 1 TONNAGE	25,625	7.64%	29,358	8.48%	2,321	3,026	3,466	3,400	3,369	2,870	3,092	2,545	1,108	1,233	1,355	27,784	8.92%
TYPE 2 TONNAGE	74,543	22.22%	81,432	23.53%	7,450	10,399	11,958	10,255	10,459	9,604	8,790	8,070	4,878	6,491	5,302	93,856	30.12%
<u>LANDFILL</u>																	
TONNAGE	196,675	58.64%	188,588	54.48%	13,850	15,055	13,927	12,738	13,778	12,381	12,760	13,131	11,845	14,106	11,610	145,181	46.59%
TOTAL TONNAGE	335,421	100%	346,130	100%	27,188	32,653	33,454	30,221	31,920	29,137	28,520	27,790	21,837	26,940	21,945	311,605	100%

ITEM 9**2013 WEEE Regulations - Proposed Collection Targets for 2018****Purpose of the Report**

To advise the Joint Committee on the consultation originating from DEFRA in regards to the proposed collection targets for 2018.

Executive Summary

DEFRA have contacted a select number of key stakeholders, including arc21, inviting comments on proposals relating to the setting of 2018 WEEE collection targets for producers.

The Joint Committee is asked to note the report.

Report

The 2013 Waste Electrical and Electronic Equipment Regulations require the Secretary of State to set the amount of household WEEE collections falling within each category of Electrical and Electronic Equipment (EEE) that is to be financed by producers via their membership of a Producer Compliance Scheme (PCS).

On the 1 March 2018, DEFRA make contact with a small select number of key stakeholders in respect of proposals relating to the collection target for 2018. arc21 was one of the key stakeholders consulted and the only stakeholder exclusively from Northern Ireland, excepting DAERA.

The proposals set out the proposed collection targets for each of the 14 WEEE categories and outlined the methodology duly employed.

Comments were invited by 9 March 2018. Following consultation with a number of parties, a response was formulated and submitted within the prescribed timeframe.

A copy of the response is attached at Appendix B.

This process was similar to previous years.

Action to be Taken

The Joint Committee is asked to note the report.

Officer to Contact

Ricky Burnett
Policy & Operations Director
Tel: 028 9037 3000 Ext: 6677
Email: ricky.burnett@arc21.org.uk

APPENDIX B

The logo for arc21 features the text "arc21" in a dark blue, lowercase, sans-serif font. The "21" is a slightly larger font size than "arc". To the right of the text is a semi-circular arc composed of small, light blue dots.

Consultation on Proposed WEEE Collection Targets for 2018

Introduction

arc21 is a Local Government sector entity embracing six Councils located along the Eastern Region of Northern Ireland which covers approximately 33% of the land base, populated by approximately 59% of the national population and accounts for approximately 60% of the national Local Government controlled municipal waste arisings.

The establishment of arc21 together with its functionality has been enshrined in various pieces of legislation with the most recent provision being The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2015.

In essence, it is primarily responsible for activities associated with the production, ongoing development and implementation of a Waste Management Plan for the arc21 area.

The six Constituent Councils of arc21 are Antrim and Newtownabbey Borough Council, Ards and North Down Borough Council, Belfast City Council, Lisburn & Castlereagh City Council, Mid and East Antrim Borough Council and Newry Mourne and Down District Council.

Report

arc21 welcomes the opportunity to respond to this consultation.

We note the proposal to reduce the overall target from that in 2017. The situation relating to the need for some councils in the UK to invoke the provisions of Regulation 34 continues to cause concern and a proposed reduction in targets offers little comfort to councils against future need in this regard. We note that in recent trade press reports, a PCS Chief Executive was quoted as saying “*All obligated WEEE entering the UK system is being collected and treated, with the PCS Balancing System ensuring that Local Authority sites are being serviced in accordance with legal standards*”. The fact the PCS balancing system has been explicitly referenced could be interpreted by some that PCSs are viewing the PCS balancing system as being a tool for increasing utility.

We are aware that it is intended to complete a Post Implementation Review (PIR) on the 2013 WEEE Regulations by the end of 2018. We would assume that DEFRA will be monitoring the utilisation of regulations 34 as part of this review and it would be helpful if detailed profile information around such was made available in this regard.

We are given to understand that the conclusions of the PIR will be considered as part of the policy developments to be taken forward under the government’s Waste and Resource Strategy.

There would appear to be some confusion around the applicability of this forthcoming strategy given that waste and resource management is primarily a devolved matter and this requires to be suitably addressed, particularly from the perspective of those in the locality of devolved administrations.

We do note that proposed target is below the collection levels necessary to achieve the UK Member State target for 2018. We acknowledge that government appear confident that the difference will come from “substantiated estimates” of WEEE arising and treated from other sources although no details of the evidential base for such an assertion was contained in the paper.

In finally setting the target(s), arc21 would call upon government to be completely satisfied that the proposed amounts are as challenging as they can be. In order to optimise mitigation against councils needing to invoke the provisions of Regulation 34, we would advocate that government assess the potential to further increase the targets for 2018 from that proposed before finally determining the quantum allocated to each target.

arc21
March 2018

ITEM 10
arc21 Conference 2018

Purpose of Report

To update the Joint Committee on the arc21 2018 Conference.

Executive Summary

Unfortunately, the arc21 Conference 2018 scheduled for Friday 2 March 2018 was one of a number of events nationally that had to be cancelled due to adverse weather conditions.

The Joint Committee is asked to note the report.

Report

As Members will be aware the arc21 Conference was scheduled to take place on Friday 2 March 2018 with a full programme of speakers attached at Appendix C. As previously reported the prime target audience was Elected Members and Officers from the six arc21 constituent councils.

Unfortunately, the forces of mother nature intervened in the form of the “Beast from the East” and “Storm Emma”, all of which was the subject of wide spread media coverage. Early in the day prior to the event date, and following consultation with a number of parties, it was decided to cancel the event in the interests of safety etc. This was duly notified to registered attendees.

An analysis of the registered attendees was undertaken in the week following the cancellation with emphasis on the prime target audience. There were 20 Council Officers and 19 Elected Members from arc21 constituent councils registered to attend. Given the nature and calibre of the programme, this may be viewed as disappointing in the context of an aggregated prime target audience numbering in excess of 300.

Action to be Taken

The Joint Committee is asked to note the report.

Officer to Contact

Ricky Burnett
Policy & Operations Director
Tel: 028 9037 3000 Ext: 6677
Email: ricky.burnett@arc21.org.uk



Annual Conference
'Advancing a Municipal Waste Service'

Friday 2nd March 2018
Belfast Metropolitan College, Titanic Campus, Belfast

Programme

	<i>Registration & Tea/Coffee</i>	09:30-10:00
1.	Introduction and Welcome <i>John Quinn, arc21</i>	10:00-10:05
2.	NI Policy Activities <i>Owen Lyttle, DAERA</i>	10:05-10:30
3.	The Economy, Councils and Waste <i>Alan McVicker, SIB</i>	10:30-10:50
4.	Partnership Working <i>John Enright, Local Partnerships</i>	10:50-11:10
5.	Managing Waste in North London <i>Andrew Lappage, North London Waste Authority</i>	11:10-11:30
6.	The North Yorkshire Experience <i>Ian Fielding, North Yorkshire County Council</i>	11:30-11:50
7.	Local Economic Benefits from a Waste Facility <i>John Ahern, Indaver Ireland and UK</i>	11:50-12:10
8.	ROI, An Overview <i>Sean Scott, Connacht Ulster WERLA</i>	12:10-12:30
9.	Question and Answer Session	12:10-12:30
10.	Summary and Closing Remarks	12:55-13:00
	Lunch	13:00

ITEM 11

Review of Packaging Waste Regulations

Purpose of Report

To advise the Joint Committee on the latest development in respect of the review of the packaging waste regulations.

Executive Summary

arc21 has been invited to send an Officer to a UK meeting as part of a review of the Packaging Waste Regulations.

The Joint Committee is asked to note the report.

Report

The UK Secretary of State, the RT Hon Michael Gove MP, has requested WRAP and INCPEN, with support from the Advisory Committee on Packaging, to engage with stakeholders to identify options to improve the UK's environmental performance with respect to packaging. It has been widely agreed that this should include reform of the current packaging waste regulations, the 'PRN system' as it is more generally known. This is viewed by the industry as a significant and important move by Central Government.

A series of sectoral stakeholder meetings have been organised that will consider the key issues of concern and seek views towards both short and long term solutions for change. These dedicated meetings will be as follows:

1. De minimus (small businesses potentially affected);
2. Compliance schemes;
3. Reprocessors;
4. Waste Management Companies;
5. Packaging supply chain (including manufacturers, retailers, packaging converters);
and
6. Local Authorities.

The meeting involving Local Authorities will take place in London prior to the date of the Joint Committee meeting. A select number of stakeholders have been invited to attend and this includes one Officer from arc21.

As strategic work at UK level begins to intensify, including potential aspects associated with a forthcoming Waste and Resources Strategy, arc21 will continue to engage with DEFRA and other stakeholders as appropriate.

Action to be Taken

The Joint Committee is asked to note the report.

Officer to Contact

Ricky Burnett
Policy & Operations Director
Tel: 028 9037 3000 Ext: 6677
Email: ricky.burnett@arc21.org.uk



JOINT COMMITTEE
29 March 2018

223

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 028 held on 23 February 2018**For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 23 February 2018.

Item 4 - Matters Arising**'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL****Item 5 - Minutes of Joint Committee Meeting 028 held on 23 February 2018 held 'in committee'****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 23 February 2018 'in committee'.

Item 6 - Matters Arising**Item 7 - Residual Waste Treatment Project****For noting**

Judicial Review of decision to grant planning permission - the substantive hearing in the High Court took place on 14 February 2018 and the judgement is awaited.

Grid Connection - An extension to the time to complete the technical studies underway by SONI and NIE Networks has been allowed by the Utility Regulator. An arc21 response to the NIE / SONI consultation document - *Connecting Further Generation in Northern Ireland* was submitted on 9 March 2018 and a copy is provided at Annex 1.

Land assembly - LPS and the legal team have been re-engaged to start to look at the next steps in relation to land issues.



JOINT COMMITTEE
29 March 2018

224

Programme / Timetable - An assessment of the large number of activities and tasks necessary to deliver the waste treatment infrastructure at Hightown Quarry is underway. There are numerous scenarios and sensitivities to consider along with some fixed constraints when compiling the programme.

The Joint Committee is asked to note the report.

OUT OF COMMITTEE & RETURN TO MAIN AGENDA

Item 8 - Contracts and Performance Report

Recommendation for approval

February 2018 Type 2 Organics tonnages increased by 65% compared to February 2017 Type 2 tonnages.

Bryson Recycling have initiated the dispute procedure in relation to the proposed MRF contract extension and have submitted a variation proposal.

Main elements of next MRF contracts listed for approval.

Landfill Tax increase on 1st April 2018.

Work started on development of documents for securing agreement of PCSs for the collection and treatment of WEEE and batteries.

Councils asked to be vigilant for flytipping of relatively large number of TVs following recent occurrence.

On track for compliance with 2017/18 NILAS targets.

The Joint Committee is asked to approve the recommendation in section 2 in relation to the main elements of the new MRF service contracts, and note the rest of the report.

Item 9 - 2013 WEEE Regulations - Proposed Collection Targets for 2018

For noting

DEFRA have contacted a select number of key stakeholders, including arc21, inviting comments on proposals relating to the setting of 2018 WEEE collection targets for producers.

The Joint Committee is asked to note the report.



JOINT COMMITTEE
29 March 2018

225

Item 10 - arc21 Conference 2018**For noting**

Unfortunately, the arc21 Conference 2018 scheduled for Friday 2 March 2018 was one of a number of events nationally that had to be cancelled due to adverse weather conditions.

The Joint Committee is asked to note the report.

Item 11 - Review of Packaging Waste Regulations**For noting**

arc21 has been invited to send an Officer to a UK meeting as part of a review of the Packaging Waste Regulations.

The Joint Committee is asked to note the report.

Next Meeting: Thursday 26 April 2018 to be hosted by Ards and North Down Borough Council

HISTORIC**ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING****18 April 2018**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 18 MAY 2016			
RTS/78/2016	Council Public Amenity Space near the Council public toilets at Castlewellan		K Scullion	It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated.	N
RTS/87/2016	Tender for final capping at Drumanakelly Landfill Site	Agreed to tender for the final capping at Drumanakelly Landfill Site	J Parkes/L Dinsmore	Stage 5 Capping works are progressed with Capping presently approximately 90% complete.	N

18 April 2018

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 9 DECEMBER 2015			
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.	J Parkes/L Dinsmore	Expressions of Interest Document has been completed but is currently held pending consideration of other issues relating to operation of Civic Sites. It is anticipated that report will be transferred to a later meeting of RTS. Position remains as previous, with intent that this matter will be progressed by June 2018.	N