



January 24th, 2017

**Notice Of Meeting**

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 25th January 2017 at 5:00 pm** in **the Boardroom Monaghan Row Newry.**

**The Committee Members are:**

**Chair: Councillor R Mulgrew**

**Vice: Councillor T Andrews**

**Members:**

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

# Agenda

1. Apologies and Chairperson's remarks.
2. Declarations of Conflict of Interest.
3. Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 23 November 2016. (Attached).

📎 *RTS Action Sheet - 23 November 2016.pdf*

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## *For Consideration and/or Decision - Building Control*

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4. Report re: Roads (Miscellaneous Provisions) Act - road closures for special events. (Attached).

📎 *Report - Road Closures.pdf*

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5. Report re: implementation of the Licensing of Pavement Cafes Act (NI) 2014 Policy. (Attached).

📎 *Report- Implementation of the Licensing of Pavement Cafes Act.pdf*

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## *For Consideration and/or Decision - Planning*

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

📎 *December 2016 Planning Committee Performance Report.pdf*

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7. Record of meetings between planning officers and public representatives. (Attached).

📎 *Record of mtgs between Planning Officers & Public Reps.pdf*

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8. Meetings with public representatives Q3 October-December 2016. (Attached).

📎 *Q3 October-December 2016 Planning Report.pdf*

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## *For Consideration and/or Decision - Waste Management*

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9. Report re: potential visit to Re-Gen's waste processing facility. (Attached).

📎 *Report - Potential visit to Re-Gen processing plant.pdf*

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10. Report re: glass in blue bins. (Attached).

📎 *Glass out of Blue Bins -Final.pdf*

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*For Noting*

- 11. Arc21 Joint Committee Members' Monthly Bulletin 1 December 2016. (Attached).**  
☐ *JC018-1Dec16-Members' Bulletin.pdf* *Page 40*
- 12. Arc21 Joint Committee Meeting – Minutes of Thursday 27 October 2016. (Attached)**  
☐ *arc21 JC Minutes 27102016.pdf* *Page 44*
- 13. Report re. Changes to Building Regulations – Part M. (Attached).**  
☐ *Report - Changes to Building Regulations - Part M.pdf* *Page 50*
- 14. Proposed Changes to Planning Committee Operations. (Attached)**  
☐ *Planning Committee Operating Protocol.pdf* *Page 53*  
☐ *Scheme of Delegation - Proposed Changes to Planning Committee.pdf* *Page 67*
- 15. Report re. Newry, Mourne and Down Local Development Plan Preparatory Studies, paper 9: Public Utilities. (Attached).**  
☐ *Report - LDP Paper 9 - Public Utilities.pdf* *Page 69*
- 16. Historic Actions Tracking Update. (Attached).**  
☐ *Historic Actions Tracking Update.pdf* *Page 120*

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

- 17. Report re. Preferred borrowing method for arc21 infrastructure. (Attached).**
- This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 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 - Preferred borrowing method for arc21 infrastructure.pdf* *Page 122*
- 18. Report re. Consideration for revision of Cemetery/Burial Charges from April 2017. (Attached).**
- This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 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.

**ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING****23 NOVEMBER 2016**

<b>Minute Ref</b>	<b>Subject</b>	<b>Decision</b>	<b>Lead Officer</b>	<b>Actions taken/ Progress to date</b>	<b>Remove from Action Sheet Y/N</b>
RTS/180/2016	Introduction of two minute beach clean boards	<b>Agreed to extend the two minute beach clean scheme to other beaches, subject to local support during 2017.</b>	J Parkes	<b>To be extended during 2017.</b>	Y
RTS/181/2016	NI Amenity Council Awards 2016	<b>Agreed to accept the officer's recommendation to purchase and plant a suitable tree at Rooney Park and that a photocall be organised.</b>  <b>Further agreed that the Chair of RTS Committee be invited to attend the photocall also.</b>	J Parkes	Photocall to take place during Dec'16  The Chair will be invited as part of the photocall	Y
RTS/185/2016	Review of Transport NI land maintained by Council's Grounds Maintenance Department	<b>Agreed to write to the Minister asking for clarification on whether he would put payments in place for Council to maintain the areas of land.</b>	K Scullion		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>Also agreed that following a response from the Minister, the matter of land ownership be referred to the Partnership Panel.</b>		It is on the partnership panel agenda.	
RTS/187/2016	Conference on the Future of Energy Policy in NI – including issue relating to Councils – Tuesday 6 December 2016	<b>Agreed that Council buy the transcripts of the conference at a cost of £95+VAT when available.</b>		Transcript has been purchased.	
END					

<b>Report to:</b>	Regulatory and Technical Services Committee Meeting
<b>Date of Meeting:</b>	25 <sup>th</sup> January 2017
<b>Subject:</b>	Roads (Miscellaneous Provisions) Act – Road Closures for Special Events
<b>Reporting Officer (Including Job Title):</b>	Colum Jackson, Assistant Director of Regulatory and Technical Services
<b>Contact Officer (Including Job Title):</b>	Fintan Quinn, Head of Enforcement and Licensing

**Decisions required:**

Members are asked to note the contents of the report.

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	The Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 received Royal Assent on 13 August 2010. This legislation was due to come into effect on 1 <sup>st</sup> April 2013 but was deferred, it is now due to be enacted in September 2017 and will provide Councils with the power to prohibit or restrict traffic using roads to facilitate special events taking place on roads. The new legislation provided clarity for relevant authorities e.g. Councils and Department of Infrastructure (DOI) who will be responsible for roads closures. Previously, the statutory power of any agency to close roads for anything other than a public safety issue was unclear.
1.2	The Act defines special event as any sporting event, social event, entertainment or film making on a public road. A person wishing to close a public road for a special event will be required to apply to the Council and, after public notification and consultation with various statutory bodies (PSNI, NIFRS, etc.) and with the consent of the Department of Infrastructure (DOI) Roads Services, the Council will decide if a road closure order is to be made. DOI will maintain responsibility for the closure of special roads e.g. all motorways.
1.3	If the Roads Service object to the proposal because of road safety or traffic progression concerns; its consent for the special event to be held on the road will be refused. The Act stipulates that a council may not make an order except with the consent of the DOI.
1.4	Currently there is no statutory basis to close roads for such special event. In the past, for events such as St Patrick's Day Celebrations, the PSNI had closed roads on the basis of their general powers to protect the safety of road users. This new legislation provides a legal mechanism to close roads in a timely and more measured fashion.

<b>2.0</b>	<b>Key issues:</b>
2.1	<p>Given the regulatory nature of this function the Licensing Section has been given the responsibility for administering the Act which will include duties such as:</p> <ul style="list-style-type: none"> <li>• Processing applications</li> <li>• Publishing public notices and consulting with relevant agencies</li> <li>• Dealing with representations from interested parties</li> <li>• Preparing road closure orders and ensuring appropriate road closure and diversion signage is in place.</li> </ul>
2.2	<p>At present Licensing Officials are working with Corporate Policy Officers to prepare policies, procedures, guidance documents and application forms for the delivery of the function which will be subject to Members consideration in due course.</p>
2.3	<p>The general intention would be to create a streamlined process, through delegated authority, which can be administered with the minimum of impact in terms of resource implications for the Council and regulatory burden for applicants. The Council have delegated powers of decision making to the Director of the Regulatory and Technical Services Department. However, for those applications where there are issues or objections or grounds for refusal, for such representations to be heard and considered, and a decision made, a proposal will be brought to the Regulatory and Technical Services Committee</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	<p>The following recommendations were approved at the Environment, Health and Building Services Committee Meeting on 21 February 2013:</p> <ol style="list-style-type: none"> <li>1. To charge a fee of £400 for administration costs and an advertising cost of £200 for a large event and a fee of £200 for administration cost and an advertising fee of £200 for a small event.</li> <li>2. A review of fees to be carried out in 6 months to determine if fees are appropriate. The legacy Newry and Mourne District Council have approved the above fees. However the new Newry, Mourne and Down District Council will have to approve the policies, procedures and fees at a later meeting.</li> </ol> <p>Therefore the contents of this report are for noting.</p>
<b>4.0</b>	<b>Resource implications</b>
4.1	<p><b><u>Financial</u></b>          Whilst there is no central government budget allocated to this function the</p>



	<p>Act will allow the Council to recover costs for processing a road closure application such as those for administration and advertising. In preparing proposals for administering the Act a charging policy will have to be agreed by Members in relation to costs and fees.</p>
4.2	<p><b><u>Human Resources</u></b>  There are potential staffing resources implications in undertaking this function but these are difficult to quantify at present until the full scoping exercise has been completed. There may be a need to increase the compliment of licensing staff to administer and enforce this new legislation</p>
4.3	<p>bearing in main the introduction of the Licensing of Pavement Cafés legislation, which came into effect on 31<sup>st</sup> October 2016.</p> <p><b><u>Asset and Other Implications</u></b>  These, if any, will be identified through the scoping exercise.</p>
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	<p>We have consulted with the Equality Section and we will be able to bring further information to the next meeting in relation to the equality and good relations implications of the Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010.</p>

<b>Report to:</b>	Regulatory and Technical Services Committee Meeting
<b>Date of Meeting:</b>	25 <sup>th</sup> January 2017
<b>Subject:</b>	Implementation of the Licensing of Pavement Cafes Act (NI) 2014 Policy
<b>Reporting Officer (Including Job Title):</b>	<i>Mr Colum Jackson, Assistant Director of Regulatory and Technical Services</i>
<b>Contact Officer (Including Job Title):</b>	<i>Mr Colum Jackson, Assistant Director of Regulatory and Technical Services</i>

<b>Decisions required:</b>	
Members are asked to note the content of this report and give consideration to:	
<ul style="list-style-type: none"> <li>The Approval of the attached Policy for the Enforcement of the Pavement Café legislation</li> </ul>	
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>The Licensing of Pavement Cafés Act (NI) 2014 came into operation with effect from 1 October 2016. This new legislation allows owners of cafés, restaurants, pubs or other premises supplying food or drink to apply to Newry, Mourne and Down District Council for a Pavement Café Licence to place temporary furniture outside their premises for use for the consumption of food or drink supplied.</p> <p>However while the provision of street cafés is encouraged it is important that they are properly administered and managed to ensure that they meet the high standards expected in our towns. They should not obstruct the footway or create a hazard for pedestrians especially for blind, partially sighted and other disabled people or cause noise disturbance or other nuisance to residents or neighbouring businesses. They should also be attractive areas to sit in.</p> <p>Council have already approved to grant pavement café licences initially for the duration of 3 years in line with the Council's timeframe for policy review and have approved the licence fees for the grant, renewal or variation of a pavement café licence.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<p>The Licensing of Pavement Cafés Act (Northern Ireland) 2014 concluded its legislative passage and received Royal Assent on 12 May 2014.</p> <p>The Pavement Café Enforcement Policy is integral to the successful</p>

	implementation of this Act, the formal adoption of the Policy is recommended.
<b>3.0</b>	<b>Recommendations:</b>
3.1	Members are asked to approve the attached Pavement Café Enforcement Policy as set out in Appendix I.
<b>4.0</b>	<b>Resource implications</b>
4.1	There are potential staffing implications for councils in the implementation of the Act and reference is made to the time allocated to processing application and the enforcement of the Act. As such Council have already agreed to charge a fee for the provision of this service.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	There are a number of equality implications associated with the introduction of the Act which will need to be considered such as ensuring the pavement café does not impede those with a physical or visual impairment.
<b>6.0</b>	<b>Appendices</b>
	Appendix I: Pavement Café Enforcement Policy



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

**Newry, Mourne  
and Down**  
District Council

# **Pavement Cafés**

## **Enforcement Policy**

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

**REGULATORY & TECHNICAL SERVICES DEPARTMENT**

**Dated: 05 December 2016**

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## **1. Purpose**

By virtue of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 the District Council may regulate street trading through enforcement powers in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to take enforcement action against a person of whom there is reasonable grounds to suspect commission of an offence under this Act while involved in Pavement Cafés. Its aim is to provide, in so far as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

## **2. Scope**

This Policy is intended to ensure that the District Council Members and Officers and all other interested parties are aware of those matters to be taken into consideration when determining, what if any, enforcement action is to be taken.

## **3. References**

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

## **4. Background**

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 (here after called 'the Act') enables District Councils to regulate public areas through designating, licensing and enforcement procedures. The Act received Royal Assent in May 2014 and became operative on 1<sup>st</sup> October 2016.

Sections 22 to 24 of the Act details those activities which would be in contravention of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 and which would be enforced by means of a prosecution or seizure by authorised officers of the District Council.

## **5. General Principles**

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

5.2 Officers upon becoming aware of a contravention of a pavement café licence may use their discretion and implement such steps as the Officer thinks fit to:-

- (a) Issue a verbal warning
- (b) Issue a formal caution with a recommendation to prosecute or
- (c) Invoke the powers of seizure

## 6. **Unlicensed Pavement Cafés**

6.1 Subject to subsection (2), if at any time while a business involving the supply of food or drink in or from any premises to members of the public, or of a section of the public, is being carried out ("the time in question" ) -

- (a) furniture for use for the consumption of food or drink supplied in or from the premises is placed on a public area in the course of the business, or
- (b) furniture for such use which has been placed on a public area in the course of the business remains on that public area.

each responsible person commits an offence.

6.2 Section 1 and 2 of the Act states that 'if the holder of a pavement café licence contravenes a condition of a kind specified in paragraphs 1 to 3 of Section 6'.

6.3 When an authorised Officer of the District Council has reasonable grounds for suspecting that furniture for the consumption of food or drink has been placed in an unlicensed area, then the authorised Officer or a Constable may:

- (a) if the Officer/Constable knows or is satisfied that an offence has taken place then he/she shall proceed with initiation of legal proceedings as outlined in section 5.2 above, against the responsible person and advise to remove the furniture immediately.
- (b) If the Officer/Constable is not satisfied with the identity given by that responsible person or cannot verify this identity then the authorised officer/constable may begin seizure powers immediately. All possible steps shall be taken by the District Council to ascertain the identity of alleged offender to initiate legal proceeding against him/her.

## 7. Contravention of Licensing Conditions

- 7.1 An authorised officer may at any reasonable time, in order to obtain information required by the Council for a purpose mentioned in section 22(2) of the Act;
- (a) enter and inspect premises to which a pavement café licence relates, or to which an application for the grant, renewal or variation of such a licence relates;
  - (b) inspect furniture placed on a public area for use for the consumption of food or drink supplied in or from any premises;
  - (c) inspect any other object placed on a public area with such furniture.
- 7.2 When an authorised Officer of the District Council becomes aware of a contravention of conditions of a pavement café licence they may record such contravention/s in a properly documented manner and the licensee may be cautioned in regard to the contravention. A report will be prepared, detailing the contravention and may be taken to Council with a view to recommending prosecution.
- 7.3 An authorised Officer of the District Council, upon becoming aware of contraventions of a pavement café licence as set out in Section 6, paragraph 1 to 3 will issue a verbal warning to the responsible person.
- 7.4 The responsible person must desist from operating a pavement café in breach of his/her Licence within a period of thirty minutes of the warning issued by the authorised Officer of the District Council. If the responsible person refuses to desist from operating the Council may cease any temporary furniture which is unlicensed to be removed from a public area and stored.
- 7.4 The authorised Officer of the District Council shall record details of the warning issued and particulars of the offence in his/her designated log book and a copy of this entry will be given to the Trader. The District Council shall notify the responsible person **within 14 days** of the removal and storage and of how the furniture may be recovered.
- 7.5 Contraventions:  
Any person who:
- (a) without reasonable excuse contravenes any condition of a pavement café licence, which is a condition of a kind specified in paragraphs 1 to 3 of Section 6 of the Act;
  - (b) fails on demand and without reasonable excuse to produce his/her pavement café licence to an authorised Officer;
  - (c) fails to state his/her name and address or states a name or an address that is incorrect;



- (d) in connection with an application for the grant, renewal or variation of a street trading licence or the grant of a temporary licence makes a statement which he knows to be false in a material particular;
- (e) resists or intentionally obstructs an authorised Officer in the execution of his duties under this Act.

## **8. Revocation of a Pavement Café Licence**

- 8.1 14 (1)A District Council may at any time revoke a pavement café licence if it is satisfied -
- (a) that all or part of the public area where the licence permits the placing of temporary furniture for use for the consumption of food or drink has become, or is going to become, unsuitable for that purpose;
  - (b) that continuing to place such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises specified in the licence would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in the disorder;
  - (c) that the licence holder, in connection with an application for the grant, renewal or variation of the licence, made a statement which the applicant knew to be false in a material respect or failed to comply with section 11 of the Act.
  - (d) That any condition of the licence has not been complied with; or
  - (e) That the licence holder has, without reasonable explanation, failed to pay any fee due to the District Council under section 12 of the Act.
- 8.2 Where the District Council proposes to revoke, suspend or impose a compulsory variation it shall give the licence holder, "notice in writing".
- 8.3 The notice of any revocation, suspension or compulsory variation referred to in 8.2 must-
- (a) state when the revocation, suspension or variation takes effect;
  - (b) in the case of suspension, state when the suspension ends;
  - (c) state the grounds for the revocation, suspension or variation; and
  - (d) include the notice of the licence holder's rights under section 21 of the Act.
- 8.4 (1) A council may at any time revoke a pavement café licence if it is satisfied -
- (a) that all or any part of the public area where the licence permits the placing of temporary furniture for use for the consumption of food or drink has become, or is going to become, unsuitable for that purpose;
  - (b) that continuing to place such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or

from the premises specified in the licence would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;

(c) that the licence holder, in connection with an application for the grant, renewal or variation of the licence, made a statement which the application knew to be false in a material respect or failed to comply with section 11;

(d) that any condition of the licence has not been complied with; or

(e) that the licence holder has, without reasonable explanation, failed to pay any fee due to the council under section 12.

- 8.5 (3) If the District Council considers that a licence could be revoked on any of the grounds mentioned in paragraphs (a) to (c) of subsection (1) the District Council may instead of revoking it, suspend a pavement café licence if it is satisfied that any of the grounds set out in section 14 (1) (c) to (e) is met.

## **9. Powers of Seizure**

- 9.1 Where a District Council has reasonable grounds for suspecting that an offence under section 2 of the Act, has occurred, the Council may cause any temporary furniture which is unlicensed to be removed from a public area and stored.

- 9.2 Where any furniture is removed and stored under subsection (1), the council –
- (a) must, where the name and address of the person in the course of whose business in the furniture was placed on the public area ("the responsible person") is known, notify the person of the removal and storage and of how the furniture may be recovered; and
- (b) may recover from the responsible person the costs reasonably incurred by the council in removing and storing the furniture.

- 9.3 Any charges incurred by a council in pursuance of subsection (1) shall be payable by the responsible person before the return of the furniture to that person.

- 9.4 Where any furniture-
- (a) has been removed under subsection (1), and
- (b) has not been recovered by the responsible person within 3 months beginning with the date of its removal

The council may take such steps as are reasonable to sell it or to dispose of it in such other way as the council thinks fit.

- 9.5 The authorised Officer shall ensure that the appropriate removal/seizure forms are fully completed and attached to the appropriate file.

- 9.6 A person who intentionally obstructs an authorised officer acting in the exercise of powers under section 22 or 23 commits an offence. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## 10. Policy Owner

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

## 11. Contact details in regard of this policy are:

Mr Colum Jackson,  
Assistant Director of Regulatory and Technical Services  
(Building Control and Regulation)  
Newry, Mourne and Down District Council  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DJ  
Tel 028 3031 3000

## 12. Policy Authorisation

Development Committee Meeting Authorised on	25 <sup>th</sup> January 2017
Council Authorised on	06 <sup>th</sup> February 2017

## 13. Policy Effective Date –13<sup>th</sup> February 2017

## 14. Policy Review Date – 13th February 2020

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

## 15. Procedures

Refer to the Pavement Café Designation Procedure

## 16. Equality Screening

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

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

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

Version 1.0

**NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

PROPERTY REMOVAL/RECEIPT FORM

Ref No:

**Use block capitals and black ink when completing this form**

Removal Officer's Name		Date		Time		Process Book No	
------------------------	--	------	--	------	--	-----------------	--

Location of Property

Owner's Name \_\_\_\_\_ Address \_\_\_\_\_

Responsible Person's Name \_\_\_\_\_ Address \_\_\_\_\_

(if different from above)

**List any pavement café furniture seized**

	Description	Quantity	Tag No.	Furniture Condition Report
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

I confirm that the above details are correct  Traders Signature: .....	<b>Trader refused to sign</b>  <input type="checkbox"/> <b>Tick</b>	Received at compound Time ..... Date ..... Property Officer: ..... Signature: .....

## Newry, Mourne & Down District Council – December 2016

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### 1. Live Applications

MONTH 2016	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394
October	132	1,026	392
November	132	1,007	355
December	124	1,016	333

## Newry, Mourne & Down District Council – December 2016

### 2. Live Applications by length of time in system

Month 2016	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	<b>1,389</b>
May	549	331	222	86	147	<b>1,335</b>
June	511	249	195	77	146	<b>1,178</b>
July	501	221	196	78	151	<b>1,147</b>
August	480	204	162	99	144	<b>1,089</b>
September	472	182	150	97	147	<b>1,048</b>
October	462	172	135	103	154	<b>1,026</b>
November	483	169	115	100	140	<b>1,007</b>
December	496	187	99	97	137	<b>1,016</b>

### 3. Live applications per Case Officer

Month 2016	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40
October	41
November	46
December	51

## Newry, Mourne & Down District Council – December 2016

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### 4. Decisions issued per month

Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140
October	145	122
November	141	102
December	106	85

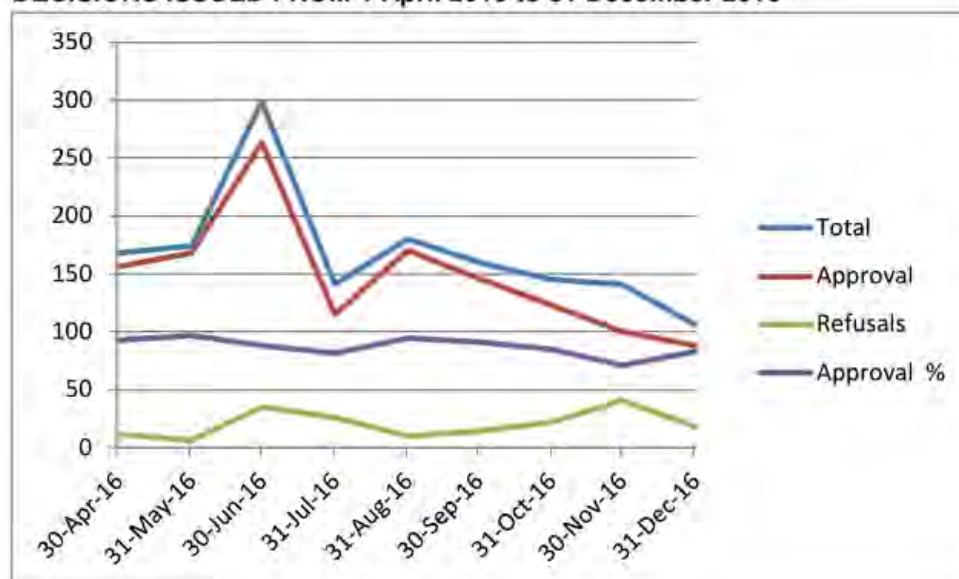


## Newry, Mourne & Down District Council – December 2016

### 5. Decisions Issued YTD

Month 2016	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	168	Approvals (156)	93%
		Refusals (12)	7%
May	342	Approvals (324)	95%
		Refusals (18)	5%
June	640	Approvals (587)	92%
		Refusals (53)	8%
July	781	Approvals (702)	90%
		Refusals (79)	10%
August	961	Approvals (872)	91%
		Refusals (89)	9%
September	1,121	Approvals (1018)	91%
		Refusals (103)	9%
October	1,266	Approvals (1141)	90%
		Refusals (125)	10%
November	1,407	Approvals (1241)	88%
		Refusals (166)	12%
December	1,513	Approvals (1329)	88%
		Refusals (184)	12%

**DECISIONS ISSUED FROM 1 April 2016 to 31 December 2016**



## Newry, Mourne & Down District Council – December 2016

### 6. Enforcement Live cases

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

## Newry, Mourne & Down District Council – December 2016

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### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
26 October 2016	30	21	9
10 November 2016	30	23	7
23 November 2016	31	22	9
7 December 2016	30	14	16
21 December 2016	22	14	8
<b>Totals</b>	<b>371</b>	<b>235</b>	<b>136</b>

\*2 Applications called in by DfI

### 8. Appeals

#### Planning Appeal Commission Decisions issued during December 2016

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	23	2	0	2	0
Down	8	1	1	0	0
<b>TOTAL</b>	<b>31</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>

## Newry, Mourne & Down District Council – December 2016

### 9. Statutory Targets Performance Data

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

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
Aug									
ust	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	1	75.2	0.0%	129	16.4	47.3%	4	19.8	100.0%
Nov	2	121.6	0.0%	145	28.0	33.1%	23	58.4	39.1%
Dec	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Jan	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
<b>Year to date</b>	<b>22</b>	<b>104.1</b>	<b>4.5%</b>	<b>1,362</b>	<b>23.4</b>	<b>33.6%</b>	<b>105</b>	<b>60.3</b>	<b>51.4%</b>

Source: NI Planning Portal

#### Note

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

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

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

## Record of meetings between Planning Officers and Public Representatives

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

## Record of meetings between Planning Officers and Public Representatives

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

## Record of meetings between Planning Officers and Public Representatives

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25/11/2016	Jacqui McParland	Cllr Taylor
02/12/2016	Annette McAlarney	Cllr Andrews and Walker
15/12/16	Anthony McKay	Margaret Ritchie MP

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October - 31 December 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
3/10/16	Clr R Mulgrew		J McParland/Andrew Davidson (No Reply)	Clr to E-mail		3/10/16
" "	M Ritchie MP	Update on housing application	L O'Connor	E mail from A McAlarney		5/10/16
4/10/16	Jim Shannon		Andrew Hay	Message		4/10/16
4/10/16	Clr G Fitzpatrick	Enforcement issues	P Rooney – D Watson	E mail		7/10/16
5/10/16	Mgt Ritchies Office	Wished to Speak to A McKay	T/S to Annette			5/10/16
" "	Clr T Andrews	Update	A McAlarney	Direct e mail		11/10/16
6/10/16	Clr Paul Gribbon	App in Castlewellan Area	T/S to Annette			6/10/16
7/10/16	Colin McGrath		T/S to Annette			7/10/16
" "	Clr H Reilly	Request for meeting	C O'Rourke – A McKay	E mail		13/10/16
8/11/16	Clr B Walker	Request for meeting	A McAlarney	Direct e mail		14/11/16
10/10/16	Clr G Hanna	Enforcement issues	David Watson	E mail		14/10/16
" "	Clr D Taylor	Update	J McParland/A Davidson	E Mail		11/10/16
10/10/16	Naomi Bailie x2		Mark Oliver x 2	Transferred Call		10/10/16
" "	Clr G Fitzpatrick		P Rooney	Direct e mail		12/10/16
11/10/16	Clr Glynn Hanna		Davy Watson	Transferred Call		11/10/16
" "	Clr P O'Gribin		A McAlarney	Transferred call		11/10/16
" "	Clr G Fitzpatrick	Request for meeting	P Rooney	DSU-P Rooney		17/10/16 & 20/10/16
12/10/16	M Ritchie MP	Update	M Keane	Direct e mail		12/10/16
13/10/16	Clr P Brown	Potential enforcement at 39 Ardglass Road, Downpatrick	A Hay	Direct e mail		13/10/16
" "	Clr M Ruane	CLUD app for M McGivern	P Rooney	Direct e mail		13/10/16
" "	Clr P O'Gribin		A McAlarney	Call transferred		13/10/16
" "	J McNulty MLAs Office		J McParland	Call transferred		13/10/16
13/10/16	J McNulty MLA		P Rooney	Call transferred		13/10/16



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October - 31 December 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
17/10/16	Clr S Bradley	Updates	P Rooney	Direct e mail	17/10/16	
20/10/16	Clr R Mulgrew	Discuss e mail from A Davidson	A Davidson	Call transferred	20/10/16	
21/10/16	Frances from S Bradley MLAs Office	-----	P Rooney	E mail sent	24/10/16	
" "	Clr D Curran	Appt 31/10/16 at 9.30am with potential applicant John Magee	A McAlarney	E mail sent	31/10/16	
24/10/16	Clr D McAteer	Bettyshill Road, Ballyholland	P Rooney	E mail sent	28/10/16	
" "	M Ritchie's office	Mr McEvoy - revocation	A McAlarney	Direct e mail	24/10/16	
" "	" "	Objects from residents	M McQuiston – A McAlarney	Direct e mail	24/10/16	
" "	" "	Update	M Keane	Direct e mail	24/10/16	
25/10/16	Clr P O'Gribin	Not pleased that a Senior Planner was not available to take his call	A McAlarney	E mail sent	25/10/16	
" "	Clr B Walker	-----	A McAlarney	E mail sent	25/10/16	
" "	Clr N Bailie	Update	M Keane	Direct e mail	27/10/16	
" "	M Ritchie MP	Updates	A McAlarney	Direct e mail	28/10/16	
26/10/16	Clr P O'Gribin	-----	A McAlarney	E mail sent	27/10/16	
" "	Clr H Harvey	Letter of support	DSU-A McAlarney	Direct e mail	27/10/16	
" "	Clr Hearty	Rural Development Funded Applications	L Hannaway/C O'Rourke/A McKay	Direct e mail	27/10/16	
27/10/16	Clr R Mulgrew	Re Site meeting	A Davidson	Call transferred	27/10/16	
28/10/16	M Ritchie MP	-----	A McAlarney	Call transferred	28/10/16	
" "	Clr M Ruane	Issue or Decision Notice	P Rooney	Direct e mail	28/10/16	
28/10/16	Clr G Fitzpatrick	Martin Bailie	P Rooney	Direct e mail	1/11/16	
30/10/16	Clr T Andrews	Request for meeting	A Davidson	Direct e mail	31/10/16	
31/10/16	Clr T Andrews	Request for meeting	A Davidson-A McAlarney	Direct e mail	31/10/16	
" "	Clr D Taylor	Request to prioritise application	A Davidson	Direct e mail	31/10/16	

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October - 31 December 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
1/11/16	ClIr T Andrews		Request for meeting	A McAlarney	Direct e mail	1/11/16
" "	ClIr T Andrews		Re; 19 Downpatrick Road, Crossgar	M Keane	Direct e mail	3/11/16
2/11/16	ClIr S Burns			A McAlarney	Direct e mail	2/11/16
2/11/16	ClIr S Burns			A McAlarney/Mark K	ClIr to phone back	2/11/16
" "	ClIr C McGrath		Request for meeting	A McAlarney	Direct e mail	4/11/16`
3/11/16	ClIr H McKee			A Davidson-A McAlarney	Direct e mail	3/11/16
3/11/16	ClIr Mulgrew			A Davidson-A McAlarney	Direct e mail	3/11/16
3/11/16	Justin McNulty MLA			P Rooney	T/S Call to P Rooney	3/11/16
" "	ClIr R Mulgrew		Request for app to be removed from Committee on 10/11/16	A Davidson	Direct e mail	3/11/16
7/11/16	ClIr T Hearty		Update requested	A Davidson	Direct e mail	7/11/16
" "	M Ritchie MP		Update requested	M Keane	Direct e mail	7/11/16
" "	ClIr D Taylor		Wind turbines Newtownhamilton	A Davidson	E mail sent	8/11/16
" "	M Ritchie MP		Request for PAD	A McAlarney	Direct e mail	8/11/16
" "	ClIr W Walker		Update	A McAlarney	Direct e mail	8/11/16
" "	ClIr T Hearty		Update	A Davidson	Direct e mail	7/11/16 & 10/11/16
9/11/16	ClIr R Mulgrew		Follow up enquiry	A Davidson	Call transferred	9/11/16
10/11/16	ClIr R Mulgrew			A Davidson	Call transferred	10/11/16
14/11/16	ClIr G Craig		Site visits 15/11/16	P Rooney	E mail sent	14/11/16
15/11/16	ClIr C Casey			P Rooney	Direct e mail	16/11/16
16/11/16	ClIr H McKee			J McParland	E mail sent	16/11/16
" "	ClIr S Bradley		When will decision notice be issued?	P Rooney	Direct e mail	16/11/16
" "	M Ritchie MP		Ballydonnety Road, Downpatrick	A McAlarney	Direct e mail	16/11/16

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October - 31 December 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
17/11/16	Cllr P O’Gribin	-----	A McAlarney	Call transferred	17/11/16	
17/11/16	Cllr P O’Gribin	General enquiry re consultation/involvement in the preparation of the LDP	A Hay	Returned call	17/11/16	
21/11/16	Cllr Walker	Date for meeting	M Keane	Direct e mail	22/11/16	
21/11/16	Cllr D Taylor	Request for priority status for application	A Davidson	Direct e mail	22/11/16	
22/11/16	Cllr P O’Gribin	-----	M Keane	Call transferred	22/11/16	
" "	M Ritchie MP	-----	A McAlarney	E mail sent	24/11/16	
" "	Cllr D Taylor	-----	A Davidson	Call transferred	22/11/16	
" "	M Ritchie MP	Update requested	A McAlarney-D Clarke	Direct e mail	24/11/16	
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	22/11/16	
" "	Cllr L Kimmins	Request for a meeting	A Davidson	Direct e mail	22/11/16 & 29/11/16	
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	24/11/16	
23/11/16	Cllr J Trainor	Remove letter of objection and save as letter of support	M McIlhone	Call answered	23/11/16	
23/11/16	Cllr C Enright	Request for a meeting	A McAlarney	Direct e mail	30/11/16	
24/11/16	Cllr D Curran	-----	C Miskelly	Call transferred	24/11/16	
24/11/16	Cllr Jill MacAuley	-----	A Davidson	E mail	25/11/16	
" "	Cllr W Clarke	Update requested	P Rooney	Direct e mail	25/11/16	
25/11/16	Cllr S Doran	Request for a meeting	J McParland-A McAlarney	Direct e mail	25/11/16	
28/11/16	Cllr T Andrews	Request for meeting re refusal decision	A McAlarney	Direct e mail	28/11/16	
" "	M Ritchie’s office	Further details on Planning Decision	A McAlarney	Call transferred	28/11/16	
" "	Cllr L Kimmins	Update requested	C O’Rourke-A McKay	E mail	29/11/16	
" "	Cllr T Andrews	Update requested	A McAlarney	Direct e mail	29/11/16	

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October - 31 December 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
30/11/16	Cllr G Fitzpatrick	Update requested	P Rooney	Direct e mail	30/11/16	
" "	Cllr G Fitzpatrick	Update requested	P Rooney	Direct e mail	30/11/16	
" "	Cllr D Taylor	-----	A Davidson	E mail sent	1/12/16	
" "	M Ritchie	Update on Decision	A McAlarney	Direct e mail	30/11/16	
" "	Cllr G Stokes	Update	A Davidson	Direct e mail	1/12/16	
1/12/16	Cllr P Brown	Policy query	A Davidson	Call transferred	1/12/16	
" "	" "	Follow up to earlier call	A McAlarney	E mail	Message left 1/12/16	
" "	Cllr P Byrne	-----	A Davidson	E mail	1/12/16	
2/12/16	Cllr C McGrath	Follow up to earlier enquiry	A McAlarney	Direct e mail	2/12/16	
" "	Cllr T Hearty	Update requested	P Rooney	Direct e mail	6/12/16	
" "	" "	Information on Farm Business	P Rooney	Direct e mail	6/12/16	
5/12/16	M Ritchie MP	Update requested	A McAlarney-M Keane	Direct e mail	7/12/16	
6/12/16	Cllr R Mulgrew	Re Clarke McCourt Application	A Davidson	E mail	8/12/16	
" "	Cllr M Murnin	Query withdrawal from Committee meeting 7/12/16	A McAlarney	Telephone call	2/12/16	
6/12/16	M Ritchie MP	Request to withdraw app. from committee meeting 7/12/16	A McAlarney	Direct e mail	6/12/16	
" "	M Ritchie MP	Support for application	A McAlarney	Direct e mail	6/12/16	
7/12/16	M Ritchie	Update requested	A McAlarney	Direct e mail	7/12/16	
7/12/16	M Ritchie MP	Update requested	A McAlarney-M Keane	Direct e mail	9/12/16	
8/12/16	Cllr S Doran	Update requested	A Davidson	E mail sent	8/12/16	
" "	M Ritchie MP	Update requested	A McAlarney	Direct e mail	8/12/16	
" "	Cllr T Andrews	Update requested	A McAlarney	Direct e mail	9/12/16	
9/12/16	M Ritchie MP	Update requested	A McAlarney-M Keane	Direct e mail	9/12/16	
" "	Cllr G Fitzpatrick	Update requested	C O'Rourke-A McKay	Direct e mail	13/12/16	
12/12/16	M Ritchie MP	Update requested	K Cunningham	Direct e mail	19/12/16	
13/12/16	Cllr S Doran	Update	A Davidson	Call transferred	13/12/16	
" "	J Shannon MP	Request to remove from	A Hay	Direct e mail	14/12/16	

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October - 31 December 2016

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
		Committee meeting				
" "	ClIr W Walker	Request for meeting and deferral	A McAlarney	Direct e mail	14/12/16	
" "	M Ritchie MP	Update requested	M Keane-K Cunningham	Direct e mail	19/12/16	
" 2	M Ritchie MP	Enforcement issue	M Keane	Direct e mail	5/1/17	
14/12/16	ClIr P Byrne	Update	A Davidson	Call transferred	14/12/16	
" "	ClIr W Walker	Request for Deferral from Committee meeting 21/12/16	A McAlarney	Direct e mail	14/12/16	
15/12/16	ClIr M Ruane	Re Meeting with J McParland	Rita McCrickard	Details confirmed by return telephone call	15/12/2016	
16/12/16	ClIr D Taylor	Update	A Davidson	E mail sent	20/12/16	
" "	M Ritchie's Office	Can decision be temporarily blocked?	M McQuiston-A McAlarney	Direct e mails	16/12/16	
16/12/16	M Ritchie MP	Update on app. Dwelling between 32-34 Eliza Close, Newcastle	M Keane-C Moane	Direct e mail	19/12/16	
19/12/16	ClIr T Hearty		C O'Rourke-P Rooney	Direct e mail	21/12/16	
" "	ClIr L Kimmons	Update requested	C O'Rourke-A McKay	Direct e mail	21/12/16	
20/12/16	ClIr P Brown	Update request	M Keane	Call transferred	20/12/16	
" "	Harold McKee MLA	Update	D Watson	E mail sent	21/12/16	
21/12/16	Thomas for Justin McNulty MLA	Re; meeting on application	P Rooney	E mail sent	23/12/16	
21/12/16	ClIr Dermot Curran	Call for Enforcement	C Miskelly	Call Transferred	21/12/16	
22/12/16	Alice for M Ritchie	Asked name of Applicant	M McIlhone	Call answered	22/12/16	
" "	ClIr Jill McAuley	Update requested	A McAlarney	Call transferred	22/12/16	
23/12/16	M Ritchie MP	Potential Enforcement issue	A McKay	Direct e mail	23/12/16	

<b>Report to:</b>	Regulatory and Technical Services Committee
<b>Date of Meeting:</b>	25 <sup>th</sup> January 2017
<b>Subject:</b>	Potential visit to Re-Gen processing plant
<b>Reporting Officer (Including Job Title):</b>	Canice O'Rourke Director, Regulatory & Technical Services
<b>Contact Officer (Including Job Title):</b>	Joe Parkes Assistant Director, Regulatory & Technical Services

<b>Decisions required:</b>	
Committee are requested to consider the possibility of arranging a formal visit to view the Re-Gen waste processing plant in Newry	
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	A number of individual councillors have received an invitation to visit the waste processing plant owned by Re-Gen. Re-Gen presently process the majority of the council's residual waste and also process a significant amount of the council's recyclable waste.
<b>2.0</b>	<b>Key issues:</b>
2.1	<p>It is completely appropriate for members to seek a more detailed understanding of the processes used to deal with the council's waste, and such understanding can be gained from visiting active processing plants.</p> <p>However, members need to be aware that such visits could potentially give rise to the perception of bias in the award of any future waste processing contracts. This is particularly relevant in relation to Re-Gen as they are presently contracted to manage the majority of the council's waste, and such contracts do and will come up for renewal.</p> <p>Nevertheless, this potential for the perception of bias can easily be managed by ensuring that the Re-Gen site is not the only such site members visit. If members are content to subsequently visit alternative sites, owned and managed by other processors, then there is no reason why they should not visit the Re-Gen site.</p> <p>Any potential for the perception of bias will also be reduced if such visits are formally organised by council, as opposed to individual councillors accepting a personal invitation.</p> <p>If members perceive benefit in an educational visit to the Re-Gen waste processing site, it is therefore recommended that committee give permission for officers to arrange a formal visit, which should be open to all elected members.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	It is recommended that if members perceive benefit in an educational visit to the Re-Gen waste processing site, a formal visit, open to all elected members, should be arranged by officers.

<b>4.0</b>	<b>Resource implications</b>
4.1	N/A
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	N/A
<b>6.0</b>	<b>Appendices</b>
	None

<b>Report to:</b>	Regulatory and Technical Services Committee
<b>Date of Meeting:</b>	25 January 2017
<b>Subject:</b>	Moving to a single standard of no glass in Blue Recycle Bins
<b>Reporting Officer (Including Job Title):</b>	Mr Canice O'Rourke Director of Regulatory and Technical Services
<b>Contact Officer (Including Job Title):</b>	Mr Joe Parkes Assistant Director of Regulatory and Technical Services

### Decisions required:

#### Committee to recommend:-

- that as of 1st April 2017, no glass is accepted in blue recycling bins
- we implement the required environmental education and communication programme, which will require two students for six months
- additional glass bottle banks are procured and placed across the Newry Legacy area

### 1.0

#### Purpose and Background:

#### 1.1

**The purpose of this Paper is to inform the R&TS committee on the implementation plan to remove glass from the blue bin collections in the legacy Newry area and to ensure awareness of the issues and potential costs associated with doing so, and to seek committee approval to progress this necessary step towards ultimately achieving the council's statutory 50% recycling rate target by 2020.**

The Council's Strategic Waste Management Group (SWWG) has had several meetings regarding strategic waste issues that will affect the Council in the short to medium term and these issues have previously been reported to committee. As a consequence, Council has already agreed to extend the existing Brown bin collection scheme to provide a food waste collection service to all houses in the district.

The SWWG has also acknowledged the need to remove glass from the blue bins in the legacy Newry area, as this aligns with European legislation and standardises the blue bin collection practices across the district, potentially improving our ability to achieve the statutory 50 % recycling rate by 2020.

WRAP have recently co-ordinated a Northern Ireland Gap Analysis, on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA). The purpose of the study was to determine the most appropriate and effective actions to be taken by Councils in Northern Ireland, to achieve a recycling rate of 50 %, by 2020.

Officers have reviewed Advice from WRAP, arc21 and DAERA, all of whom support a separate collection of glass and note that DAERA indicate that it is unlikely that proposals seeking grant-aid to improve recycling rates, will qualify for assistance unless the proposals meet the requirements for the Program for Governance, which in turn support the WRAP proposals. It is therefore clear that Council must pursue a common standard of 'no glass in the blue recycling bin'.

At present we have differing glass collection procedures in differing parts of the district, with glass being collected in blue bins in the Newry and Ballyward legacy areas but not in



	<p>the Down legacy area. In the legacy Down area, glass is collected through a network of bottle banks/bring points and HRCs sites.</p> <p>While 'Glass-in' achieves greater tonnages of recyclate collected, 'Glass-out' systems tend to provide a better quality of collected material, which is potentially a more attractive collection system for reusable material as we move ever closer to a circular economy.</p> <p>Legislation also requires the separate collection of glass, paper, metal and plastics unless it can be shown that a separate collection is not necessary to achieve good quality recyclables, particularly where it is not technically, environmentally or economically practicable to do so. While NMD has produced a so called TEEP defence to justify (on quality grounds) retention of our co-mingled dry recyclables collection, we could not, in the face of this European legislation, justify expending the inclusion of glass in the blue bins of the legacy Down area and in deed arc21 and the Technical Advisers Group both support the undertaking of a separate glass-collection in common with DAEFRA and WRAP.</p>
<p><b>2.0</b></p>	<p><b>Key issues:</b></p>
<p>2.1</p>	<p>While the decision to remove glass from the blue bins is essential and accords with legislative requirements and best practice, it is not without its difficulties.</p> <p>It will require a major behavioural change on behalf of the residents who presently place their glass in the blue bins and successfully driving that change will take time and require a well-orchestrated education programme and a well implemented communications strategy.</p> <p>There are also likely to be potential cost implications which need to be anticipated and managed accordingly. While a 'glass-out' collection will attract a significantly lower gate-fee, glass will in itself become a contaminate and will potentially drive up contamination charges if it is not controlled at the point of collection. Effective control at the point of collection basically means rejecting contaminated bins, and this in turn will cause significant customer dissatisfaction. Hence the importance of the effective communication strategy and education programme.</p> <p>It should also be noted that Council is currently committed to a blue bin processing contract that will continue until 1 April 2018. In effect this will allow council to have a full year to effectively change residents behaviour before contamination charges due to glass would kick in.</p> <p>An analysis of likely savings from removing glass from the blue bins in the Newry legacy area, assuming the reduced gate fee presently achieved in the legacy Down area, would indicate a potential saving of approximately <b>£253,960. This saving would be achieved in 2018/2019, when the new contract would be in place.</b></p> <p>However, such savings could be significantly impacted if residents simply place their glass in the black bins. It is estimated that simple redirection to the black bin could cost an additional <b>£208,104</b> in black bin processing charges. This emphasises again the critical importance of the effective communications strategy and education programme, both of which will come at some cost.</p> <p>It will therefore be necessary to invest in an advertising &amp; communications plan, to ensure</p>

that the public understands the need to recycle while providing staff on the ground to implement ongoing education and potential enforcement. To drive that education programme, the department would intend to bring in two students for six months to enhance the existing environmental education team, these students being specifically targeted at domestic recycling education.

It is envisaged that direct enforcement action would be deferred for at least three months following the implementation of the new policy, and when enacted, would apply to glass contaminating both the blue and the black bins. Initial enforcement would be by way of warning stickers, with repeat offenders ultimately having their bins refused collection.

Additionally, in the absence of adequate alternative glass collection mechanisms, which are accessible and easy to use, it is likely that the actual volume of glass recycled is likely to reduce, once again highlighting importance of an effective communications strategy and education programme, but also the necessity to adequately provide for the upfront costs of both the education/communication strategy and the alternative collection infrastructure – e.g. bottle banks and collection crates.

Initial estimates of the costs associated with the education/communication programme and the provision of additional infrastructure would indicate a necessary spend in the order of £45,000, which includes all advertising, leaflets and bringing in two students for six months. These costs, in 2017/2018, will be covered by reduced gate fee costs, derived by decreased contamination. These figures also assume that the capital outlay on Bottle Banks could be funded from grants available from central government. There would also be some small cost increase associated with the cleansing of the new additional bottle banks, in the order of £5,000.

So in order to protect the estimated savings of £254K (in 2018/2019), and avoid the additional black bin processing costs of around £208K costs, it will be necessary to invest around £50K in 2017/2018, which will be cost neutral on the budget due to a reduction in blue bin gate fees, based on reduced contamination levels.

### 3.0

#### Recommendations:

#### 3.1

To achieve our statutory 50% recycling rate by 2020 it is recommended Council pursue a strategy in 2017, to remove glass from Blue Bins and have a common policy of **No glass in Blue Bins**, effective 1 April 2017. The financial benefits of this will be realised in 2018/2019, while the 2017/2018 costs will be neutral.

The effective implementation of this policy will require the development and deployment of an Education and Communications strategy to ensure the behavioural change required and will also necessitate the provision of an alternative glass collection system (local crates and increased bottle banks).

It is therefore recommended:

- that as of 1st April 2017, no glass is accepted in blue recycling bins
- we implement the required environmental education and communication programme, which will require two students for six months
- additional glass bottle banks are procured and placed across the Newry Legacy area

<b>4.0</b>	<b>Resource implications</b>
4.1	This project is estimated to be resource neutral in 2017/2018
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	N/A
<b>6.0</b>	<b>Appendices</b>
	None



**JOINT COMMITTEE**  
**1 December 2016**

**MEMBERS' MONTHLY BULLETIN**

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

**Item 3 - Minutes of Joint Committee meeting 017 held on 27 October 2016**

**For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 27 October 2016.

**'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL**

**Item 5 - Minutes of Joint Committee meeting 017 held 'in committee' on 27 October 2016**

**For approval**

The Joint Committee's approval is sought for the minutes of the meeting held 'in committee' on 27 October 2016.

**Item 7 - Residual Waste Treatment Project**

**For approval**

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

**PAC hearing** - The additional information requested by the PAC was submitted on 9<sup>th</sup> November 2016. Other than reviewing evidence submitted by third party objectors in respect of this additional information it is expected that the profile of the planning workstream will cease to be active until after February 2017.

**FOI/EIR Requests** – The project team continues to respond to requests for information made by various parties under the law.



## JOINT COMMITTEE

### 1 December 2016

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**NIAUR Consultation** – the Northern Ireland Utility Regulator issued a ‘call for evidence’ on 9 November 2016 to begin a process of a review of their electricity distribution and transmission connections policy. arc21 - along with other NI local and central government bodies who seek to develop renewable energy schemes - could be impacted by the outworking of this review. It is proposed that arc21 officers liaise with other public bodies and prepare an appropriate response. The response deadline is 1 January 2017.

The Joint Committee is asked to agree to arc21 Officers preparing and submitting a response to the NIAUR call for evidence on grid connections policy and note the rest of the report.

### RETURN TO MAIN AGENDA

#### **Item 8 - Contracts and Performance Update**

##### **For noting**

The monthly level of contamination at the MRF has increased for the first time in the last four months.

The geographical eligibility area and representation from each Member Council on the Landfill Community Fund Steering Group has been agreed.

Each Contractor appointed under the Bring Contract has returned signed documentation to confirm their agreement to the one year extension period.

Previously, the current Haulage Contract has been extended to 31<sup>st</sup> December 2016 to ensure continuity of service and further extensions will be made as appropriate.

Recent compliance testing of delivered caddy liners against specification indicates non-conformance issues.

The Joint Committee is asked to note the report.

#### **Item 9 - Waste Management Plan**

##### **For noting**

The Waste Management Plan has now been formally determined in all six of the arc21 Constituent Councils.



**JOINT COMMITTEE**  
**1 December 2016**

Councils are now required to complete the statutory process by fulfilling the requirements in relation to transparency and accessibility.

The Joint Committee is asked to note the report.

### **Item 10 - Environmental Services Association (ESA) Strategy Paper**

#### **For noting**

The ESA invited a number of strategic bodies and partners, including arc21, to a consultation session in London to inform a strategic examination of the PRN system with a view to increase recycling of packaging.

The Joint Committee is asked to note the report.

### **Item 11 - Consultation on Waste Electrical and Electronic Equipment Compliance Fee Methodology - Evaluation of Proposals**

#### **For noting**

The purpose of the consultation was to seek views on:

- Whether the Secretary of State should approve a compliance fee for 2016; and
- How well the proposals meet the published evaluation criteria.

The Joint Committee is asked to endorse the response.

### **Item 12 - Draft Programme for Government Framework**

#### **For approval**

The stated purpose of the consultation is to seek views on the Programme for Government which sets the direction for the NI Executive.

arc21 is liaising with other bodies to develop an appropriate arc21 response consistent with the wider ranging Local Government perspective.

The Joint Committee is asked to endorse the approach to the development of the arc21 response and to authorise the Chief Executive to submit an appropriate response.

### Item 13 - NI Recycling Gap Analysis

#### For noting

Indicative results of the NI Recycling Gap analysis undertaken by WRAP were recently presented to Council Officers collectively with more detailed council specific information to follow.

The Joint Committee is asked to note the report.

**Next Meeting: Thursday 26 January 2017 to be hosted by Newry, Mourne and Down District Council**

**ITEM 3**  
**ARC21 JOINT COMMITTEE**  
**Meeting No 017**  
**Hosted by Lisburn & Castlereagh City Council**  
**MINUTES**  
**Thursday 27 October 2016**

**Members Present:**

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

**Members' Apologies:**

Councillor A M Logue	Antrim and Newtownabbey Borough Council
Councillor A Cathcart	Ards and North Down Borough Council
Councillor M Collins	Belfast City Council
Councillor R Brown	Belfast City Council
Councillor J Bunting	Belfast City Council
Councillor O Gawith	Lisburn & Castlereagh City Council
Councillor L Poots	Lisburn & Castlereagh City Council
Councillor S Burns	Newry, Mourne and Down District Council
Councillor D Curran	Newry, Mourne and Down District Council
Councillor G Craig	Newry, Mourne and Down District Council

**Officers Present:**

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

**Officers' Apologies:**

G Girvan	Antrim and Newtownabbey Borough Council
N Grimshaw	Belfast City Council



### Apologies

Apologies were noted.

**Action: Noted**

Councillor O'Loan forwarded his condolences to Heather Moore on behalf of the Committee, on the passing of her mother.

### Conflicts of Interest Statement

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

**Action: Noted**

### Minutes

The minutes of Joint Committee meeting 016 held on 29 September 2016 were agreed.

**Action: Agreed**

### Matters Arising from the Minutes

Page 4 - Mr Quinn reported that a letter had been sent to Alderman Graham as requested.

Page 7 - Mr Burnett reported that the Business Plans for the MRF and Bring Site Contracts had been posted on the Member's secure website as discussed and that he would present any future Business Plans to the Committee along with the proposed recommendations moving forward.

**Action: Noted**

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

### In Committee

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

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

1. In Committee Minutes of Joint Committee Meeting No. 016 held on 29 September 2016. **Action: Agreed**
2. Residual Waste Treatment Project. **Action: Noted**

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

### Contracts and Performance Update

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

A summary of the key discussions is noted as follows.

- Monthly tonnage of organic material delivered for treatment continues to show increases.
- The monthly level of contamination at the MRF has slightly decreased for the third consecutive month with the contamination figure at its lowest since contract commencement.
- The textile contractor has recently been the subject of a cybercrime issue.
- A comparison over five years shows a slight decline in glass tonnages collected when mixed compared to when collected separately, with figures only recently starting to increase again.
- The development of a specification has commenced for the re-procurement of the Street Sweepings contract.
- The formal procurement process for the haulage service has been initiated.
- Latest assessment indicates that the NILAS target is likely to be met at an arc21 level.

Following discussion the Joint Committee agreed to note the report.

**Action: Noted**

### ISO 9001:2008 Accreditation

Mr Burnett presented a report to advise the Joint Committee on the result of the recent ISO 9001 audit.

He reported that in order to maintain the accreditation, an annual independent audit had been undertaken and no non conformities had been identified. Accordingly, continued certification is valid for another year.

The Chair congratulated the staff, on behalf of the Committee, on this continued achievement and excellent result.

Following discussion the Joint Committee agreed to note the report.

**Action: Noted**

### **SOLACE/DAERA/NILGA/SIB Report**

Mr Burnett presented a report to advise the Joint Committee on a recent report produced by SOLACE/DAERA/NILGA/SIB on the future management of Northern Ireland's Municipal Waste.

He advised that the report was the outcome of meetings between Officers from Councils and NILGA, together with officials from the former Department of Environment and Strategic Investment Board (SIB) and their remit was to consider the way forward on local government waste management service provision, further to local government reform and in the light of the recent 'Mills Report' on illegal waste activity and SIB studies on future infrastructure capacity requirements for Northern Ireland.

The report is entitled "*The Future Management of Northern Ireland's Municipal Waste*" and associated action plan. It is understood that the report and the section plan has been considered by all 11 Northern Ireland Councils although the full governance process has yet to be completed in a small number of the Councils. It is also understood that the report and action plan has been accepted by the DAERA Departmental Board.

A copy of the report and action plan was presented for Members' information and Mr Burnett reported that this had now been approved by almost all 11 Councils.

Following discussion the Joint Committee agreed to note the report.

**Action: Noted**

### **Audit Committee - Approved Minutes**

Mr Craig presented the Joint Committee with the approved minutes of the Audit Committee meeting, which took place on the 22 September 2016, for information and provided a brief update for Members. He noted his thanks to all the Council officers for their support in helping to achieve such positive results in respect of the annual financial statements and their help in maintaining a good cashflow situation.

He also referred to the internal audit progress report and the annual assurance statement which again provided positive assurance for the management of risks within arc21.

Members proposed that the Committee recognise the sterling efforts of Mr Craig and Mr McKeown in the preparation of the accounts and the positive results from the internal audit and this was endorsed by the Chair.

Mr Craig requested that, following two recent changes in Membership of the Audit Committee, the Joint Committee nominate two Members as replacements. Councillors Adger and Burns were nominated and agreed as the two new members.

**Action: Noted**

### **Elected Member Handbook**

Mr Craig presented the Joint Committee with information in regards to the Elected Member Handbook which had been updated to reflect the recent changes in membership.

A copy of the contents page was circulated for information along with the access details for the Members' area on the website.

Mr Craig noted that if Members require any further information they are to advise him accordingly.

Following discussion the Joint Committee agreed to not the report.

**Action: Noted**

### **Schedule of Meetings January to December 2017**

Mr Craig presented the Joint Committee with the proposed schedule of meetings to be held in 2017 for consideration and approval as follows:

<b>Date</b>	<b>Host</b>
Thursday 26 January	Newry, Mourne and Down District Council
Thursday 23 February	Antrim and Newtownabbey Borough Council
Thursday 30 March	Ards and North Down Borough Council
Thursday 27 April	Belfast City Council
Thursday 25 May	Lisburn & Castlereagh City Council
Thursday 29 June	Mid and East Antrim Borough Council
Thursday 27 July	Newry, Mourne and Down District council
Thursday 31 August	Antrim and Newtownabbey Borough Council
Thursday 28 September	Ards and North Down Borough Council
Thursday 26 October	Belfast City Council
Tuesday 5 December	Lisburn & Castlereagh City Council

The Chair referred to previous discussions regarding the frequency of meetings and recommended that the dates be agreed and scheduled, subject to allowing discretion to the Chief Executive to cancel if a given meeting was not deemed necessary.

Subject to this the Joint Committee agreed to approve the schedule of meetings for 2017.

**Action: Noted**

### **Financial Report 2015-16**

Mr Craig presented a report to present the Joint Committee with the Financial Report for the year to March 2016, following the completion of the statutory external audit and the certification of the accounts by the Local Government Auditor.

He reported that the formal statutory audit, undertaken by the Local Government Auditor, had been completed and the Chief Local Government Auditor had, once again, certified the accounts without qualification in the Annual Audit Letter. There were also no issues of concern raised by the Local Government Auditor and the Annual Audit Letter which Mr Craig noted was an excellent result.

Mr Craig thanked the staff in arc21, along with Council officers, internal and external audit teams for all their help in achieving such a positive outcome.

Councillor Gibson also offered his congratulations to the arc21 officers as well as the wider council team which was reiterated by the Chair and Committee.

Following discussion the Joint Committee agreed to note the certified Statement of Accounts for the year to March 2016 and the Annual Audit Letter issued by the Local Government Auditor, both of which will be published on the arc21 website in accordance with the Regulations.

**Action: Noted**

### **Next Meeting**

The Chair advised that the next scheduled meeting of the Joint Committee would be held on Thursday 1 December 2016 and hosted by Mid and East Antrim Borough Council. It was agreed that the meeting be moved to the afternoon to accommodate attendance starting at 1pm. The venue is to be confirmed accordingly.

**Action: arc21**

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**Chairman**

<b>Report to:</b>	Regulatory and Technical Services Committee
<b>Date of Meeting:</b>	25 January 2017
<b>Subject:</b>	Changes to Building Regulations – Part M
<b>Reporting Officer (Including Job Title):</b>	Colum Jackson
<b>Contact Officer (Including Job Title):</b>	Colum Jackson, Assistant Director, Regulatory and Technical Services

### Decisions required: For Noting

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	The Department of Finance has introduced an amendment to the Building Regulations (NI), which came into effect on the 1 January 2017. I brought a report to the RTS Committee in September 2016 advising the committee of this change to the Regulations.
<b>2.0</b>	<b>Key issues:</b>
2.1	<p><b>New Part M (Physical infrastructure for high-speed communications networks)</b></p> <p>The amendment introduces a new Part M (Physical infrastructure for high-speed communications networks), From 1<sup>st</sup> January 2017. This implements Article 8 (In-building physical infrastructure) of Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks. Guidance is provided on the new requirements in a new Technical Booklet M which is available to download from the Department’s website at <a href="https://www.finance-ni.gov.uk/articles/building-regulations-technical-booklets">https://www.finance-ni.gov.uk/articles/building-regulations-technical-booklets</a>.</p> <p>The new Part M requires ductwork, or similar infrastructure, so that broadband service providers can subsequently install their cabling without disruptive works to the building. It does not require external infrastructure up to the building, wiring within the building, or provisions for private network cabling within building units. It is anticipated that a sleeved “hole in the wall” may be sufficient in most new houses and single occupancy buildings. The service risers and ductwork currently provided in larger, multi-occupancy buildings may be sufficient in other cases, although a common access point is specifically required in the case of multi-dwelling buildings.</p> <p><b>Other amendments to Building Regulations</b></p> <p>Part A, Interpretation and general, has been amended to ensure appropriate application of the new requirements. This includes transitional provisions to ensure that Part M requirements do not apply to building work carried out in accordance with plans deposited or building notices given prior to 1<sup>st</sup> January 2017, or to building work completed before this date.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	For noting.
<b>4.0</b>	<b>Resource implications</b>
4.1	The new Part M Regulation shall have a minimum impact on the construction industry and should not affect the current working practices of the Building Control Department. Therefore there shall be little or no impact upon existing resources.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	N/A
<b>6.0</b>	<b>Appendices</b>
	Appendix I: Yes, Appendix 1



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

Tel: 028 9025 7056  
email: john.neely@finance-ni.gov.uk

Date: 15 December 2016

**Dear Consultee**

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

I am writing to inform you of the commencement of The Building (Amendment) Regulations 2016 (S.R. 2016 No.412). The amendment updates the current Building Regulations for Northern Ireland and follows a Public Consultation which ran from 15<sup>th</sup> August to 7<sup>th</sup> October 2016. The legislation is available from the Department's website at <https://www.finance-ni.gov.uk/articles/building-regulations-secondary-legislation> or from [www.legislation.gov.uk](http://www.legislation.gov.uk).

**New Part M (Physical infrastructure for high-speed communications networks)**

The amendment introduces a new Part M (Physical infrastructure for high-speed communications networks), from 1<sup>st</sup> January 2017. This implements Article 8 (In-building physical infrastructure) of Directive 2014/61/EU on measures to reduce the cost of deploying high-speed electronic communications networks. Guidance is provided on the new requirements in a new Technical Booklet M which is available to download from the Department's website at <https://www.finance-ni.gov.uk/articles/building-regulations-technical-booklets>.

The new Part M requires ductwork, or similar infrastructure, so that broadband service providers can subsequently install their cabling without disruptive works to the building. It does not require external infrastructure up to the building, wiring within the building, or provisions for private network cabling within building units. It is anticipated that a sleeved "hole in the wall" may be sufficient in most new houses and single occupancy buildings. The service risers and ductwork currently provided in larger, multi-occupancy buildings may be sufficient in other cases, although a common access point is specifically required in the case of multi-dwelling buildings.

## Other amendments to Building Regulations

Part A, Interpretation and general, has been amended to ensure appropriate application of the new requirements. This includes transitional provisions to ensure that Part M requirements do not apply to building work carried out in accordance with plans deposited or building notices given prior to 1<sup>st</sup> January 2017, or to building work completed before this date.

In addition, minor amendments of Part F, Conservation of Fuel and Power, clarify transposition of Directive 2010/31/EU on the energy performance of buildings. Neither of the amendments should affect current working practices and the Department's guidance therefore remains unaltered.

## Enquiries

All enquiries on matters addressed by this letter should be referred to –

Building Standards Branch  
Northland House  
3-5A Fredrick Street  
Belfast  
BT1 2NR

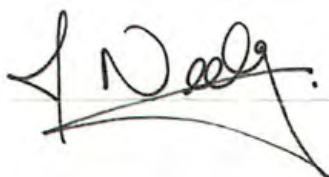
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I would be grateful if you would highlight these matters, as appropriate.

Yours faithfully



**John Neely**  
Head of Building Standards



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

### **Newry, Mourne and Down District Council**

#### **Planning Committee**

#### **Operating Protocol**

### **INTRODUCTION**

1. The following protocol has been developed for use by the Planning Committee ("the Committee"). It should be read alongside relevant provisions of the Council's Standing Orders and the Code of Conduct for Councillors and is not intended to replace either document. The key aims of the protocol are to ensure that the Committee makes decisions in a sound, lawful and transparent way and in a timely and efficient manner.

### **REMIT OF THE COMMITTEE**

2. The primary roles of the Committee will include:
  - (a) Consideration of applications for planning permission and consents in accordance with the Council's Scheme of Delegation.
  - (b) Exercising the Council's powers and duties in relation to planning policies and plan strategies.
  - (c) Responding to consultations in relation to regionally significant or major applications to be determined by the Department of Environment or relevant Department.
  - (d) Responding to consultations issued by the Department of Environment or relevant Department, or any other Department, in relation to planning matters.

## **FREQUENCY & TIME OF MEETINGS**

3. It is recommended the Committee shall meet every fourth week, though there should be flexibility for additional meetings if required.
4. Dates and times will be advertised at least 5 days in advance on the Council website and at the Council's main offices at Downpatrick and Newry.

## **SCHEME OF DELEGATION**

5. As required by Section 31 of the Planning Act (NI) 2011 the Council will operate a scheme of delegation for planning, outlining delegation both to the Committee and Officers (this can be found on the Council's website and at the Council's main offices at Downpatrick and Newry). The overall objective is to ensure that arrangements for decision-making on applications for local developments are effective whilst ensuring that proposals that raise strong local views or issues for the district can be dealt with by elected members. Delegating determination of some planning applications to Officers is also seen as a critical factor affecting the overall performance of the development management process as it helps ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on complex applications.
6. The following applications cannot be delegated and therefore must be presented to the Planning Committee for determination:
  - Applications which fall within the Major category of development;
  - An application for planning permission where the application is made by the Council or an elected member of the Council;
  - The application relates to land in which the Council has an interest or estate.

7. The Scheme of Delegation delegates all local development applications to Officers for determination, whether for approval or refusal, except in relation to the following circumstances which must be presented to the Planning Committee for determination:
- An application recommended for refusal **except where;**
    - **there are active Enforcement issues**
    - **all necessary documentation pertaining to the application, having been reasonably requested and, without reasonable justification, has not been provided within three weeks of the request**
  - Applications which are significantly contrary to the development plan and which are recommended for approval;
  - Applications attracting six or more material planning objections from different addresses where the officer's recommendation is for approval;
  - Applications attracting material planning objection from a statutory consultee, where the officer's recommendation is for approval;
  - An application which the Chief Planning Officer considers should be brought before and decided by the Planning Committee;
  - Applications referred to the Planning Committee by a Member of the Council who represents the DEA in which the land to which the application relates is situated, although in exceptional circumstances members from outside the DEA may be permitted to request the referral of an application to Committee. Any such referral, or request for referral where the application is not in the Member's DEA, must be made in writing to the Chief Planning Officer within 25 days of receipt of the application and accompanied by a material planning reason
  - Applications which are submitted by members of staff directly involved in the consideration of planning applications and officers of the Council at the level of Head of Service or above.
8. Enforcement activities are also delegated to The Chief Planning Officer. The Committee will receive regular reports on enforcement matters.
9. All Members of the Council will receive a weekly list containing details of all valid applications received and all decisions issued under the scheme of delegation.

## **FORMAT OF MEETINGS**

10. Committee Meetings (dates, times and papers) will be published on the Council's website at least 5 days in advance.
11. Case Officer Reports will also be available on the Northern Ireland Planning Portal.
12. Committee papers will typically include the following:
  - a) Minutes of the previous meeting for approval;

### For decision/discussion

- b) Details of non-delegated applications (including those brought back following deferral) for consideration by the Committee;
- c) Details of applications of regional significance with an impact upon the Council area in respect of which the Council is a statutory consultee or where it may wish to make representations;
- d) **Correspondence received from statutory consultees**

### For noting

- e) Details of proposed pre-determination hearings;
  - f) Details of delegated applications for noting only by the Committee;
  - g) Details of appeals (notified and concluded).
13. Members, staff directly involved in the consideration of planning applications and Officers of the Council at the level of Head of Service or above must pass to the Planning Case Officer any representation(s) received in respect of a planning application for inclusion in the planning file.

14. A quorum, as outlined in the Council's Standing Orders, is required for the Committee to convene; the quorum being half (six) of the members of the Committee.
15. Members will be required to declare an interest in any item on the agenda at the beginning of the meeting and must then leave the table when the matter in which they have declared an interest is being discussed. Once a decision had been made in respect of that item, the Member will then be invited to return to the table before consideration of the next item commences.  
The Democratic Services Officer will record when members enter and leave the room during the course of the Meeting.
16. The Committee will discuss each application that has been presented, **for a maximum of 20 minutes (with extension at the Chair's discretion)**, before taking a vote on one of the following options:
  - a) Approve the application with conditions as recommended;
  - b) Approve the application with amendments to the recommended conditions;
  - c) Approve the application contrary to Officer recommendations;
  - d) Refuse the application for the reasons recommended;
  - e) Refuse the application with additional, fewer or amended reasons;
  - f) Refuse the application contrary to Officer recommendations;
  - g) Defer the application with a direction for additional information or clarification; or for a Members' site visit.
17. The Committee can defer consideration of an application to a subsequent meeting for further information, further negotiations or a site visit. Deferrals have an adverse effect on processing times, and the applicant can lodge an appeal after a period of time if the Council has not made a decision. The Committee will therefore generally only defer an application once. The Member proposing deferral must provide clear relevant planning related reasons as to why a deferral is necessary. **If a Committee Member was not present for the initial discussion/debate in relation to a deferred application, or did not attend a site**

visit, he/she cannot participate in the discussion on, nor vote on that application when it is subsequently presented to Committee.

18. The Chair has a casting vote.
19. Members must be present for the entire item, including the Officer's introduction and update, otherwise they cannot take part in the debate or vote on that item. However the Chairperson of the Planning Committee can use their discretion in exceptional circumstances in accordance with the Council's standing orders.
20. Following issue of the agenda Committee Members may request the attendance of statutory consultees and this request must be submitted through the Chief Planning Officer at least one week in advance of the Committee Meeting.

### **PUBLIC REPRESENTATIONS**

21. Meetings of the Committee will be open to the public, however, seating within the Committee Chamber will be limited according to the venue capacity and associated fire and safety regulations.
22. Seating for the applicant and/or their agent and objectors will be reserved but only for the time during which the relevant application is being considered. Otherwise seating will be on first come first served basis.
23. If a member of the public wishes to speak at Committee they must contact Democratic Services by telephone or by email ([democratic.services@nmandd.org](mailto:democratic.services@nmandd.org)) at least 5 working days before the date of the meeting at which the application will be considered. Only those who have made written submissions in respect of a planning application and registered a request to speak in respect of the application shall be permitted to make oral representations before the Committee.

- 24.** Each deputation who wishes to appear before the Committee shall submit a prepared statement in advance of the meeting and shall only be permitted to speak to that statement, except in those circumstances outlined elsewhere in the Protocol, when addressing the Committee. Deputations will not be permitted to circulate papers to members at the Committee Meeting.
- 25.** All information must be submitted a minimum of 5 working days in advance of the Committee Meeting to ensure that the issues raised can be fully processed and considered by officers prior to the Committee Meeting. Late information may therefore be disregarded or result in consideration of the application being deferred if officers have not had an opportunity to fully investigate and process said information. In deciding whether to disregard late information Committee will consider whether it is fair in all the circumstances to allow the late information to be submitted, and in particular whether the information is material, how long the party seeking to introduce it has known about its existence; the length and reason for any delay and the promptness with which the party seeking to rely on the late information acted.
- 26.** All Committee papers will be available online. However, access to some documentation may be restricted by virtue of the Council's publication policy. Information which is determined to be exempt by virtue of Schedule 6 of the Local Government (Northern Ireland) Act 2014 may be published where the Council considers that the public interest in disclosing same outweighs the public interest in maintaining the exemption.
- 27.** Documentation should not be provided directly to a Council Member. However, if documentation is provided directly to any member of the Council in relation to a particular application it must be copied to Democratic Services Section and to the Chief Planning Officer.
- 28.** Deputations shall be heard in the following order:

  - a) Objectors and/or their representatives;
  - b) Applicant and/or their representatives and/or those supporting the application

- 29.** The Council will not notify applicants or those who have made representations in respect of a particular planning application that a request to address the Committee has been received. Applicants and those who have made representations in respect of a particular application that appears on the Committee agenda may contact Democratic Services in advance of the relevant meeting to ascertain whether there have been any such applications.
- 30.** Only one deputation on behalf of those objecting to the application will be permitted to address the Committee. Only one deputation on behalf of the applicant and/or those supporting the application will be permitted to address the Committee. Additionally Elected Members from the DEA specific to the planning application may make the representation in line with paragraphs 46, 47 and 48.
- 31.** Deputations, unless otherwise agreed in advance by the Committee, shall consist of no more than 3 persons. Where there are 3 or more persons or groups wishing to address the Committee they will be required to arrange a single deputation to express their representations.
- 32.** If more than 3 persons have registered a request to speak in support of or in objection to an application, the Council will notify, in so far as reasonably practicable, those persons that they may not be guaranteed an opportunity to address the Committee. They will be invited to attend Council offices an hour before the Committee is due to start so that they can agree a deputation of speakers. If agreement cannot be reached the places on the deputation shall be allocated by planning officers so as to ensure that the deputation is representative of the range of issues raised by those who have made representations.
- 33.** The applicants or their representatives, right to address committee shall be prioritised over other persons/groups wishing to speak in support of an application.



34. Deputations shall be confined to the making of a 5 minute address either by each member of the deputation or, should they so wish, by their nominated spokesperson or legal advisor.
35. Each deputation shall be permitted a maximum of 5 minutes to address the Committee. Where more than one person wishes to speak, the 5 minutes will be shared between the members of the deputation.
36. All members of a deputation must continue to be seated and remain silent whilst other deputations are being made to the Committee.
37. Cross-examination, discussion or any type of debate between persons making representation to Committee shall not be permitted.
38. Once all deputations have been made, by invitation of the Committee Chair, the parties shall be permitted an opportunity to rebut any factual inaccuracies which may have arisen from the oral representations of another deputation but it will only be permitted in respect of a factual inaccuracy which they have not had a previous opportunity to comment upon. This will be strictly limited to responding to any such issue and the party will not be permitted to rehearse representations which have already been made.
39. The Committee may, upon advice from officers, exclude any deputation from being present during the whole or part of the time due to the confidential nature of the information being presented; or for such other reasons as may be deemed appropriate having regard to Schedule 6 of the Local Government Act (Northern Ireland) 2014.
40. The Committee may seek clarification from those who have spoken on any issues raised by them but must not enter into a debate.
41. Officers can address any issues raised during the course of representations from any deputation and the Committee may seek clarification from officers.

42. The Chair will ensure that those making representation to the Committee adhere to the time limits set out in this protocol. These time limits will have been communicated to those making representations in advance of the meeting.
43. The Chair may at any time during the hearing of deputations, if they think it necessary to secure order, suspend the meeting and direct the removal of any individual from the meeting, or order that the meeting be cleared of all deputations.
44. When hearing deputations, the Chair will require members engaging in debate to desist, until such time as all relevant information has been received.
45. The Chair may bring the questioning of any person appearing before the Committee to a close provided s/he is satisfied that all relevant issues have been addressed. The Chairperson may also prevent duplication of questions being put.
46. If a member of the Committee moves that the question be put to a vote and the Chair is of the opinion that the application before the Committee has been sufficiently discussed, s/he shall put the motion to the vote.

### **REPRESENTATIONS BY MEMBERS**

47. Members who represent the DEA specific to the location of a planning application, and who wish to address the Committee, must notify Democratic Services 5 working days prior to the Committee meeting. These speaking rights are not extended to Members from outside the specific DEA unless a Member from outside the DEA has previously requested the application be referred to the Committee in accordance with Paragraph 7 of this Protocol.
48. All information must be submitted a minimum of 5 working days in advance of the Committee Meeting to ensure that the issues raised can be fully processed and considered by officers prior to the Committee Meeting. Late information may

therefore be disregarded or result in consideration of the application being deferred if officers have not had an opportunity to fully investigate and process said information. DEA Members, or other Members wishing to address the Committee who have complied with Paragraph 7 of this Protocol, will not be permitted to circulate papers to Committee Members at the Meeting.

49. DEA Members who wish to address the Committee, or other Members wishing to address the Committee who have complied with Paragraph 7 of this Protocol, will be permitted to do so for a maximum of 2 minutes. This 2 minutes to be shared among all DEA Members wishing to address the Committee, regardless of the number of Members to speak.
50. Those members who sit on the Committee and wish to support or oppose an application are free to do so but cannot take part in the decision-making process. It is important that the public see that they are not acting in their capacity as a Committee member. When that application is being discussed the member must leave their seat and sit with the other parties who are making representations. Once a decision has been made on that application the member can return to their seat as part of the Committee.

### **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

51. The power to decide an application lies with the Committee and it is entitled to come to a decision contrary to Officers' recommendations.
52. Any such decision may be subject to legal challenge and Members must therefore ensure that the rationale for the decision is fully explained and based on proper planning considerations.
53. The Chief Planning Officer or other Senior Planning Officer and/or the Council's Legal Advisor will always be given the opportunity to explain the implications of the Committee's decision prior to a vote being taken on any such proposal.

54. The reasons for the decision contrary to the Officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file/electronic record.

### **DECISIONS CONTRARY TO PLANNING POLICY**

55. In general, planning decisions should be taken in accordance with the relevant Development Plan and any other associated planning policy documents. If a Committee Member proposes, seconds or supports a decision contrary to the local Development Plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify departure from the relevant Development Plan. The reasons for any decisions which are made contrary to the relevant Development Plan must be formally recorded in the Minutes and a copy placed on the planning application file/electronic record.

### **PRE- DETERMINATION HEARINGS**

56. The Committee must hold pre-determination hearings for those major developments which have been subject to notification in accordance with Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 (i.e. referred to the Department but returned to the Council for determination) prior to the application being determined.
57. If the case officer recommends approval in the circumstances set out within The Planning (Notification of Applications) Direction 2015, the application will be reported to Committee as a minded to approve report. If Committee is minded to agree with the officer recommendation, the application must be notified to the Department who may decide to 'call in' the application. If the Department do not 'call in' the application, Committee must hold a pre-determination hearing and all those persons who submitted representations to the application should be afforded an opportunity to appear before the Committee, subject to the provisions of this Protocol. No decision is taken at a pre-determination hearing.

58. The Committee may also hold a pre-determination hearing, at its own discretion, where the Committee considers it necessary to do so.
59. A pre-determination hearing will take place after the expiry of the period for making representations on the application but before the Committee meeting which is due to determine the application.
60. After the pre-determination hearing, officers will prepare a report taking into account the representations made and present that to a subsequent Committee which then proceed to determine the application. In exceptional circumstances the Committee may depart from that procedure and hold the pre-determination meeting and substantive decision making meeting on the same date.

### **LOCAL DEVELOPMENT PLAN**

61. The Local Development Plan will be prepared by the Development Plan Team and considered and agreed by Council's Strategy Policy and Resources Committee in conjunction with the Planning Committee. It will then require approval by resolution of the Council.
62. The Strategy Policy and Resources Committee, in conjunction with the Planning Committee, shall ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and economic development land.
63. The Strategy, Policy and Resources Committee, in conjunction with the Planning Committee, shall review the Local Development Plan every five years.

### **SITE VISITS**

- 64.** Site visits may be arranged subject to Committee agreement. They should normally only be arranged where the impact of the proposed development is difficult to visualise from the plans and other available material and the expected benefit outweighs the delay and additional costs that will be incurred.
- 65.** No one, other than Members of the Committee and Officers plus any other statutory consultees, may participate in a site visit.
- 66.** Members will not carry out their own unaccompanied site visits as there may be issues around permission to access the land, they will not have all of the relevant information from the relevant Planning Officer and, if a Councillor is seen with an applicant or objector, it might lead to allegations of bias.
- 67.** A nominated officer shall attend the site visit and will record the date of the visit, attendees and any other relevant information. This record will be placed on the planning application file/electronic record.
- 68.** The Chairperson, or Deputy Chairperson in the Chairperson's absence, with the assistance of Council Officers present, will ensure that the site visit is conducted in accordance with this Protocol and the Code of Conduct for Councillors and will ensure that the merits of the application are not discussed.
- 69.** The Planning Officer will remind Members, at the outset of the site visit, of the proposal and the main issues.



## **Scheme of Delegation: Delegation of Planning Applications, Enforcement and other Planning Matters.**

### **Introduction**

Section 31 of The Planning Act (NI) 2011 requires that the Council must prepare a scheme of delegation by which any application for planning permission for a development within the category of local developments or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category is to be determined by a person appointed by the Council.

Part 4 Section 7 of the Local Government Act (Northern Ireland) 2014 allows a Council Committee to delegate certain matters to an officer of the Council. In relation to the scheme of delegation for planning applications, enforcement and other planning matters the person appointed by the Council to exercise delegated powers is the Chief Planning Officer within the Council and those officers nominated by this officer in writing. Any reference to the Chief Planning Officer in Part 1-4 shall also be deemed to be a reference to those officers.

### **Scheme of Delegation for Planning Applications**

The scheme of delegation for the determination of applications has been agreed by Newry, Mourne and Down District Council and is set out in the following paragraphs.

#### **Part 1. Planning Applications required under the Planning Act to be determined by the Planning Committee**

The Planning Act (NI) 2011 and the Planning (Development Management) Regulations (Northern Ireland) 2015 state that the following categories of application cannot be delegated to officers:

- Applications which fall within the 'Major' category of development;
- An application for planning permission where the application is made by the Council or an elected member of the Council;
- The application relates to land in which the Council has an interest or estate.

#### **Part 2. Delegated Planning Applications**

The Chief Planning Officer is authorised to determine all planning applications that fall within the 'Local' category of development, applications in relation to tree preservation and those which relate to the issuing of consents and approvals, with the following exceptions:

- An application recommended for refusal **except where;**
  - **there are active Enforcement issues**
  - **all necessary documentation pertaining to the application, having been reasonably requested and, without reasonable justification, has not been provided within three weeks of the request**
- Applications which are significantly contrary to the development plan and which are recommended for approval;
- Applications attracting six or more material planning objections from different addresses where the officer's recommendation is for approval;
- Applications attracting a material planning objection from a statutory consultee, where the officer's recommendation is for approval;
- An application which the Chief Planning Officer considers should be brought before and decided by the Planning Committee;
- Applications referred to the Planning Committee by a Member of the Council who represents the DEA in which the land to which the application relates is situated, although in exceptional circumstances members from outside the DEA may be permitted to request the referral of an application to Committee. Any such referral, or request for referral where the application is not in the Member's DEA, must be made in writing to the Chief Planning Officer within 25 days of receipt of the application and accompanied by a material planning reason;
- Applications which are submitted by members of staff directly involved in the consideration of planning applications and officers of the Council at the level of Head of Service or above.

### **Part 3. Delegation of Enforcement Matters**

The Chief Planning Officer is authorised to carry out the enforcement responsibilities set out within The Planning Act (Northern Ireland) 2011, together with all regulations and orders made under the said legislation, on behalf of the Council.

### **Part 4. Determination of Other Planning Matters**

The following functions are also delegated to the Chief Planning Officer:

- The issuing of a certificate of lawful use or development;
- The making of a non-material change to a planning permission;
- The issuing of a correction notice;
- The screening of and determination decisions on development proposals required under the Environmental Impact Assessment or Habitats Regulations;
- Executing works in default of compliance with any notice or order or in an emergency, where empowered by statute, and recovering the costs of so doing;
- Temporary listing of buildings in urgent cases;
- Lodging objections, in consultation with the Chief Executive, in relation to local planning applications where the Council has been notified as part of the neighbourhood notification scheme;
- Generally carrying out all other statutory powers connected to the exercise of the planning functions which have been conferred upon the Council which are not specifically provided for within this Scheme of Delegation.

The Chief Planning Officer may, having taken legal advice, refer a decision back to Committee for reconsideration.



<b>Report to:</b>	<b>Regulatory and Technical Services Committee</b>
<b>Subject:</b>	Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 9: Public Utilities
<b>Date:</b>	25 January 2017
<b>Reporting Officer:</b>	Anthony McKay, Chief Planning Officer
<b>Contact Officer:</b>	Andrew Hay, Principal Planning Officer

### **Decisions Required**

Note the content of this report.

#### **1.0 Purpose & Background**

- 1.1 A programme of preparatory work is being undertaken as part of the Local Development Plan (LDP) process. Preparatory studies are essential in providing the evidence base for preparing the Local Development Plan (LDP). A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the LDP documents (Plan Strategy and Local Policies Plan) and to show how planning policies and proposals help to achieve the social, economic and environmental objectives for the plan area.
- 1.2 The SPR Committee is responsible for the Local Development Plan. All LDP papers are reported to the SPR Committee for noting or decision. All LDP papers will also be presented to the Planning Committee for noting. Depending on the subject matter, a LDP paper will also be presented to any other relevant Council Committee for noting.
- 1.3 Given some of the subject matter of 'Paper 9: Public Utilities', it is also being presented to the RTS Committee for members consideration.
- 1.4 The paper provides members with an overview of matters relating to public utilities and implications for land use planning in the Newry, Mourne and Down District Council area. The paper builds on the existing evidence base and provides information on:
  - The regional and local policy context for public utilities and key service providers in the District;
  - An overview of the provision of public utilities in the District; and
  - An outline of the main proposals for public utilities within the District.
- 1.5 Members are asked to note the content of this report. Any comments received will be considered. The paper will be subject to any changes considered necessary in response to any valid comments received at this or any other Committee to which it is presented.

#### **2.0 Key Issues**

- 2.1 'Paper 9: Public Utilities' informs members on the provision and spare capacity of public utilities up to 2030 in order to assist judgements on the allocation of land for development in the Local Development Plan, and to ensure that sufficient land is allocated to meet the anticipated needs of the community. It sets out the regional context for public utilities and an examination of existing physical infrastructure of the District. It examines the role of Government Department and statutory bodies, including the Council, who have a

responsibility for various public utilities and associated service provision in relation to meeting existing needs and in terms of future supply.

- 2.2 The paper allows members to commence consideration of the land use implications of public utility provision and how public utilities can be addressed in the Plan within the context of the Regional Development Strategy (RDS) and the Strategic Planning Policy Statement (SPPS).
- 2.3 The provision of public utilities within the plan area is primarily the responsibility of a number of Government Departments and statutory bodies, and the Council. The paper addresses public utilities under the following themes:
- Telecommunications
  - Energy Supply
  - Waste Management
  - Flood Risk, Drainage, Water Supply and Sewerage.
- 2.4 The paper provides an overview of utility provision within the District and looks at the existing provision and spare capacity of public utilities. Utility provision in the LDP must take account of regional planning framework set out by the RDS and the SPPS.
- 2.5 In accordance with regional and operational policy, the LDP will seek to locate new developments which maximise the efficient use of existing utility infrastructure whilst keeping the environmental impact to a minimum. Where proposals to develop new or replace existing public utilities are known these should be identified in the Plan. Where provision of an existing public utility is limited and there are no known plans to upgrade during the plan period, development may be constrained as a result. In allocating any land for new development, these factors will inform where new development can go.
- 2.6 The paper identifies the key elements within each of the above public utility themes to be considered in the preparation of the LDP.
- 2.7 Data gathered as part of this and other preparatory studies will be used to establish the baseline of the social, economic, and environmental characteristics of the plan area and enable the Council to identify the issues which need to be addressed by the LDP. Furthermore, it will provide a sound basis on which to formulate the plan strategy, policies and proposals within the LDP that will subject to independent public examination.

### 3.0 **Recommendations**

- 3.1 Members are requested to note the content of this report.

### 4.0 **Resource Implications**

- 4.1 N/A

### 5.0 **Appendices**

- Paper 9: Public Utilities



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

**Newry, Mourne  
and Down**  
District Council

**Local Development Plan  
Preparatory Studies**

**Paper 9: Public Utilities**

**January 2017**

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## **APPENDICES**

- Appendix A:** Housing Evaluation Framework
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## **Public Utilities**

**Purpose:** To provide the Council with an overview of matters relating to public utilities and implications for land use in the Newry, Mourne & Down District Council area.

**Content:** The paper provides:

- (i) The regional & local policy context for public utilities and key service providers in the District;
- (ii) An overview of the provision of public utilities in the District;
- (iii) An outline of the main proposals for public utilities.

## 1.0 Introduction

**1.1** The purpose of this paper is to inform members on the provision and spare capacity of public utilities up to 2030 in order to assist judgements on the allocation of housing growth and other development in the Local Development Plan. It sets out the regional context for public utilities and an examination of existing physical infrastructure of the new Council area. It examines initial responses from a number of Government Departments and statutory bodies, including the Council, who have a responsibility for the various public utilities in relation to future supply. This paper allows members to commence consideration of how public utilities can be addressed in the Plan within the context of the Regional Development Strategy (RDS) and the Strategic Planning Policy Statement (SPPS).

**1.2** The provision of public utilities within the District is primarily the responsibility of a number of Government Departments and statutory bodies as well as the Council. The main utilities covered in this paper are:

- Telecommunications
- Energy Supply
- Waste Management
- Flood Risk, Drainage, Water Supply and Sewerage

**1.3** The provision of public utilities involves a large number of stakeholders, including Government Departments, Statutory Bodies, Councils and the private sector, depending on the utility in question. The roles and responsibilities may be summarised as follows:

<b>Public Utility</b>	<b>Flood Risk, Drainage and Water Supply</b>
<b>Organisation</b>	<b>Areas of Responsibility</b>
Department for Infrastructure (DFI), Rivers Agency	Drainage and flood defence
Department of Agriculture, Environment & Rural Affairs (DAERA), NIEA Water Management Unit	Protection of the aquatic environment, through activities including monitoring water quality, controlling effluent discharges, taking action to combat or minimise the effects of pollution.
NI Water	Mains water and sewage treatment
<b>Public Utility</b>	<b>Energy Supply including Renewable Energy</b>
<b>Organisation</b>	<b>Areas of Responsibility</b>
Department for the Economy (DfE)	Regulatory role in relation to energy provision
Northern Ireland Electricity (NIE)	Electricity asset owner of the transmission and distribution

	infrastructure
Private sector	Energy supply
<b>Public Utility</b>	<b>Telecommunications</b>
<b>Organisation</b>	<b>Areas of Responsibility</b>
Ofcom	Regulatory role in relation to telecommunications provision
Department for the Economy (DfE)	Telecommunications Strategy
Private sector	Telecommunications supply
<b>Public Utility</b>	<b>Recycling and waste management</b>
<b>Organisation</b>	<b>Areas of Responsibility</b>
Department of Agriculture, Environment & Rural Affairs (DAERA)	Waste Management Strategy
Department of Agriculture, Environment & Rural Affairs (DAERA) NIEA	Permits, licences and exemptions
Councils	Waste management facilities and infrastructure
Private sector	Recycling and waste disposal

## 2.0 Regional Policy Context

**2.1** The Regional Policy context is provided by the Regional Development Strategy (RDS) 2035 and regional planning policy statements. This section highlights the RDS policy objectives in relation to telecommunications, energy supply, waste management and water, sewerage and flood risk. The relevant policies of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statements (PPS) are set out under the relevant utility headings (sections 3.0, 4.0, 5.0 and 6.0).

### The Regional Development Strategy 2035 (RDS)

**2.2** The RDS sets out clear policy aims and objectives regarding public utilities when allocating housing growth and emphasises the importance of the relationship between the location of housing, jobs, facilities and services and infrastructure.

### Telecommunications

**2.3** Policy RG3 of the RDS recognises the need for an efficient telecommunications infrastructure to give Northern Ireland a competitive advantage. Northern Ireland's core communication network is of high quality which is necessary for sustainable economic growth and investment. Therefore it is important to continually improve international and internal connectivity. The RDS 2035 envisages that next generation broadband services will be available to provide support for 85% of businesses.

**2.4** Spatial Framework Guidance (SFG) 14 of the RDS also recognises that rural areas can be disadvantaged by their remote location in terms of access to essential services. Further innovation and advancements upon the existing rural telecommunication infrastructure will work to lessen this disadvantage.



The key policy aims of the RDS 2035 regarding telecommunications are:

- Invest in infrastructure to facilitate higher broadband speeds, whilst also considering the impact such infrastructure may have on the environment;
- Improve telecommunications services in rural areas to minimise the urban/rural divide;
- Increase the use of broadband; and
- Capitalise on direct international connectivity to support foreign direct investment and to provide a competitive edge.

### **Energy Supply including Renewable Energy**

**2.5** Policy RG5 of the RDS seeks to deliver a sustainable, reliable and secure energy supply to all sectors across the region. The development of new generation or distribution infrastructure will seek to avoid adverse environmental effects, particularly on or near protected sites.

The key policy aims of the RDS regarding renewable energy are:

- Increase the contribution of renewable energy sources, both onshore and offshore, to the overall energy mix;
- Strengthen the grid in order to support the increasing number of renewable electricity installations;
- Encourage new gas infrastructure including provision of natural gas to further enhance the provision of energy supply;
- Work with neighbours to provide competitive regional electricity and gas markets in the EU's internal markets; and
- Develop smart grid initiatives to improve the responsiveness of the electricity grid to trends in customer demands.

### **Waste Management**

**2.6** Policy RG10 of the RDS is directed by the Waste Framework Directive (WFD) (2008/98/EC) which provides the overarching legislative framework. Article 4 of this Directive sets out a 'Waste Hierarchy' as a priority order for waste management. The primary purpose of the Waste Hierarchy is to minimise adverse environmental effects of waste and to increase resource efficiency in waste management and policy.

**2.7** The Waste Hierarchy seeks to minimise the amount of waste brought to landfill through reducing, reusing and recycling waste. Waste disposal should only happen as a fifth and final option (Figure 1).

**2.8** To manage waste sustainably RG10 promotes the use of the 'proximity principle' which emphasises the need to treat or dispose of waste as close as possible to the point of generation in an effort to minimise the negative effects of waste transportation.

Figure 1: Waste Hierarchy



### Water, sewerage and flood risk

**2.9** Policy RG12 of the RDS promotes a more sustainable approach to the provision of water and sewerage services and flood risk management. Increased population, changes in household formation and climate change continue to put pressure on our water resources and drainage systems which may lead to discrepancies in water demand and availability as well as potential impacting on water quality. Planning for the provision of water and sewage infrastructure and treatment facilities is both a practical and environmental necessity for regional development.

**2.10** The Housing Evaluation Framework (HEF) (Appendix A), a tool used to assist judgements on the allocation of housing growth, includes a 'resource test' which states that studies should be carried out to assess and detail physical infrastructure such as water, waste and sewage, including spare capacity. This is to ensure that the infrastructure is adequate to support the provision of future housing.

The key policy aims of the RDS regarding water and sewerage are:

- The integration of water and land use planning. Land use planning should be informed by current water and sewerage infrastructure and the capacity of that infrastructure to absorb future development. This will involve the planning authority working in conjunction with NI Water;
- Manage future water demand by reducing waste. To help manage future water demand in new developments, initiatives such as grey water recycling and rainwater harvesting should be promoted;

- Encourage sustainable surface water management. This will involve the encouragement of initiatives such as Sustainable Drainage Systems (SuDS) in significant development proposals. SuDS endeavour to use natural systems with low environmental impact (such as evapotranspiration) to dispose of dirty water and surface water in order to reduce the amount of water being released back into water courses.

**2.11** In relation to development and flood risk, Policy RG8 of the RDS emphasises the need for mitigating the risk of flooding by avoiding those areas known to be at risk. This position is reflected in the HEF with the Environmental Capacity test including assessment of potential flood risk areas to guide the allocation of land for housing growth.

**2.12** Furthermore, Policy RG1 of the RDS states that when allocating land for economic growth and employment, areas which are at risk of flooding should be avoided, where possible.

**2.13** The RDS is complemented by the Strategic Planning Policy Statement (SPPS). The SPPS does not introduce any significant changes to any of the previous Planning Policy Statements (PPSs) which relate to the provision of public utilities, but helps to shorten and simplify the guidance for councils. The position in terms of the SPPS is summarised within the relevant subject area below.

### **Planning Policy**

**2.14** The following Planning Policy provides the planning policy context for the assessment and determination of utility developments and include:

- PPS 10 - Telecommunications
- PPS 11 - Planning and Waste Management
- PPS 15 - Planning and Flood Risk
- PPS 18 - Renewable Energy
- PPS 21 - Sustainable Development in the Countryside
- A Planning Strategy for Rural Northern Ireland

The key issues from these policy documents and guidance relevant for the LDP preparation include:

- Facilitating the continued development of telecommunications infrastructure but ensuring that visual and environmental impact is kept to a minimum;
- The Council may consult with telecommunications operators over the plan period to ascertain the extent of network coverage in plan area. The Council could consider the allocation of certain sites for the provision of tall masts to encourage site sharing;
- Promoting the development, in appropriate locations, of waste management facilities to meet need as identified by the Waste Management Plan;

- Consideration of the impact of existing or proposed waste management facilities when zoning land for development and ensuring incompatibility of adjacent land uses are avoided. The COMAH Directive (EU Directive 96/82/EC) requires development plans to ensure that appropriate distances are maintained between hazardous substances and residential areas of public use / open space;
- A presumption against development within designated floodplains;
- Promotion of development of renewable energy resources which will not negatively impact on the environment, landscape or amenity of nearby land uses;
- Careful consideration must be given to distinctive landscape areas when considering wind energy proposals;
- Integration of new electricity powerlines and cables into the existing landscape and townscape; and
- Development relying on non-mains sewage will only be acceptable were it does not create or add to a pollution problem.

### **3.0 Newry, Mourne & Down District Council Plans & Strategy**

#### **Newry, Mourne and Down District Council Corporate Plan 2015-2019**

**3.1** The Newry, Mourne and Down District Council Corporate Plan 2015-2019 sets out 8 strategic priorities to be delivered over the plan period. The advocacy for increased broadband and mobile coverage has been identified as one of the key actions for the Council over the plan period.

#### **Newry, Mourne & Down Community Plan 2030 'Living Well Together'**

**3.2** Community Planning came into operation on 1st April 2015 as part of the full implementation of local government reform. Community planning is a process led by a council in conjunction with partners and communities to develop and implement a shared vision for their area, a long term vision which relates to all aspects of community life and which also involves working together to plan and deliver better services which make a real difference to people's lives.

**3.3** The Local Government Act introduces a statutory link between the community plan and a council's local development plan, in that the preparation of the LDP must take account of the Community Plan. It is intended that the LDP will be the spatial reflection of the Community Plan and that the two should work in tandem towards the same vision for a council area and its communities and set the long term social, economic and environmental objectives for an area.

**3.4** The community Plan is to be the overarching strategic plan for integrated planning and delivering of services in Newry Mourne and Down. It provides a framework for the strategies and plans the Council will put in place to contribute towards the outcomes in the community plan and it is based on a detailed analysis of future risks and opportunities for Newry, Mourne & Down.

**3.5** With regard to Public Utility provision, a key outcome for the draft Community Plan is that all people in the Newry, Mourne & Down District get a good start in life and fulfil their lifelong potential. The level of connectivity within the District has

been identified as an indicator for achieving this outcome with the level of broadband connectivity a key measure.

**3.6** A clean and quality sustainable environment has also been identified as a key outcome and the use of renewable energy sources e.g. wind, sun will be central to delivery of this which will be discussed in detail in section 5.0

### **Newry, Mourne and Down Economic, Regeneration & Investment Strategy**

**3.7** The Newry, Mourne and Down Economic, Regeneration & Investment Strategy sets out the vision to make the area a vibrant, dynamic and connected region for investment, tourism and culture. Rural Development and Regeneration has been identified as one of the strategy's five key themes.

**3.8** In order to meet the strategic priority of improving infrastructure across rural areas for the needs of rural communities, rural services and rural businesses, the Council will review existing broadband research and data to identify current provision and support broadband research & data with consultation with relevant bodies to identify all infrastructural needs and requirements within the rural areas.

**3.9** The Council will work with Government Departments and statutory bodies to encourage and support the delivery of initiatives across the region which will seek to improve rural infrastructure in order to meet the requirements of rural communities, rural services, and rural businesses.

### **4.0 Telecommunications & Broadband**

**4.1** Modern telecommunications are an essential and beneficial element of everyday living for the people of and visitors to this District. It is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic well-being. Northern Ireland's core telecommunications network is recognised as world class with a high quality communications infrastructure considered essential for sustainable economic growth.

**4.2** Whilst the development of high quality telecommunications infrastructure is essential for continued economic growth it is necessary to minimise the impact on the environment as set out in the SPPS and PPS 10. The SPPS states that the LDP should bring forward policies which set out the detailed criteria for consideration of new telecommunications development in the local area including siting, design and impact upon visual amenity. To inform plan preparation, the Council may consult with telecommunications operators, and other relevant stakeholders, in relation to the anticipated extent of the network coverage required over the plan period. In certain circumstances and, subject to technical limitations on location and siting, the LDP may allocate specific sites for major new telecommunications development.

**4.3** The Council should take account of the potential effects of new telecommunications development, and any necessary enabling works, on visual amenity and environmentally sensitive features and locations. New masts should only be considered where site sharing is not feasible or offers an improved

environmental solution. Operators will be encouraged to site share wherever possible.

**4.4** Until the new Plan Strategy for the whole District has been adopted, elements of PPS 10 remain in place however; if there is a conflict between the SPPS and PPS 10, the SPPS should be accorded greater weight in the assessment of individual planning applications.

### Broadband

**4.5** The broadband market in Northern Ireland is fully privatised with the principal domestic and business provider being British Telecom (BT) with other providers such as Plusnet, EE, SKY, Talk Talk, Virgin Media, FUEL Business and XLN. Northern Ireland currently enjoys the best fixed line broadband infrastructure in the UK although there are some rural areas which still have limited connectivity.

**4.6** Broadband speed is the time it takes to send data to and from your computer and is measured in megabits per second (Mbps, Mbit/s or just Mb). Currently, the speeds available in the UK range from 17Mbps to 76Mbps (Megabits per second) from BT and most other providers (many use BT's network) or from Virgin Media, which has its own independent network with speeds of 50Mbps, 100Mb or 200Mb.

**4.7** Fast internet connections allows the user to move freely around the web with minimal delays for downloading, uploading, moving between sites etc. A slow connection can lead to longer download times, buffering etc. The average urban and rural broadband download speed in the UK is currently 31.3Mbps and 11.6 Mbps respectively compared to 32.5 Mbps and 18Mbps in Northern Ireland.

**4.8** The broadband speeds available are influenced by location, as fibre broadband is still in the rollout phase and the networks don't yet cover the whole country.

*Table 1: Broadband availability in Newry, Mourne & Down*

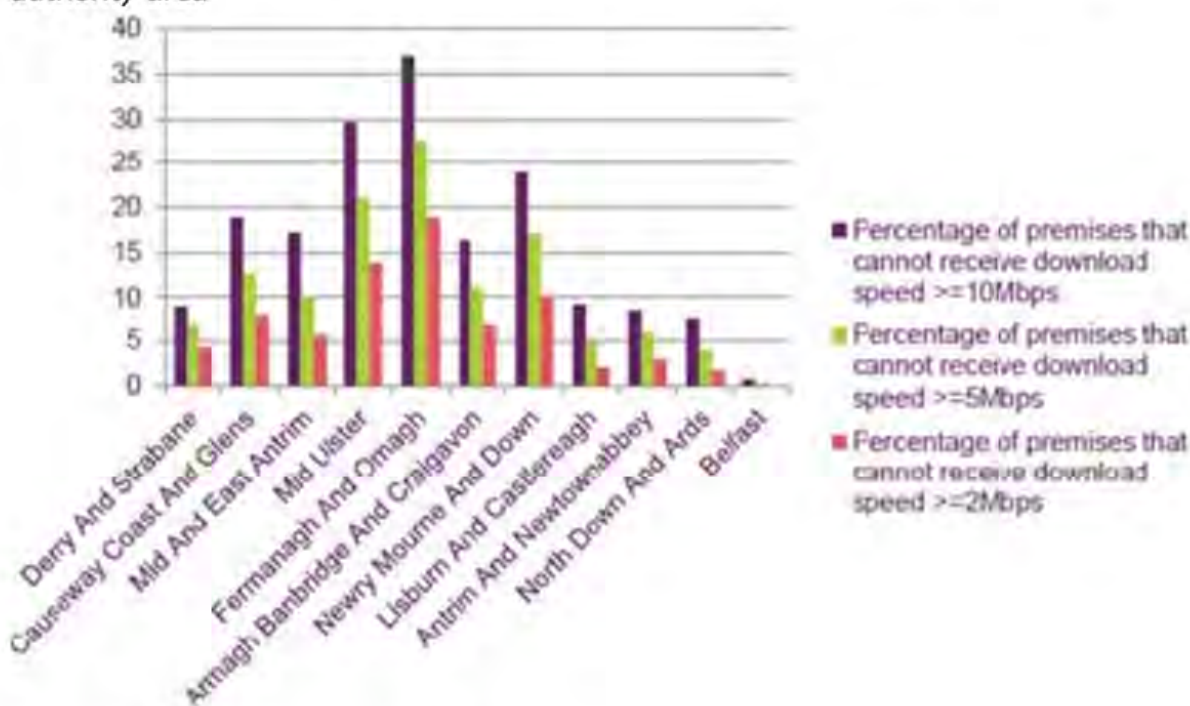
	<b>Newry &amp; Mourne</b>	<b>Down</b>	<b>NI</b>
<b>Average sync speed (Mbit/s)</b>	17.1%	18.9	18.3%
<b>Percentage getting less than 2Mbit/s</b>	18.20%	15.30%	15.6%
<b>Superfast Broadband availability</b>	95.90%	94.50%	93.8%
<b>Broadband take up:</b>	65.8% (of which 23.80% is superfast)	67.60% (Of which 26.40% is superfast)	63.9%
<b>Average data use</b>	28.1 GB/Connection/Month	26.9 GB/Connection/Month	28.9%

Source: <http://maps.ofcom.org.uk/broadband/> (figures as of 2013)

**4.9** In accordance with the aims of the RDS and the SPPS, it is vital to ensure that we continue to improve the broadband network in order to ensure that businesses remain competitive and that rural communities do not feel cut off or isolated.

**4.10** The UK Government intends to introduce a new Universal Service Obligation (USO) that should give everybody the legal right to request a broadband connection capable of delivering a minimum speed of 10Mbps (Megabits per second) by 2020. As detailed below this District does not compare favourably with other Councils. It should be noted however that as the superfast broadband rollout programme nears completion, these figures should see improvements

*Figure 2: The Percentage of premises unable to get 2, 5 and 10 Mbit/s by local authority area*



*Source Ofcom NI Report Dec 2015*

**4.11** There have been numerous improvements to the broadband network which have taken place in recent years and the District has benefited from these:

**Broadband Improvement Project**

**4.12** This project is designed to provide for the first time, improve or increase broadband services in certain areas. Work began in February of 2015 and it is envisaged that work will finish at the end of 2017. Work has already taken place to improve or provide broadband in the following areas within the Newry, Mourne & Down District;

Ardglass	Ballykinler	Ballynahinch	Ballyward
Bessbrook	Crossgar	Crossmaglen	Downpatrick
Forkhill	Jerrettspass	Keady	Kilkeel
Killeavy	Maghera	Mayobridge	Newry
Newtownhamilton	Rostrevor	Saintfield	Seaforde
Strangford			

Source: [www.nidirect.gov.uk/broadband-improvement-project](http://www.nidirect.gov.uk/broadband-improvement-project)

### Northern Ireland Broadband Fund

**4.13** This was a £1.9m fund which was set aside to help support projects which aimed to improve broadband across Northern Ireland. In Newry, Mourne & Down, the following projects benefitted from this fund:

- a) Installation of Fibre To The Cabinet (FTTC) technology to cabinets in the Crossmaglen, Downpatrick, Forkhill, and Newtownhamilton exchange areas; and
- b) Installation of a WiMAX Fixed Wireless Access Network in the District.

**4.14** The installation of apparatus to improve the Broadband network will usually constitute Permitted Development<sup>1</sup> under Part 18 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. As such, it is not envisaged that the planning process will have an impact on the provision of such development.

### Next Generation Broadband Project

**4.15** This project aimed at delivering improved broadband services to small and medium sized enterprises across Northern Ireland. This project is now in its operational phase in that fibre deployment has been completed to all 1,265 telecommunication cabinets across Northern Ireland including Newry, Mourne & Down. Following this project BT completed fibre upgrades to a further 783 cabinets across NI under its own Next Generation Access (NGA) programme. Almost 2,500 cabinets are now fibre enabled with more than 90% of premises in Northern Ireland connected to an enabled cabinet.

<sup>1</sup> Development that does not require Planning Permission through The Planning (General Permitted Development) Order (Northern Ireland) 2015



Table 2: Broadband Improvement Schemes in N.Ireland

	Target	Number of premises in intervention	Cost (BT contribution)
Northern Ireland - Superfast NI	Next Generation Broadband Project <ul style="list-style-type: none"> <li>Fibre to 1,288 roadside cabinets</li> <li>Completed in July 2011</li> </ul>	30 000 businesses and 250 000 households	£52m (BT £31m)
	NI Broadband Improvement Project <ul style="list-style-type: none"> <li>Targeting areas with less than 2Mbit/s via 450 FTTC and 150 FTTP nodes</li> <li>Due to complete December 2015</li> </ul>	45 000	£23.7m (BT £4.4m)
	Superfast Extension Programme <ul style="list-style-type: none"> <li>Targeting areas with less than 24Mbit/s via 300 FTTC and 300 FTTP nodes</li> <li>Due to complete December 2017</li> </ul>	39 000	£17m (BT £2.4m)

Source: Ofcom Connected Nations 2015 – Northern Ireland Report

## Mobile Data Coverage

**4.16** Table 3 below sets out the availability of 2G and 3G data coverage in the District as broken down by the historic LGD areas. 3G is the most common type of mobile broadband connection but 4G broadband connectivity is more recent and is the fastest mobile connection available.

Table 3: Mobile Data Coverage 2013

	Area	Geographical Coverage (no reliable signal)	Geographical coverage (all operators)	Premises coverage (no reliable signal)	Premises coverage (all operators)
3G Mobile Data Coverage	Newry and Mourne	21.60%	8.20%	12.40%	31.30%
	Down	5.60%	10.90%	6.10%	17.20%
2G Mobile Data Coverage	Newry and Mourne	24.40%	44.70%	13.80%	61.30%
	Down	1.20%	72.20%	0.60%	69.80%

Source: <http://maps.ofcom.org.uk/mobile-services/mobile-services-data-3G/>

**4.17** The roll out of 4G coverage in Newry, Mourne & Down has commenced by the three main providers EE, O2 and Vodafone. Although there has been good progress to date, the development of 4G coverage across the district remains on-going.

**4.18** Moving forward, it is for the Council to decide if they wish to adopt policies for telecommunications development which are in line with existing policy or if they want to develop a more restrictive policy, for example, having regard for the visual impact of telecommunications infrastructure. To a lesser extent than in the past, concerns amongst some concerning potential health implications also exist, however these concerns remain unfounded.

**4.20** Having evaluated the information available in respect of telecommunications, the options for the council are to:

1. Adopt policies which are in line with existing planning policy contained within Planning Policy Statement 10 (PPS 10) Telecommunications;
2. Develop a more restrictive policy, having regard to concerns over potential health implications, visual and/or environmental impact on the landscape;
3. Develop an approach which promotes the development of telecommunications infrastructure whilst also paying close attention to the impact such development will have. This may mean for example, that certain areas are designated at local policies plan stage as areas where no telecommunications development will be permitted in order to protect sensitive landscapes, provided there is not a recognised 'Not Spot' at that location i.e. no telecommunication coverage at all. Any such policy changes would be brought through the introduction of Countryside Policy Areas.

## **5.0 Energy Supply**

**5.1** The SPPS reinforces the aims of the RDS 2035 in that it seeks to increase the contribution that renewable energy can make to overall energy supply. The policy objectives are to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed; ensure adequate protection of the region's built, natural, and cultural heritage features; and facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design. In relation to electricity lines, current operational policy within the Planning Strategy for Rural Northern Ireland indicates a preference for underground lines to minimise the visual intrusion of overhead lines.

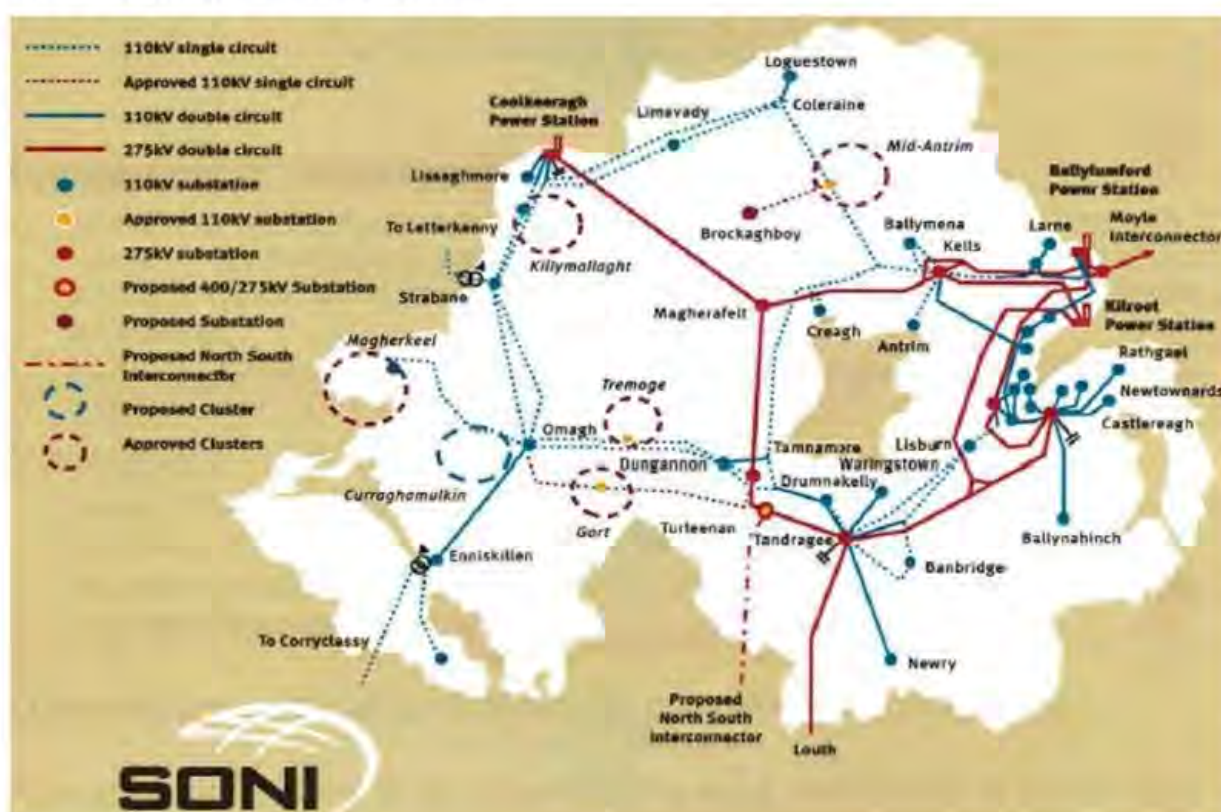
**5.2** In preparing the LDP, the Council should formulate policies and proposals which support a range of renewable energy infrastructure whilst still taking into account the above mentioned policy objectives.

**5.3** Energy in the District is primarily produced by the use of fossil fuels from the three fossil fuel generating plants in Northern Ireland. These plants supply electricity to a wholesale electricity market for the whole island of Ireland known as the Single Electricity Market (SEM). The SEM is served by the North South Interconnector<sup>2</sup>. In addition the Moyle interconnector links Northern Ireland to the electricity grid in Britain which brings additional competition to the electricity generation market.

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<sup>2</sup> The Tandragee – Louth 275 Kv line is currently the primary means for power to flow between Northern Ireland and the Republic.

Figure 3: NI Transmission System



Source: Soni

**5.4** SONI is responsible for the safe, secure, efficient and reliable operation of the high voltage electricity system in Northern Ireland<sup>3</sup>. SONI works in cooperation with asset owner NIE to develop the grid infrastructure. This is needed to support competition in energy, to promote economic growth and to facilitate renewable energy. No substantial SONI projects have been proposed within this District, SONI however has stated it will engage with SOLACE and Local Authorities to ensure future Developments are considered within the Council's Local Development Plan.

**5.5** To underpin economic growth in the District, it is necessary to have a modern and sustainable economic infrastructure including robust electricity connections. Whilst electricity supply in the Council area and NI as a whole is not an issue, the upsurge in the number of renewable energy developments, particularly wind turbines seeking to connect to the electricity grid, has highlighted that grid reinforcement is required to facilitate the growth of renewable energy generation. Newry, Mourne & Down's geographical location presents opportunities to create physical links to the electricity network for the Republic of Ireland.

**5.6** The SPPS is clear that overhead power lines should avoid areas of landscape sensitivity including Areas of Outstanding Natural Beauty (AONB's).

<sup>3</sup> Following a European Commission decision with respect to responsibility for planning investments for the Northern Ireland electricity transmission network, Northern Ireland Electricity Networks' (NIE Networks') transmission investment planning activities transferred to the System Operator Northern Ireland (SONI) on 1 May 2014.

## Renewable Energy

**5.7** The European Commission's Renewable Energy Directive (2009/28/EC) establishes overall policy for the production and promotion of energy from renewable sources in the EU and specifies national renewable energy targets for each country. The Strategic Energy Framework (DETI 2010) states that Northern Ireland will seek to achieve 40% of electricity consumption from renewable sources by 2020. In line with this, the Northern Ireland Executive in their Programme for Government 2011-2015 (PFG) set a target that by 2015, 20% of all electricity would be generated from renewable sources.

**5.8** For the 12 month period April 2015 to March 2016, 25.4% of total electricity consumption in Northern Ireland was generated from renewable sources located in Northern Ireland. This represents an increase of 5.5 % on the previous 12 month period (April 2014 to March 2015). In the 12 month period ending June 2009, some 8.1% of the total electricity consumption in Northern Ireland was generated from renewable sources (*Source Department for the Economy*). This figure outlines significant growth in the renewable sector over recent years, between the twelve month period ending June 2009 and the twelve month period ending April 2015, there has been a rise of around 142% in average renewable generation volumes. Therefore continued development of renewable energy resources is vital to facilitating the delivery of international and national commitments on both greenhouse gas emissions and renewable energy and progress towards the current PFG objective of living and working sustainably and protecting the environment<sup>4</sup>.

**5.9** New private forms of renewable energy development are likely to increase in use in the Newry, Mourne and Down area over the plan period and will require connection to the electricity network.

**5.10** The main sources of renewable energy are the wind, the sun (solar), moving water (hydropower), heat extracted from the air, ground, water (including geothermal energy), biomass (wood, biodegradable waste and energy crops) and gas (bio and landfill). The key issues regarding each of these energy sources are discussed below:

### Wind

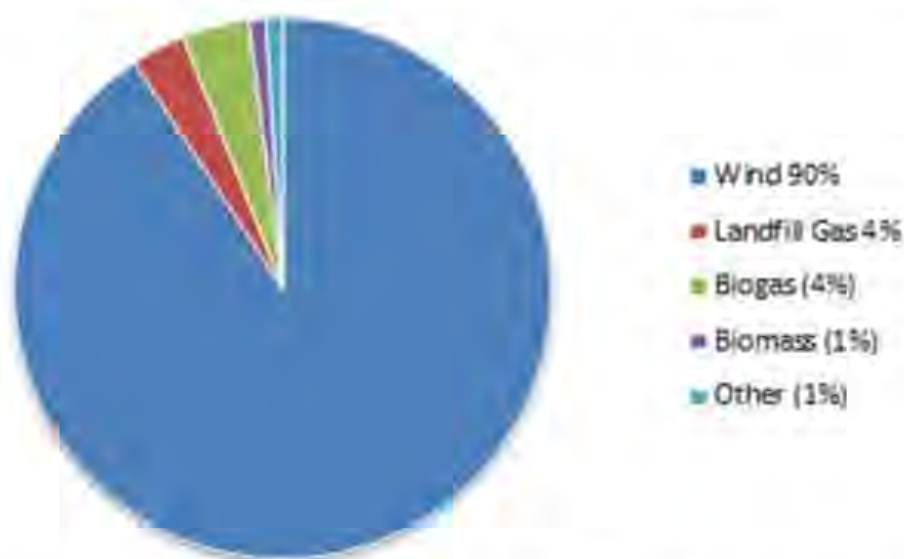
**5.11** Electricity generated by onshore wind farms is the most established, large scale source of renewable energy in NI. Over the 12 month period April 2015 to March 2016, 90% of all renewable electricity generated within Northern Ireland was generated from wind (see figure 4).

**5.12** At present there are no operational wind farms in the Newry, Mourne and Down area, this is in stark contrast to the rest of Northern Ireland where 126 windfarms have been approved. There has however been 321 individual wind turbines of varying sizes approved across the District, these figures are for between 2002 and 2015 (See map Appendix B).

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<sup>4</sup> