



April 12th, 2017

Notice Of Meeting

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 19th April 2017 at 5:00 pm** in **the Boardroom Monaghan Row Newry.**

The Committee Members are:

Chair: Councillor R Mulgrew

Vice: Councillor T Andrews

Members: Councillor S Burns

Councillor C Casey

Councillor G Craig

Councillor D Curran

Councillor G Fitzpatrick

Councillor V Harte

Councillor D Hyland

Councillor J Macauley

Councillor P O'Gribin

Councillor G Stokes

Councillor D Taylor

Councillor J Tinnelly

Councillor J Trainor

Agenda

1.0 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 22 March 2017. (Attached).

[RTSActionsheet.pdf](#)

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4.0 Regulatory & Technical Services Business Plan - update Q4. (Attached).

[BusinessPlan.pdf](#)

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For Consideration and/or Decision - Planning

5.0 Planning Committee Performance Report. (Attached).

[MARCH 2017 Planning Committee Performance Report.pdf](#)

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

[Record of meetings between Planning Officers and Public Representatives..pdf](#)

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7.0 Register of Contacts - Q4 January-March 2017. (Attached).

[REGISTER OF CONTACTS - Q4 January - March 2017.pdf](#)

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For Consideration and/or Decision - Facilities Management and Maintenance

8.0 Report re: maintenance and upkeep of Magheradrool Parish Graveyard, Crabtree Road, Ballynahinch. (Attached).

[Report - Maintenance and upkeep of Magheradrool Parish Graveyard.pdf](#)


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9.0 Report re: request to investigate possible clean-up works at Well Lane Graveyard, Newry. (Attached).

[Report re. Well Lane Graveyard, Newry.pdf](#)

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10.0 Arc21 Joint Committee Members' Monthly Bulletin 30 March 2017. (Attached).

 *ARC21 JC020-30Mar17-Members' Bulletin.pdf*

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11.0 Arc21 Joint Committee Meeting - Minutes of Thursday 26 January 2017. (Attached).


 *ARC21 Joint Committee Minutes Jan17.pdf*

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12.0 Consultation on proposed Water Environmental Impact Assessment Regulations. (Attached).

 *CONSULTATION ON PROPOSED WATER RESOURCES ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS.pdf*

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 *Consultation on proposed new water resources environmental impact document from Dept of Agriculture, Environment and Rural.pdf*


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13.0 Report re: applications received from 1 September 2016 to 28 February 2017 from Building Control. (Attached).

 *Report - Applications received from 1 Sept 2016 to 28 Feb 2017 from BC.pdf*

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14.0 Historic Actions Tracking Update. (Attached).

 *Historic Actions Tracking Sheet.pdf*

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Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
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Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org

ACTION SHEET ARISING FROM RTS MEETING HELD ON 22 MARCH 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/34/2017	Letter of sympathy from the Committee	Letter to the family of the late Mr Martin McGuinness	Democratic Services	Letter of sympathy to be sent when returning the Books of Condolences	Y
RTS/35/2017	RTS Action Sheet from February 2017 Meeting	<p>The relevant officer contact Councillor Hyland to discuss concerns raised that there was a pattern of interruption in the collection of blue and brown bins on the Old Warrenpoint Road, Newry.</p> <p>The relevant officer investigate a request from Councillor Andrews that DEA Councillors be sent a text message if there was an interruption in the collection of a bin route so that Councillors could, in turn, advise residents.</p> <p>Mr Scullion said the proposed shelter design and costings at Turley's Crossroads would be obtained and taken back to the Committee for approval.</p>	<p>J Parkes</p> <p>J Parkes</p> <p>K Scullion</p>	<p>Complete</p> <p>In progress</p> <p>In progress</p>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/36/2017	Funding – William Keown Trust	<p>Agreed Newry, Mourne and Down District Council agree to the request to provide a one-off payment of £1,500 to the William Keown Trust.</p> <p>Further agreed that the Trust be advised of the Council's formal channels through which Groups must apply for funding and that if they were to seek funding in future years, they would have to apply through the Council's agreed process</p>	C McAteer	Agreed by full Council – Letter to be sent.	
RTS/39/2017	Proposed electrical mini pillar installation at Hillside Drive, Kilkeel	Agreed that given a new community building is to be constructed at this location it is recommended that a new 10 kVA external power supply not be provided at this stage but that a new, large external power supply is provided with the construction of the new community building.	K Scullion	Group to be informed	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/40/2017	Building Regulations	Mr O'Rourke liaise with Mr M Lipsett, Director of Active and Healthy Communities, to ascertain if it is necessary for applications for funding through the Programmes Unit to have a building control reference number.	C O'Rourke	Complete	Y
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/43/2017	Transfer of car park at Corry Square from Newry City Centre Management Partnership to the Council	The existing licence agreements between Newry City Centre Management (NCCM) and Euro Car Parks Ltd (ECPL) to be withdrawn and replaced with new agreements, prepared in house by the Council's legal services section, between the Council and ECPL, effective from 1 April 2017 to November 2019.	C Jackson	In progress	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>The fee within the terms of the existing agreement should transfer to the Council from 1 April 2017</p> <p>Mr O'Rourke would arrange for Councillor Casey to be appropriately informed about the present status of the NCCM.</p>	<p>C Jackson</p> <p>C O'Rourke</p>	<p>Complete</p>	<p>Y</p>

Regulatory & Technical Services Business Plan

2016 - 2017 Business Plan

Key Result Area 1: Resource Management								
Ref.	Key Activities	Owner	Target	Q1 A-J 2016	Q2 J-S 2016	Q3 O-D 2016	Q4 J-M 2017	Comment
Directorate								
A1	Manage Directorate budget within +/- 3% variance for the year 2016/17	All	+/- 3%					Significantly over budget. Approximately 4%.
A2	Manage Capital Projects within budget and project timeline	All	+/- 3%					
A3	Build the four new Departmental structures, recruiting against all managerial positions	All	Q4					
A4	Deploy an effective holiday management protocol, to minimise impact on front line services	All	Q4					Impacted by sickness absence.
A5	Effectively implement sickness absence management procedures	All	Ongoing					Not yet fully implemented.
A6	Recruit against all vacancies in a timely fashion	All	Ongoing					
Building Control								
A7	Successfully integrate the administration functions of Building Control and Planning	CJ	Q4					Planning BS staff relocated to the BC reception area in Newry, but full integration incomplete.

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A8	Introduce a joint inspection procedure for BC staff so that both BC and Planning infringements can be recorded during a single inspection	CJ	Q4					All relevant BC applications referred to Planning at validation stage. BC to notify Planning of all Uws identified on site. Planning to notify BC if aware of any planning infringements on site.
A9	Design and implement a centralised Licensing Unit	CJ	Q3					Unit designed but structures not yet resolved. Head of Service and Car Park Manager now appointed.
A10	Rationalise the provision of bye-law enforcement and dog control services; to ensure district wide effective enforcement and dog control	CJ	Q4					Existing legacy Dog Control measures still in place, structures not yet resolved.
Planning								
A11	Address Planning Staffing complement (enforcement /development plan/development management)	AMK	Q3					Completed.
A12	Develop and implement agreed mechanism of charging for pre application discussions.	AMK	Q4					Work ongoing. Draft arrangements developed. Agreement and implementation delayed by continuing backlog of lives applications.
Facilities								
A13	Implement centralised staff & budget control for Security, Reception & Canteens in Monaghan Row, Downpatrick Civic Centre & Greenbank	KS	By end of Q4					Some progress made but until structures are agreed and staff aligned to posts within new department progress will be limited.
A14	Devise and implement staff procedures to allow the "sharing" of skilled and unskilled staff across Building Maintenance and Grounds Maintenance	KS	By end of Q4					Some progress made but until structures are agreed and staff aligned to posts within new department progress will be limited.
A15	Standardise procedures for burials across the councils five municipal cemeteries.	KS	By end of Q4					Some progress made but until structures are agreed and staff aligned to posts within new department progress will be limited.

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A16	Review use of external contractors for maintenance tasks	KS	By end of Q4					Some progress made but until structures are agreed and staff aligned to posts within new department progress will be limited.
A17	Agree and implement rationalised departmental support for events.	KS	By end of Q4					New Events Committee established which is providing better and more informed co-ordination of Council support of events both Council run events and community events.
Waste								
A18	Develop a three year capital plan for the spend on Fleet Management	JP	Q4					
A19	Rationalise 4 day Vs 5 day week for refuse collection regimes	JP	Q4					This work is being progressed during the 17/18 period
A20	Deliver a domestic Food Waste Collection services across the District	JP	End of Q4					Running late, will be implemented April/May
A21	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					To be progressed during the 17/18 period
A22	Progress design, build and opening of HRC for Downpatrick area.	JP	2017					Delay in implementing, will be delivered during 17/18
A23	Rationalise district wide street cleansing, optimising staff resources while delivering extended cleansing (up to 8.00pm) for tourist areas	JP	Q4					To be progressed during the 17/18 period
Key Result Area 2: People Leadership								
Ref.	Key Activities	Owner	Target	Q1 A-J 2016	Q2 J-S 2016	Q3 O-D 2016	Q4 J-M 2017	Comment

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Directorate								
B1	Create an environment that encourages cultural change, bringing together the legacy Down, Newry & Civil Servant cultures into a new NMD culture	All	Ongoing					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					Ongoing
B4	Ensure appropriate development opportunities are presented to Lead Team members	All	Ongoing					
B5	Create formal and informal member engagement opportunities (e.g. annual strategy workshop)	All	Ongoing					
B6	Deliver meaningful monthly Directorate updates to the SMT	All	Monthly					
Building Control								
B7	Implement effective administration management of off-street parking	CJ	Q3					3 year AA with TNI approved, Duty Manager appointed. Administration can now commence.
Planning								
B8	Successfully integrate the Administration functions of Planning and Building Control implementing newly developed administrative processes.	AMK	Q4					Work ongoing. Successful integration as far as current systems allow. Full integration dependent on a new IT system. Q4 target not met.

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B9	Implement an effective monitoring and reporting procedure to demonstrate effective enforcement control.	AMK	Q4					Completed. Monitoring and reporting on enforcement introduced into monthly review of planning performance.
B10	Implement improvement plan and performance monitoring that delivers planning application turn round targets (15 weeks).	AMK	Q4					Completed. Performance monitoring ongoing.

Key Result Area 3: Organisation Performance

Ref.	Key Activities	Owner	Target	Q1 A-J 2016	Q2 J-S 2016	Q3 O-D 2016	Q4 J-M 2017	Comment
Directorate								
C1	Create and publish a forward looking Directorate Business Plan	All	Annual					
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					Not yet progressed. 2% delivered.
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					
C6	Ensure member engagement via appropriate use of committee working groups, e.g.: Strategic Waste Working Group	All	Ongoing					

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Building Control								
C7	Implementation of street café trading / licensing	CJ	Q3					Guidance docs, policies, procedures, forms and fees approved. Structures incomplete for full implementation.
C8	Implement an effective monitoring and reporting procedure to demonstrate effective performance	CJ	Q3					Fully implemented for BC, incomplete for Licensing - structure dependent.
Planning								
C9	Significantly improving planning department performance.	AMK	Q4					Completed. Third quarter statistics from Department for Infrastructure indicate continuing and significant improvement in planning performance through 2016/2017.
C10	Complete one off programme to significantly reduce backlog of historic planning applications.	AMK	Q2					Target not met. Work ongoing. Backlog of historic applications reduced to 102.
C11	Removal of NI Direct and introduction of Directorate CRM	AMK	Q4					Target not met. Completing priorities diverting staff resources to other projects.
C12	Implement an effective procedure to monitor and manage correspondence	AMK	Q2					Completed. Procedures implemented. Monitoring ongoing to measure effectiveness.
Facilities								
C13	Review Monaghan Row Receptions (General, Building Control, Env Health)	KS	By end of Q2					Review underway of office accommodation at three main Council sites. Currently at data gathering point.
C14	Progress capital program to increase burial capacity of Loughinch Cemetery.	KS	By end of Q4					Planning permission has been received for extension to site. POQ issued to appoint Design Team to take project forward to completion in 2017/18.

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C15	Develop and implement an automated planned maintenance schedule within the context of a broader council wide asset management strategy.	KS	By end of Q4					Some progress made but until structures are agreed and staff aligned to posts within new departure progress will be limited.
C16	Develop and implement a christmas Tree/Lights plan for 2016	KS	By end of Q2					
Waste								
C17	Devise strategy for managing local Authority Collected Municipal Waste that ensures we meet NILAS, Recycling and Landfill Diversion targets	JP	Q3					Strategic waste plan produced for the Strategic Waste Working Group & Committee, however further work required. Council will meet NILAS & Landfill Diversion targets. The recycling target of 50% by 2020, will require significant work to meet.
C18	Implement a programme of rounds optimisation based on the capability provided by GPS Tracking across entire fleet	JP	2017					
C19	Implement the actions arising out of the Anti-Litter Task Force	JP	Ongoing					
C20	Set up the Strategic Waste Working Group and deliver recommendations to committee	JP	Q2					

Key Result Area 4: Advocacy, external Networking and Communications

Ref.	Key Activities	Owner	Target	Q1 A-J 2016	Q2 J-S 2016	Q3 O-D 2016	Q4 J-M 2017	Comment
Directorate								
D1	Provide DEA customised action plans for key R&TS directorate services	All	Q4					Not yet integrated with DEA groups.

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D2	Work with key partners to deliver priority projects, e.g. DFI - Planning Policy/EPIC; DAERA, - Waste Management; BCNI - Building Control standards	All	Ongoing					BCNI implementing effective BC standards across NI.
D3	Work with the wider community to change cultural view on littering	All	Ongoing					
D4	Work with Agents and Developers to cooperatively streamline regulatory processes	All	Q4					Effective consultation with stakeholders complete.
Planning								
D5	In partnership with Dept for Infrastructure and other Councils, develop EPIC replacement.	AMK	Jul-05					Work ongoing
D6	Publish a time line for the production of the Area Plan.	AMK	Q3					Work ongoing. On target for completion by Q3
Waste								
D7	In partnership AHC, get community involvement in litter management	JP	Ongoing					

Newry, Mourne & Down District Council – March 2017

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1. Live Applications

MONTH 2016/17	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394
October	132	1,026	392
November	132	1,007	355
December	124	1,016	333
January 2017	118	1,029	326
February	160	1,060	304
March	177	1,074	295

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2. Live Applications by length of time in system

Month 2016/17	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335
June	511	249	195	77	146	1,178
July	501	221	196	78	151	1,147
August	480	204	162	99	144	1,089
September	472	182	150	97	147	1,048
October	462	172	135	103	154	1,026
November	483	169	115	100	140	1,007
December	496	187	99	97	137	1,016
January 2017	523	180	90	97	139	1,029
February	577	179	86	82	136	1,060
March	597	182	87	72	136	1,074

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3. Live applications per Case Officer

Month 2016/17	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40
October	41
November	46
December	51
January 2017	54
February	56
March	71

4. Decisions issued per month

Month 2016/17	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140
October	145	122
November	141	102
December	106	85
January 2017	102	79
February	123	87
March	155	136

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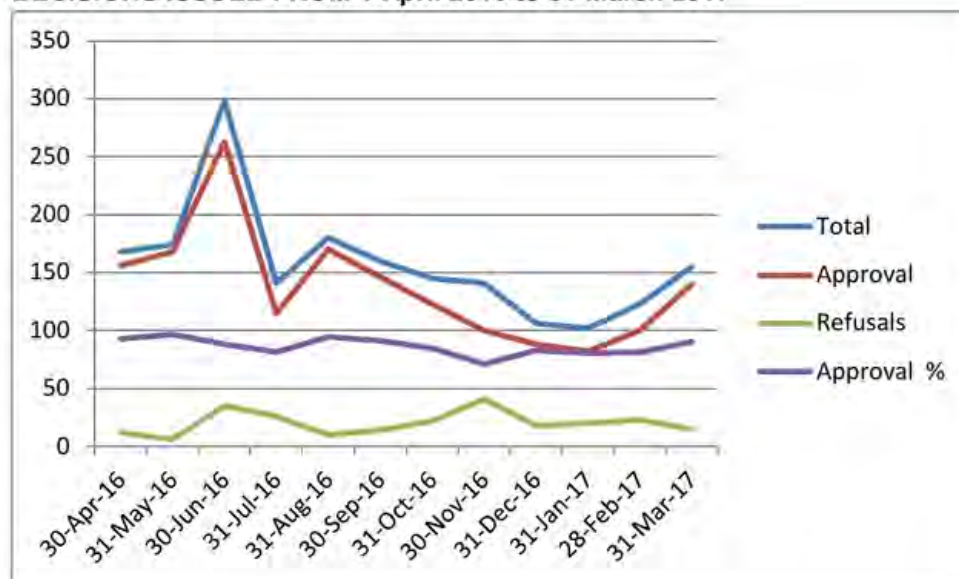
5. Decisions Issued YTD

Month 2016/17	Number of Decisions Issued	Breakdown of Decisions	
April	168	Approvals (156)	93%
		Refusals (12)	7%
May	342	Approvals (324)	95%
		Refusals (18)	5%
June	640	Approvals (587)	92%
		Refusals (53)	8%
July	781	Approvals (702)	90%
		Refusals (79)	10%
August	961	Approvals (872)	91%
		Refusals (89)	9%
September	1,121	Approvals (1,018)	91%
		Refusals (103)	9%
October	1,266	Approvals (1,141)	90%
		Refusals (125)	10%
November	1,407	Approvals (1,241)	88%
		Refusals (166)	12%
December	1,513	Approvals (1,329)	88%
		Refusals (184)	12%
January 2017	1,615	Approvals (1,411)	87%
		Refusals (204)	13%
February	1,738	Approvals (1,511)	87%
		Refusals (227)	13%
March	1,893	Approvals (1,651)	87%
		Refusals (242)	13%

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DECISIONS ISSUED FROM 1 April 2016 to 31 March 2017



6. Enforcement Live cases

Month 2016/17	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600
August	231	125	87	72	32	75	622
September	240	129	86	83	35	77	650
October	248	129	90	84	34	80	665
November	285	126	90	83	35	77	696
December	283	133	82	85	37	83	703
January 2017	296	129	90	87	41	84	727
February	301	135	91	90	46	83	746
March	287	125	90	86	53	80	721

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7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
26 October 2016	30	21	9
10 November 2016	30	23	7
23 November 2016	31	22	9
7 December 2016	30	14	16
21 December 2016	22	14	8
18 January 2017	34	19	15
2 February 2017	36	22	14
15 February 2017	29	17	12
1 March 2017	22	14	8
15 March 2017	18	9	9
29 March 2017	26	16	10
Totals	536	332	204

*2 Applications called in by DfI

8. Appeals

Planning Appeal Commission Decisions issued during March 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	25	1	0	1	0
Down	7	2	0	2	0
TOTAL	32	3	0	3	0

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9. Statutory Targets Performance Data

Statutory targets monthly update to April to January 2017
(unvalidated management information)
Newry, Mourne and
Down

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number decided / withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
Aug									
ust	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	1	75.2	0.0%	129	16.4	47.3%	4	19.8	100.0%
Nov	2	121.6	0.0%	145	28.0	33.1%	23	58.4	39.1%
Dec	1	30.0	100.0%	108	22.8	39.8%	22	29.6	81.8%
Jan	1	80.2	0.0%	101	23.4	35.6%	7	30.8	85.7%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Year to date	24	87.5	8.3%	1,572	23.4	34.2%	134	54.0	58.2%

Source: NI Planning Portal

Note

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

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

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

Record of meetings between Planning Officers and Public Representatives

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

Record of meetings between Planning Officers and Public Representatives

30/06/2016	A McKay	Margaret Ritchie MP
4/07/2016	Andrew Hay	Jim Shannon MP
08/07/2016	J McParland	Cllr Quinn Cllr Doran
14/07/2016	P Rooney	Cllr W Clarke
21/07/2016	Anthony McKay	Margaret Ritchie MP
26/7/2016	J McParland	Sean Doran
27/07/2016	J McParland	J Tinnelly
08/08/2016	J McParland	J Tinnelly
8/08/16	A Hay M Keane	Colin McGrath MLA
11/08/16	Andrew Hay	Cllr Walker Cllr Curran
25/08/16	Anthony McKay	Cllr O'Gribin
30/08/16	Pat Rooney	Cllr Ruane
1/9/16	Anthony McKay	M Ritchie MP
02/09/2016	A McAlarney Mark Keane	Cllr Willie Clarke
02/09/2016	A McAlarney	Cllr Willie Clarke
06/09/2016	Pat Rooney/Andrew Davidson	Cllr Terry Hearty
08/09/2016	Annette McAlarney Catherine Moane	Colin McGrath MLA
08/09/2016	Pat Rooney	Cllr David Taylor MLA and Danny Kennedy MLA
14/9/16	Pat Rooney	Cllr Terry Hearty
14/9/16	Anthony McKay	Wm Erwin MLA
15/09/2016	Pat Rooney	Cllr Terry Hearty
23/09/2016	Pat Rooney/Andrew Davidson	Harold McKee MLA, David Taylor MLA
29/09/2016	Pat Rooney	Cllr Terry Hearty
11/10/16	Andrew Davidson	Cllr Tinnelly
13/10/16	Andrew Hay	Margaret Ritchie MP
14/10/16	Pat Rooney & Andrew Davidson	Justin McNulty MLA
14/10/2016	Jacqui McParland	Cllr B Quinn
17/10/2016	Annette McAlarney	Cllr Curran
18/10/2016	Jacqui McParland	Cllr Doran
01/11/2016	Annette McAlarney	Cllr Harvey & Cllr Walker
3/11/16	Anthony McKay	Margaret Ritchie MP
07/11/2016	Jacqui McParland Anthony McKay	Cllr Reilly
	Anthony McKay	Cllr Naomi Bailie
11/11/2016	Annette McAlarney	Cllr Walker
14/11/2016	Annette McAlarney	Cllr Andrews
18/11/2016	Annette McAlarney	Cllr Walker
18/11/2016	Annette McAlarney	Colin McGrath MLA
24/11/2016	David Watson	Colin McGrath MLA
24/11/2016	Anthony McKay	M Ritchie MP

Record of meetings between Planning Officers and Public Representatives

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25/11/2016	Jacqui McParland	Cllr Taylor
02/12/2016	Annette McAlarney	Cllr Andrews and Walker
15/12/16	Anthony McKay	Margaret Ritchie MP
5/1/17	Anthony McKay	Margaret Ritchie MP
20/02/2017	Annette McAlarney	Jim Shannon MP
22/02/2017	Annette McAlarney	Cllr Curran
24/02/2017	Annette McAlarney	Cllr Sean Doran
06/02/2017	Annette McAlarney	Cllr William Walker
02/03/2017	Pat Rooney & Gareth Kerr	Cllr Tinnelly
06/03/2017	Annette McAlarney	Cllr Walker
14/03/2017	Annette McAlarney Claire Cooney	Cllr Willie Clarke
22/03/2017	Annette McAlarney	Cllr Andrews
29/3/2017	Andrew Hay	Cllr P Brown

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
30/12/16	C McGrath MLA	Saul	-----	A McAlarney	Direct e mail	12/1/17
4/1/17	ClIr D Curran	Youth Centre, Bath St., Ardglass	Enforcement re Signage	D Watson	E mail	5/1/17
5/1/17	ClIr G Craig	LA07/2015/1088/F	Update and query meeting with Applicant	A McAlarney	Direct e mail	9/1/17
7/1/17	ClIr C McGrath	R/2015/0153/O	Update requested	A McAlarney	Direct e mail	10/1/17
9/1/17	ClIr G Craig	LA07/2015/1088/F	Update requested	A McAlarney	Call transferred	9/1/17
" "	M Ritchie MP	LA07/2016/0173/F	Issue Decision Notice	A McAlarney	Direct e mail	9/1/17
" "	ClIr P O'Gribin	General Enquiry	-----	A McAlarney	Call transferred	9/1/17
" "	ClIr C McGrath	LA07 2016/0762/0	Update requested	A McAlarney	Direct e mail	10/1/17
10/1/17	ClIr D Curran	Youth Centre, Bath St., Ardglass	Enforcement re Signage – e mail update from yesterday's meeting requested	D Watson	E mail sent	10/1/17
11/1/17	M Ritchie MP	LA07/2016/0173/F	When will Decision Notice issue?	A McAlarney	Direct e mail	11/1/17
" "	Harold McKee MLA	General enquiry	-----	P Rooney	E mail sent	12/1/17
13/1/17	ClIr S Doran	LA07/2016/0069/0	Update	J McParland	Direct e mail	13/1/17
17/1/17	M Ritchie MP	Q/2014/0398/O	When will decision notice issue?	A McAlarney	Direct e mail	18/1/17
19/1/17	ClIr D Curran	-----	Request to meet	A McAlarney	Call transferred	19/1/17
19/1/17	Harold McKee's office	Q/14/0404/F— LA07/15/1088/F LA07/2016/0542/F	Updates required	A McAlarney A Davidson	Note left for Annette+ call transferred to Andrew	19/1/17
20/1/17	M Ritchie MP	LA07/2015/0965/F	Update requested	A McAlarney	Direct e mail	20/1/17
" "	ClIr C McGrath	-----	Address enquiry	A McAlarney	Call transferred	20/1/17
" "	M Ritchie MP	LA07/2016/0881/F	Request for meeting	M Keane	Direct e mail	24/1/17
23/1/17	ClIr R Burgess	-----	Potential Enforcement in Crossgar	C O'Rourke/D Watson	E mail sent to ClIr Burgess	23/1/17
" "	ClIr P O'Gribin	-----	Benraw Road, Ballyward	J McParland	Call transferred	23/1/17
24/1/17	ClIr D Curran	-----	Advice re Mobile home used for	A McAlarney	Call transferred	24/1/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			storage			
" "	Clr P O'Gribin	-----	Benraw Road, Ballyward	A McAlarney	E mail sent	25/1/17
25/1/17	Seana for M Ritchie MP	-----	General enquiry	A McAlarney	Call transferred	25/1/17
" "	Clr H McKee	P/2014/0844/F	Enforcement issue	D Watson	E mail sent	25/1/17
25/1/17	Clr R Mulgrew	-----	-----	A Davidson	No answer/ Clr to E-mail Andrew	25/1/17
" "	Clr S Doran	LA07/2016/0897/F	Request to remove Application from Committee Schedule	J McParland	Direct e mail	26/1/17
26/1/17	M Ritchie MP	Lignum Interiors, Ballydonnety Rd, Downpatrick	Update requested	A McAlarney	Direct e mail	26/1/17
" "	Clr L Devlin	LA07/2016/0667	Update requested	J McParland	Direct e mail	26/1/17
27/1/16	W Irwin MLA	LA07/2016/0150/O	On Schedule for meeting 2/2/17	A Davidson	Call transferred	27/1/17
" "	" "	LA07/2016/0150/O	" " "	A Davidson	E mail sent	27/1/17
30/1/17	Clr D Curran	-----	Enforcement – sign at Bath St, Ardglass	D Watson	E mail sent	1/2/17
30/1/17	Laura Devlin	-----	-----	A McAlarney	Phone cut off	30/1/17
30/1/17	Laura Devlin	-----	Query re white land within the development limit for Newcastle	M McQuiston	T/s Call	30/1/17
31/1/17	Clr R Mulgrew	-----	Catch up	A Davidson	Call transferred	31/1/17
" "	Clr C Enright	-----	Site at Ballydugan Road, Downpatrick	A McAlarney	Call transferred & details e mailed	31/1/17
" "	Clr D Taylor	-----	Helen McCombs application	A Davidson	E mail sent	6/2/17
1/2/17	Clr L Devlin	-----	Proposed mobile phone mast - Castlewellan	A McAlarney	Direct e mail	1/2/17
" "	Clr C McGrath	LA07/2016/0998/F	Update requested	A McAlarney	Direct e mail	1/2/17
" "	Clr H McKee	General Enquiry	-----	P Rooney	E mail sent	7/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Cllr W Walker	Stables, Kirkland Road, Killyleagh	Has appl. been removed from Committee meeting on 2/2/17?	A McAlarney	Direct e mail	1/2/17
1/2/17	Teresa for M Ritchie MP	LA07/2016/1681	Update requested	A Davidson	Call transferred	1/2/17
" "	Cllr G Fitzpatrick	Campbell garage	Update requested	P Rooney	Direct e mail	6/2/17
2/2/17	Cllr T Andrews	LA07/2016/0970/O	Update requested	A McAlarney	Direct e mail	2/2/17
2/2/17	Cllr Patrick Brown	R/2014/0079/F	Update requested + general enquiry	Andrew Hay	Call transferred – further call back to follow	2/2/17
2//2/17	Cllr Andrew McMurray	General enquiry	General enquiry re planning process	Andrew Hay	Returned call – no answer. Called again – no answer – left message	2/2/17 3/2/17
3/2/17	Cllr Roisin Mulgrew	Enquiry re Broiler House –Declan Magennis	Update requested	Andrew Davidson	Direct email and message left on desk	3/2/17
3/2/17	Cllr Roisin Mulgrew	Enforcement	Enforcement	Roger Kinhead (no one available in Enforcement)	Call transferred	3/2/17
3/2/17	Harold McKees office (Josh)	LA07/2016/1346/RM	Update requested	Andrew Davidson Jacqui McParland Par Rooney	No reply so transferred call to Anthony McKay	3/2/17
6/2/17	Cllr D Taylor	-----	Processing time for a CLUD?	P Rooney	E Mail sent	6/2/17
7/2/17	M Ritchie MP office	-----	Meeting 9/2/17 at 10.30am?	A McKay	E mail sent	7/2/17
" "	Cllr S Doran	LA07/2016/0431/F	Update requested	P Rooney	E mail sent	15/2/17
8/2/17	Cllr S Burns	-----	Re a case Mark Keané dealing with	A McAlarney	T/S Call	8/2/17
" "	Cllr V Harte	LA07/2015/0264	Update requested	P Rooney	Call transferred	8/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Alice for M Ritchie	R/2015/0153/O	Update requested	A McAlarney	Call transferred	8/2/17
8/2/17	Sinead Bradley MLA's office	LDP	Email enquiry re definition and status of a hamlet	Andrew Hay	Email response	27/2/17
9/2/17	M Ritchie MP	LA/07/2016/0715/F; LA07/2016/0817/F	Update requested	A McAlarney	Direct e mail	9/2/17
" "	Alice for M Ritchie	R/2015/0153/O	Further information	A McAlarney	E mail sent	9/2/17
" "	ClIr M Murnin	LA07/2016/1234/F	Issue of Decision notice?	A McKay & C O'Rourke	Direct e mail	2/3/17
10/2/17	ClIr W Walker	Kirkland Rd, Toye	Update on Stable Block application	A McAlarney	Direct e mail	10/2/17
10/2/17	ClIr W Walker	LA07/2016/0185/F	Request for meeting on behalf of Jim Shannon MP	A McAlarney	Direct e mail	10/2/17
10/2/17	ClIr David Taylor	LA07/2016/0748	_____	Pat Rooney took call as Jacqui or Andrew not available	Call transferred	10/2/17
13/2/17	ClIr Patrick Brown	_____	Enforcement issue	Davy Watson	Call transferred	13/2/17
14/2/17	ClIr P Byrne	P/2007/0374/RM	Update requested	A Davidson	E mail sent	14/2/17
" "	ClIr B Quinn	P/2013/0758/F	Update requested	A McKay	Will ring back after lunch	14/2/17
" "	ClIr B Quinn	P/2013/0758/F	Update requested	J McParland	Call transferred	14/2/17
15/2/17	ClIr R Mulgrew	_____	_____	A Davidson	E mail sent	15/2/17
" "	ClIr H McKee	LA08 query	Advised ABC Council application	M McIlhone	Call answered	15/2/17
" "	ClIr S Doran	LA07/2016/0431/F	Update requested	P Rooney	Call transferred	15/2/17
" "	ClIr R Burgess	R/2015/1211/F	To arrange meeting for 17/2/17	A McAlarney	E mail sent	15/2/17
" "	ClIr Jarlath Tinnelly	LA07/2016/0999/F	Request for telephone call	J McParland	Direct e mail	15/2/17
16/2/17	M Ritchie's office	LA07/2017/0218/F	Update requested	A McAlarney	Direct e mail	16/2/17
" "	M Ritchie MP	_____	To speak to Annette	A McAlarney	Call transferred	16/2/17
" "	C McGrath MLA	_____	98 Tannaghmore Road, Seaforde	A McAlarney	Direct e mail	16/2/17
17/2/17	ClIr R Mulgrew	_____	Missed a call from Andrew	A Davidson	Call transferred	17/2/17
18/2/17	ClIr T Hearty	P/2014/0649/O	Planning staff didn't attend	C O'Rourke-A McKay	E mail	27/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
			Appeal, who will reimburse Applicant's expenses?			
20/2/17	Cllr S Burns	LA07/2016/0448/O	How did site inspection go?	A McAlarney	E mail sent	20/2/17
" "	Cllr D Curran	Ardglass Marina	Request for meeting 22/2/17	A McAlarney	Call transferred	20/2/17
20/2/17	S Hamilton's office	R/2010/0070/CA	Enforcement complaint	D Watson	E mail	20/2/17
21/2/17	Alice for M Ritchie MP	-----	How to make appointment for Duty Planner?	M McIlhone	Call answered	21/2/17
21/2/17	Cllr D McAteer	-----	Wished to speak to either Pat or Anthony, he has been trying their mobiles for over a week	A McKay	Anthony to ring back this afternoon	21/2/17
" "	Cllr S Doran	-----	Query re Change of Use	A McAlarney	E mail sent	21/2/17
" "	Justin McNulty MLA	-----	Unauthorised works at Camlough lake	A McKay	Direct e mail	22/2/17
22/2/17	M Ritchie MP	LA07/2016/0564/F	Update requested	A McAlarney	Direct e mail	22/2/17
" "	Cllr W Walker	LA07/2016/0854/O	Letter of support	A McAlarney	Direct e mail	22/2/17
" "	M Ritchie MP	3 Green Road, Ardglass	Update requested	A McAlarney	Direct e mail	23/2/17
23/2/17	Cllr D Taylor	LA07/2016/0092/F	Update requested	P Rooney	Call transferred	23/2/17
" "	C McGrath MLA	LA07/2017/0065/O	Meeting requested	K Cunningham	Generic e mail	E mails sent 24 & 27/2/17 & 6; 20/3/17.
27/2/17	Cllr R Mulgrew	-----	Declan Magennis, Broiler House	P Rooney	E mail sent	27/2/17
" "	Cllr W Walker	LA07/2015/0084	Meeting requested	A McAlarney	Direct e mail	27/2/17
" "	Cllr W Walker	LA07/2017/0175/F	Letter of support	A McAlarney	Direct e mail	1/3/17
28/2/17	C McGrath MLA	LA07/2016/1424/F	Meeting requested	A McAlarney	E mail from C O'Rourke	28/2/17
" "	Cllr Laura Devlin	Permitted Development	General enquiry	A McAlarney	Call transferred	28/2/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
8/3/17	Cllr R Mulgrew	-----	-----	P Rooney	E mail sent	9/3/17
" "	Cllr D Taylor	-----	-----	P Rooney	Call transferred	8/3/17
" "	William Irwin MLA	-----	-----	A Davidson	E-mail Sent	8/3/17
" "	Cllr Gareth Craig	-----	Re: Site at Ballyward	A McAlarney	Call transferred	8/3/17
9/3/17	Cllr R Mulgrew	-----	-----	P Rooney	Call transferred	9/3/17
" "	Cllr S Doran	LA07/2015/0700/O	Update requested	A Davidson	Call transferred	9/3/17
" "	C McGrath MLA	Ballynagross FC	Urgent progression requested	C O'Rourke-P Rooney - A McAlarney	E mail	10/3/17
10/3/17	Cllr S Doran	LA07/2016/1632/O	-----	A Davidson	E-Mail Sent	10/3/17
" "	M Ritchie MP	LA07/2016/1519/F	Update requested	A McAlarney	Direct e mail	13/3/17
11/3/17	Cllr L Devlin	LA07/2017/0227/F; R/2013/0036/O; Wateresk Rd., & LA07/2017/0064/F	Updates requested.	A McAlarney	Direct e mail	13/3/17
14/3/17	Cllr D Curran	LA07/2016/1635/O	Update requested	A McAlarney	Call transferred	14/3/17
" "	M Ritchie MP	LA07/2016/1519/F	Date of Committee meeting?	A McAlarney	Direct e mail	14/3/17
" "	Cllr D Curran	LA07/2016/1635	-----	A McAlarney	Call transferred	14/3/17
" "	Cllr W Clarke	LA07/2016/0300/F	Update requested	A McAlarney	Direct e mail	14/3/17
" "	Cllr T Andrews	LA07/2016/1166/F	Meeting requested	A McAlarney	Direct e mail	14/3/17
" "	M Ritchie MPs office	LA07/2015/0639/F	Update requested	A McAlarney	Call transferred	14/3/17
" "	Cllr P O'Gribin	-----	-----	A McAlarney	Call transferred	14/03/17
15/3/17	Cllr P O'Gribin	-----	-----	A McAlarney	Call transferred	15/3/17
" "	Cllr P O'Gribin	-----	-----	A McAlarney	Call transferred	15/3/17
" "	Cllr S Doran	LA07/2016/1017/F	Update	A Davidson	Call transferred	15/3/17
" "	Cllr L Devlin	-----	-----	A McAlarney	E mail sent	15/3/17
16/3/17	Cllr T Hearty	Development at Silverbridge	Update	A Davidson	Call transferred	16/3/17
" "	M Ritchie MP	LA07/2016/0770/O	Any objections received?	A McKay & A	Direct e mail	20/3/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
				McAlarney		
" "	M Ritchie MP	LA07/2016/0173/F	Update requested	A McAlarney	Direct e mail	20/3/17
19/3/17	ClIr L Devlin	LA07/2017/0227/F & LA07/2016/1196	Updates requested	A McAlarney	Direct e mail	20/3/17
" "	ClIr L Devlin	R/2014/0657	Update requested	A McAlarney	Direct e mail	20/3/17
20/3/17	C McGrath MLA	LA07/2016/1424/F	Cancelled meeting 20/3/17, To be rearranged.	A McAlarney	E mail from C O'Rourke	20/3/17
" "	ClIr R Mulgrew	-----	-----	A Davidson	E mail sent	20/3/17
" "	ClIr T Andrews	LA07/2016/1166/F	Confirming date of meeting	A McAlarney	Direct e mail	20/3/17
21/3/17	ClIr A McMurray	LA07/2017/0318/F	Advice requested	A McAlarney	Call transferred	21/3/17
" "	ClIr S Burns	Ballynahinch RFC	Advice requested re Flood lighting	A McAlarney	Call transferred & e mail follow up	21/3/17
" "	C McGrath MLA	LA07/2016/1544/NMC; LA07/2016/1281/O; LA07/2015/0143/F; LA07/2015/2273/F & LA07/2016/1717/PAD	Updates on 4 x Applications and 1 x PAD requested.	A McAlarney	Direct e mail	21/3/17
" "	ClIr H McKee	-----	General Enquiry	P Rooney	E mail sent	21/3/17
" "	ClIr W Walker	-----	Meeting request for a PAD	A McAlarney	Direct e mail	21/3/17
" "	C McGrath MLA	R/1997/0074	Details of Application	A McAlarney	Direct e mail	21/3/17
" "	ClIr G Fitzpatrick	-----	Wind Turbine	G Kerr	Direct message	21/3/17
" "	M Ritchie MP	LA07/2016/1681/LDE	Update requested	G Kerr	Direct e mail	22/3/17
22/3/17	ClIr W Clarke	Carnbane	Speak to Jimmy Toland?	P Rooney	Call transferred	22/3/17
22/3/17	ClIr W Irwin	LA07/2016/1709/F	Speak to Andrew re update	A Davidson	Email sent	22/3/17
23/3/17	Gareth Crag	2016/1405/F 2016/1485/F	-----	A McAlarney/ Mark Keane	Emailed Mark Keane	22/03/17
24/3/17	M Ritchie MP	LA07/2016/1519/F	Consider changing recommendation	A McAlarney	Direct e mail	29/3/17
28/3/17	ClIr Sean Devlin	-----	-----	G Kerr	Call transferred	28/3/17
29/3/17	ClIr S Burns	-----	-----	A McAlarney	Call transferred	29/3/17

CONTACT FROM PUBLIC REPRESENTATIVES – 1 January - 31 March 2017

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
20/3/17	Cllr P Brown		Land zoning enquiry: Killyleagh	A Hay	Direct email	27/3/17
27/3/17	Cllr P Brown		Land zoning enquiry: Killyleagh	A Hay	Returned call	27/3/17
29/3/17	Cllr W Walker	LA07/2017/0175/F	Update requested	A McAlarney	Direct e mail	29/3/17
29/3/17	Cllr A McMurray			A McAlarney	Transferred call	29/3/17
30/3/17	Cllr S H Reilly	LA07/2016/0542/F	Update requested for Cllr Reilly & Glyn Mitchell	G Kerr	C O'Rourke E mail	30/3/17
" "	Cllr W Clarke	LA07/2016/1635/O	Update requested	A McAlarney	Direct e mail	30/3/17
" "	Cllr L Devlin	LA07/2017/0227	Update requested	A McAlarney	Direct e mail	3/4/17
31/3/17	M Ritchie MP			A McAlarney	Transferred call	31/3/17
" "	Cllr Laura Devlin	LA07/2017/0227	Update requested	A McAlarney	Annette to return call	E mail response 3/4/17

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 th April 2017
Subject:	Council role – Maintenance and upkeep of Magheradrool Parish Graveyard, Crabtree Road, Ballynahinch
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report and consider and agree to the recommendations contained at section 3.1.

1.0	Purpose and Background:
1.1	<p>When this matter was previously discussed by this Committee the following recommendations were made:</p> <ol style="list-style-type: none"> 1. Investigate if the old church is a designated listed building. 2. A comprehensive report to be submitted clarifying if the Council owns the Church and Graveyard and what opportunities there were to seek funding to carry out potential maintenance works. <p><u>Background</u></p> <p>A number of local constituents have expressed a determination to bring to the fore what they consider the valuable history contained within the Magheradrool Graveyard which is believed to date back to 1306 and contains on site the ruins of a Church built circa 1607. Attached at Appendix 1 is a history of the site as written by Dr William Roulston of the Ulster Historical Foundation. The Ulster Historical Foundation is a research and publishing agency which aims to encourage an interest in the history of the province of Ulster.</p> <p>Magheradrool Graveyard is one of a number of historical graveyards (29 across the district) which this Council has responsibility for maintaining. This responsibility dates back to the late 19th/early 20th centuries at a time of dissolution of the Church of Ireland from the Church of England. Many of these sites no longer have burials taking place within them however, with regard to his particular site, burials continue with the most recent burial taking place in late December 2016. The Council is not advised of such burials or is its permission requested.</p> <p>Last summer there was a request from a local individual to undertake certain historical investigatory works within the grounds of the old graveyard, in particular they wished to cut back the ivy which had grown around the Church ruins to better read the headstones within, examine the structure of the Church ruins and cut back trees which were obscuring some headstones. The Historic Environment Division of the Department of Communities provided grant aid for these works which were completed successfully on behalf of the local group as shown in the photos attached at Appendix 2. No issues of immediate concern were identified with regard to the existing structure.</p>

	<p><u>Issue 1: Is the old church a designated listed building?</u> The old church is not a listed building however it is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. It is valued for its historic importance as opposed to its architectural value. The surrounding graveyard is not scheduled. This normally means those owners, occupiers or anyone owning, or occupying adjacent land or land in the vicinity may be eligible to apply to Historic Environment Division for advice and financial assistance.</p> <p><u>Issue 2: Council Ownership of old church and graveyard</u> This subject was originally investigated by Officers in legacy Down District Council in 1978. Their investigation concluded that the Magheradrool old graveyard was one of a number of such graveyards vested in the former Down District Council. Records do not show any Closing Order having been issued for this site to prohibit further burials and so there is continuing use by those families which have existing burial rights. The former Down District Council has maintained this site for many years and this practice continues with the new Council. Maintenance is currently confined to grass cutting and cutting back vegetation as and when required. The Historic Environment Division provides advice on maintenance to be undertaken and is currently content with the maintenance regime provided by the Council.</p> <p>Whilst Council Officials are satisfied that the graveyard has been vested it remains uncertain regarding the responsibility it has for the church ruins.</p> <p>Access to the site is via a laneway which is used not only to gain access to the graveyard but is part of access to local agricultural fields. Parking at this site is extremely limited.</p> <p><u>Issue 3: Opportunities for funding for potential maintenance works</u> The Historic Environment Division of the Department of Communities has confirmed that the Council would be eligible to apply for funding from its Historic Environment Division; however the level of funding available and the works which would be funded will be determined on a case by case basis. Normal maintenance activity as currently carried out by Council regarding grass cutting and pruning back would not be funded.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • Local Interest group seeks to promote the history of Magheradrool Old Graveyard and Church ruins. • Council has responsibility for maintenance of old graveyard but responsibility regarding church ruins, which is scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, is less clear. • The Historic Environment Division of the Department of Communities is keen to see the graveyard and church ruins maintained and can provide grant aid for approved works.
3.0	Recommendations:
3.1	<ul style="list-style-type: none"> • Council continues to maintain the site as part of its Grounds Maintenance Programme which should be extended to periodically cut back the ivy and other vegetation which grows on the church ruins, in consultation with the Historic Environment Division. • Whilst the Council will not seek to discourage any work at the old graveyard the local group wishes to pursue this will be subject to the group receiving both Council approval and that of the Historic Environment Division before such work

	<p>is undertaken.</p> <ul style="list-style-type: none"> •
4.0	Resource implications
4.1	Site is currently maintained by the Council's Grounds Maintenance Section with six visits carried out per year at an approximate cost of £300.00 labour cost.
5.0	Equality and good relations implications:
5.1	The Council has a responsibility for maintenance of 29 historic graveyards across the district. Deciding to promote this site above other sites may be judged as iniquitous unless there can be a justification made through some historic findings which would justify promoting this site above others.
6.0	Appendices
	<p>Appendix 1: A history of Magheradrool Old Graveyard as written by Dr William Roulston of the Ulster Historical Foundation</p> <p>Appendix 2: Photographs of Church ruins following completion of recent works.</p>

Historical Account of Old Magheradroll

Ordnance Survey grid reference: J379513

The ancient ecclesiastical site known as Old Magheradroll is located on the summit of a low hill overlooking the Ballynahinch River. It is approximately 2 miles from the centre of Ballynahinch and is reached by a lane that leads off Crabtree Road, which itself runs roughly midway between the Downpatrick Road and Castlewellan Road.¹ An electricity sub-station is located on an adjacent site, but because of the trees around the graveyard it is not too obtrusive. Magheradroll has been translated from the Irish *Machaire Eadarghabhal* as ‘plain between two forks’, or ‘plain between stream forks’.² Not only is it the name of the townland in which Old Magheradroll is situated, it is also the name of the parish in which the townland is located.³

Old Magheradroll from c. 1306 to 1772

The first time a place of worship was erected on this site is not known. It is possible that a church stood here in the Early Christian period. The roughly oval-shaped outline of the present graveyard may be an indication of ancient origins, but evidence for this still has to be uncovered. The earliest documented mention of the church is found in the papal taxation of c. 1306 when it is referred to as *Ecclesia de Ardagaualle*. It has been suggested that this version derives from *Ard Gabhail*, meaning the ‘height of the stream-fork’. As discussed below, the present ruins have been dated to the fifteenth century, suggesting a rebuild or at least a major renovation of the building in existence in the early 1300s.

The first known cleric in Magheradroll was John Magunan (or Magunian) who was rector of this parish in 1420.⁴ In the *Register of Archbishop Prene* it is recorded that the then rector, John O’Brynd, was excommunicated for ‘contempt and contumacy’ in 1444.⁵ Other than these two, the records are silent on the pre-Reformation clergy of Magheradroll. One further pre-Reformation to the church can be found in the *Register of Archbishop Dowdall*, which refers to *Maccaredruall* in 1546.

¹ A author of a letter published in the *Northern Whig* on 4 March 1932 wrote that ‘the road leading to [the site] being known as Crab-tree Hill locally, though the crab-trees have, excepting one, disappeared.’

² See the Placenamesni website: <http://www.placenamesni.org/resultdetails.php?entry=11512>; the compilers of this website have discounted the suggestions made by some writers that the meaning is derived from *droibhéal*, a ‘rugged, difficult place’.

³ The Ordnance Survey uses the spelling Magheradroll, but the spelling Magheradroll is, and has been, in much more widespread use.

⁴ E. D. Atkinson, *Dromore: An Ulster Diocese* (1925), p. 171.

⁵ H. B. Swanzy, *Succession Lists of the Diocese of Dromore* (1933), p. 194.

Old Magheradroll is located in an area that was controlled by the McCartans in the late medieval period. Their strongholds included Ballynahinch, Drumaroad, Drumnaquoile, Magheraknock, Magheratimpany and Loughinisland. During the Nine Years' War (1594-1603) the McCartans fought in the confederation of Gaelic lords led by Hugh O'Neill, including at the Battle of Kinsale in 1601. Given that this was McCartan territory, it is somewhat curious that in Lewis' *Topographical Dictionary* of 1837 we read with reference to Magheradroll, 'an ancient church cemetery, in which are interred several of the ancient and powerful family of the Magennises of Kilwarlin.'⁶

One of the most intriguing features of the church ruins is the large stone built into the exterior of the west wall, which is inscribed '1607'. One account states that the Byrnes built (restored?) the church in that year for the McCartans; in return they received a grant of the lands of Ballymaglave.⁷ The sponsoring of church-building projects by Gaelic families in Ulster in this period, though rare, was not entirely unknown. In fact, it is believed that one of the McCartans was responsible for building a church at nearby Loughinisland in 1636.⁸

However, it has also been recorded that the church at Magheradroll was rebuilt by incoming settlers from Scotland. A history prepared, but not published, by two brothers from Ballynahinch named Armstrong, provides the following information on this episode:

In the plantation of Ulster in the reign of James the First, many families from Scotland emigrated to this parish; and having settled therein, formed the first Congregation of Protestants that were ever assembled within its bounds. There is a tradition that the old Church of Magheradroll (the venerable walls of which are yet standing) was built for their accommodation, and that, for many years after the erection, the religious service performed in it was according to the Presbyterian form of the Church of Scotland. The foundation of this Church was laid in the year 1607. It is also handed down by the same secured to the Ministers of the Scotch Settlements in Ulster, at that early time, when the great object of Government was to strengthen the British and Protestant interest in this Kingdom. Of this original settlement no record remains.⁹

⁶ Samuel Lewis (ed.), *Topographical Dictionary of Ireland* (1837), vol. 2, p. 332; these tombstones, if they ever existed, are no longer visible.

⁷ Information provided by Horace Reid.

⁸ E. M. Jope (ed.), *Archaeological Survey of County Down* (1966), p. 305.

⁹ 'Historical Accounts of the Presbyterian Congregations of Ballynahinch, Dromara, Kilmore and Drumcaw now Clough, all in the County of Down, Ireland ...' by the late John Strong Armstrong of 31 Eccles St. Dublin, and of Ballynahinch, Co. Down, and Rev James Armstrong D.D., Minister of Strand Street, Dublin 1806-1839 (manuscript, c. 1840; transcribed by Julian Armstrong; edited by Horace Reid) [henceforth referenced as 'Historic Accounts'].

The first Protestant minister known to have served Magheradroll was Thomas Johnston who appears as the vicar of this parish in 1622.¹⁰ It has been claimed that he was a son of the Earl of Annandale. A chalice of silvered pewter in possession of the Parish Church is said to have once belonged to Johnston.¹¹ Johnston went on to become vicar of Drumgooland in 1628 and Clonduff in 1634. His descendants acquired a farm at Ballinderry, County Antrim, and one of them, Philip Johnston, was the founder of Brookfield Mill and Jennymount Mill in Victorian Belfast.

The next known vicar of Magheradroll was Anthony Buckworth in 1636. He was a son of Richard Buckworth of Wisbeach in Cambridgeshire and a brother of Theophilus Buckworth who had been the Anglican bishop of Dromore since 1613. He was married to Honor, a sister of Archbishop James Ussher (another sister was married to Anthony's brother Theophilus). In addition to Magheradroll, Anthony was simultaneously vicar of Clonallon. He survived the 1641 uprising and in the 1650s was the Commonwealth minister of Newry (1654) and Magheralin (1656). At the time of his death in 1664 he was rector of Killincoole in the diocese of Armagh.

Contemporary evidence for the settlement of Scots in this area can be found in the depositions collected in the aftermath of the 1641 uprising. On 2 May 1653 William MacGillwrath, then of 'Branell' (Branial in east Belfast?), was examined and stated that in 1641 he was living at 'Ballemaglagh'. One night a number of Irishmen led by Phelim Mac Gillmore arrived at his house and came up to the room on which he and his son were asleep. All goods of any value in the house were seized and MacGillwrath himself was taken a mile from his home where he was attacked and left for dead. However, he recovered sufficiently to make it to a nearby house from where he was carried back to his own dwelling. In addition to the seizure of his household goods, MacGillwrath also stated that he had lost sixteen cows, a bull and two horses – a substantial number of livestock for the time.¹²

In the summer of 1653 Patrick McCartan of Loughinisland, the principal owner of the lands in the vicinity of Old Magheradroll, was hanged in Carrickfergus for his actions in the 1641 uprising. His lands were confiscated and allocated to the troops under the command of General Charles Fleetwood, Cromwell's son-in-law, as compensation for arrears of pay. In the event these soldiers sold out, one of

¹⁰ Swanzy, *Dromore*, pp 160, 194. From the early 1600s until Disestablishment the rector of Magheradroll, i.e. the person who collected the rectorial tithes, was the Church of Ireland bishop of Dromore; the resident Anglican cleric held the title of vicar.

¹¹ Wilfred Bain, 'Old Magheradroll', *Magheradroll Parish Magazine* (April/May 2006), p. 16; this was given to the church by Major T. G. Johnston of Castlewellan.

¹² Trinity College Dublin, MS 837, fols 055r-056v.

the beneficiaries being Sir George Rawdon.¹³ Ironically, Rawdon was one of the commissioners appointed by the Cromwellian regime to hear evidence from McCartan just before he was executed.¹⁴

Evidence for Old Magheradroll can be found in two surveys conducted in this period. The first of these was the Down Survey of 1655. A sketch of the church is shown in 'Magheradrill' on the map of the barony of Kinelarty.¹⁵ It is not entirely clear whether the sketch is meant to represent the church in ruins or repair. The second survey dates from 1657 when the Cromwellian authorities initiated an investigation into the state of the church in Ireland. It was carried out by county, not by diocese, and returns detailing its results survive for counties Antrim, Armagh and Down, covering all or part of the dioceses of Armagh, Connor, Down and Dromore.¹⁶ The church in Magheradroll was described as 'having walls and roof, the rest out of reparaire'. This implies that either the church had been in some form of repair in the recent past or else was in the process of being repaired at the time of the inquisition.

In 1656 Hugh Graffan appears as the Commonwealth minister of Magheradroll. Previous to this appointment, he had been engaged to preach to the native population (presumably in Irish) and in 1654 had ministered in the precincts of Belfast. Following the Restoration of 1660, he conformed to episcopacy and was installed as vicar of Magheradroll in 1661. He was still here in 1679, but must have died soon after for in 1680 Legard Blacker, a member of the Carrick Blacker family, was vicar.

In 1679 Magheradroll church was described as '*bene se habet*' – literally, 'has itself well'.¹⁷ The patent of 21 March 1682 which erected Sir George Rawdon's lands around Ballynahinch into the manor of Kinelarty commended him for having 'put the parish church in repair'.¹⁸ The church may have suffered during the period of the Williamite War of 1689-91, but in 1694 was described as '*reparatur*'.¹⁹ The vicar in this year was John Williamson. Interestingly, his brother Hugh and nephew John were Presbyterian ministers of nearby Clough.

In 1722 the church was in 'very good repair'.²⁰ The visitation of the diocese of Dromore conducted in this year recorded that there were 40 communicants in Magheradroll parish.²¹ This figure was considerably lower than Aghalee, where the number of communicants stood at 150, or Donaghcloney,

¹³ Michael McCartan, 'The Cromwellian High Courts of Justice in Ulster, 1653', *Seanchas Ardmhacha*, 23:1 (2010), pp 134-7.

¹⁴ Trinity College Dublin, MS 837, fols 171r-172v

¹⁵ <http://downsurvey.tcd.ie/down-survey-maps.php#bm=Kinalearty&c=Down>.

¹⁶ PRONI, DIO/1/24/24/1-2; T/1075/4

¹⁷ PRONI, DIO/4/23/1/4.

¹⁸ National Archives of Ireland, Lodge MSS, viii, 130-31.

¹⁹ PRONI, DIO/4/5/3.

²⁰ Representative Church Body Library, GS/2/7/3/34.

²¹ *Ibid*.

where the figure was in the range 100-200, but it was comparable with Aghaderg and Clonallon and greater than Garvaghy, Magherally and Seapatrick, to name a few. The number of communicants does not of course represent the entire Anglican population in the parish. However, there is little doubt that the Anglican congregation was dwarfed by the Presbyterian population, and was smaller than the Roman Catholic community.

Although the Church of Ireland – the Established Church – controlled the site in a formal sense – there is strong oral tradition that Magheradroll was shared for a time by Anglicans and Roman Catholics, with services held by one denomination at a time that would not conflict with the other. A similar tradition in neighbouring Loughinisland was recorded by O'Laverty. A Bible, said to have been a chained Bible – so called because it was attached to a chain to prevent it from being removed from the church – used by both denominations in Old Magheradroll is in private possession in South Africa.²²

The church was abandoned in 1772 when the Anglican congregation moved to a place of worship in the town of Ballynahinch. This edifice was the private chapel of the Rawdons, who had built a residence at Montalto, just outside Ballynahinch, c. 1760. The decision to forsake the old church was opposed by a section of the parishioners. In order to prevent them from continuing to use the building the thatched roof was removed or even burned off. The man said to have been responsible for this was William Dorman. According to local tradition, some time afterwards the roof of his own home collapsed and he was forced to withdraw to Saintfield. Other members of the congregation withdrew from the Church of Ireland and joined other congregations in protest at what had happened to the old church.²³

The last vicar to officiate in the church at Magheradroll was the Rev. James Forde. The son of Robert Forde, a merchant, James Forde was born in Drogheda and educated at Trinity College, Dublin, graduating BA in 1761. He was briefly curate of Glenavy, before moving to Magheradroll in 1763 where he remained until his death on 1 January 1816. A tablet to his memory has been fixed to the interior of the east wall of the church, very close to where the altar would have been placed. Forde's glebe-house was located on the site of the present Millbrook Lodge Hotel. Forde's son James served as a curate in the parishes of Kilmegan, Kilbroney and Dromara. Incidentally, Forde's successor, the Rev. Charles Boyd, also served Magheradroll for more than half a century meaning that there were only two vicars in the parish for a period of 109 years.²⁴

²² Bain, 'Old Magheradroll'.

²³ Ibid.

²⁴ Swanzy, *Dromore*, p. 196.

The church ruin

In the 1770s, therefore, the building ceased to be used as a church and fell into a state of dereliction. In addition to the dismantling of the roof, it seems likely that any dressed stone from the windows and door surrounds was also removed at this time or shortly afterwards. It would be interesting to discover what has become of this stonework. The church ruin as it currently stands consists of a structurally undivided nave and chancel, measuring internally 16.5 m by 7.65 m. The gable walls are 1.15 m thick and the north and south walls are 0.85 m thick. The walls stand to their original height apart from the east section of the north wall, which has been removed. The *Archaeological Survey of County Down* dates the church, including the east window, to the fifteenth century.²⁵ In its plan, the building was fairly typical of a late medieval parish church.²⁶ The present rectangular window in the west wall was probably enlarged in the seventeenth century, while a similar window was inserted in the east end of the south wall. The entrance at the west end of the south wall was also rebuilt, probably at the same time. These alterations may date from the renovation of the church initiated by Sir George Rawdon in the 1670s.

The graveyard

The burial ground at Old Magheradroll is roughly oval in shape and bounded by a combination of stone wall, bank and hedge. Mature trees grow around the boundary of the graveyard and a number are found within it, including laurel and yew, the latter very much associated with ancient church sites. The 1st edition Ordnance Survey map of 1834 shows a small square structure to the south-west of the church ruins. Possibly this refers to the mausoleum of the Martin family, about which more will be said presently, though this feature is not shown on later Ordnance Survey maps. The 1st edition Ordnance Survey map also marks a 'fort' (ringfort) immediately to the north-west of the graveyard, though this has now gone.

Several stories concerning the graveyard were reported in the press in the nineteenth century. For example, the following piece appeared in response to an incident that occurred in late 1852:

Extraordinary Circumstance. A very shocking exposure of a dead body took place in the parochial burying-ground of Magheradroll last week. The informant was attracted to the place by observing two men engaged in opening a grave. The ground had not been disturbed by the family to whom it belonged for upwards of fourteen years. They were surprised to find a fresh coffin nearer to the surface than they had expected, and upon lifting the lid, they observed an

²⁵ *Archaeological Survey of County Down*, p. 307

²⁶ Roger Stalley, 'Irish Gothic and English fashion' in J. Lydon (ed), *The English in Medieval Ireland* (Dublin, 1984), pp. 67-8.

adult female corpse, apparently not decomposed, and the shrouding very little soiled. To remove the unexpected intrusion they proceeded, and one the men, instead of removing the clay from about the coffin and then raising it out of the grave, rashly applied his spade under the head and shoulders of the corpse, and violently forced it through the vertebrae of the small of the back, completely disconnecting the upper and lower parts of the body; in consequence a most revolting display took place, which cannot be described; the two portions the body exposed and the coffin broken in pieces. The grave was then deepened to admit the remains of the person to whom the burying-ground belonged, and the funeral being announced as coming forward, a few of the procession hastened to remove out of sight the awful exposure, which they unhesitatingly flung into the bottom of the open grave, and concealed it by the broken pieces of the coffin, when all was closed over the interment that then took place. A very strong sensation has been created, especially as no one has yet appeared to enquire after or show any concern about the ill-used corpse, nor has there been any clue as whom it belonged.

Reports of this incident prompted the Rev. Charles Boyd, vicar of Magheradroll, to write to the editor of the *Downpatrick Recorder* to express his frustration 'that not the least intelligence has transpired respecting the name residence of the individual whose remains have been barbarously treated. In consequence, suspicions are abroad that the individual may have come by her death in some foul way.'²⁷ No further mention of this incident has been traced.

In October 1853 the following extremely critical account of the graveyard was published 'At the request of a highly respectable correspondent':

In consequence of the unrestrained manner certain disorderly persons, were permitted to reign in the parish churchyard of Magheradroll, for nearly the last two years—iron gates, locks, and fences were of no avail in the way of protecting that place sacred to the dead, the most daring possession was maintained, neither magistrates nor police making them afraid, many attempts were made to restore order and respect for the place of the dead, but in vain, for those who moved in that direction found no favour. The churchyard, thus contaminated, became a bidding place (a very aceldama) for murdered innocents and others supposed to have come to an untimely end. Inquests were made recourse to without effect, a late instance was tried that way a few days ago, where an infant was found under the most suspicious circumstances, and proved by witnesses, chosen by many, that it must have been deprived of life, and concealed in a hole, scraped in the side of a grave, by some unnatural person, or persons unknown. — Communicated. [Since the foregoing reached us we received the verdict in the above case,

²⁷ *Downpatrick Recorder*, 1 January 1853

which is as follows:—"We find that the body of the said male child, was found buried in the grave-yard of Magheradroll, in said county, on the 1st of October last, but there is not sufficient evidence before us, to show by what means the said male child came by its death, and we must protest in the strongest manner, against the practice of exhuming bodies, which, if followed up, would be the means of entailing useless and unnecessary expense and trouble on the public at large."²⁸

In the early 1870s the condition of the graveyard occupied the attention of the Downpatrick Board of Guardians. In June 1871 the Board appointed a committee to look into extending the graveyard. Since a large number of people from the neighbouring Poor Law Union of Lisburn used the graveyard, there were attempts to involve the Lisburn Board of Guardians, but these were unsuccessful. In early 1874 the Downpatrick Board of Guardians was again confronted with the problem of Old Magheradroll. This was in response to the receipt of the following letter from the Rev. John McIlveen, dated 25 February:

Dear Sir—In reply to your letter of the 17th instant, in reference to the Magheradroll Burial Ground, I beg to remind the Board that I wrote you chairman of a public meeting, called an announcement made in all the churches of the town, and it was the unanimous resolution of that meeting to ask your Board to take charge of the Burial Ground in question, it was understood the Irish Church Act imposed that duty upon you. With the churchwardens, as such, I have nothing to do. I understand, however, they presented the same request. As to the action of an individual in going before the Guardians and promising to have the thing done private subscription I know nothing, and so far as I aware nothing is being attempted in that direction. I may state that the repairing of the fence, gates, &c., would be an easy matter, but it would be necessary that someone should be appointed as gatekeeper, to whom of course some small remuneration would have to be paid, and we consider this is not a matter which can be properly undertaken by a private party, but would be more satisfactorily done by the Board of Guardians. I have, in conclusion, to express the hope that the matter will be taken up by the Board once, as the place is at present wholly neglected and in a wretched condition.²⁹

In the discussion that followed it was revealed that James Graham of Ballymaglave was one of those who had come forward to say that repairs would be undertaken by private subscription. The Guardians then postponed further discussion of the matter for three months.

²⁸ *Downpatrick Recorder*, 22 October 1853.

²⁹ *Downpatrick Recorder*, 7 March 1874.

The state of the graveyard continued to provoke expressions of alarm in the twentieth century. On Saturday, 23 July 1932 sixty people set off from Belfast on a Belfast Naturalists Field Club excursion to the Ballynahinch area. A press account on the outing reported:

Passing through Ballynahinch to Magheradroll old church a short time was spent in the graveyard surrounding this sad ruin. The whole place is very much overgrown, being a veritable jungle, shrubs and trees that had evidently been planted over graves now rioting in wild profusion. The owners or overseers of this “neglected spot” should introduce order into this chaos of nature.³⁰

In 1972, following efforts to record the inscriptions on the memorials, R. S. J. Clarke made the following comments about the burial ground:

Magheradroll is an interesting old graveyard with the church almost complete, but it has the distinction of being the wildest graveyard in the county, with some areas comparable with the Amazonian jungle. ... The condition of the graveyard is exceptionally bad, the centre being filled with almost impenetrable scrub and the surrounding parts with long grass and nettles with occasional holes in the ground and some more ornamental bushes.³¹

Today the general condition of the graveyard is reasonable, though in some instances individual grave plots and memorials, especially those surrounded by railings, are obscured by vegetation. The recent clearance work (February 2017), especially the cutting back of the laurels at the west end of the church has helped to make a number of headstones more accessible.

The entrance and the ‘resurrection men’

The entrance to Old Magheradroll is through a stone-built roofless gateway, now largely obscured by ivy. Roughly square in plan, this gateway once supported a watch house. In 1932 the *Northern Whig* published the following letter by ‘WGB’ under the heading ‘Magheradroll watch house’.

I wish to call attention to the state of an old entrance to Magheradroll Graveyard, Ballynahinch, Co. Down. An iron gate at the end of an arched porch leads into the graveyard. The porch is all that remains of the old watch-house which was on top. At one period a light shone from [some text seems to have been omitted here] resurrection men or body-snatchers, from their gruesome and unlawful pursuit. This archway is in bad repair and almost ready to

³⁰ *Northern Whig*, 26 July 1932; there was also the following comment with this report: ‘Carved on a stone beneath the ruined west window is the date 1601 [sic], but doubts were expressed as to its datal accuracy.’

³¹ *County Down Gravestone Inscriptions Series*, vol. 9 (1972), pp x, 55.

fall, and as I believe it is the only example of its type in Northern Ireland, it is surely worthy of repair.³²

The aforementioned report of the Belfast Naturalists Field Club's outing in 1932 also made reference to the watch house:

The most interesting thing [about the graveyard] is the watch house, now, alas, a ruin, built over the entrance gateway to keep watch and ward over the recently-interred against the activities of the "resurrection" men.³³

In April 1937 'The Roamer' (probably Colin Johnston Robb), who had a weekly column in the *Belfast Newsletter*, penned the following words about this feature of the burial ground:

I visited the quaint old churchyard of Magheradroll, near Ballynahinch, County Down, a few days ago and was greatly struck by the arched stone entrance to the ancient necropolis, which consists of a long stone chamber, guarded by a heavy iron gate. On the top of this portal there was formerly a watch-house, where the friends of the newly interred kept watch during the night in order to foil the gruesome pursuit of the "resurrection men," or body-snatchers.³⁴

When this watch house was taken down is not known, but from the above accounts it had evidently been removed by the 1930s. It is said that stood 25 feet high, was constructed of wood and was battlemented at the top. From this vantage point relatives of the deceased kept watch until it was felt that the body had decomposed to the extent that it no longer be of interest to the 'resurrection men'. Two individuals known to have 'snatched' bodies from Magheradroll were John McComb from Meeting House Street in Ballynahinch and Hugh Quin of Ballymaglave. In the cellar of premises owned by S. W. Kernohan in High Street, Ballynahinch, is a cupboard where exhumed bodies are said to have been kept before being moved on to the medical schools in Edinburgh.³⁵

The memorials

A conscious attempt to record the inscriptions from at least some of the memorials in Old Magheradroll can be traced to the late nineteenth century. On 22 July 1893 the Belfast Naturalists Field Club visited the Ballynahinch area and a section of the party stopped at the old church; a report

³² *Northern Whig*, 4 March 1932

³³ *Northern Whig*, 26 July 1932.

³⁴ *Belfast Newsletter*, 21 April 1937.

³⁵ Bain, 'Old Magheradroll'.

of this trip stated that the church was ‘carefully photographed and other records made’.³⁶ Following this visit, the renowned antiquarian, F. J. Bigger, sent transcriptions of a number of the tombstones to the editor of the *Journal of the Association for the Preservation of the Memorials of the Dead in Ireland*. Bigger began his account by noting that ‘The old church still stands, in a fair state of preservation, in the centre of the graveyard.’ He went on to provide a sketch of the coat of arms on the Armstrong monument built into the interior of the north wall of the church as well as inscriptions from this memorial and from two others which he feared would soon be worn away unless recut.³⁷

In 1972 inscriptions from this burial ground were transcribed in a more systematic way and published in volume 9 of the Ulster Historical Foundation’s County Down gravestone inscriptions series. Comments about the condition of the graveyard by the editor of this volume, R. S. J. Clarke, which hampered his work of transcription, have already been noted. During the winter of 1972–3, however, the graveyard was cleared of scrub and re-sown in grass, and most of the ivy was removed from the ruined church. This revealed over 30 previously unknown gravestones; their inscriptions were published in 1974 in volume 12 of the County Down series. In both of these volumes 1864 was used as the cut-off point. In other words, only inscriptions including at least one date of death prior to 1865 were published.³⁸

The memorials in Old Magheradroll cover a broad range of monuments types, including rough field stones, horizontal ledgers, vertical headstones, cast iron plaques and a mausoleum. The interior of the church ruin has a large number of memorials, most of them fixed to the walls. Slate memorials have survived best, with the inscriptions on some of them looking exceptionally fresh despite being cut over 200 years ago. The memorials bear names that can be identified as being of Irish, English and Scotland origin.

There are no very old memorials in this churchyard. It is possible that there were once tombstones from the seventeenth century that have been lost, though no firm evidence for this has been found. The earliest year to appear on a tombstone is 1716. This can be found on the memorial to Wilkison Scott who died on 24 April 1716 aged 10. This year is also recorded on the tombstone of Anne Drake (nee Bell), wife of James Drake of Ballynahinch, who died on 22 June 1716 aged 20. Sadly this particular stone is broken and is lying in a number of pieces at the west end of the interior of the

³⁶ *Annual Reports and Proceedings of the Belfast Naturalists Field Club for the year ending the 31st March 1894*, series II, part I (1894), p. 33.

³⁷ *Journal of the Association for the Preservation of the Memorials of the Dead in Ireland*, vo. 2 (1892-4), pp 285-6)

³⁸ Subsequently, the Ulster Historical Foundation transcribed inscriptions from later memorials; these are available via its website.

church. Other early stones include those to Mary Savage alias Mulhallon, who died in 1723 and Manus McCaherty, who died in 1740. Another stone bears the name Mary Morrow and the year 1731.

For the most part the stones are relatively plain. A few feature crosses – some simply incised, others carved with more care – and a number display wreaths and floral decoration. Only one of the memorials was found to have figurative decoration. This slate headstone stands within the church ruin, near the gap in the north wall, and was erected in memory of Christopher Barr ‘cenor’ [senior] of Burren who died in 1797 at the age of 66. Carved at the top of the stone are two angelic beings, the one on the left holding a scythe, a symbol of death. Full bodied angels on headstones in this area and of this date are rare and it has been tentatively suggested that their poses could be interpreted as the pair taunting each other.³⁹ Heraldic emblems were noted on only one of the memorials – the aforementioned Armstrong monument fixed to the interior of the north wall of the church.

Eulogies, either in prose or verse, can be found on a number of memorials. For example, the memorial to Sarah Barr (nee Pollock), wife of William Barr of Burren, who died in 1804 aged 88, is inscribed:

My husband dear do you go home
I hope you will your tears refraine
For in this place I must remaine
Until that Christ appears again

A number of memorials record the occupation of the deceased or of the person erecting the monument. Ministers of religion will be mentioned presently. Others include a headstone within a railed enclosure which states that it was erected by James Scot, a clockmaker in Ballynahinch, in 1841. James McAuley, who erected a memorial in memory of his wife and infant daughter who died just over a month apart in 1852, was a saddler in Ballynahinch. A memorial tablet on the east wall of the church was erected by William Brown, ‘builder, Ballynahinch’, in memory of his wife Jane (died 1860) and daughter Margaret (died 1857). There are some instances of longevity. For example, John Brown of Drumgardin, who died in 1841, had reached the advanced age of 95. On the other hand, sadly there are many instances of infant mortality.

Most of the inscriptions are in fairly standard English. Occasionally, however, the orthography can be somewhat unusual. A good example is the following inscription: ‘There liyes the body of John Ard who daperted this life March the ... 1792’. This particular stone had been broken, but was rescued by John Ard, a possible descendant, and will be restored to the graveyard in due course.

³⁹ I am grateful to Dr Finbar McCormick of Queen’s University Belfast for sharing his thoughts on this with me.

Some inscriptions reflect a conscious effort to lay claim to an ancestral burial place in Old Magheradroll or to express a sense of continuity of family associations with this churchyard. The Davidson monument is headlined: 'The family burying ground of John Davidson of Drumanness where are interred many of his ancestors and of his family.' In 1804 James Arnett junior of 'S[outh] Ballymecarn' erected a memorial 'to inform posterity that these 3 graves are the repositories of his forefathers'. Placed against the interior of the south wall of the church is small slate headstone that simply says, 'James Noade, 2 graves'. Similarly, a cast iron plaque reads, 'The Family burying ground of Robert Martin, Ballynahinch, 5 graves'.

Occasionally the inscriptions take us farther afield, with memorials commemorating those who passed away overseas or which were erected by family members in tribute to relatives back home. The inscription to Hugh Arnold Graham, who died in 1893 aged 29, records that he passed away in Pittsburgh. Hugh's sister Margaret died in Wallasey, Cheshire, in 1938. A white marble stone was erected by Francis Johnstone of Waupun, Dodge Co., Wisconsin, in memory of his parents, John and Elizabeth, both of whom died in 1840.

The 1798 Rebellion

The graveyard includes a number of memorials to individuals caught up in the events of the turbulent 1790s and the 1798 Rebellion itself. Lying within the ruined walls is a stone to Richard Cordner of Ballynahinch who died on 9 June 1798 aged 48. The inscription provides no details on the circumstances of his death, but the following paragraphs provide details on what transpired:

We have been able to trace the name of the man who was shot in Ballynahinch on 9th June, 1798, during a scuffle in which a suspected rebel was rescued from a party of the Castlewellan Yeomanry. He was Richard Cordner, an ancestor of Mr. George Burrowes, J.P., who lives at Drumhill, Ballynahinch. The incident occurred outside what is now Mr Creeny's footwear shop in High Street.

Mr. W. E. Creeny, sen., told us that according to the deeds, Lord Moira, who then owned Montalto estate and the town, sold the house to Cordner in 1788. Two adjoining houses were also included in the deeds. It stipulated conditions regarding the payment of rent money, and that the owner's corn would have to be ground at the local mill. The ground rent was 28/- per year.

It appears that the suspect was receiving a rather rough handling outside Cordner's shop. The story goes that one of the women folk on seeing the maltreatment, declared that if she were a

man she 'wouldn't let them do that'. So Cordner went out to remonstrate with the Yeomen and lost his life in the scuffle which ensued. Cordner's grave is within the walls of Old Magheradroll Church.⁴⁰

Another local man to meet his death at this time was a farmer named William Burrowes. Some soldiers who had stopped to rest at Annacot Bridge, Ballylone, had asked Burrowes to fetch them something to drink. It was noticed that he was wearing a bandage leading to suspicions that Burrowes had been wounded while fighting for the United Irishmen. One of the soldiers decided to scare Burrowes by taking a shot at the crock of milk he was carrying. Unfortunately for Burrowes the soldier missed the crock and shot the farmer in the back, killing him. He was buried in Old Magheradroll, though no tombstone can now be seen.⁴¹

Presbyterian ministers

A number of Presbyterian ministers have been interred in Old Magheradroll, some, but not all, pastors of congregations in Ballynahinch.

Rev. James McAlpine

The Rev. James McAlpine was Presbyterian minister of Ballynahinch from 1713 until his death in 1732. Prior to this McAlpine had conducted a Classical school in Killyleagh, his most distinguished pupil being Francis Hutcheson who went to become Professor of Moral Philosophy at Glasgow University and was known as the 'Father of the Scottish Enlightenment'. McAlpine died on 27 October 1732, 'greatly loved and lamented by his people', and was buried in Old Magheradroll, though there is no surviving memorial. He was predeceased by his only son who had died while at university.⁴²

Rev. John Strong

A ledger within the Armstrong enclosure, now obscured by earth and vegetation, commemorates Rev. John Strong who died on 10 August 1780 in his 60th year, and the '36th of his ministry in the Presbyterian Congregation of Ballynahinch'. Strong's name on this memorial is preceded by those of his parents-in-law, David Whyte of Ballymaglave, who died in 1742 aged 58, and his wife Anne, who died in 1762 aged 74. The Armstrongs provide the following account of this family and Mr Strong's connection to it:

⁴⁰ *Betsy Gray or, Hearts of Down, A Tale of Ninety-Eight. A reprint of the original book by W. G. Lytle with Other Stories and Pictures of '98 as collected by and published in The "Mourne Observer" (1968), p. 183.*

⁴¹ *Ibid.*, p. 179.

⁴² 'Historical Accounts'.

The Revd Henry Livingston died without leaving any other issue but his son Henry, who became the minister of the Congregation of Ballynahinch. His niece Anne Livingston, daughter of his brother William Livingston who settled in Lisburn, was married in 1701 to David Whyte Esqr of Ballymaglave, then the most opulent and respectable resident Gentleman of the parish.

The family of Mr Whyte was distinguished for their zeal in the cause of King William; his father Hugh Whyte Esqr of Releagh and his neighbour Mr Trail of Drummaticonnor were for the cause Attainted by the Parliament of King James in the year 1689. By his wife Anne Livingston he had several children, of whom his daughter Anne was afterwards married to the Revd John Strong, minister of this Congregation.⁴³

Born in 1720, John Strong was from Ballywany in Kilraughts parish, County Antrim. He was ordained minister of Ballynahinch in 1744. Seven years later, in 1751, the present meeting house was built. He was described as a man who 'fulfilled his duties both to his own congregation, and to the general Presbyterian Church, with great reputation'. He was instrumental in the creation of the Widow's Fund and in 1773 served as Moderator of the Synod of Ulster. On account of his standing within the Church, he was called to other congregations, including those in Dublin and Killyleagh, but declined, believing himself honour bound to remain with his congregation in Ballynahinch.

Not only was Strong a preacher of the Word, he was also a man of action as the following account testifies:

Though a man of the most gentle disposition and peaceable habits, he was twice during his ministry under the necessity of assuming a sort of Military command, and in his Congregation; – first in the year 1745 during the rebellion in Scotland, when he headed an armed association of the young men in his Congregation, to support the House of Hanover, and to resist the exertions made for the Pretender; – secondly in the year 1760, when he marched at the head of a large body of his people to Belfast, to oppose the progress of the French troops who had landed at Carrickfergus.

He amassed an extensive collection of books, but these, along with his manuscripts and the records of the congregation during his ministry, were destroyed in 1798 when the home of his son-in-law, John

⁴³ 'Historical Accounts'.

Armstrong of Ballynahinch, was burned. Strong's wife Anne died in 1810 aged 86, while their son-in-law, John Armstrong, died in 1837 aged 84.

Rev. William Crozier

Fixed to the north wall of the church within the Armstrong enclosure is a memorial to the Rev. William Crozier, minister of the non-subscribing First Presbyterian Church of Rademon. This was erected by his sons John and William and records that he died in 1873 in his 77th year, the 49th of his ministry. The inscription describes him as: 'Single-minded, pious, charitable, pure, a sincere Bible Christian and humble servant of his Lord and Master, his gentle and loving disposition endeared him to all who knew him'. His wife Anne, a daughter of John Armstrong of Ballynahinch, predeceased him, dying in 1857.

Crozier was educated at Rev. Nathaniel Shaw's school in Banbridge before studying under Dr Neilson at Rademon academy. In 1825 he was ordained minister of the Presbyterian congregation in Clonmel, County Tipperary. Seven years later he was installed as minister of Rademon, succeeding the Rev. Arthur Neilson who had led his congregation out of the Synod of Ulster in 1829. Crozier's son, Rev. John Armstrong Crozier, a non-subscribing minister in Newry, married a daughter of the famous Rev. Dr Henry Montgomery; a biography of Montgomery was published by his son-in-law in 1875.

Rev. John Sturgeon

The Rev. John Sturgeon is commemorated on a ledger, now broken and largely illegible. He was the Seceding minister of Ballynahinch and Lissara. The eldest son of Robert Sturgeon of Emyvale, County Monaghan, Sturgeon was ordained in 1776. He died in 1792 aged 45. His son John was also a minister.

Rev. Isaac Mack

Another Presbyterian minister buried in Old Magheradroll was the Rev. Isaac Mack. The inscription on his monument, which is surmounted by a tall obelisk, records that it was erected 'by the members of the Groomsport Presbyterian Church' and that Mack 'founded the church and was esteemed pastor for 38 years'. He died in 1877 aged 59. Isaac Mack was the son of David Mack, a farmer near Ballynahinch. He was educated locally by a Mr Creany and in 1833 enrolled in Royal Belfast Academical Institution.⁴⁴ In May 1841, in a tent erected in the 'Holme Field', he was ordained minister of Groomsport. At this time there was still no meeting house, but Mack raised the necessary funds, not only for a church, but also for schools and later a manse.⁴⁵

⁴⁴ PRONI, SCH/524/1A/6-7

⁴⁵ *History of Congregations in the Presbyterian Church in Ireland, 1610-1982* (1982), p. 517.

Armstrong family

Already mentioned several times, the Armstrong family occupied a prominent position in late eighteenth and early nineteenth century Ballynahinch. Reference has already been made to the family's burial enclosure set against the interior of the north wall of the church. John Armstrong's inscription has been noted in the discussion of the Rev. John Strong. His son William Armstrong was 'removed from this life to a better' on Christmas Day, 1825 at the age of 30. The inscription notes that he was

... late of Belfast, merchant, a faithful servant of God and pious follower of Jesus. To uprightness of conduct and inflexible integrity he united a human and tender heart, the meekest gentleness of manner and a charity that knew no bounds. He was a most dutiful son, a most affectionate brother, a kind relative and a steady friend.

Another son of John Armstrong was James Armstrong who was born in Ballynahinch in 1780. He was educated by the celebrated Dr Moses Neilson of Rademon before going on to study at Trinity College, Dublin and in Edinburgh. For a time he was assistant to Rev. Dr William Bruce at Belfast (Royal) Academy. In 1806 he became minister of Strand Street Presbyterian Church in Dublin. He was the author of *History of the Presbyterian Churches in the City of Dublin*, published in 1829. He was also the co-author, along with his brother John Strong Armstrong, of 'Historical Accounts of the Presbyterian Congregations of Ballynahinch, Dromara, Kilmore and Drumcaw now Clough, all in the County of Down, Ireland ...'. Rev. James Armstrong died in 1839; his funeral was attended by the Lord Chancellor. A further brother was John Strong Armstrong, who lived in Dublin and was a member of Strand Street Presbyterian Church.

A victim of 'somnambulism'

A memorial, comprising two tablets, positioned against the interior of the south wall of the church commemorates members of the interrelated Davidson and Dickson families. The earliest dates of death are those for members of the Dickson family – William of 'Dromoness' (died 1777 aged 74), his wife Margaret (died 1776 aged 75), daughter Jane (died 1774 aged 38), and son William (died 1787 aged 47). William Davidson died on 4 December 1825 in his 63rd year. The funeral sermon preached at his graveside was subsequently published.⁴⁶ John Davidson of Drumaness died in 1868 aged 70.

⁴⁶ James Mclelland, *Address Delivered in the Grave-yard of Magheradroll, on Wednesday, December 7th, 1825, at the Internment of William Davidson, Esq., Drumaness* (1826).

His son Richard Baxter Davidson studied medicine at Queen's College Belfast (now Queen's University) and was awarded his MD in 1860. He became a tea planter in India, owning a share in the Burkholia Tea Estate in the district of Cachar. In August 1870 he sold his share of this estate to his cousin, the famous engineer Samuel Cleland Davidson.⁴⁷ Later he returned to County Down and became the agent for the Sharman Crawford estate, taking up residence in Rademon House. According to his inscription, R. B. Davidson 'lived a noble unselfish Christian life, was much loved alike in India and at home, and whose accidental death at Rademon House was deeply and universally mourned'.

The unusual circumstances of his death on 5 May 1889 were reported in the press across the United Kingdom. An inquest was held on 6 May with a number of individuals appearing to give evidence. Davidson's brother William stated that he had seen his brother on the evening before his death and he then seemed in 'excellent health and spirits'. David Duncan, the coachman, stated that he had been awakened at about 1.40am 'by hearing moans outside his window'. On finding his master outside, he and the yardman carried him into the drawing room. Shortly after 2am Davidson had murmured that he had accidentally fallen from a window – it was subsequently stated that he had fallen some 25 feet. Samuel Cleland Davidson also came before the inquest and stated that during visits to his cousin's bungalow in India he had witnessed at first hand Davidson's sleepwalking and had twice to guide him back to his bed. The finding of the inquest was: 'Richard Baxter Davidson died on the morning of Sunday, May 5th, from injuries accidentally received by falling from the window of his bedroom while in a state of somnambulism'.⁴⁸ He was survived by his widow and their five children.

A Great War grave

Old Magheradroll includes the grave of a soldier who died during the First World War. Private Patrick Madine of the Royal Irish Rifles died on Sunday, 4 March 1917, just a few days before his fortieth birthday, in the military hospital in Victoria Barracks, Belfast; he had been admitted to the hospital just over a fortnight earlier on 15 February. His death certificate recorded that he died of a malignant tumour in the lumber region. The local press reported the authorities were ready to accord him a military funeral, but his family wished to have a private committal in Old Magheradroll.⁴⁹

Patrick Madine was born on 13th March 1877 in the townland of Drumnaconagher. From a Catholic family, he was the son of Joseph Madine and his wife Charlotte McCartney (other sources give her surname as McCartan). They had married in 1874 when Joseph was living in Drumaness and Charlotte in Drumnaconagher. In 1901 the family was living in Church Street, Ballynahinch, though

⁴⁷ PRONI, D3642/A/1/2.

⁴⁸ *Belfast Newsletter*, 7 May 1889.

⁴⁹ *Down Recorder*, 8 March 2017: article titled 'WWI this week'.

by 1911 they had moved to the townland of Ballylone Big. Like his father, Patrick worked as an agricultural labourer. Two of his sisters were hemstitchers, while his brother William John, the only member of the family to state on the 1911 census form that he was able to speak Irish, was a postman.

When Patrick enlisted in the army in 1915 he gave his address as Church Street, Ballynahinch. He arrived in France in February 1916 and remained there until June of that year. He was discharged from the army in November 1916 'in consequence of his being no longer physically fit for War Service'. It was recorded that while his health problems were not the result of his time in the army, they had been 'aggravated by active service'. His discharge papers noted that he was 'A very good man; served his country well in France, and suffered in health in consequence'. In 2011 Patrick Madine's Victory Medal was offered for sale on Ebay; it was in excellent condition and included the original silk ribbon.⁵⁰

Robb family

Members of the Robb family have been buried in this since at least the early eighteenth century. A low cut-stone vault, now almost completely covered in moss, features a small metal plaque bearing the name Robb and the Latin phrase *Qualis Ab Insepto* (the same as from the beginning). Beside it is a broken headstone which records that it marks the resting place of James Robb of Ballymacarn South.

A more recent member of the family, Colin Johnston Robb, wrote about his great-great-great-great-grandfather, James Robb, whom he credited with supervising building works at a number of locations in Ulster in the second half of the seventeenth century, including Portmore Castle, near Ballinderry, County Antrim, Charlemont Fort, County Armagh, and Killyleagh Castle, County Down. According to Colin Johnston Robb, James Robb was born in Edinburgh in 1624 and apprenticed to Inigo Jones, the leading English architect of his day. However, no evidence to substantiate any of this has been found.

In the 1930s Colin Johnston Robb seems to have written a column for the *Belfast Newsletter* under the pseudonym 'The Roamer'. On one occasion he provided a short report of a visit to Old Magheradroll:

In the graveyard stands the ruins of an old church, built, according to a date-stone in the gable, in 1607. On the ivy-covered tattering walls are mural tablets erected in memory of the Armstrong, Arnold, Forde, and Graham families. The most outstanding monument in the churchyard is the massive cut-stone mausoleum of the Robb family. There is also a rough stone vault erected by the Martin family and numerous tombstones, both ancient and modern.

⁵⁰ http://www.ebay.ca/itm/Victory-Medal-Royal-Irish-Rifles-died-1917-casualty-/260792125026?hash=item3cb86c0662&pt=UK_Collectables_Militaria_LE.

The old cemetery, which is in the form of an irregular circle, is well planted with yew and cypress trees, the emblem of immortality. This burial place is still used both Protestants and Roman Catholics,⁵¹

'A Friend of Clive'

An unusual item concerning Magheradroll was published in the *Belfast Newsletter* in 1937 by 'The Roamer' (probably Colin Johnston Robb) under the heading 'A Friend of Clive'.⁵² It reads:

There an interesting reference to the burial of Hugh Arnold, whose remains were brought from Bengal and interred there, in a little book entitled "The Life of Hugh Arnold: A Friend of Clive," written and published in 1840 by James Arnold, of Ballynahinch. This little work does not tell us anything about the Arnold family; it merely states that the subject, Hugh Arnold, was born at Arnold's Hill, near the Spa Wells, in 1728, and that in the year 1745 Sir John Rawdon secured for him a position as writer in the East India Company. In Madras he met the worthless, but afterwards famous Robert Clive, later Baron Clive of Plassey, who held a similar position in the company at that time. Clive rose to fame, but Arnold became addicted to opium, and died in 1759 in Bengal. Clive caused his body to be preserved in spirits and sent home, where it was duly interred on the south side of old Magheradroll church. Arnold had only son, James Robb Arnold, who entered the India Company's service, and died, unmarried, in 1789. James Robb Arnold wrote a book entitled "In the Service of the East India Company." James Arnold, the biographer of Clive's friend, married, in 1884, Anna Boyd, daughter of the Rev. Charles Boyd, vicar of Magheradroll, and granddaughter of Rev. Henry Boyd, the translator of Dante, and also grand-daughter of Captain Thomas Dawson-Lawrence, of Laurencetown, near Banbridge, a friend of Oliver Goldsmith.

No record of the book, *The Life of Hugh Arnold: A Friend of Clive*, has so far been found. Neither has the work, *In the Service of the East India Company*, been traced. The marriage between James Arnold and Anna Boyd took place in 1844, not 1884.

Martin-Russell families

A rubble-stone mausoleum, with a roughly semi-circular roof now largely covered in ivy, stands a short distance from the south-west corner of the church ruins. The entrance was on the east side, but this has now been built up. Though there is no inscription on this structure, a polished granite headstone placed immediately on its west side is inscribed: 'The Martin Family Vault'. The inscription goes on to record the death in 1907 of John Russell C.E., 'Architect and Bangor Estates

⁵¹ *Belfast Newsletter*, 21 April 1937.

⁵² *Belfast Newsletter*, 29 April 1937.

Surveyor', in whose memory this headstone was erected by his widow Anne and their children, John Lionel and Ethel.

Born on 30 November 1848, Russell was the son of Hugh Russell, a grocer and publican in Newcastle who also seems to have been a contractor.⁵³ He attended Carncavill National School from 1856 to 1860 and then studied surveying privately with Patrick McClimon in Downpatrick. When applying for admission to the Institution of Civil Engineers in 1893, he stated that until 1867 he worked in 'Mr Hugh Russell (Contractor's) Workshop and Office' – his father's business? – before working for the next three years as resident engineer at the quarries of Scott, Brady & Co. of London (from where granite for the Albert Memorial and Thames Embankment was extracted and shipped to England).

For three years after that he worked in Belfast for Francis Stirrat; during this time he also studied at Queen's College and gained a first class certificate from the Science and Art Department. He then worked as a contractor until 1877 when he established an engineering and architectural practice in Hugh Street, Belfast; later the practice moved to Waring Street. At some point he was appointed estate surveyor for the fifth Viscount Bangor. In 1896 he was elected a Member of the Royal Society of Antiquaries of Ireland.⁵⁴

The inscription on Russell's headstone records that 'Many and varied were his works in his noble profession', adding, 'their style and beauty speak of the master mind'. The Dictionary of Irish Architects database lists twenty projects with which Russell was involved over the period 1888-1906. These include houses in Belfast, Bangor and Whitehead, a concrete and timber wharf in Bangor, the tidal swimming baths and dressing-houses at Pickie Rock in Bangor, the vicarage for St John's Church in Newcastle, additions and alterations to the mill in Doagh, and the parochial hall in Dundrum. In 1906 he was instructed by Lord Bangor to prepare plans for three new roads in Bangor. There is also a record of him winning a competition for the baths and gymnasium in Newry at some point before 1893.

