



December 15th, 2017

Notice Of Meeting

You are invited to attend the Regulatory & Technical Services Committee Meeting to be held on **Tuesday, 19th December 2017 at 6:00 pm** in the **~Boardroom Monaghan Row Newry~**.

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

Chair: Councillor J Trainor

Vice Chair: Councillor V Harte

Members:

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

Agenda

1.0 Apologies & Chairperson's Remarks

2.0 Declarations of Interest

3.0 Action Sheet of the Regulatory & Technical Services Committee Meeting held on 22 November 2017

 *Action Sheet from 22 November 2017.pdf*

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For Consideration and/or Decision - Building Control

4.0 Application for Amusement Permit at 4 Margaret Square, Newry (copy attached)

 *AmusementPermit4 Margaret Street Newry.pdf*

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For Consideration and/or Decision - Planning

5.0 November record of meetings between Planning Officers and Public Representatives 2017/18 (copy attached)

 *PlanningPerformanceReport.pdf*

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6.0 December Planning Committee Performance Report (copy attached)

 *Dec17-PlanningCommitteeReport.pdf*

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7.0 Current Appeals October 2017 (copy attached)

 *CurrentAppeals.pdf*

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For Consideration and/or Decision - Facilities Management and Maintenance

8.0 Bus Shelter at Cloughreagh Park, Bessbrook (copy attached)

 *Report re. Bus Shelter at Cloughreagh Park, Bessbrook.pdf*

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9.0 Lease of Public Conveniences at Bessbrook

 *Report re. Lease of Public Toilet at Bessbrook.pdf*

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10.0 Proposed Council Public Convenience Study Group (copy attached)

 *Report re. Proposed Council Public Convenience Study Group.pdf*

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For Consideration and/or Decision - Waste Management

11.0 Review of resource levels in the refuse section (copy attached)

 *Resource Levels in Refuse Section.pdf*

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12.0 Options Appraisal for the collection of Mixed Dry Recyclables (copy attached)

 *Report re. Options Appraisal for the collection of Mixed Dry Recyclables.pdf*

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 *Attach - Minutes of Mtg of the project team.pdf*

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 *Attach - Advice on Glass Collection.pdf*

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13.0 Update with respect to development of new Civic Amenity Site at Downpatrick (copy attached)

 *Report re. Update with respect to development of new Civic Amenity Site in Downpatrick.pdf*

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 *Attach - Licence to Disturb Bats.pdf*

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 *Attach - Map.pdf*

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14.0 Access to Civic Amenity Sites for the Disposal of Commercial Waste (copy attached)

 *Report re. Disposal of Commercial Wastes.pdf*

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 *Report re. Disposal of Commercial Wastes.pdf*

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For Noting

15.0 Refuse arrangements and Opening Hours for Household Civic Amenity Sites during the Christmas and New Year Period (copy attached)

 *Opening Arrangements at Civic Amenity Sites Christmas and New Year 2017.pdf*

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 *Refuse Collection Service.pdf*

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16.0 Historic Action Sheet (copy attached)

📄 *Historic Action Sheet RTS December 2017.pdf*

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

17.0 Future Service Delivery - Off Street Parking

This item is deemed to be restricted by virtue of Paragraph 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

📄 *Report re. FUTURE SERVICE DELIVERY- Off Street Parking.pdf*

Not included

📄 *Off-Street Parking appendix.pdf*

Not included

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Mr Gerard Byrne	gerard.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Mrs Dorinnia Carville	dorinnia.carville@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Mrs Sheila Kieran	sheila.kieran@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Mr Michael Lipsett	michael.lipsett@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
Colette McAteer	colette.mcateer@nmandd.org
Cllr Declan McAteer	declan.mcateer@nmandd.org
Patricia McKeever	patricia.mckeever@nmandd.org
Cllr Oksana McMahan	oksana.mcmahan@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
Eileen McParland	eileen.mcparland@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@nmandd.org
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org

Cllr Brian Quinn	brian.quinn@nmandd.org
Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Michael Savage	michael.savage@nmandd.org
Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mrs Marie Ward	marie.ward@nmandd.org
Mr Adam Wilkinson	adam.wilkinson@nmandd.org

ACTION SHEET ARISING FROM RTS MEETING HELD ON WEDNESDAY 22 November 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/120/2017	Street Trading Designation at Strangford Village	<p>To approve the designation of Quay Road, Strangford Lower, Strangford for Street Trading in the Trading Area Option 3 as circulated at the meeting.</p> <p>Council to proceed to advertise for potential traders with a licensing condition that the successful trader would trade in a tea, coffee, vending business only and also to physically mark out the trading bay.</p>	C Jackson	<p>This item has been resolved.</p> <p>No further action required.</p>	
RTS/126/2017	Performance of Solar Powered Bins in Newcastle	<p>A report be presented to the R&TS Committee detailing options and costs for future replacement of litter bins across the District, including the provision of recycling bins and solar powered bins to be located in identified remote areas where there would be potential collection efficiencies.</p>	P Whyte	<p>Proposals to be drawn up with costings and submitted to RTS Committee in due course</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/127/2017	Food Waste Expansion Project	<p>Council to provide additional compostable liners as required by residents at a cost of £94,000 in the current year based on the provision of two further rolls of liners for each property in the district. This cost can be met from savings in disposal costs for the current year. In anticipation that scheme will be continued next year, and to provide for future purchase of compostable liners, the Council anticipate a reduction in disposal costs and set aside a portion of the anticipated savings, estimated at £133,000, for purchase of compostable liners in 2018/19. Scheme to be reviewed in March 2018.</p> <p>Option 1 in the appraisal paper on the mechanism used to supply compostable liners be</p>	L Dinsmore	<p>Liners are currently available at Household Amenity Sites, increasing collection points from 3 to 13. Availability to be rolled out to other locations. Recipients are requested to register their address, to enable scheme to be monitored</p> <p>Provision for bags to be provided in 2018/19 Rates</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>implemented and that liners be made available from an increased number of Council facilities including the main civic buildings, household recycling centres, leisure centres and community buildings.</p> <p>Residents currently in receipt of an assisted lift collection service will have liners delivered to them on a regular basis.</p> <p>The cut off period to request a bin free of charge be the end of December 2017.</p> <p>Scheme to be reviewed in March 2018.</p> <p>Officials to investigate the cost of providing a small kitchen caddy to those households that do not have them and report back to Committee in due course.</p>		<p>Estimates.</p> <p>Details for scheme to be reviewed at Waste Strategy Group December 2017.</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Councillors were in agreement as to the need for recycling aspects to be regularly revisited and it was agreed that a Strategy to include education, further recycling initiatives and enforcement be drawn up and considered by Council in due course.			

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 December 2017
Subject:	Application for Amusement Permit at 4 Margaret Square, Newry, for Broad Enterprises Ltd.
Reporting Officer (Including Job Title):	Colum Jackson, Assistant Director, Regulatory & Technical Services Dept.
Contact Officer (Including Job Title):	Fintan Quinn, Head of Services Regulatory & Technical Services Dept.

Decisions required:

Members are asked to consider the content of this report and to either –
Grant or Refuse the application for an Amusement Permit at 4 Margaret Square, Newry

1.0

Purpose and Background:

1.1

The Council's Licensing Section received an application for an Amusement Permit for premises at 4 Margaret Square, Newry, from Broad Enterprises Ltd.

The application was received on the 4th July 2017 and advertised in the local press on the 11 July 2017.

Following the public advertisement the Licensing Section received six letters of objection to the granting of the Amusement Permit for these premises.

Under the terms of the Council's Scheme of Delegation, Officers are permitted to approve such licences if certain conditions are met, however Officers are not permitted to issue a refusal of a Licence or Permit. This function must be agreed by the Council. This authority has been delegated to the Regularity and Technical Services Committee.

The powers of the Council are laid out in Legislation under:
THE BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NI) ORDER 1985 SI 1985/1204 (NI 11), and
BETTING, GAMING AND LOTTERIES
Amusement Permit (Additional Grounds for Refusal) Regulations
(Northern Ireland) 1993.

Further to the letters of objection, a Hearing was conducted on the 27 Sept 2017. Whereby all parties expressed their views in favour and against the application. It was agreed to defer any decision until the Council could consider the following:-

- 1, A site visit was to be arranged to determine the distance between the Magnet Centre, Hill Street Newry and the proposed application address.
- 2, The content of an Article in the Irish Times dated the 13 May 1996, to be investigated.

	<p>3, Letters of support of the application to be considered and 4, The Council to put in place a formal Policy on Amusement Permits.</p> <p>Further to the Hearing on the 27 Sept, Officers were requested to facilitate a site visit at 4 Margaret Square, Newry. A site meeting took place on the 1 Nov 2017, followed by a meeting in Newry City Hall. At which the four items above were addressed. At this meeting the Councillors expressed their desire to obtain legal advice prior to making a decision on the above. Members requested our legal advisors to address the issues above and advise them on a way forward.</p> <p>Subsequently a further Information Session was arranged for the 22 Nov 2017, at which the legal advisor Louise Coll informed the members that all of the grounds for refusal had been dealt with and therefore recommended issuing an approval.</p> <p>It was agreed that the application should be put forward for consideration at the Regulatory and Technical Services meeting on the 19 Dec 2017.</p>
2.0	Key issues:
2.1	<p>Previously there has been an Amusement Permit granted to these premises from the period running from 1993 to 2016. However the building has been unoccupied from 2013 to date. This is a new licence application from a new applicant.</p> <p>Currently there are 14 premises within the Newry Mourne & Down District which have been granted an Amusement Permit, 6 of these are in Newry.</p> <p>Historically, there have been 13 premises in Newry granted an Amusement Permit, of which 7 have closed.</p> <p>Currently this council does not have a policy limiting the number of premises to be granted an Amusement Permit within the Newry Mourne & Down area. Nor does it have a policy to limit the number of Permits issued within Newry.</p> <p>Further to the Hearing on the 27 Sept, the Site meeting on the 1 Nov and the legal advice given on the 22 Nov, the grounds for objection have been dealt with.</p>
3.0	Recommendations:
3.1	<p>To consider the content of this report and any representations made, Members are asked to consider the legal advice provided on the 22 Nov 2017, and to grant an Amusement Permit for premises at 4 Margaret Street, Newry.</p>
4.0	Resource implications
4.1	<ul style="list-style-type: none"> Processing the application process.

	<ul style="list-style-type: none">• Preparation of reports, letters and facilitating the Hearing following the letters of objections.
5.0	Equality and good relations implications:
5.1	N/A
6.0	Appendices

Newry, Mourne & Down District Council – November 2017

1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263
July	135	957	250
August	166	959	249
September	140	910	243
October	157	935	230
November	163	912	230

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976
July	535	172	73	45	132	957
August	540	170	72	40	137	959
September	488	179	71	35	137	910
October	534	171	63	27	140	935
November	507	175	60	33	137	912

Newry, Mourne & Down District Council – November 2017

3. Live applications per Case Officer

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

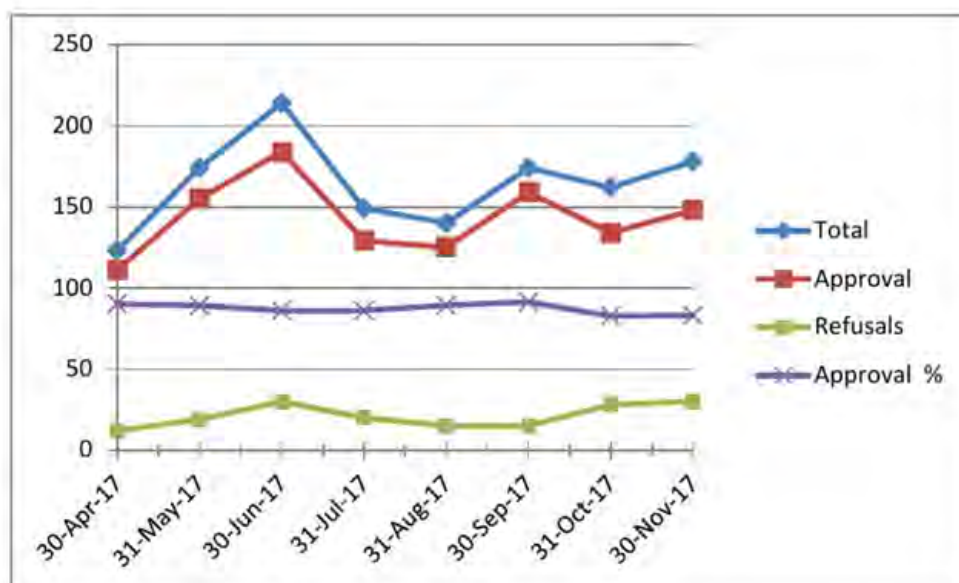
4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170
July	149	124
August	140	122
September	174	154
October	162	146
November	178	160

Newry, Mourne & Down District Council – November 2017

5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
		Approvals	Refusals
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%
July	660	Approvals (579)	88%
		Refusals (81)	12%
August	800	Approvals (704)	88%
		Refusals (96)	12%
September	974	Approvals (863)	89%
		Refusals (111)	11%
October	1,136	Approvals (997)	88%
		Refusals (139)	12%
November	1,314	Approvals (1,145)	87%
		Refusals (169)	13%



Newry, Mourne & Down District Council – November 2017

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6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758
July	311	142	89	88	61	88	779
August	321	139	93	80	70	88	791
September	326	146	89	80	74	89	804
October	290	167	87	84	75	91	794
November	277	181	91	76	77	99	801

7. Planning Committees 2017/2018

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting
26 April	26	19	7
24 May	39	28	11
21 June	34	18	16
19 July	32	20	12
16 & 23 August	36	19	17
13 September	16	10	6
11 October	22	13	9
8 November	38	23	15
Totals	243	150	93

8. Appeals

Planning Appeal Commission Decisions issued during November 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	25	4	1	3	
Down	8	2	0	2	
TOTAL	33	6	1	5	

Statutory targets monthly update - up to October 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 received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	35	20	64.2	60.0%
May	1	2	110.4	0.0%	149	157	18.0	43.9%	32	46	61.1	56.5%
June	1	2	73.2	0.0%	124	205	19.2	42.0%	32	21	65.3	55.0%
July	1	1	128.4	0.0%	133	141	20.0	41.1%	32	19	113.0	55.0%
August	2	1	248.8	0.0%	146	134	17.1	38.8%	29	28	63.0	39.3%
September	1	-	0.0	0.0%	124	152	19.3	39.5%	42	25	58.8	44.0%
October	0	2	277.7	0.0%	134	151	18.2	41.1%	29	41	33.0	80.5%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	9	121.6	0.0%	946	1,054	18.8	41.0%	234	200	58.3	57.0%

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 2017-2018

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

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

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0148
Planning Ref:	LA07/2015/0877/	DEA	The Mournes
APPELLANT LOCATION	Mr Diarmid Sloan 10 Tullybrannigan Brae Newcastle		
PROPOSAL	RT33 ODG Roof space conversion, replacement roof and 2 storey extension		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps** **Date Appeal Lodged** 01/11/2016

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2016/A0166
Planning Ref:	LA07/2015/1244/	DEA	Crotlieve
APPELLANT LOCATION	Barney Mackin 19.3m North-East Of No27B Derrycraw Road Derrycraw		
PROPOSAL	^{Newry} Erection of farm dwelling and garage		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 30/11/2016

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

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ITEM NO	3		
Planning Ref:	LA07/2016/1041/	PAC Ref:	2016/A0172
APPELLANT	Joseph O'Hare	DEA	Crotlieve
LOCATION	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
PROPOSAL	Newry Dwelling and domestic garage on gap/infill site (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2016/0381/	PAC Ref:	2016/A0185
APPELLANT	Mr Matt Burns	DEA	Crotlieve
LOCATION	Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5		
Planning Ref:	LA07/2016/0802/	PAC Ref:	2016/A0192
APPELLANT	Darren O'Hagan	DEA	Crotlieve
LOCATION	60m NE Of 11a New Line Road Hilltown		
PROPOSAL	^{Newly} Site for dwelling and detached garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2016/0365/	PAC Ref:	2016/A0224
APPELLANT	Mr And Mrs McCluskey	DEA	Rowallane
LOCATION	Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
PROPOSAL	2no proposed dwelling houses		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2016/0477/	PAC Ref:	2016/A0226
APPELLANT	Mr Caolan Quinn	DEA	Slieve Gullion
LOCATION	50m South-east Of No 106 Carrickgallogly Road Carrickgallogly		
PROPOSAL	Belleek Erection of dwelling		

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

ITEM NO	8		
Planning Ref:	LA07/2015/0166/	PAC Ref:	2016-E0045
APPELLANT	Mr Ronald Sloan	DEA	The Mournes
LOCATION	29 Leitrim Road Kilkeel		

PROPOSAL A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
Planning Ref:	LA07/2016/1212/	PAC Ref:	2017/0061
APPELLANT	Thomas Grant	DEA	Crotlieve
LOCATION	Adjacent & Immediately South Of 20 Ryan Road Mayobridge		
PROPOSAL	Newry Replacement dwelling on farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	06/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2015/0946/	PAC Ref:	2017/A0028
APPELLANT	Mark Rice	DEA	Newry
LOCATION	Lands Adjacent And North Of No.46 Lower Foughill Road Jonesborough Armagh.		
PROPOSAL	Proposed retention and extension of existing prefabricated structure to create farm dwelling. (amended description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	10/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	11	PAC Ref:	2017/A0044
Planning Ref:	LA07/2016/1323/	DEA	The Mournes
APPELLANT	Cathal Sloan		
LOCATION	14 Sandy Brae Attical		
PROPOSAL	Kilkeel Partial conversion of existing domestic garage to provide ancillary residential accommodation.		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	08/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2017/A0058
Planning Ref:	P/2015/0067/O	DEA	Slieve Gullion
APPELLANT	Mrs M McKnight		
LOCATION	40m South Of 4 Molly Road Lower Jonesborough		
PROPOSAL	Dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	21/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	13		
Planning Ref:	LA07/2017/0077/	PAC Ref:	2017/A0071/F
APPELLANT	Gary O'Hare	DEA	Crotlieve
LOCATION	Lands Between No. 20B And No. 22 Derrycraw Road Newry		
PROPOSAL	RT34 1RG Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	24/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2015/0805/	PAC Ref:	2017/A0075
APPELLANT	Mr Peter Kelly	DEA	Crotlieve
LOCATION	140 Metres North Of 22 Newry Road Hilltown		
PROPOSAL	RT34 5TG Retention of dwelling with associated granny flat building, garden shed/ store and ancillary site works as built. (Amended scheme to that approved under P/2012/0052/F)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	26/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15	PAC Ref:	2017-A0076
Planning Ref:	LA07/2015/1381/	DEA	Slieve Croob
APPELLANT	Mr And Mrs E Kerr		
LOCATION	154a Downpatrick Road Teconnaught Ballinahinch		
PROPOSAL	Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2017-A0082
Planning Ref:	LA07/2015/0714/	DEA	Downpatrick
APPELLANT	Mr And Mrs Byrne		
LOCATION	180m North West Of Existing Farm Buildings Adjoining 28 Ballyclander Road Downpatrick		
PROPOSAL	Proposed farm dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2017/A0090
Planning Ref:	LA07/2017/0766/	DEA	The Mournes
APPELLANT LOCATION	Kelbourne Property Ltd 87e Bryansford Road Newcastle		
PROPOSAL	RT33 01 F Dwelling and associated parking and landscaping		

APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure		Date Appeal Lodged	17/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2017/A0094
Planning Ref:	LA07/2017/0624/	DEA	Crotlieve
APPELLANT LOCATION	Mary Rooney 80A Kilbroney Road Rostrevor		
PROPOSAL	RT34 3RI Single storey side and rear extension		

APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19		
Planning Ref:	LA07/2017/0615/	PAC Ref:	2017/A0096
APPELLANT	Mr Raymond Rice	DEA	Newry
LOCATION	Lands Immediately North Of No. 36 Flagstaff Road Newry		
PROPOSAL	Infill Site for 2 No. Dwellings		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	29/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2017/0556/	PAC Ref:	2017/A0097
APPELLANT	Francis McGeown	DEA	Crotlieve
LOCATION	350m West Of Saval GFC Social Club Fronting Rathfriland Road Newry		
PROPOSAL	Retention of dwelling partly constructed in substitution of previously approved dwelling Ref: Planning No P/2006/0763/F Appeal Ref 2010/ A0289		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	30/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21		
Planning Ref:	LA07/2017/0033/	PAC Ref:	2017/A0099
APPELLANT	Mr John Tumelty	DEA	Slieve Croob
LOCATION	Between 18 And 20 Commons Road And 24 Commons Road		
PROPOSAL	Rallykinler Application for outline planning permission for the erection of a single dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2017/0172/	PAC Ref:	2017/A0114
APPELLANT	SCS	DEA	Newry
LOCATION	Lindsay's Hill Approx 60 Metres South East Of 53-55 North Street Newry BT34 1DD		
PROPOSAL	Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	LA07/2015/1270/	PAC Ref:	2017/A0119
APPELLANT	Michael Teggart C/O Agent	DEA	Newry
LOCATION	Approximately 70 Metres East Of 51 Ayallogue Road Newry		
PROPOSAL	Erection of dwelling with detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	28/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2016/1219/	PAC Ref:	2017/A0129
APPELLANT	Mr Alan Montgomery	DEA	Downpatrick
LOCATION	Approx 60m North Of 21 Downpatrick Road Killough Downpatrick		
PROPOSAL	Erection of agricultural building		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	25		
Planning Ref:	LA07/2015/0545/	PAC Ref:	2017/A0133
APPELLANT	Mr P Smith	DEA	Crotlieve
LOCATION	40 Metres South West Of 23a Castlewellan Road Hilltown		
PROPOSAL	Erection of dwelling and detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2016/1537/	PAC Ref:	2017/A0141
APPELLANT	P & T Miskelly	DEA	Rowallane
LOCATION	Site Adjacent To 35 Darragh Road Darragh Cross Downpatrick		
PROPOSAL	Erection of 2no detached houses and associated works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	27	PAC Ref:	2017/A0151
Planning Ref:	LA07/2017/0145/	DEA	The Mournes
APPELLANT LOCATION	Cathal Sloan Lands Approximately 55 Metres South Of 14 Sandy Brae Attical		
PROPOSAL	Site for dwelling and detached garage at existing cluster of development in the countryside		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28	PAC Ref:	2017/A0158
Planning Ref:	LA07/2017/0371/	DEA	Newry
APPELLANT LOCATION	Kieran And Briege King 56a Drumintee Road Meigh Newry		
PROPOSAL	Retention of existing caravan port at rear of dwelling		

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

Current Appeals

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ITEM NO	29	PAC Ref:	2017/A0161
Planning Ref:	LA07/2015/1123/	DEA	Newry
APPELLANT LOCATION	Quayside Propoeties Ltd 2-3 Sugarhouse Quay Lisdrumgullion Newry		
PROPOSAL	Demolition of remaining parts of building for health and safety reasons		
APPEAL TYPE	DC - Refusal of LB Consent		
Appeal Procedure		Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2017/A0165
Planning Ref:	LA07/2017/0370/	DEA	Slieve Gullion
APPELLANT LOCATION	Fergal Rafferty 16 Ummeracam Road Silverbridge Newry		
PROPOSAL	Retention of two storey projection to southern gable of dwelling, alterations to bay windows at front of dwelling and alterations to window fenestration to side and front elevations of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31	PAC Ref:	2017/A0169
Planning Ref:	LA07/2016/1647/	DEA	Newry
APPELLANT	DBM Contracts		
LOCATION	20 Metres East Of 6 Daisy Hill Carnagat		
PROPOSAL	Newry Erection of two dwellings and retention of retaining walls		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2017/AO163
Planning Ref:	LA07/2017/1078/	DEA	Newry
APPELLANT	Clear Channel NI LTD		
LOCATION	Buttercrane Quay Opposite Buttercrane Shopping Centre		
PROPOSAL	Newry Conversion of existing six sheet display unit incorporated into an existing Adshel Bus Shelter to a six sheet digital display screen		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/11/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	33		
Planning Ref:	LA07/2017/0053/	PAC Ref:	2017/E0027
APPELLANT	Joan Henderson	DEA	Crotlieve
LOCATION	200m South East Of 21 Levallyreagh Road Rostrevor		
PROPOSAL	Newrv This application has been submitted to demonstrate that the planning approval P/2010/1299/F has been lawfully implemented		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	13/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Agenda Item:	Facilities Management and Maintenance
Report to:	Regulatory & Technical Services Committee
Subject:	Bus Shelter at Cloughreagh Park, Bessbrook, Newry
Date:	19 th December 2017
Reporting Officer:	Adam Wilkinson
Contact Officer:	Kevin Scullion

Decisions Required

Decisions required: Members are asked to note the contents of the report and agree to recommendation in section 3.1.

1.0 Purpose & Background

1.1

The Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department of Regional Development to erect and maintain on any road within the district, shelters for the protection from weather of persons waiting to enter public service vehicles.

At its Monthly Meeting held on 7th September 2015 the Council agreed a policy and set of procedures to be used to address requests for the erection and removal of bus shelters in the Council area.

In January 2016 a request was received to consider installation of a bus shelter in the housing development of Cloughreagh Park, Bessbrook. This request was considered under the terms of Council Policy and a report made to this committee in June 2016 recommending the installation of a canteliver type bus shelter at this location which was subsequently approved by full Council.

When the bus shelter was being erected in early 2017 objections were raised by a number of local residents and work was suspended in finishing the bus shelter. Since this time further consultation has been held with relevant public bodies, PSNI, NIHE, TNI and Translink. Officers have been in contact with the local residents objecting to this shelter. There was nothing arising from these consultations which would indicate that the bus shelter should be removed.

Councillors from the Slieve Gullion DEA have also met to discuss this shelter and whilst there was not overall agreement on the way forward the recommendation arising from this meeting was that the bus shelter be rotated 180 degrees so that the back panel would be nearest to the road and the roof projecting out towards the car park area. The missing back panels were to be installed so that the bus shelter can be used as designed. It was further recommended that this situation be monitored for anti-social behaviour, associated with the bus shelter, over the first 12 months with the view to reviewing its location should this prove to be an issue.

2.0	<u>Key Issues</u>
2.1	<ul style="list-style-type: none"> • A request for a bus shelter in Cloughreagh Park was considered under Council Policy and agreed to by Council. • The shelter has been partially installed with completion works stopped following representation made by local residents. • The siting of this shelter has been reconsidered. There is a defined need for the shelter in the area. Consultation with relevant public bodies has not raised any objections under the terms of Council Policy. • Local objections remain but following a meeting of the Slieve Gullion DEA Councillors it is proposed to keep the shelter in its location but turned 180 degrees and that should issues of anti-social behaviour arise involving use of the shelter that its location will be reconsidered.
3.0	<u>Recommendations</u>
3.1	The bus shelter in Cloughreagh Park, Bessbrook, be rotated 180 degrees so that the back panel is nearest to the road and the roof projecting out towards the car park area. The missing back panels to be installed so that the bus shelter can be used as designed. This situation be monitored for anti-social behaviour, associated with the bus shelter, over the first 12 months with the view to reviewing its location should this prove to be an issue.
4.0	<u>Resource Implications</u>
4.1	<ul style="list-style-type: none"> • Cost to turn the bus shelter around 180 degrees funded through existing capital budgets for bus shelters.
5.0	<u>Appendices</u>
5.1	None.

Agenda Item:	Facilities Management and Maintenance
Report to:	Regulatory & Technical Services Committee
Subject:	Lease of Public Toilets at Bessbrook
Date:	19 th December 2017
Reporting Officer:	Adam Wilkinson
Contact Officer:	Kevin Scullion
<u>Decisions Required</u>	
Decisions required: Members are asked to note the contents of the report and agree to recommendation in section 3.1.	
1.0	<u>Purpose & Background</u>
1.1	<p>Newry and Mourne Legacy Council had a 15-year lease with Trustees of Bessbrook Institute for the two handball alleys, changing facilities and public conveniences at Bessbrook Town Hall.</p> <p>The lease expired in November 2010 and to date has not yet been renewed. The Council however continue to maintain the Public Conveniences and pay £300 annual rent.</p> <p>Matter was discussed at Slieve Gullion DEA Meeting in September 2016 and officers met with representatives from Bessbrook Institute.</p> <p>It is the view of Council Officers and the Institute that the Council should enter into a lease agreement for public conveniences.</p>
2.0	<u>Key Issues</u>
2.1	<ul style="list-style-type: none"> • The lease has expired but Council continue to maintain public conveniences at this location. • Review of all public conveniences in the district currently being undertaken and it is currently intended that this facility will remain open.
3.0	<u>Recommendations</u>
3.1	Council seek a valuation from LPS and thereafter enter into a three-year lease agreement from 2018 for the rental of the public conveniences at Bessbrook Town Hall.
4.0	<u>Resource Implications</u>
4.1	<ul style="list-style-type: none"> • Valuation cost • Rental cost, currently £300 per annum but may increase or decrease depending on valuation. Costs to be allocated to existing revenue budget.
5.0	<u>Appendices</u>
5.1	None

Agenda Item:	Facilities Management and Maintenance
Report to:	Regulatory & Technical Services Committee
Subject:	Update Report - Proposed Council Public Convenience Study Group
Date:	19 th December 2017
Reporting Officer:	Adam Wilkinson
Contact Officer:	Kevin Scullion and Gail Kane

Decisions Required

Decisions required: Members are asked to note the contents of the report and agree to the recommendation within section 3.1

1.0 Purpose & Background

1.1 At this Committee's meeting in October and November 2017 reports have been provided concerning the condition of our stock of 31 Public Conveniences (PC's). The Committee has agreed in principle to a capital budget of £1.2 million for the replacement, refurbishment, or repair of the stock of PC's. This budget is still to be approved as part of the Rates Estimates process but if approved it is proposed that this spend will occur over three financial years starting 2018/19.

In considering these works Councillors have requested that Officers consider the need for Changing Places facilities among our facilities and how we can make our PC's autism friendly. Council recently received a request to consider providing a new PC in partnership with others. Our Officer colleagues within ERT advise that the feedback they are receiving from tourists is that the current condition of some of our facilities leaves them with a negative impression which acts contrary to the overall aim of the Council to become a premier tourism destination on the Island of Ireland.

It is considered by Officers that an internal Officer Study Group across all relevant Directorates should be formed to gather relevant information concerning the use and operation of our PC's so that in making consideration concerning future spend and use of our PC's all relevant issues are considered. As part of this study group it is proposed to seek external support from a representative of the British Toilet Association or its subsidiary the Toilet Association of Ireland, subject to approval under Council procurement procedures, who can provide expert advice to the Study Group. The Council's Estates and Project Management Department will assist in the provision of condition reports on all PC's which will further direct the spend from any agreed capital program.

The Committee is asked to agree to the setting up of this Study Group. The outcomes from this Study Group will be reported back to this Committee.

2.0 Key Issues

2.1 As detailed above.

3.0	<u>Recommendations</u>
3.1	<ul style="list-style-type: none"> • Committee to note contents of above report and agree to the setting up of a cross Directorate Study Group to gather relevant information concerning the use and operation of our PC's so that in making consideration concerning future spend and use of our PC's all relevant issues are considered.
4.0	<u>Resource Implications</u>
4.1	<ul style="list-style-type: none"> • Officer Time • Cost for completion of Condition Surveys – To be determined • Cost of external support from British Toilet Association – procured through Council's procurement procedure.
5.0	<u>Appendices</u>
5.1	None

Report to:	Regulatory and Technical Services Committee
Date of Report:	19 December 2017
Subject:	Review of resource levels in the refuse section
Reporting Officer (Including Job Title):	Adam Wilkinson Interim Director, Regulatory and Technical Services
Contact Officer (Including Job Title):	Peter Whyte Head of Refuse and Cleansing

Decisions required:	
Recruitment of permanent & additional staff for the refuse section.	
1.0	Purpose and Background:
1.1	This report considers whether the existing staffing and vehicle resource in the refuse section is sufficient to meet demand and customer expectation.
1.2	The reason for this review is due to increasing incidents of refuse rounds not being fully completed, due to a shortage of staff and/or unavailability of vehicles, leading to a consequential rise in the number of complaints being received for missed bins.
1.3	The report will identify the current resource level, the required resource level, quantify any shortfall and consider how to best resolve the matter.
	Staffing Resource
1.4	Appendix 1 details the existing refuse rounds in the legacy Newry and Down areas.
1.5	The required daily staffing level, provided in appendix 2, indicates a need for 38 HGV drivers, 4 Macpac drivers and 59 loaders/general operatives.
1.6	The staffing levels provided for in the 2017/18 budget is 37 HGV drivers, 2 Macpac drivers and 62.5 loaders/general operatives.
1.7	There is a shortfall of 1 HGV driver and 2 Macpac drivers in the current budget and a pool staff of 3.5 loaders/general operatives to cover absence.
1.8	Of the 101.5 fte's allowed for in the service, 20 staff are on temporary contracts equating to 21.67%.
1.9	As a result of the food waste expansion project, 10 temporary staff were employed (5.5 staff Full Time Equivalent (FTE) posts), which are annually renewed temporary contracts, and the remainder are vacant permanent posts that have not been recruited permanently as a result of the RPA process and the route optimisation project.
1.10	Absence of staff on a day to day basis is mainly as a result of annual leave or sickness but can also occur as a result of medical appointments, trade union activities, parental or carers leave, bereavement leave or Occupational Health

	appointments.
1.11	To ensure that all staff have the opportunity to use their annual leave entitlement 12% of staff are allowed to take annual leave on any given day.
1.12	The level of sickness in the refuse and cleansing section in 2016/17 was 6.95%.
1.13	An absence rate of 20% results in the gap between current and required staff as seen in appendix 4.
1.14	This shortfall is explained by the following factors: <ul style="list-style-type: none"> • The number of refuse squads required in the Newry area has increased by two as a result of providing refuse collection in the Ballyward area, but absorbed without additional resource. • As a result of axle weigh restrictions and the relocation of the transfer facility there has been the need to create an additional refuse squad in the Down area. No additional resource was provided to take account of this operational change.
1.15	The consequences of this shortfall in staff numbers is :- <ul style="list-style-type: none"> • An inconsistent refuse service with bins not being collected on the scheduled collection day • Increase in complaints • Reduction in the standard of cleansing • Increased costs as 'catch up' is carried out at overtime rate • Reduction in staff morale
1.16	For the period September-October 2017 there were 74 collection days across both legacy areas. On 30 of these days (41%) at least one round was not able to be staffed due to a shortage of staff.
1.17	In terms of rounds affected, 64 rounds were stood down due to staffing issues. This equates to 4.2% of rounds not being completed on the scheduled collection day due to staffing issues.
1.18	In addition, staff are diverted from the cleansing section in the waste service to provide additional cover which impacts on the standard of cleansing in the district.
1.19	An analysis of the salaries and wages budget up to period 5 (appendix 6) shows an underspend in the cleansing budget of £182,701. This underspend is a result of staff being diverted from cleansing to refuse to cover staff shortages. In the refuse section there is an overspend of £213,568.
1.20	The variance between the refuse overspend and the cleansing underspend is £30,867. This variance is attributable to the overtime paid out to staff to 'catch up' rounds which are in delay. Extrapolating this over a 12 month period results in an additional spend of £75,000.
	Vehicle Resource
1.21	For the period September – October 2017 there were 16 days (22%) were the

<p>1.23</p> <p>1.24</p> <p>1.25</p> <p>1.26</p>	<p>scheduled refuse collection day could not be achieved due to unavailability of fleet. In terms of rounds this equates to 2.75% of the total number of rounds not being completed on the scheduled collection day due to fleet issues.</p> <p>There are currently 47 routes assigned to the refuse section in the Council.</p> <p>42 vehicles are assigned to vehicles which leaves 5 spare vehicles.</p> <p>Spare vehicles are used to cover vehicles that are not available due to planned maintenance (MOT preparation, PSV preparation, six weekly safety inspections and tachograph calibration) and unplanned maintenance (vehicle breakdowns).</p> <p>With 42 refuse rounds there are 2,184 weeks of vehicle capacity required for the refuse section annually. There are 260 weeks of additional capacity provided by the spare fleet to cover planned and unplanned maintenance. Allowing 3.5 weeks for planned maintenance and 3 weeks for unplanned maintenance per vehicle requires a spare capacity of 305.5 weeks.</p> <p>Complaints</p> <p>A recent survey¹ undertaken by APSE identified refuse and recycling services as being valued the highest, by the public, out of services delivered by local authorities. Failure to collect refuse on the designated day negatively impacts resident's perception of the Council as a whole.</p> <p>The average number of complaints regarding refuse collection received per week over June and July 2017 was 482. In comparison a neighbouring council with a similar demographic (Ards and North Down) received 75 complaints per week over the same period.</p> <p>Continual management to maximise available resources, organise alternative arrangements for rounds not undertaken and dealing with a high frequency of complaints negatively affects staff morale and does not allow other key tasks to be completed.</p>
<p>2.0</p>	<p>Key issues:</p>
<p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p> <p>2.5</p>	<p>There is a significant gap between the required resource level for staff and vehicles and the existing resource provision.</p> <p>Operational changes have resulted in an increased resource requirement.</p> <p>Service delivery is being compromised with 63% of refuse collection days being affected by a shortage of staff or vehicles.</p> <p>As a consequence the level of complaints is high.</p> <p>The current level of temporary staff is high at 21.67%</p>
<p>3.0</p>	<p>Recommendations:</p>
<p>3.1</p>	<p>Council adopt a phased approach to address the staffing resource issues.</p>

¹ APSE and Survation Neighbourhood Services Poll January 2017

3.2	<p>Phase 1 - Council undertake to ensure 100% of the required staffing level is employed on permanent contracts. This will require the recruitment of 1 HGV driver, 2 Macpac drivers, making the 10 staff recruited as part of the food waste expansion project permanent and making 4 of the current FTE posts permanent and recruiting permanently for all current vacant posts.</p> <p>Phase 2 - Council allow for an absence rate of 20% and employ additional staff required on temporary 12 month contracts to allow the completion of the route optimisation exercise. This will require the recruitment of 7 HGV drivers, 1 Macpac Driver and 10 loaders/general operatives.</p> <p>A significant number of new waste collection vehicles are to be procured over the next three years, as part of the Council's commitment to delivering the Capital programme. A suitable number of existing vehicles will be retained to ensure there is sufficient vehicle back-up to cater for general maintenance of the fleet and breakdowns.</p>
4.0	Resource implications
4.1	The cost of phase 1 will be circa £76,000.
4.2	The costs of phase 2 will be circa £413,000
4.3	The total additional cost per annum will be circa £489,000.
4.4	The costs are broken down in appendix 5.
4.5	As a result of increased diversion of waste from residual waste bins to recycling bins, £217,000 of these costs could be met by potential savings generated in reduced waste disposal costs.
4.6	An additional £70,000 can be met by reduction in overtime costs associated with refuse 'catch up' arrangements.
4.7	This leaves an additional cost of circa £202,000 per annum.
4.8	<p>With savings from route optimisation and increased recycling it is likely that this additional cost could be met in future years eg a 5% increase in recycling (necessary to achieve the 50% recycling target by 2020) could reduce waste disposal costs by £200,000.</p> <p>Until these savings are achieved, we will need to bid for growth in the revenue base budget for £202,000 per annum, to ensure the initial additional costs are covered off.</p>
5.0	Equality and good relations implications:
5.1	None
6.0	Appendices
	<p>Appendix 1 Existing refuse rounds Appendix 2 Required staffing level Appendix 3 Allowed staffing level Appendix 4 Staffing shortfall analysis Appendix 5 Additional staffing costs</p>

Appendix 6 Budgets

Appendix 1 Existing refuse rounds

Legacy Newry refuse staffing requirements

Route	Driver	Loader 1	Loader 2
1	✓	✓	✓
2	✓	✓	✓
3	✓	✓	✓
4	✓	✓	
5	✓	✓	
6	✓	✓	
7	✓	✓	✓
8	✓	✓	
9	✓	✓	✓
10	✓	✓	✓
11	✓	✓	✓
12	✓	✓	
13	✓		
14	✓		
15	✓	✓	✓
16	✓	✓	
17	✓	✓	✓
18	✓	✓	✓
19	✓	✓	✓
20	✓	✓	
21	✓	✓	
22	✓	✓	
23	✓		
Bulky	✓	✓	
Total	24	21	11

Legacy Down refuse staffing requirements

Route	Driver	Loader 1	Loader 2
U1	✓	✓	✓
U2	✓	✓	✓
U3	✓	✓	✓
U4	✓	✓	✓
R1	✓	✓	
R2	✓	✓	
R3	✓	✓	
R4	✓	✓	
Commercial	✓	✓	✓
Macpac	✓	✓	
Spare 1	✓	✓	✓
Spare 2	✓	✓	✓
Bulky	✓	✓	
Compost 1	✓	✓	✓
Compost 2	✓	✓	✓
Compost 3	✓	✓	
Compost 4	✓	✓	
Compost Macpac	✓	✓	
Total	18	18	9

Appendix Two Required staffing level

Post	Down	Newry	Total
HGV Driver	16	22	38
Macpac Driver	2	2	4
Loader/General Operative	27	32	59

Appendix 3 Allowed staffing level

Post	Down	Newry	Total
HGV Driver	15	22	37
Macpac Driver	1	1	2
Loader/General Operative	28.5	34	62.5

Appendix 4 Staffing shortfall analysis

Post	Current Staffing Level	Required Staffing Level	Required staffing level with 20% absence	Shortfall between current and required staffing level with absence
HGV Driver	37	38	45.6	8.6
Macpac Driver	2	4	4.8	2.8
Loader/General Operative	62.5	59	73.2	10.7

Appendix 5 Additional staffing costs

Phase 1

Post	Unit Cost (£)	Quantity	Total (£)
LGV Cat C Driver	27,184	1	27,184
Cat C1 Driver	25,640	1	25,640
Driver 1	23,320	1	23,320
Total expenditure			76,144

Phase 2

Post	Unit Cost (£)	Quantity	Total (£)
LGV Cat C Driver	27,184	3	81,552
Driver 3	22,630	4	90,520
Cat C1 Driver	25,640	1	25,640
Refuse Loaders	21,715	5	108,575
General Operative	21,286	5	106,430
Total expenditure			412,717

Please note that the posts have been broken down into either legacy Newry or legacy Down areas with associated job titles and costs.

Refuse salaries and wages budget 2017/18

	Newry (£)	Down (£)	Total (£)
Basic costs	1,367,970	942,858	2,310,818
Planned overtime	85,505	32,679	118,114
Casual overtime	41,071	19,319	60,390
Sickness cover	47,435	25,063	72,498
Vehicle preparation	54,541	25,418	79,959
Total expenditure			2,641,779

Refuse salaries and wages Period 5 – Actual v Budget

	YTD Budget (£)	YTD Actual (£)	YTD Variance (£)
Newry refuse	554,965	668,524	(113,559)
Newry cleansing	558,963	423,646	135,317
Down refuse	349,506	449,514	(100,009)
Down cleansing	296,140	248,757	47,384

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	19 December 2017
Subject:	Options Appraisal for the collection of Mixed Dry Recyclables
Reporting Officer (Including Job Title):	Adam Wilkinson Interim Director Regulatory and Technical Services
Contact Officer:	Liam Dinsmore Head of Environmental and Waste Processing

Decisions Required

Substantial discussion has already been held regarding the collection of Mixed Dry Recyclate (Blue Bin Collection).

An Options Appraisal has been commissioned to review different collection methods, to best inform members as to the various collection methods.

In this manner, it is anticipated, that a decision can be made as to the most suitable collection method for the collection of Mixed Dry Recyclate within the current statutory requirements.

1.0 Purpose & Background

1.1 To update Members as to:-

- works currently undertaken by the Project Team assembled, to review options for the collection of Mixed Dry Recyclates. (Minute of Meeting held 8 November attached Appendix 1).
- Legal opinion received as regards the intention and requirement for Councils to put in place a separate collection for glass or not, as detailed in the applicable legislation (Legal Opinion attached: Appendix 2).
- TEEP Assessment and Options Appraisal undertaken by WDR and RD Taggart Consultant, on behalf of the Council. Paper to be presented at Meeting by Taggarts.

1.2 By the end of the process as is currently being undertaken, it is anticipated that Council will be able to make 'an informed decision' regarding future MDR collections at Newry, Mourne and Down and to enter into appropriate contractual and review arrangements.

2.0 Key Issues

- 2.1 Two different collection methods for Mixed Dry Recyclates (MDR), currently apply in the Newry, Mourne and Down Area.
- glass is permitted in the co-mingled Blue Bin Collection, as undertaken at Newry Legacy
 - glass is not permitted to be included in the Blue Bin Collection at Down Legacy
- 2.2 Blue Bin Wastes as collected at Newry and at Down Legacy areas are processed at two different re-processors, as different materials are accepted at these different re-processors.
- 2.3 Different gate fees apply at the different re-processors for receipt of the wastes, with prices achieved following Tender Process as undertaken by Arc 21. The contract period is currently under review with Contract currently able to be extended for a 12 month period, from April 2018.
- 2.4 Based on the Options Appraisal and TEEP survey, Council should be informed as to the best and most suited collection system, by which to collect MDR in compliance with all legal and best practice requirements.
- 2.5 Having agreed the most appropriate collection system for MDR, Council can take decisions:
- Collection Systems to apply from 1 April 2019
 - Communications Strategy to apply from 1 April 2018 for MDR collections
 - Contractual requirements to apply from 1 April 2019
 - Commence a Route Optimisation and Staffing Review to provide for agreed collection arrangements, effective 1 April 2019
 - Determine Contractual arrangements to apply from 1 April 2019
 - Agree Contract Monitoring arrangements
- 3.0 **Recommendations**

- 3.1 Decision is required during February 2018, as to Collection Method to apply for MDR, effective from 1 April 2019.

Recommendation:

- 3.1.1 Council to approve a timetable with respect to completion of Options Appraisal for the collection of Mixed Dry Recyclates at Newry, Mourne and Down Council.

Date to be completed	Item	Content	Action by
Mid –Dec 2017	Meeting of Waste Strategy Group	Review Options for most suitable collection method for MDR.	Liam Dinsmore
Mid –Dec 2017	Review Legal opinion, TEEP and Options Appraisal for MDR collection	On basis of information collated, make recommendation as to MDR collection method to apply for next 2-3 years and beyond for MDR.	Adam Wilkinson
Mid Jan 2018	Meeting of Waste Strategy Group	Final Review for recommendations	Adam Wilkinson
February 2018	Meetings: 1: SMT 2: RTS Committee 3: Full Council	Undertake series of meetings and agree Critical Path to implement appropriate collection system for MDR, following Council approval	Adam Wilkinson

4.0 Appendices

- 4.1 Minute of Project Team to review options for the collection of MDR, dated 8 November 2017.
- 4.2 Legal advice received from Lyndsey Moore, Head of Legal Administration/Nicola Gordon City Solicitors Office, Belfast City Council.

MINUTES OF MEETING OF THE PROJECT TEAM TO REVIEW OPTIONS FOR THE COLLECTION OF DRY RECYCLABLES

A meeting was held at Newry Leisure Centre on 8 November 2017.

Present at the meeting which commenced at 9.30 am were:-

Mr Adam Wilkinson	Director of Regulatory and Technical Services
Mr Liam Dinsmore	Head of Environmental and Waste Management
Mrs Carrie Webster	Business Support Officer (Commercial)
Mrs Collette O'Rourke	Performance and Quality Officer
Mr David Hanna	Environmental Services Officer
Mr Phelim Jennings	SIPTU Convenor
Mrs Tara Cunningham	Assistant Waste Management Recycling Officer

An apology for non-attendance was recorded for Mr Peter Whyte, Head of Refuse and Cleansing.

Mr Dinsmore circulated papers for the meeting adding that the minutes had not been completed for the previous meeting, and that the previous meeting had been to identify the Terms of Reference for the Project Team.

Mr Dinsmore went on to provide details relating to the potential collection methods regarding the collection of glass, referring to technical specifications as distributed:-

- a. Refuse Collection vehicle with glass collection pod and ½ stream refuse collection.
- b. 7-12 Tonne collection vehicle for glass collection only.
- c. Kerbside sort collection vehicles.
- d. Bring-only bottlebanks.
- e. Co-mingle MDR collection system as is currently at the Newry Legacy Council.

Mr Wilkinson invited staff to comment with respect to the pros/cons of a 3 x stream system as viewed at ABC Council i.e. Banbridge Legacy Council, on 30 October 2017.

Comments recorded:-

- System could be made to work but there were significant issues
- Work measurement could add approximately 15-20% to existing collection times
- Level of complaints advised by staff
- Reported unreliability for vehicles
- Capacity of pod
- Capacity of glass contained at specific times
- Noise levels
- Potential axle-weight issues
- Staff not working to an agreed Method Statement
- Impact on Drivers' Hours and Rest Breaks.

Discussion was held regarding options, with the group advised that a Semat vehicle pod, 5 x tonne on a 26 x tonne vehicle was available for a demonstration at a cost of £800 per week.

Agreed:-

1. Group to travel to another Council to view operations for kerbside sort and dedicated glass collection. Arrangement to be made by the next meeting date.
2. Availability of demonstration vehicle to be noted only at this stage.
3. Need for cost/benefits for various options to be undertaken.
4. Consultant to be engaged to undertake an options appraisal and TEEP Analysis relating to options available, cost £4,000, to be available December 2017.

CURRENT COLLECTION SYSTEMS

Read: Report provided by John Bradley regarding MDR collections in Northern Ireland.

Mr Dinsmore advised that the report needed further clarification but that at this stage, it was clear that a number of Councils did undertake an MDR collection which included glass in the Blue Bin and that other Councils did collect glass by other means e.g. kerbside sort, with Arc 21 Councils at Antrim, Belfast, Newtownabbey/Lisburn and Castlereagh collecting waste by kerbside sort.

Agreed:-

1. Further clarification to be sought to clearly confirm the collection methods undertaken at each Council to collect MDR.
2. Letter to be forwarded to Directors at other Councils, from Mr Adam Wilkinson, as currently collected glass by co-mingled MDR, to determine their future intentions.

REVIEW OF WASTE COMPOSITION ESTIMATES FOR CONTENTS OF BINS

Mrs Tara Cunningham presented a report detailing approximations, by kilograms, for various bins e.g. black, brown, blue bins.

Ms Cunningham advised that households presented 1:16 tonnes per year, providing evidence that 41% of residual waste is organic, with 40.5% made up of recyclable MDR.

Ms Cunningham went on to advise that even with current increases of brown bin waste collected, a significant amount was still being presented for collection in the black bin.

Discussion was held with respect to waste collections during the past 6 x months, demonstrating an approximate 10% decrease in black bin waste, a 30% increase in brown bin waste and 1.5% increase in the blue bin waste collected.

The meeting noted that despite concerns, kerbside waste arisings had not increased following the introduction of additional brown bins to provide 100% coverage across the district.

It was noted: disposal costs at this stage i.e. 6 x months into the financial year, were approximately £56,000 reduced when compared to 2016/17 and were approximately £200,000 down against the budget.

The meeting noted that in September/October, black bin waste arisings were significantly down in the Newry Legacy Council area attributed to stickers to the black bin, "No Food Waste in Black Bin".

Agreed:-

1. Contact to be made with Arc 21 to seek a report regarding waste composition for bins, following recent survey.
2. Mr Peter Whyte to be contacted to seek to assure progress to place "No Food Waste in Black Bin", for the Down Legacy Council area.
3. Importance to target the public to reduce waste in the black bin but agreed to seek to provide a quarterly new sheet for the distribution to all householders to keep public interest and perception on-board.

WASTE STRATEGY TO BE UPDATED TO INCLUDE COMMUNICATIONS AND MARKETING ISSUES

1. LEGISLATION
Legislation framework noted as
 - 1.1 The Waste Regulations (N.I.) 2011
 - 1.2 European Directive 2005/98/EC.

Group reviewed the wording of the legislation.

Mr Wilkinson advised that a definitive legal opinion was required to be read against the various options for glass collection.

Agreed:-

1. Letter to be sent to the legal department instructing that legal counsel to be sought with respect to aspects regarding the intention and requirement for Councils to put in place a separate collection for glass, or not, as detailed in the named legislation.

REVIEW OF OPTIONS TO EXTEND THE EXISTING MDR CONTRACTS

Mr Wilkinson advised that Arc 21 had contacted him in these respects and noted options did exist to extend for 12 or 24 months, subject to agreement.

Agreed:-

1. Mr Wilkinson to review with Arc 21 representative.

TIMETABLE WITH RESPECT TO PROJECT COMPLETION

It was noted: that work would not be commenced with respect to any preferred collection system, until group had reviewed all of the options and had reported back to the Council in this aspect.

A timetable was discussed and agreed as follows:-

Nos.	Key Date	Item	Content	Action By
1	8 November 2017	Issue direction to consultant for options appraisal and TEEP report	Award to WDR Taggart cost £4,000 following VFM recommendation report to be provided by 10 December 2017.	Liam Dinsmore
2	9 November – 9 December 2017	Field trip to view alternative collection systems	Travel to other Councils to view systems. Consider liaison with ARC 21	Carrie Webster/Collette O'Rourke/Tara Cunningham
3	8 November 2017	Legal opinion to be sought with respect to the requirement to collect glass separately	Letter to be sent to Lyndsey Moore	Liam Dinsmore
4	Mid December 2017	On receipt of information above, review options with respect to most suitable collection method for the Council	Meeting to be convened once data for items 1-3 received	Liam Dinsmore
5	Mid December 2017	1 Convene meeting of Waste Strategy Group to report findings of options appraisal/TEEP/Legal search and Project Team recommendations. 2 Agree Waste Strategy for next 2-3 years and beyond	5.1 Convene meetings of Waste Strategy Group. 5.2 Review timetable for Contract Award, dependant on option selected. Review need for Council appraisal.	Adam Wilkinson
6	Presentation to SMT/Council February 2018	Agree collection method for MDR for next 6 – 8 years	Agree Critical Path for Project	Adam Wilkinson
7	Implement decision February 2018	Implement a Route Optimisation Initiative and Capital Procurement Strategy.		Adam Wilkinson.

Note: Timetable as detailed subject to significant potential change dependant on the findings of the Options Appraisal and TEEP Analysis.

REPORT FROM PETER WHYTE REF: ROUTE OPTIMISATION EFFICIENCY PLAN PROGRESS REPORT

Mr Dinsmore advised that he had received a report from Peter Whyte, regarding status for Routes Optimisation and assumed was for noting at the present meeting.

Noted: Mr Dinsmore had replied to Mr Whyte with comments.

Agreed: Efficiency Report to be tabled to the next meeting.

This completed the business of the meeting. The meeting ended at 11.30 am.

Mr P W Dinsmore
Head of Environmental and Waste Processing

22 November 2017

Advice on Glass Collection:

Newry, Mourne and Down District Council 'the Council' seek legal advice in relation to the collection of dry recyclables and in particular whether or not there is a legal requirement/obligation to collect glass separately from homes or whether a co-mingled collection is sufficient under the legislation.

I am advised that currently residents in the legacy Newry area put their glass into their blue bins which is referred to as a co-mingled collection as the glass is collected along with other waste streams and separated by a contractor. In the Down area there is no collection of glass from residents but instead a number of 'bring' facilities are located throughout the district.

I am further advised that the relevant Project Team are seeking to present an Options Appraisal to the Council as to the best collection method to implement for the next 8-10 years, to best meet the Council's obligations under the legislation and take account of costs.

Of note the Council advises that the last time it undertook the TEEP (technically, environmentally and economically practicable) test it was considered that it was not economically practicable to have a separate collection of the four waste streams and so a co-mingled service was maintained. My instructing officer has advised that it may be the case that the TEEP test would need to be undertaken again to provide a legal argument for any option going forward.

The relevant statutory provisions:

The Waste Regulations (NI) 2011 'the Regulations' transpose the revised Waste Framework Directive 2008/98/EC in Northern Ireland. The revised Waste Framework Directive requires the UK to take measures to promote high quality recycling.

Schedule 3 of the Regulations provides for the Waste Management Strategy, in particular the objectives, matters which must be included in the waste management strategy and matters which may be included in the waste management strategy.

Clause 17 of the Regulations deals with duty in relation to the waste hierarchy and provides:

17.—

(1) It shall be the duty of any person who imports, produces, collects, carries, keeps, treats or disposes of waste, or as a broker or dealer has control of controlled waste, on the transfer of such waste to take all such measures available to that person as are reasonable in the circumstances to apply the waste hierarchy priority order in accordance with Article 4 of the Waste Framework Directive.

(2) An establishment or undertaking may depart from the waste hierarchy priority order so as to achieve the best overall environmental outcome where this is justified by life-cycle thinking on the overall impacts of the generation and management of the waste;

(3) When considering the overall impacts mentioned in paragraph (2), the following considerations shall be taken into account—

(a) the general environmental protection principles of precaution and sustainability;

(b) technical feasibility and economic viability;

(c) protection of resources;

(d) the overall environmental, human health, economic and social impacts.

(4) The duty in paragraph (1) shall not apply to an occupier of domestic property as respects the household waste produced on the property.

(5) The Department may give guidance on the discharge of the duty in paragraph (1).

(6) A person discharging the duty in paragraph (1) shall, in doing so, have regard to any guidance given under paragraph (5).

Clause 18 of the Regulations deals with duties in relation to collection of waste and provides;

18.—

(1) A district council, when collecting waste paper, metal, plastic or glass shall, from 1st January 2015, take all such measures to ensure separate collection of that waste as are available to it and are—

(a) technically, environmentally and economically practicable;

(b) appropriate to meet the necessary quality standards for the relevant recycling sectors.

(2) A district council, when making arrangements for the collection of waste paper, metal, plastic or glass, shall, from 1st January 2015, take measures to ensure that those arrangements are by way of separate collection.

(3) The duties under paragraphs (1) and (2) shall apply only where keeping waste separate facilitates or improves recovery.

Clause 21 of the Regulations previously provided that "co-mingled is a form of separate collection for the purposes of regulations 18, 19 and 20" however this clause was revoked by The Waste (amendment) Regulations (NI) 2013.

Application of the relevant statutory provisions and Conclusion:

In light of Clause 21 of the Regulations being revoked, co-mingled collection is no longer considered a separate form of collection, however the legislation does not prohibit same. Therefore, co-mingling of waste will be permissible provided the Council can demonstrate that it has complied with Clause 18 of the Regulations and concluded that the separate collection of glass is not technically, environmentally and economically practicable.

In order for the Council to establish how it should collect glass in its area, I would advise that it carries out an up to date TEEP assessment. The Council may wish instruct an external individual to carry out the assessment. This assessment will include a review of the Council's collection practices and consider carefully if and how they comply with the legislation. Should the Council conclude that it is not TEEP to operate separate collection arrangements it should ensure that it is able to provide for inspection an audit trail which will support its decision making. Records should be such that, if necessary, they can demonstrate compliance with the Regulations.

The choice of which collection procedure to implement will involve the Council properly investigating and balancing a number of factors including financial benefits, ease of collection, environmental and reputational benefits. With regards co-mingled collection, consideration should be given to the resultant low quality of the recycled materials.

I trust the above advice is in order however please do not hesitate to contact me should you wish to discuss this matter.

Kind regards

Nichola Gordon
Solicitor
07.12.17

Report to:	Regulatory and Technical Services
Date of Meeting:	19 December 2017
Subject:	Update with respect to development of new Civic Amenity Site at Downpatrick
Reporting Officer (Including Job Title):	Adam Wilkinson Interim Director Regulatory and Technical Services
Contact Officer:	Liam Dinsmore Head of Waste Processing

Decisions Required

To note update provided, to develop a new Household Civic Amenity Site at Downpatrick.

1.0 Purpose & Background

To update Members with respect to projected start / completion date relevant to building of a new Household Amenity Site for Downpatrick.
(Layout Plan attached, Appendix 1).

2.0 Key Issues

2.1 Site clearance commenced on –schedule, 4 December 2017.

Noted requirement to fence –off site, which requirement will transfer to Council after tree- clearance completed. Officers to engage with Contractor to ensure appropriate fence erected.

Contact to be made to PSP to request additional patrol inspection during construction phase.

2.2 Topographical Survey to be completed for site before Christmas, with Tender Documents to be issued 15 January 2018, closing 5 February 2018.

2.3 QS and Consent for Discharge Works to be undertaken by RPS Consulting Engineers

2.4 Bat Survey conducted, with Report of Findings attached, detailing no issues of concern. (Ref: Appendix 1, attached)

2.5 Target for build commencing 5 March 2018, contract duration 18-20 weeks, to conclude end –August 2018.

2.6 Officers to commence Licensing Process and procurement of compactors and skip waste containers.

2.7 Sign-off meeting to be held with Director to confirm final layout for Household Civic Amenity Site, prior to construction commencement.

2.8 Lease for existing Cloonagh Road Civic Amenity Site to be extended to facilitate construction phase for new site.

3.0 Recommendations

3.1 Members to note and approve proposed timeline for construction. of new Household Civic Amenity Site, Killough Road, Downpatrick.

4.0 Appendices

4.1 Layout Plan: Household Civic Amenity Site at Killough Road, Downpatrick

4:2 Bat Survey Report



Eolas Ecology

**Licence to Disturb Bats:
Licence Return
BDL/133/17**



**Killough Road
Downpatrick**

Prepared for:

RPS

Prepared by:

Catherine Reilly BSc (Hons), MCIEEM
Principal Ecological Consultant

Job no: EE/2017/062



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1. INTRODUCTION

1.1 Remit

Eolas Ecology was engaged in 2017 by RPS, on behalf of their client, to undertake an endoscope survey of six trees located within an area of woodland between Killough Road and Flying Horse Road, Downpatrick. An initial roost assessment was undertaken by RPS during the preliminary ecological appraisal. At this time, it was identified that six trees comprised of suitable features for roosting bats and would require additional surveys prior to felling.

A licence application was submitted to DAERA for the disturbance of potential bat roosts during endoscope survey works. This report is produced in accordance with Condition 6 of the licence received from NIEA which states *'The holder must maintain a record of all licensed activities and must submit a written report of these activities to the Department within one month of expiry of the licence (or by 31st January if the licence is of a duration of greater than one year).'*

1.2 Site Location

The site comprises of an area of woodland located between Killough Road and the Flying Horse Road, Downpatrick (IGR J 49157 42960).

The proposal is for the creation of a new household recycling centre which will require the removal of a number of trees located within the wooded area. A preliminary assessment undertaken by RPS identified three trees to the north (adjacent to Flying Horse Road) and three trees to the south (adjacent to Killough Road) that comprised of suitable roosting features.

The wooded area comprises of mainly tall and thin Ash and Sycamore trees.

2. WILDLIFE LEGISLATION

2.1 The Habitats Directive & Regulations

All species of bat in Northern Ireland are listed on Annex IV of the EC Habitats Directive (92/43/EC) which is transposed into law in Northern Ireland through the Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), known as the Habitat Regulations. Bats are therefore classified as European Protected Species (EPS) and are considered to be of international conservation status and are subject to a regime of strict legal protection in Northern Ireland under the provisions of the Habitats Regulations.

Articles 12 to 16 of the Habitats Directive establish and implement a strict protection regime for plant and animal species listed in Annex IV (European Protected Species, EPS).

Part III of the Habitats Regulations establishes the protective regime which applies to EPS, wherever they occur, giving particular effect to the provisions of Article 12 of the Habitats Directive, making it an offence:

- deliberately to capture, injure or kill a wild animal of a European protected species;
- deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- deliberately to disturb such an animal in such a way as to be likely to-
- affect the local distribution or abundance of the species to which it belongs;
 - impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - impair its ability to hibernate or migrate;
 - deliberately to take or destroy the eggs of such an animal;
- deliberately to obstruct access to a breeding site or resting place of such an animal; or
- to damage or destroy a breeding site or resting place of such an animal.

It is therefore necessary to establish if bats are utilising the site and immediate environs prior to any works. Surveys must detail and describe the activity and behaviour of the species on site and determine the nature and significance of any impacts, which may be likely to arise as a result of the proposed development.

2.2 Policy

Planning Policy Statement 2 Natural Heritage (PPS2), Policy NH2 and the Strategic Planning Policy Statement state that a development proposal shall not harm a protected species.

Where it is deemed that a development proposal is likely to harm a protected species, permission is only sought where;

- There are no alternative solutions;
- It is required for imperative reasons of overriding public interest;
- There is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- Compensatory measures are agreed and fully secured.

3. SURVEY METHODOLOGY

Endoscope surveys were undertaken of the tree identified as comprising of features suitable for roosting bats.

During the endoscope survey, the licensed project ecologist checked all suitable cavities/features that were easily reached from the ground. A qualified tree climber was then utilised to check all areas further along the tree. The tree climber inserted the endoscope into all suitable features identified by the bat ecologist. The ecologist is then able to see within all cavities as a detachable screen is utilised to relay all visual evidence back from the endoscope. The endoscope utilised is an Explorer Premium wireless inspection camera.

3.1 Licensed Ecologist

Endoscope surveys were undertaken by Catherine Reilly BSc (Hons), MCIEEM, who is Owner and Principal ecologist with Eolas Ecology. Catherine has over nine years' experience in working within the environmental consultancy industry as a professional ecologist. Prior to that she worked within the conservation sector and delivered numerous bat walks and talks to members of the public. Her initial training for bat survey techniques was in 2007 with the Bat Conservation Trust (BCT). Since then she has undertaken extensive surveys for bats across a wide variety of habitats throughout Northern Ireland, Ireland and Scotland for numerous projects ranging from simple wind turbine applications, building demolition/refurbishment works to larger more complex sites and wind farm applications. She has provided training to volunteers and NGO's (Non-government organisations), such as Belfast Hill Partnership and RSPB, on how to design and undertake bat activity surveys within their sites. Catherine has undertaken numerous endoscope surveys throughout various roosting habitats in Northern Ireland. She has identified a number of autumn transitional tree roosts (under licence) through the use of an endoscope.

Catherine is a committee member of the Northern Ireland Bat Group (NIBG) and is a registered bat carer with BCT, NIEA and CEDaR. She holds a volunteer roost visitors licence for Northern Ireland and has obtained numerous site-specific roost disturbance licences (i.e. endoscope survey licences and exclusion licences) for various sites throughout Northern Ireland, Ireland and England. She has also obtained numerous smooth newt survey licences for a variety of sites throughout Northern Ireland. She has experience in designing site specific mitigation proposals to ensure that development activities do not have a detrimental impact on local bat populations.

Catherine is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) an organisation requiring peer review and a high standard of professional conduct.

4. SURVEY RESULTS

The endoscope survey was undertaken on 4th December 2017 (under licence BDL/133/17). The three trees to the north were climbed by an experienced tree climber. No suitable cavities were identified within the three mature trees in this area. The ivy cover was identified as sparse and would not provide a suitable protective cover for bats. A fourth tree in the area was identified during a ground level assessment as being suitable for bats. The tree was a semi-mature oak tree that was clad with a heavy growth of dense ivy along the eastern aspect of the tree. All suitable cavities created by the ivy were searched with the endoscope, however, no evidence of roosting bats was identified. Trees in this area were then felled.

Endoscope survey continued to the south of the site. Only one tree in the area was identified as comprising of features suitable for roosting bats (photograph 1). A search of this tree was undertaken, and no evidence of roosting bats was identified. The tree was then felled.



Photograph 1: Ivy clad tree to the south

A few trees within the area had previously felled due to recent storm events. It is likely that any additional suitable trees had felled. All trees in the area were subjected to a visual search for suitable roosting features for bats, however none were identified as the majority of the trees were all tall and thin and were not covered in ivy. Three additional mature trees comprising of roosting features to the central area of the site (as identified within the preliminary ecological appraisal) are to remain on site and will be unaffected by the proposed development.

5. CONCLUSION

Eolas Ecology was engaged to undertake an endoscope survey for bats on a number of trees located within an area of woodland between Killough Road and Flying Horse Road, Downpatrick.

Endoscope surveys did not identify any suitable roosting locations for bats. A semi-mature oak tree was identified as comprising of suitable roosting features due to dense Ivy. A search of the suitable crevices along the Ivy stems did not identify any evidence of roosting bats.

All suitable trees were then felled after the survey.

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	19 December 2017
Subject:	Access to Civic Amenity Sites for the Disposal of Commercial Wastes
Reporting Officer (Including Job Title):	Mr Adam Wilkinson Interim Director Regulatory and Technical Services
Contact Officer:	Mr Liam Dinsmore Head of Waste Processing

Decisions Required

1.0 Purpose & Background

- 1.1** The Council currently has 10 Household Recycling Centres, located throughout the Council District. The Centres are provided as facilities for householders, resident in the Council District, to dispose of 'Household Waste'.
- 1.2** Issue has been raised that Council should consider a review to the Council Policy, regarding receipting of Commercial Wastes.
- 1.3** Recycling Centres are located at the following locations:

Location for Household Recycling Centres Which Accepts Household Wastes	Locations of Recycling Centres Which Accepts Small Amounts of Commercial Waste
Newry, Warrenpoint, Hilltown, Crossmaglen, Newtownhamilton	Kilkeel, Camlough
Downpatrick, Castlewellan, Ballynahinch	

2.0 Key Issues

- 2.1** Small amounts of Commercial wastes are currently only accepted at sites at Kilkeel and Camlough.
- 2.2** Remaining sites are not licensed to accept Commercial waste but as part of a Review for Household Recycling Centres to be completed in the near future, consideration will be given, both to increase the number of sites as may accept Commercial waste or to recommend that sites do not receive Commercial waste at all.
- Commercial Waste as received is normally from small retailers, which retailers have no other arrangement in place to dispose of such wastes
- 2.3** Councils Household Civic Amenity Sites, vary in size and capacity. Sites have been provided for receipt of Household Waste and as such any additional access for Commercial Waste will increase service costs and decrease available capacity for Household users.
- 2.4** Council must achieve a recycle rate at 50% by 2020 and it is considered that as Commercial waste is difficult to identify, that increased access for Commercial waste could adversely impact on ability to achieve such recycle rate.

- 2.5** Proposed Review will consider opening hours for sites and entrance and usage policies. Review will also consider legal aspects relating to receipting of waste at sites and will seek to impose limits regarding quantities of waste as may be received.

As part of the Review, access for waste delivered in vans will be specifically targeted.

3.0 Recommendations

- 3.1** It is recommended that there is no change in the current Council Policy with respect to receiving of Commercial waste at Civic Amenity Sites.

It is recommended that any Commercial waste as is sought to be received at Household Civic Amenity Sites is redirected to licensed sites at Camlough and Kilkeel, where payment may be received.

- 3.2** To facilitate small business premises, it is recommended that all sites may receive small quantities of cardboard and paper wastes only, where such wastes are delivered in car boot and do not exceed 3 bags of such recyclable wastes.

- 3.3** Vehicles providing a collection and disposal service for Household waste e.g Bulky waste are categorised as Commercial waste and shall be directed to Camlough or Newry, where payment must be made.

- 3.4** As part of the Civic Amenity Site Review, license conditions be reviewed and consideration be given as to best location, if any, for receipting and conditions for receipting of wastes from small business i.e Commercial Wastes.

4.0 Appendices

- 4.1** None

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4.0 Appendices

- 4.1** None

Opening Arrangements at Civic Amenity Sites : Christmas and New year2017

Opening arrangements for Household Civic Amenity Sites

Date	Open/Closed	
Sat 23 December	Open : normal Hours	
Sun 24 December	Closed :Reopen Wed 27 December	
Mon 25 December	Closed: ReopenWed 27 December	
Tues 26 December	Closed: reopen wed27 December*	*site at Cloonagh Road ,Downpatrick,open 10:00am-14:00 hrs
Wed 27December	Open: normal hours	
Thurs 28 December	Open : normal hours	
Friday 29 December	Open: normal hours	
Sat 30 December	Open :normal hours	
Sun 31 December	Closed :reopen2 January*	*except sites at Downpatrick,Ballynahinch and Castlewellan .Sites open normal hours
Mon 1 January	Closed: Reopen Tuesday 2 January	

Sites are monitored by CCTV

Please do not dump wastes at site entrance .Penalties apply .

Christmas Arrangements 2017

Refuse Collection Services

Please note the following changes in Refuse Collection Services as will apply during the Christmas and New Year period.

1:Refuse Collection arrangements : Newry Legacy Area

Please check for alternative collection arrangement on Public Holiday

Day/Date	Collection arrangement
Sat 23 Dec	Alternative Collection Day for Monday 25 December
Sunday 24 Dec	Alternative Collection Day for Tuesday 26 December
Monday 25 Dec	Closed: No collection . Bins will be collected on Saturday 23 December
Tues 26 Dec	Closed ; No collection Bins will be collected on Sunday 24 December
Wed 27 Dec	Normal collection
Thurs 28 Dec	Normal collection
Fri 29 Dec	Normal Collection
Sat 30 Dec	Alternative Collection day for Monday 1 January
Sun 31 Dec	Closed
Mon 1 Jan	Closed:No collection Bins will be collected on Saturday 30 December
Tues 2 Jan	Normal Collection

2.Refuse Collection arrangements :Down Legacy Area

Day/Date	Collection arrangement
Mon 25 Dec	Closed
Tues 26 Dec	Closed ; No collection Bins will be collected on Saturday 30 December
Wed 27 Dec	Normal collection
Thurs 28 Dec	Normal collection
Fri 29 Dec	Normal collection
Sat 30 Dec	Alternative collection day for Tuesday 26 December
Sun 31 Dec	Closed
Mon 1 Jan	Closed: no service

Tues 2 Jan	Normal Service

HISTORICACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING19 December 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 23 AUGUST 2016			
RTS/72/2017	Brown bins in urban areas	Approve recommendation in the report that a set project to address food waste regulations and recycling targets, that the Council grant the issuing of 3,000 140l brown bins, caddies and liners to those households that require a food waste collection service. This would incur a non-budgeted cost of £39,150 but this cost however should be covered by reduced waste processing costs.	J Parkes/Liam Dinsmore	Householders continue to make contact, with bins to be made available as requested. Windows for issues to continue to be kept open. As anticipated the 'No food in black bin sticker' has encouraged householders who may not previously have had a brown bin to come forward to raise same. Recommended: Keep window for issue of free brown bins open until 31 December 2017.	N

19 December 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/80/2017	Options for Glass Recycling	Agreed that Council appoints an Independent Consultant to provide an independent economic appraisal on the 3 Options for glass recycling outlined in the report presented to Committee and also that a 4 th option be included and costed ie. that the current arrangement for blue bin material to include glass which exists in the legacy Newry and Mourne area should be extended throughout the District.	J Parkes	Management are now progressing Option 1 – Glass collection pod on refuse vehicles with blue bin tray insert for glass. This service will be implemented during 2018/19. A timetable for the project will be provided to Cllrs in due course. A Project Team has been assembled to address this Project, chaired by Interim Director updates will be provided to Committee at regular intervals.	N
		RTS MEETING – 18 MAY 2016			
RTS/78/2016	Council Public Amenity Space near the Council public toilets at		K Scullion	It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would	N

19 December 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Castlewellan			be investigated.	
RTS/87/2016	Tender for final capping at Drumanakelly Landfill Site	Agreed to tender for the final capping at Drumanakelly Landfill Site	J Parkes/L Dinsmore	Part 4 now completed. Part 5 at Tender Stage for works. Officers meeting held on 8 September, with anticipation that Tender Documents are ready to be released by Estates Dept. Tender documents available ready for release.	N
		RTS MEETING – 20 APRIL 2016			
		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	J Parkes/L Dinsmore	Expressions of Interest Document has been completed but is currently held pending consideration	N

19 December 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.		of other issues relating to operation of Civic Sites. It is anticipated that report will be transferred to a later meeting of RTS.	
		RTS MEETING – 18 NOVEMBER 2015			
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.	K Scullion	Being considered under current policy requirements.	N Y
		RTS MEETING 17 JUNE 2015			

19 December 2017

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/46/2015	Summary Review Report – Reservoir Bill (NI) Future	To include the costs of this survey work in the 2016/17 Rate Estimates with a view to carrying out the Reservoir Surveys in the Spring of 2016.		Estimated costs will be added for consideration to next year's budget estimates.	N