John Russell married Anne (Annie) McCleery Martin in Belfast in 1874. She was the daughter of William Henry Martin of Point View, Newcastle, who was himself the son of James Martin of Ballynahinch. William Henry Martin died on 22 June 1869 at Retreat, near Richhill, County Armagh. His remains were brought back to Ballynahinch for interment in the family burial plot in Magheradroll.⁵⁵ Although he was styled 'gentleman' and in possession of property in Ballynahinch

⁵³ Hugh Russell died on 6 March 1875; Letters of Administration of the personal estate of Hugh Russell late of Newcastle, County Down, Publican, who died 6 March 1875 at same place (left unadministered by Bridget Maria Russell, the widow), were granted at Belfast to John Russell of Newcastle, Architect, a son.

⁵⁴ Dictionary of Irish Architects: www.dia.ie.

⁵⁵ *Belfast Morning News*, 25 June 1869.

and Saintfield, he seems to have died in financially straitened circumstances for his effects were valued at under £200.⁵⁶ Issues relating to his estate gave rise to litigation which dragged on for years and reached the High Court of Justice in Ireland.⁵⁷

John Russell died on 16 February 1907. His death notice, placed by his widow, stated that he died at Point View House, Newcastle, and that his funeral would be to the family burying ground [i.e. that of the Martin family] in Old Magherdroll.⁵⁸ He was clearly a man of some means for his estate was valued at £2,834 17s. 10d. Annie McCleery Russell died on 5 October 1915.

Doctors

A stone laid flat on the ground and broken into several pieces commemorates 'that eminent friend of humanity Henry Reid, Esqr MD late of Downpatrick'. Reid died in 1816 in his 79th year 'having spent a long life in most useful and benevolent labours as a physician'. According to Professor Clarke, Reid was from Ballynahinch and though unqualified, practised as a doctor, maintaining a small asylum in Downpatrick, initially in English Street (1783–92) and later in Irish Street (1792–7).⁵⁹ In 1797, as a result of the political developments of the day, Reid emigrated to Charleston, South Carolina, but returned to Downpatrick in 1797 and resumed looking after 'lunatick patients'. He married Mary Stewart of Ballymoran, Killinchy, who moved to Scotland in 1828 and died the following year. Their son was Dr Thomas Reid who continued the asylum in Downpatrick until 1832 and drowned in 1841 on his passage home from Africa.

A tablet fixed to the outer wall of the church nears the inscription: 'The burial place of Hugh Arnold, surgeon, Ballynahinch, 1847.' Arnold was the son of John and Sarah Arnold of Bellfield House, Spa, near Ballynahinch. He was educated in Glasgow and practised as a surgeon and apothecary in Ballynahinch. In 1827 he married Elizabeth Bailie, the eldest daughter of William Bailie, a merchant in Ballynahinch. Arnold died on 4 January 1870 at Ballynahinch, over 20 years after marking his family's place of interment in Old Magheradroll.

Catholic clergy

Magheradroll includes the graves of at least two members of the Catholic clergy: Rev. Hugh Green and Rev. John Maguire. Green was a native of Drumnaconnagher in the parish of Kilmore, County Down. He was ordained at Erinagh in 1789 by Bishop Hugh McMullan after which he travelled to Paris to the College of the Lombards in Paris, but was forced to flee as a result of the French

⁵⁶ PRONI, Will Calendar for 1869.

⁵⁷ See, for example, the *Dublin Daily Express* of 15 Sept. 1881

⁵⁸ *Belfast Newsletter*, 18 Feb. 1907.

⁵⁹ R. S. J. Clarke, *A Directory of Ulster Doctors (who qualified before 1901)* (2013), vol. 2, p. 922.

Revolution. He returned to Ireland and served as a curate in the parishes of Kilmegan, Rasharkin, Dunluce and Lisburn before becoming parish priest of Saintfield in 1801. He was responsible for building the churches at Saintfield (1806) and Carrickmannon (1807). According to Monsignor O'Lavery:

Father Green was waylaid by Orangemen some years before his death, and received a severe beating, from the effects of which he never thoroughly recovered. The parishioners would have inflicted summary vengeance on the ruffians, who were tolerably well known, but Dr. Crolly calmed down the excited passions of the people by a sermon which he delivered in Saintfield Chapel on the following Sunday, from the text, 'Father forgive them for they know not what they do.' Some terrible misfortune is said to have befallen each of the unfortunate wretches.⁶⁰

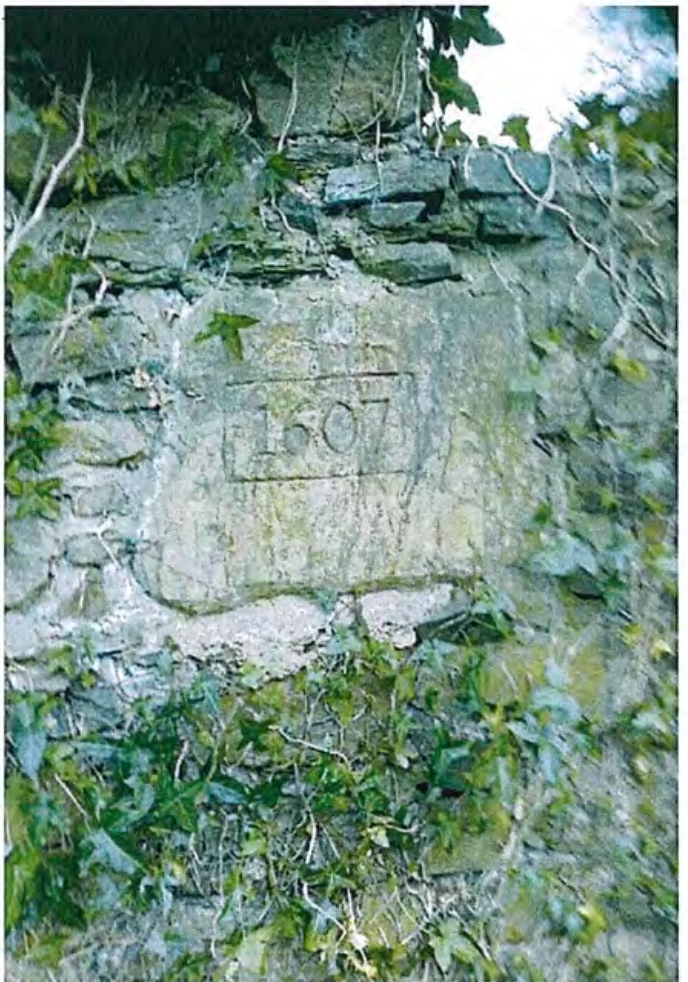
Green died on 5 December 1834; there is no inscription on his headstone. Unlike Green, Maguire's grave in Magheradroll is marked by an inscribed stone. He was ordained *c.* 1776 and served in a number of parishes. In 1796 he was the first student from the diocese of Down and Connor to enter Maynooth College. For 26 years he was parish priest of Ardkeen (the 'Lower Ards' as recorded on his tombstone). He died on 21 May 1825 aged 64. The inscription also records that 'Mingled with their native dust here' were buried his father Thomas and uncle Hugh Maguire, both of Magheralone. There are several other Maguire (or, in one instance, Magwire) memorials in this graveyard, all recording dates of death in the second half of the eighteenth century. The occurrence in this graveyard of names such as Maguire, a surname most associated with County Fermanagh, is suggestive perhaps of the displacement of families as a result of the wars of the 1600s.

Acknowledgements

The author, Dr William Roulston of the Ulster Historical Foundation, would like to express his sincere thanks to those who have helped with the production of this report. In particular, Horace Reid was incredibly generous in sharing his unrivalled knowledge of Old Magheradroll, while John Ard was a constant source of encouragement and support. Thanks are also expressed to Dr Paul Logue and Gail Russell of the Historic Environment Division for all their assistance with this project and to D. McClure Landscapes for their work in the graveyard.

⁶⁰ James O'Lavery, *An Historical Account of the Diocese of Down and Connor, Ancient and Modern*, vol. 1 (1878), pp 377-8.

Appendix 2



Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 th April 2017
Subject:	Request to investigate possible clean-up works at Well Lane Graveyard, Newry
Reporting Officer	Canice O'Rourke
Contact Officer	Kevin Scullion

Decisions required: Members are asked to note the contents of the report, and consider and agree to the recommendations contained in Section 3.

1.0	Purpose and Background:
1.1	<p>Council requested that investigation be carried out to determine if possible clean-up works could be carried out at Well Lane Graveyard.</p> <p>This is an active graveyard which is used by the Riverside Reform Presbyterian Church which is located at Basin Walk, Newry. The Council has no responsibility for this facility. It is accessed from Church Street, Newry, using a laneway which descends down into the graveyard. The laneway is a mix of 18 steps intermixed with ramped areas. Once inside the graveyard there is a mixture of relatively new plots and some very old. It would appear that each plot is defined and responsibility for maintaining plots is with the families. Some plots are well maintained whereas others are overgrown. There is a stoned lane within the graveyard but this does not extend around all of the plots. The site is undulating in nature with access to the majority of plots being possible for the fit and healthy.</p> <p>A Council Officer has spoken to the Secretary of the Church who advised that burials continue within this site. The Church employs a contractor to undertake grass cutting. The site does appear to suffer from some anti-social behaviour which would include evidence of the area being used for drinking alcohol and litter. It is understood that there have also been instances of reported damage to headstones but it is not confirmed how such instances occurred.</p> <p>At the entrance to the site there is a sign seeking donations to help with the upkeep of the graveyard. It is understood that this has not achieved the success that was hoped when the sign was erected.</p> <p>The Council does own land at one of the boundaries to this site and provides access to the Church through Council land to allow machinery to gain access to the site as and when required. However, it is understood that openings to allow for burials are dug by hand.</p> <p>There may be other sources of funding which the Riverside Reform Presbyterian Church could avail of to assist it with the maintenance of this site.</p>
2.0	Key issues:
2.1	<ul style="list-style-type: none"> • Council does not own or have any responsibility for maintenance of the Well Lane Graveyard.

	<ul style="list-style-type: none"> Site is maintained by the Riverside Reform Presbyterian Church.
3.0	Recommendations:
3.1	<ul style="list-style-type: none"> As Council has no responsibility for this site it is recommended that Council does not offer to expend its own direct resources in assisting the Riverside Reform Presbyterian Church to maintain this site to a higher level than it is currently maintained to. If the Council so directs then Officer time could be allocated to investigate other potential sources of funding and to pass this information to the Riverside Reform Presbyterian Church. Information obtained from any research undertaken to identify other possible funding sources should be shared with other Church maintained cemeteries.
4.0	Resource implications
4.1	<ul style="list-style-type: none"> Officer time
5.0	Equality and good relations implications:
5.1	<ul style="list-style-type: none"> To seek to directly assist with the maintenance of this site which the Council has no responsibility for could be judged as iniquitous towards other Church maintained sites.
6.0	Appendices
	None



JOINT COMMITTEE
30 March 2017

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 019 held on 26 January 2017

For approval

The Joint Committee's approval is sought for the minutes of the meeting held on 26 January 2017.

'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL

Item 5 - Minutes of Joint Committee meeting 019 held 'in committee' on 26 January 2017

For approval

The Joint Committee's approval is sought for the minutes of the meeting held 'in committee' on 26 January 2017.

Item 7 - Residual Waste Treatment Project

For noting

The Procurement Process - Procurement activities have been reduced to a low level of intensity to minimise nugatory expenditure until there is better visibility on the direction of planning issues. A programme of work is being developed so as to step up activities as required.

PAC hearing - The PAC issued its report to the Department for Infrastructure on 9 March 2017. In the devolved administration arrangements, the Minister (acting through the Department) is required to make the determination on the planning application.

The Joint Committee is asked to note the report.

Item 8 - The Loading, Haulage and Transfer of Wastes Contract

For approval

The report addresses the procurement exercise in relation to the appointment of a service supplier for the provision of the Loading, Haulage and Transfer of Wastes Contract.

The Joint Committee is asked to approve the recommendation outlined in the report.

RETURN TO MAIN AGENDA

Item 9 - Contracts and Performance Update

For approval

Tonnages being treated through the Organic Waste Treatment Contract remain higher than for the same period last year.

The monthly level of contamination at the MRFs slightly increased from January to February.

Analysis of textile bank tonnage has identified levels of contamination at 6% in January 2017. A contamination guide has been developed for site staff.

Following protracted discussions a settlement has been agreed with the supplier of caddy liners due to issues of non-conformance. Consideration being given to purchasing a digital micrometer to enhance contract monitoring activities.

It is recommended that the Joint Committee endorse the main elements of the street sweepings service contract specification and agree to seeking a 12 months extension to the WEEE and Batteries Contracts.

Prognosis with regard to this year's NILAS target remains optimistic for the arc21 region as a whole.

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



Item 10 - WEEE Regulations 2013 – Proposed Collection Targets for 2017

For noting

DEFRA has contacted a number of key stakeholders, including arc21, inviting comments on proposals relating to the setting of 2017 WEEE collection targets for producers.

The Joint Committee is asked to note the report.

Item 11 - WEEE Improvement Fund Project

For noting

The utilisation of grant money for Refresh Appliances secured by arc21 has resulted in a significant increase in reuse of appropriate WEEE items in excess of that predicted in the grant application.

Refresh Appliances is a social enterprise organisation which was established in 2013 and is based in Newtownards.

The actual tonnage diverted for reuse was 45.1% greater than predicted.

The Joint Committee is asked to note the report.

Item 12 - Consultation on an Industrial Strategy for Northern Ireland

For approval

The purpose of the consultation is to seek views on the Department for the Economy's proposals for a new Industrial Strategy entitled '*Economy 2030*.'

The Joint Committee is asked to endorse the draft response attached, subject to any further amendments to take account of further contributions or developments prior to the closing date, for submission to the Department for the Economy.

Item 13 - AOB: Please note that arc21 has changed its telephone number to 028 9037 3000. All extension numbers and direct dials remain the same.

Next Meeting: Thursday 27 April 2017 to be hosted by Belfast City Council

ITEM 3
ARC21 JOINT COMMITTEE
Meeting No 019
Hosted by Newry, Mourne and Down District Council
MINUTES
Thursday 26 January 2017

Members Present:

Councillor A Cathcart
 Alderman R Gibson (*Deputy Chair*)
 Alderman A Carson
 Councillor L Poots
 Councillor D O'Loan (*Chair*)
 Councillor B Adger
 Councillor R Wilson
 Councillor D Curran
 Councillor G Craig

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

Members' Apologies:

Councillor M Goodman
 Councillor A M Logue
 Councillor M Rea
 Councillor M Collins
 Councillor G Milne
 Councillor J Bunting
 Alderman J Tinsley
 Councillor O Gawith
 Councillor S Burns

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

Officers Present:

J Quinn
 R Burnett
 G Craig (*Secretary*)
 H Campbell
 J Green
 K Boal
 D Lindsay
 T Walker
 H Moore
 P Thompson
 L Dinsmore

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

Officers' Apologies:

G Girvan
 N Grimshaw
 C O'Rourke

Antrim and Newtownabbey Borough Council
 Belfast City Council
 Newry, Mourne and Down District Council

Apologies

Apologies were noted.

Action: Noted

Conflicts of Interest Statement

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

Action: Noted

Minutes

The minutes of Joint Committee meeting 018 held on 1 December 2016 were agreed.

Action: Agreed

Matters Arising from the Minutes

All matters arising were discussed under specific agenda items.

Action: Noted

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

In Committee

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

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

1. In Committee Minutes of Joint Committee Meeting No. 018 held on 1 December 2016. **Action: Agreed**
2. Residual Waste Treatment Project. **Action: Agreed**

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

Contracts and Performance Update

Mr Burnett and Ms Boal 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 was noted as follows:

- The amount of material delivered over the 2015/16 contract year for organic waste increased by 11.6% when compared with the previous contract year;

- The monthly level of contamination at the MRF has reduced slightly;
- Level of contamination in textile banks is the subject of comment by the contractor;
- Latest test results on samples of caddy liners appear to reaffirm non-compliance issues. Discussions are ongoing with supplier; AND
- Prognosis with regard to this year's NILAS target remains optimistic.

Mr Burnett reported that several contracts were due to expire and it was recommended that arrangements be sought to extend contracts as follows:

- a) Landfill by 18 months;
- b) Supplies, excepting caddy liners, by 12 months;
- c) Procurement and Contract Legal Services by 12 months; and
- d) Health and Safety Consultancy by 12 months.

Following discussion the Joint Committee agreed to endorse the recommendations in relation to the extension of contracts and note the rest of the report.

Action: Agreed

Mr Burnett advised Members that Ms Robinson was now on maternity leave and a temporary replacement had been difficult to source for the maternity cover. However, he advised that he was pleased to be able to report that he had been able to recruit a temporary officer, Ms Goldthorpe, but that she was only available on a part time basis.

Action: Noted

Household Food Waste

It was agreed at the last Joint Committee meeting that Mr Burnett would provide a paper which sets out the legal context in respect of the collection of food waste and accordingly a paper was presented to Members as requested.

He reported that there was compelling legal, economic and environmental grounds for introducing a policy which requires domestic occupiers to put all food waste only into the receptacle provided by the council for that purpose and not to place any food waste into any other waste receptacle for collection by the council.

As Members may be aware a number of councils currently have or are due to introduce such a policy. The introduction of such a policy will require consideration of other related aspects such as that associated with equality and rural needs provisions etc.

In addition, he reported that it was worth noting that DAERA are working with local government on a communications campaign aimed at improving the capture of food waste for the purposes of recovery/recycling.

Accordingly, it was proposed that the Joint Committee endorse a recommendation that the arc21 constituent councils introduce a policy by 1 April 2017 which requires domestic occupiers to put all food waste only into the receptacle provided by the council for that purpose and not to place any food waste into any other waste receptacle for collection by the council.

Following discussion the Joint Committee agreed to endorse this recommendation.

Action: Agreed

Consultation on Changes to Packaging Recycling Business Targets for Paper, Steel, Aluminium, Wood and Overall Recovery and Recycling for 2018-2020

Mr Burnett presented a report to advise the Joint Committee on the response to the consultation paper issued by DEFRA, DAERA, the Welsh Government and the Scottish Government.

He reported that the purpose of the consultation was to seek views on proposals by the Department for Environment, Food and Rural Affairs, the Scottish Government, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, to amend the packaging recycling business targets for paper, aluminium, steel and wood and for overall recovery and recycling for 2018-2020.

The consultation was opened on 29 November 2016 with the closing date for responses set at 6 January 2017. The duration of the consultation period was short with Government advising this was to enable a decision by Budget 2017.

As with other consultations, the Department had set out a series of questions to act as a guide to respondents in considering the proposals.

The timeframe of the consultation was not conducive to the normal cycle of consideration. However in view of the nature of the subject matter it was felt appropriate to submit a response from arc21. The arc21 response was attached for Members' information.

Following discussion the Joint Committee agreed to note the response.

Action: Noted

Draft Programme for Government Framework

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

He reported that the purpose of the consultation was to seek views on the Programme for Government which sets the direction for the NI Executive.

It was agreed that arc21 would liaise with other bodies to develop an appropriate arc21 response which was consistent with the wider ranging local government perspective. This approach was followed and subsequently the response to the Programme for Government proposals and a separate response to the delivery plan for primary indicator 36. i.e. % household waste that is reused, recycled or composted was developed and submitted within the stated timeframe.

Copies of these responses were attached to the report for Members' information.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Next Meeting

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 23 February 2017. However, as this was so close to the forthcoming election on the 2 March it was suggested and agreed that, unless there was urgent business to be discussed, the meeting would be cancelled and the next meeting therefore take place as scheduled on Thursday 30 March and hosted by Ards and North Down Borough Council.

Action: Agreed

Chairman

CONSULTATION ON PROPOSED WATER RESOURCES ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

I am writing to advise you that the Department has issued a consultation on proposals to produce updated Environmental Impact Assessment Regulations in respect of agricultural water resources projects. The primary purpose of and driver behind the Regulations is to transpose Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.

The aim of Directive 2014/52/EU is to reduce the administrative burden and improve the level of environmental protection associated with the environmental impact assessment process.

The original environmental impact assessment Directive was transposed in Northern Ireland through several pieces of legislation covering areas such as planning, drainage, marine works and forestry. DAERA also has responsibility for The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 which relate to agricultural water management projects and is, therefore, required to update this legislation in order to incorporate the changes introduced through Directive 2014/52/EU.

The consultation paper seeks views on proposals to update the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 – views are not sought on the wider environmental impact assessment process or on other environmental impact assessment legislation.

The consultation period closes on 26 April 2017 and we welcome your views and comments on the proposals.

The consultation document can be viewed at <https://www.daera-ni.gov.uk/consultations>

If you are unable to access the website, please let me know your e-mail address and I will arrange for a version to be e-mailed to you. If you do not have e-mail facilities or prefer a hard copy, arrangements can be made to have one posted to you. You can request a hard copy by telephone (028 9025 6723) or in writing to the address above.

The document may be available in alternative formats. Please contact us to discuss your requirements.

Responses to this consultation can be sent by post or email to:-

Jenni Murray
Department of Agriculture, Environment and Rural Affairs
Regulatory and Natural Resources Policy Division
2nd Floor
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast
BT7 2JA

Tel: 028 9025 6723

Email: waterpolicy@daera-ni.gov.uk



CONSULTATION ON PROPOSED NEW WATER RESOURCES ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS TO IMPLEMENT EUROPEAN DIRECTIVE 2014/52/EU ON THE ASSESSMENT OF THE EFFECTS OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT

Department of Agriculture, Environment and Rural Affairs

March 2017

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(i) Consultation Arrangements

The Department welcomes any views or comments on any aspect of its proposals to make new water resources Environmental Impact Assessment Regulations in order to transpose Directive 2014/52/EU.

Please send your views and comments on the proposals set out in this document to the Department by 26th April 2017.

Comments may be made as follows:-

In writing to:-

Water Policy Team
Department of Agriculture, Environment and Rural Affairs
Regulatory and Natural Resources Policy Division
2nd Floor
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast
BT7 2JA

By Fax 028 9025 6079

By E-mail waterpolicy@daera-ni.gov.uk

By Text phone: 028 9054 0642

Further copies of this paper may be obtained from the above address on written request or by telephoning 028 9025 6723. The paper can also be accessed online at: <https://www.daera-ni.gov.uk/consultations>

This document may be available in alternative formats. Please contact us to discuss your requirements.

A list of some of the consultees that we have contacted directly for this exercise is attached at Annex B. This list is not exhaustive and we welcome views from all interested parties.

(ii) Freedom of Information Act 2000

The Department will publish a summary of responses following completion of the consultation process. Your response and all other responses to the consultation may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below with respect to the confidentiality of consultations, as they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:-

- The Department should only accept information from third parties in confidence if it is necessary to obtain information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature; and
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of response please contact:-

Information Commissioner's Office – Northern Ireland

3rd Floor, 14 Cromac Place

Gasworks

Ormeau Road

Belfast

BT7 2JB

Telephone: 02890 278757 / 0303 1231114

Alternatively your request can be sent electronically to ni@ico.org.uk

Part 1: Explanation of the consultation – what this is about

Introduction

Directive 2011/92/EU, known as the Environmental Impact Assessment Directive (EIA Directive), forms part of European law and is, therefore, incorporated into our national legislation.

Environmental impact assessment is a process. It aims to provide a high level of protection to the environment and to help bring environmental considerations into the preparation of projects to reduce their impact on the environment. It seeks to ensure that proposals for development (referred to as 'projects' in the EIA Directive) that are likely to have a significant effect on the environment, for instance by virtue of their nature, size or location, are subject to a requirement for development consent and an assessment of those effects before the development is allowed to proceed.

EU Directive 2014/52/EU (the 2014 Directive) amended the EIA Directive by simplifying the rules for assessing the potential effects of projects on the environment in line with the drive for smarter regulation in order to lighten unnecessary administrative burdens. It also improves the level of environmental protection, with a view to making business decisions on public and private investments more sound, more predictable and sustainable in the longer term.

The European Commission has produced an unofficial consolidated version of the Directive which is available here:-

http://ec.europa.eu/environment/ela/pdf/EIA_Directive_Infomal.pdf.

What is the purpose of this consultation?

The purpose of this consultation is to invite views on proposed changes to the Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005 (the water resources EIA Regulations) in order to reflect amendments introduced by the 2014 Directive. The Department is proposing to consolidate the current water resources EIA legislation and to update this with the changes required as a result of the 2014 Directive.

This consultation invites views on the Department's proposed changes in respect of its environmental impact assessment legislation relating to agricultural water resources projects. Consultees are invited to consider the proposals in their totality and provide any comments.

The requirements of the EIA Directive form part of European law and must be incorporated into the Member States' domestic legislation no later than 16 May 2017.

Part 2: Background to Directive 2014/52/EU

History

The EIA Directive first came into force in 1985. It has been amended since then, including in December 2011 when the Directive and its amendments were brought together into one document – Directive 2011/92/EU. Further amendments were introduced by the 2014 Directive. It is these changes that now require modifications to a number of sets of regulations – this paper's focus is on the proposed changes to the water resources EIA Regulations.

The overall objective of the EIA Directive is to ensure that projects which are likely to have a significant effect on the environment by virtue of, among other things, their nature, size or location are required to obtain consent under the appropriate EIA regulations. This consent may only be given after an assessment of the project's potential environmental impact.

The broad intention of the 2014 amendments is deregulatory – to simplify and clarify requirements, by focusing on environmental factors that are significantly impacted by development, rather than on any potential impact.

Implementation

The EIA Directive has been transposed through a number of regulations administered by different government departments. As well as the proposed changes to the water resources EIA Regulations, DAERA and DFI will also be updating relevant EIA legislation in respect of planning, land drainage, marine works, agriculture and forestry – separate consultations will focus on the proposed changes in respect of those specific areas. For this consultation, 'applicants' are people, companies or organisations applying under the EIA process.

The Environmental Impact Assessment process

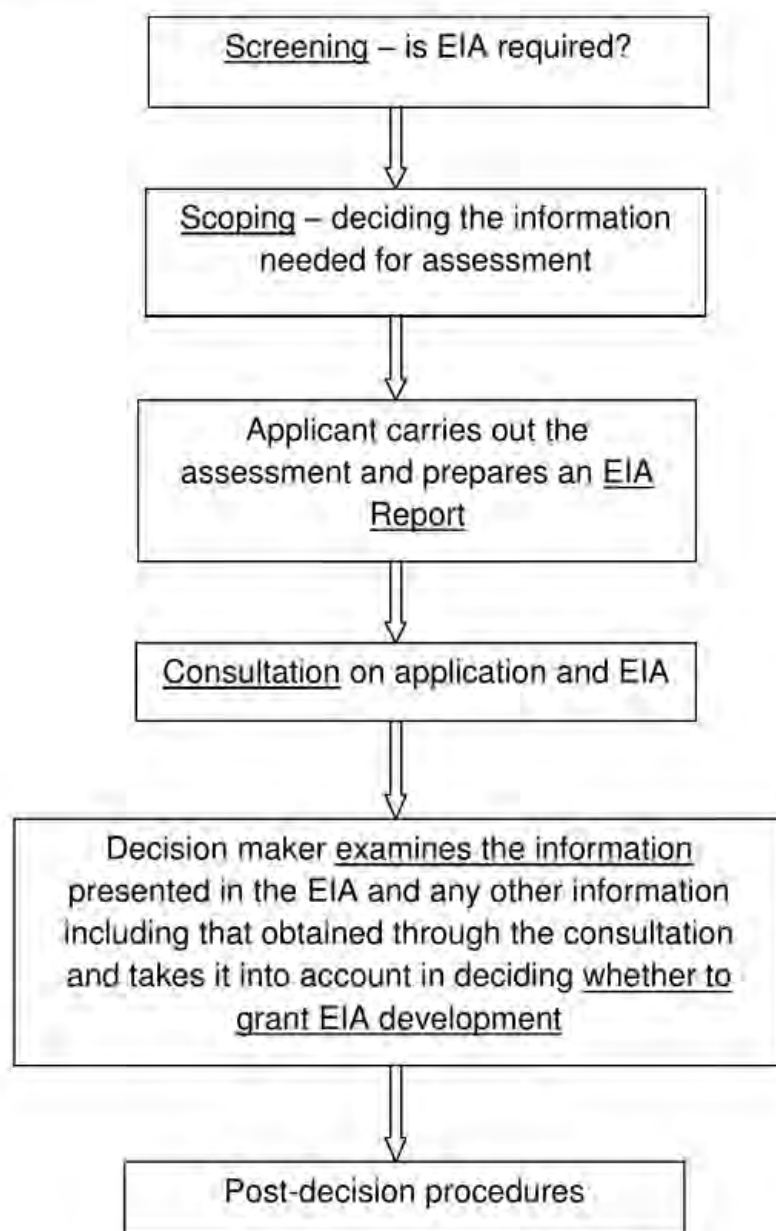
Some project types are always considered likely to have significant effects on the environment and must be subject to an EIA in all cases. These project types are listed in Annex I of the EIA Directive. They include nuclear power stations, oil refineries and long distance railways.

Other project types are only considered likely to have significant effects in some cases depending on their nature, size and location. These project types are listed in Annex II of the EIA Directive. These include urban development and smaller energy projects. Projects listed in Annex II must be subject to EIA only where it is considered they are likely to have significant effects on the environment. These include 'Water management projects for agriculture, including irrigation and land drainage projects' and it is these type of water resource projects that are covered by the water resources EIA Regulations.

The process for determining whether a project listed in Annex II is likely to have significant effects on the environment is usually referred to as 'screening'. Member States can decide whether a project listed in Annex II should be subject to EIA through a case-by-case examination and/or by setting thresholds or criteria.

Where an assessment is required, the applicant must provide specified information to the relevant competent authority – in the case of the water resources EIA Regulations, DAERA is the competent authority. The information enables the competent authority to make an informed decision on whether the project should be given EIA consent to proceed. It also requires that public and other bodies are consulted and given an opportunity to participate in the decision making process.

The main steps in the process are illustrated below:-



Part 3: Proposals for the transposition

The approach set out in this consultation follows the Northern Ireland principles for transposition. These include ensuring that we do not go beyond the minimum requirements of the Directive (i.e. avoid 'gold plating').

The approach we have taken to determine which applications for agricultural water resource projects should be subject to EIA has been to use a combination of case by case examination and a threshold. Projects falling below the threshold are considered unlikely, in light of the criteria set out in Annex III to the EIA Directive, to have significant effects for the purpose of the EIA Directive and do not need to be considered any further for EIA.

What would the changes mean?

In general terms, the main change proposed to the EIA process is that certain information currently required at the end of the EIA process (consent stage) is required upfront (screening stage). This should mean that the screening decision can be dealt with more effectively as there will be more detailed information available at this early stage. This may lead to an increase in the use of agents/experts from the start by applicants, because of this initial increase in information at the start of the process. In principle, although this could potentially increase the costs in the initial stages of the process it should mean that the screening decision can be dealt with more effectively as there will be more detailed information available at this early stage.

However, it is important to note that the water resources EIA Regulations have been in place since 2005 and it is understood that there have been no relevant projects for which an Environmental Impact Assessment has been required under the Regulations in the past decade. The majority of potential projects either fall outside the scope of the regulations due to the volumes of water involved being too small or are assessed under the Department's abstraction licensing legislation and are not considered likely to have a significant effect on the environment. Some potentially relevant projects also fall within the scope of other EIA legislation. **Therefore, given that there are unlikely to be many, if any, projects falling within the scope of the water resources EIA Regulations, it is unlikely that the proposed changes to the Regulations as a result of the 2014 Directive will have any significant impact, financial or otherwise.**

The proposals we are consulting on/amendments to the regulations

Section 1 - Common Provisions

Co-ordinated and joint procedures (Article 1(2)(a) of the 2014 Directive – amendment to Article 2(3) of the EIA Directive)

The 2014 EIA Directive has introduced a new requirement at Article 2(3) of the EIA Directive. Where a project is subject to an assessment under the EIA Directive and also under the Habitats and/or Wild Birds Directives, the amended EIA Directive requires that either a 'co-ordinated procedure' or a 'joint procedure' should be used. The co-ordinated procedure is undertaken by designating a lead authority to co-ordinate the individual assessments, whereas the joint procedure requires a single assessment. We are able to choose which we use.

Co-ordinated procedures provide the flexibility for applicants around the phasing and timing of EIA and Habitats Regulations Assessment (HRA). For joint procedures Member States try to provide for a single assessment of the environmental impact of a project.

We propose to copy out the requirements to allow for a coordinated procedure.

Screening (Articles 1(3) and (4) of the 2014 Directive – amend Articles 3 and 4 of the EIA Directive)

The competent authority uses 'screening' to decide if a proposal is likely to have significant environmental effects and, therefore, if an EIA is required. The 2014 Directive introduces a new detailed list of the information that the applicant must provide to the competent authority to help it screen the application.

A change brought in by the 2014 Directive is that applicants provide results of other assessments relating to the project's effects on the environment at the screening stage. Currently this is provided later in the EIA process. This could include assessments under the Water Framework Directive (2000/60/EC), the Strategic Environmental Assessment Directive (2001/42/EC) and the Habitats Directive (92/43/EEC). The applicant can also provide details of any features of the project designed to avoid or prevent significant adverse effects on the environment. Article 4(5) of the EIA Directive requires the competent authority to make its screening decision on the basis of the information provided by the applicant, taking into account, where relevant, the results of preliminary verifications or assessments carried out pursuant to Union legislation other than the EIA Directive.

The 2014 EIA Directive also requires that the competent authority sets out the main reasons why an EIA is needed or not, and publishes this information. When an EIA is not needed, the published decision must list any features of the project and/or action to be taken to avoid or prevent what might otherwise be negative effects on the environment.

Where a relevant application is made before 17 May 2017, Article 3(1) of the 2014 EIA Directive allows that application to be screened under the old rules. We propose to 'copy out' these new requirements in the regulations.

Thresholds (Article 1(4) of the 2014 Directive – amendments to Articles 4(3), (4) and (5) of the EIA Directive)

The 2014 Directive amends the process that allows Member States discretion to set thresholds beneath which projects are not required to undertake an EIA or the level to be met before an application needs to go through the scoping stage of the EIA process. The amendments also allow for absolute thresholds to apply, i.e. if EIA consent is automatically required.

The water resources EIA Regulations are only used where other EIA Regulations do not apply. Within the current Regulations, a project cannot be considered a 'relevant project' (and, therefore, potentially require an EIA) if it involves the abstraction, diversion or impoundment of less than 200 m³ of water in any period of 24 hours.

Time period for making screening decisions (Article 1(4) of the 2014 Directive – amendment to Article 4 of the EIA Directive)

The 2014 Directive introduces the requirement that the competent authority must make its screening decision as soon as possible and within 90 days from the date the developer provided all the information required. This period can be extended in exceptional circumstances with the authority explaining the reason for the extension.

The water resources EIA Regulations currently provide a 28-day period for screening opinion from initial request or submission of further information, unless extended by agreement with the applicant. If the Department wishes to extend this deadline for making a determination they would inform the applicant in writing giving the reasons for the extension and the date

when its determination will be made, which we propose keeping. We will copy out the requirements to conclude a decision within 90 days.

Scoping (Article 1(5) of the 2014 Directive – amending Article 5(1) and (2) of the EIA Directive)

After the screening stage, if an application needs an EIA, it can go through the 'scoping' stage. Scoping is voluntary and allows an applicant to ask a competent authority to list the scope and level of detail of the information to be included in their EIA Report.

The 2014 Directive introduces a new requirement that if a scoping opinion has been requested, the EIA Report should be 'based on' that opinion. Also, it makes provision for regulators to make scoping a mandatory rather than voluntary part of the EIA process.

Before issuing a scoping opinion the competent authority must consult with other defined authorities that may have an interest in the proposals. The scoping opinion given must account for information provided by the applicant on the project, such as its location, technical capacity and its likely impact on the environment.

The EIA Directive sets out the minimum information that an application has to include for the assessment process. The current EIA Directive includes this in Annex IV together with a longer list of topics that should be covered, if relevant. The 2014 Directive adds the minimum requirements to the EIA Directive in Article 5(1), so that it sets out what should be included in an EIA Report. This includes mitigation measures, a non-technical summary and a description of reasonable alternatives (if the applicant has already studied these).

We propose to copy out these new requirements in the regulations.

Consulting others through the EIA process - Consultation (Article 1(6) of the 2014 Directive – amending Article 6 of the EIA Directive)

The competent authority has to publish its notice of applications that require an EIA, giving the public and other stakeholders opportunity to review and comment on the EIA's findings. Feedback must be considered before issuing a consent decision. The 2014 Directive requires that information is made available electronically, in addition to traditional methods. Competent authorities can add newspaper notices to the ways of consulting.

The 2014 Directive adds a new minimum time for public consultations (on the EIA Report) of at least 30 days. This is an increase from 28 days.

We propose to copy out these new requirements into the regulations.

Consultations on trans-boundary effects of a project (Article 1(7) of Directive 2014/52/EU – amends article 7(4) of the EIA Directive)

Where a project is likely to have a significant effect on the environment in another country in the EU, the 2014 Directive adds that public consultations on projects can be run by an appropriate joint body.

We propose to copy out these new requirements into the regulations.

Consent - Explaining Decisions and Monitoring of significant environmental effects (Article 1(9) of the 2014 Directive – inserts new provision Article 8a into the EIA Directive)

Following consultation, where the competent authority decides to grant consent for a project, the decision is given in writing. The decision includes: the reasoned conclusion; environmental

conditions; and a description of any parts or actions in the project to reduce the risk of significant adverse effects on the environment. Where the decision is to refuse consent, the main reasons for the refusal are given.

The decision will also include any monitoring measures. The monitoring, including how long it happens, should be proportionate to the nature, location and size of the project and the significance of its effects on the environment. We can keep existing monitoring arrangements.

The authority must then inform the public and the statutory consultation bodies about the decision and its content, including a summary of the results of the consultation.

We propose to copy out these new requirements.

The environmental impact assessment process

Article 1(1) of 2014 Directive introduces a definition of environmental impact assessment:

“a process consisting of:-

- a) the preparation of an Environmental Impact Assessment Report by the applicant, as referred to in Article 5(1) and (2);
- b) the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;
- c) the examination by the competent authority of the information presented in the Environmental Impact Assessment Report and any supplementary information provided, where necessary, by the applicant in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;
- d) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and
- e) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a”.

The 2014 Directive clarifies that the EIA should identify, describe and assess in an appropriate manner, in the light of each individual case the direct and indirect significant effects of a project. The list of factors to consider has been amended to:-

- a) population and human health;
- b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and wild birds protected under Directive 2009/147/EC;
- c) land, soil, water, air and climate;
- d) material assets, cultural heritage and the landscape; and
- e) the interaction between the factors referred to in points (a) to (d).

The EIA should also include, where relevant, the expected effects on the factors listed above, deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned.

We propose to copy out these new requirements in to the regulations.

Related requirements

The 2014 Directive introduces several other related requirements:

Competent experts (Article 5(3) of the 2014 Directive – amends Article 5(3) of the EIA Directive)

The EIA report must be prepared by persons who (in the opinion of the Department) have sufficient expertise (taking into account factors such as their qualifications and experience) to ensure the completeness and quality of the report. The competent authority must ensure that

it has, or has access as necessary to, sufficient expertise to examine the EIA Report. We propose to copy out these requirements in the regulations.

Conflicts of interest (*Article 1(9) of the 2014 Directive – inserts Article 9a into the EIA Directive*)

The competent authorities have to be objective and avoid conflicts of interest. Where the competent authority is also the applicant, there must be appropriate separation between the people making the application and the people carrying out the competent authority jobs.

For the water resources EIA Regulations we propose to copy out these new requirements into the regulations.

Penalties (*Article 13 of the 2014 Directive – inserts Article 10a into the EIA Directive*)

The 2014 Directive requires that we must have penalties for infringements of our EIA regulations. The penalties have to be effective, proportionate and dissuasive.

The current water resources EIA Regulations do not include any penalty provisions, however, enforcement and offence provisions are included in the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2010, through which applications for licenses for relevant projects (under the water resources EIA Regulations) will be made. The Department will consider whether any further requirements around penalties are appropriate.

Consultation Question – Do you have any views on the proposed changes to the water resources EIA Regulations?

Part 4: Mandatory Consultation Arrangements

Equality Impact Assessment

Human Rights Act 1998

The Human Rights Act 1998 implements the European Convention on Human Rights. The Act makes it unlawful for any public authority to act in a way that is incompatible with those rights.

The Department considers that the proposals contained in this consultation paper are compatible with the Human Rights Act 1998.

Rural Proofing

Rural proofing is a process to ensure that all relevant Executive policies are examined carefully and objectively. It determines whether or not these policies have a different impact in rural areas from that elsewhere, given the particular characteristics of rural areas.

Consideration should be given to the policy adjustments that could be made to reflect rural needs so that, as far as possible, public services are accessible on a fair basis to the rural community.

The water resources EIA Regulations relate to the assessment of water management projects for agriculture and therefore by their nature are more likely to have an impact on people in rural communities. However, the water resources EIA Regulations form only one element of the environmental impact assessment legislation in Northern Ireland and it could not be construed that the general environmental impact assessment legislation has a different impact on the rural community. Furthermore the purpose of the water resources EIA Regulations is to protect the surrounding environment from the negative impact of any large scale agricultural water management projects and it is important to note that there have been no instances where an environmental impact assessment has been required for a relevant project under the current Regulations. Thus the intended effect of the Regulations is to have a positive impact on the rural environment and the likely extent of the application of the Regulations is minimal. Therefore it is not considered that the proposals set out in the consultation document will have a negative impact on the rural community.

Initial Regulatory Impact assessment

The Department has undertaken an initial assessment of cost to business of the proposed changes to the water resources EIA Regulations and this has shown that there will be no additional costs associated with the proposed new Regulations as it is not anticipated that there will be any change in terms of the number of relevant projects considered under the Regulations. While the Directive overall aims to reduce the burden by reducing the number of cases that go through the EIA process, the benefits will be in respect of bigger developments.

The water resources EIA Regulations would only be used when no other EIA regulations apply and the evidence to date suggests that very few projects will come within the scope of the Regulations. We expect these changes to add no additional costs to business.

Views and evidence of any direct costs to business of the changes proposed to the water resources EIA regulations are welcomed. These views and evidence will be used in making a further assessment of the direct costs to business following this consultation.

Views and evidence of direct costs to business of the changed proposed to the water resources EIA regulations are welcome.

Annex A: Initial RIA

Title: Consultation on proposed new Water Resources (Environmental Impact Assessment) Regulations to implement Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment.	Regulatory Impact Assessment (RIA)
	Date: February 2017
	Type of measure: Secondary Legislation
Lead department or agency: Department of Agriculture, Environment and Rural Affairs.	Stage: Development
	Source of intervention: EU
Other departments or agencies:	Contact details: Anthony Courtney Regulatory and Natural Resources Policy Division 44-58 May Street Town Parks Belfast BT1 4NN

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum)

The EU has amended Directive 2011/92/EU which covers the assessment of the effects of certain public and private projects on the environment (known as the Environmental Impact Assessment or EIA Directive). The amending Directive (2014/52/EU) forms part of European law and the Department of Agriculture, Environmental and Rural Affairs is responsible for the proper transposition of this Directive in respect of water resources to avoid the potential for infraction proceedings in the future.

What are the policy objectives and the intended effects? (7 lines maximum)

The EIA Directive's main policy objective is to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects with a view to reducing their impact on the environment. The provisions of Directive 2014/52/EU are intended to lighten unnecessary administrative burdens, reinforce the quality of decision-making, improve current levels of environmental protection and introduce a more harmonised regulatory framework, with a view to making business decisions on public and private investments more sound, more predictable and sustainable in the longer term. It will also ensure any decisions granting agricultural water resources projects which fall within the scope of the Regulations will be made in the full knowledge of any likely significant effects on the environment.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum)
 The policy options considered were to either transpose the amended Directive as appropriate or to do nothing. While to do nothing was considered it was not the preferred option as the consequences of not transposing and implementing Directive 2014/52/EU would lead to potential infraction proceedings being carried out by the EU on failure to transpose. Therefore the preferred option is to transpose Directive 2014/52/EU and this could only be achieved by way of secondary legislation.

Will the policy be reviewed? It will be reviewed **If applicable, set review date:** N/A

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m

Does Implementation go beyond minimum EU requirements?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
Are any of these organisations in scope?	Micro Yes <input type="checkbox"/> No <input type="checkbox"/>	Small Yes <input type="checkbox"/> No <input type="checkbox"/>	Medium Yes <input type="checkbox"/> No <input type="checkbox"/>
	Large Yes <input type="checkbox"/> No <input type="checkbox"/>		

The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.
 Approved by: Date:

Summary: Analysis and Evidence Policy Option 1

Description: Transposition of Directive 2014/52/EU

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

Easier access to necessary environmental information for applicants for relevant EIA projects that come under the scope of the Regulations. Co-ordination of assessments. While this cannot be assessed in purely financial terms it is a lightening of the regulatory burden on business.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

Directive 2014/52/EU is intended to lighten unnecessary administrative burdens, reinforce the quality of decision-making, improve current levels of environmental protection and introduce a more harmonised regulatory framework, with a view to making business decisions on public and private investments more sound, more predictable and sustainable in the longer term in relation to decisions on applications for projects which may have significant environmental effects.

Benefits (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

As above this cannot be calculated as it is dependent upon the number, nature, scale and location of future proposals which may come within the scope of these Regulations. Based on the experience of the number of projects which came within the scope of the old Regulations, it is highly unlikely that many, if any, projects will ever require an environmental impact assessment under the Regulations.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

Clarity on the environmental information required for EIA development proposals and source of information from key consultees/stakeholders.

Key Assumptions, Sensitivities, Risks Maximum 5 lines

BUSINESS ASSESSMENT (Option)

Direct Impact on business (Equivalent Annual) £m		
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Costs:	Benefits:	Net:		
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Cross Border Issues (Option)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

The Directive will be similarly transposed in the Republic of Ireland and the rest of the UK.

Evidence Base

There is discretion for departments and organisations as to how to set out the evidence base. It is however desirable that the following points are covered:-

- Problem under consideration;
- Rationale for intervention;
- Policy objective;
- Description of options considered (including do nothing), with reference to the evidence base to support the option selection;
- Monetised and non-monetised costs and benefits of each option (including administrative burden);
- Rationale and evidence that justify the level of analysis used in the RIA (proportionality approach);
- Risks and assumptions;
- Direct costs and benefits to business;
- Wider impacts (in the context of other Impact Assessments in Policy Toolkit Workbook 4, economic assessment and NIGEAE).

Problem under consideration

Following a report on the application and effectiveness of Directive 2011/92/EU and a wide public consultation, an amended EIA Directive (2014/52/EU) came into force on 15 May 2014 and it is the responsibility of the Department of Agriculture, Environment and Rural Affairs to transpose this amending EIA Directive in respect of agricultural water resources projects into legislation for Northern Ireland. Its aims are to correct the shortcomings of the previous regime, reflect on-going environmental and socio-economic changes and challenges, and align it with the principles of smart regulation. In addition, emerging challenges that are important to the EU as a whole in areas such as resource efficiency, climate change, biodiversity and disaster prevention are now reflected in the assessment process.

Rationale for intervention

With the introduction of the amended EIA Directive which was developed to strengthen and enhance the EIA process, it is incumbent upon the Department of Agriculture, Environment and Rural Affairs as part of the Member State to transpose as appropriate the amended EIA Directive into planning legislation to prevent the possibility of infraction proceedings and to ensure the EIA process continues to operate effectively.

Policy objective

To implement the EIA Directive 2014/52/EU ensuring that it is operational with respect to water resources projects by 16 May 2017.

Description of options considered (including do nothing), with reference to the evidence base to support the option selection

Directive 2014/52/EU was developed to strengthen the EIA process within Member States. The options in relation to this were to either transpose the Directive as appropriate or to do nothing. To do nothing while considered was not a realistic option as the amended EIA Directive would have to be implemented in Northern Ireland and other jurisdictions within the Member State to prevent the potential for infraction proceedings being carried out by the EU. The Department therefore had limited scope in putting into legislation the requirements as set out in the amended EIA Directive.

Monetised and non-monetised costs and benefits of each option (including administrative burden)

As the amended EIA Directive streamlines the already established requirements in relation to EIA it is considered by the Department of Agriculture, Environment and Rural Affairs that this will not have any negative cost implications for businesses and may reduce costs as necessary environmental information will be more readily available and amendments will support greater predictability in decision-making. The Department is of the opinion that the resources required to fully implement the amended EIA Directive (and by extension Directive 2014/52/EU) would be similar to the resources required to fully implement the current Directive (2011/92/EU) and this would include administrative matters. In particular, there have been no applications under the current water resources Regulations for relevant projects which have required an environmental impact assessment to be carried out so therefore the administrative burden is likely to be very low.

Rationale and evidence that justify the level of analysis used in the RIA (proportionality approach)

A major analysis of this matter has not been carried out by the Department of Agriculture, Environment and Rural Affairs in relation to the RIA, the rationale being that the amended EIA Directive has been developed to strengthen and enhance the EIA process and it is considered that no additional burden on resources or requirements will result.

Risks and assumptions

Risks would include infraction proceedings for non transposition and implementation. Environmental consequences for not transposing which would include not reflecting on-going environmental and socio-economic changes, challenges as well as issues with resource efficiency, climate change, biodiversity and disaster prevention. It is assumed by the Department of Agriculture, Environment and Rural Affairs that the appropriate transposition of the amended EIA Directive will lead to a strengthening of the EIA process within the Member State and its various jurisdictions. Failure to transpose may mean that the benefits of improved streamlining will not be realised.

Direct costs and benefits to business

It is anticipated that the direct costs to business may decrease with the introduction of the amended EIA Directive into the general EIA legislation in Northern Ireland as procedures are streamlined. Applications that come within the scope of the water resources EIA Regulations in Northern Ireland are rare and no environmental impact assessments have been required to be carried out under the current Regulations and therefore there are no anticipated direct costs and benefits to business as a consequence of these proposed Regulations.

Wider impacts (in the context of other Impact Assessments in Policy Toolkit Workbook 4, economic assessment and NIGEAE)

The introduction of the amended EIA Directive will not have any impact on other assessments to be carried out in relation to the making of this legislation.

The amending EIA Directive states that permission to grant any applications under the Regulations should set out the parameters and duration of any monitoring to be required and that this should be proportionate to the nature, location and size of the project and its significant effects on the environment, this may have an additional impact in the EIA process. Although monitoring should not be used as a general means of gathering environmental information and should not duplicate any monitoring required for other reasons.

Annex B: List of Individuals/Organisations consulted

Friends of the Earth
Mourne Heritage Trust
National Trust
Northern Ireland Environment Link
NI Freshwater Task Force
Royal Society for the Protection of Birds
Rural Community Network
Rural Development Council for Northern Ireland
The Rivers Trust
Ulster Angling Federation Ltd
Ulster Farmers Union
Ulster Society for the Protection of the Countryside
Ulster Wildlife Trust
Waterways Ireland
Wildfowl and Wetland Trust
World Wildlife Fund (NI)

1.0 Building Regulations Report – Matters for Noting

This information was requested from the Regulatory and Technical committee meeting on the 22 March. The information below is based on Building Control applications received from 1 Sept 2016 to 28 Feb 2017.

1.1 Percentage of Building Control domestic plan assessments carried out within 21 days

74% (Target 88%)

1.2 Percentage of Building Control commercial plan assessments carried out within 35 days

72% (Target 88%)

1.3 Percentage of BR3 returns (amended plans returned after first assessment) assessed within 14 days

86% (Target 90%)

1.4 Percentage of Commencement / Completion Ratio

80% (Target 80%)

2.0 Fire Risk Assessments Carried Out:

1 – Bagnels Castle, Newry

Fire Risk Assessments should be carried out on an annual basis for all of our council buildings where we have staff employed. Risk Assessments have been carried out but need to be reviewed annually. Building Managers are expected to review and implement the recommendations made within the Assessment.

3.0 Outstanding Building Control Inspections

There are 251 outstanding inspections from 1 Sept 2016 to 7 April 2017, (March was 116). The majority of the outstanding inspections relate to final inspection requests for small projects such as oil fired boiler replacement or top up loft insulation applications. These figures exclude Entertainment Licensing inspections. This significant number of outstanding inspections is as a result of the following:-

1. Surveyor not appointed to fill vacant post,
2. Long term staff sickness,
3. Staff with reduced duties on a long term basis due to medical condition,
4. March figure due to staff leave / sickness,

When the full complement of staff is in place these outstanding inspections will be addressed.

**Recommendation:
For Noting**

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

HISTORICACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING22 March 2017

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

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Also agreed officers investigate what happened to the bangor blue slates formerly on roof of building recently renovated.</p>		<p>It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated.</p> <p>Library Service advises that during the renovation, a large number of bangor blue slates were broken on removal and those left have been used on other projects.</p>	<p>N</p> <p>Y</p>
RTS/87/2016	Tender for final capping at Drumanakelly Landfill Site	Agreed to tender for the final capping at Drumanakelly Landfill Site		Part 4 capping to start during March 2017. Part 5 to start beginning of May and finish in June 2017.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 20 APRIL 2016			
RTS/60/2016	Opening and closing of toilets in Newcastle	An audit/review of all Council owned toilets be carried out looking at issues such as usage; consultation with users; possibility of charging a minimal fee for usage with any money raised to be put back into upgrading toilet facilities; details of cleaning schedules; opening/closing times; extended opening hours during busy periods. A report be brought back to a subsequent R&TS Meeting on these issues.		Ongoing. Collating data in relation to public toilet provision.	N
		RTS MEETING – 9 DECEMBER 2015			
RTS/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		Ongoing. Putting together expressions of interest document. To go out during April.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		organisations to collect this furniture for upgrading and re-use.			
		RTS MEETING – 18 NOVEMBER 2015			
RTS/123/2015	Lease agreement – Hilltown Handball Court	Council enter into a lease agreement in respect of Hilltown Handball Court.	K Scullion	In progress - issue with right of way.	N
RTS/124/2015	Bus Shelter requests	Councillor Casey referred to the bus shelter on the Old Warrenpoint Road and said it was being used for anti-social behaviour purposes - officials investigate if this could be moved and report back to the Committee. Councillor Casey asked if officials could investigate if a bus shelter could be provided on the Drummond Road, off the Armagh Road if this area was in the Newry, Mourne and Down Council	K Scullion	Being considered under current policy requirements.	N N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		area.			
		RTS MEETING – 23 SEPTEMBER 2015			
23 September 2015	Picnic tables at Lindsey's Hilltown	Officials re-investigate the possibility of replacing missing picnic tables at this location.	K Scullion	Two picnic tables have remained in place since being concreted in-situ. Plan to add further tables in Spring Summer 2017.	Y
		RTS MEETING 17 JUNE 2015			
RTS/73/2015	Japanese Knotweed and Giant Hogweed, Rossmara Park, Warrenpoint	Appoint external contractors to carry out works to rebuild the wall in line with Building Control and engineer reports. Clarification from the Council's Solicitor with regards to the expenditure of accrued money from the legacy Newry and Mourne District Council for the	C Jackson	Engineering Company carried out bore hole testes on site October 2016. Results of tests used as a design solution. Remedial work costs received are excessive. Revised design	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>maintenance of the wall.</p> <p>To convene a meeting with the Housing Executive at the highest level to ascertain maintenance of this area after Japanese knotweed and giant hogweed has been eradicated and works to the wall completed.</p>		<p>solution Feb 2017 to go back to tender March 2017.</p> <p>Tender process carried out in March 2017 and a contractor to be appointed in due course. Work to commence by the end of April.</p>	
RTS/44/2015	Proposed Mini Pillar installation at Hillside Drive, Kilkeel	Permission for Council officials to review options for providing electricity to the Council owned outdoor facility at Hillside Drive, Kilkeel, and to provide a report including estimated cost of options, potential funding for options and how each of the options would be managed in the future.	K Scullion	Report being provided to March 2017 Committee meeting.	Y
RTS/46/2015	Summary Review Report – Reservoir	To include the costs of this survey work in the 2016/17		Estimates costs will be added for	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Bill (NI) Future	Rate Estimates with a view to carrying out the Reservoir Surveys in the Spring of 2016.		consideration to next year's budget estimates.	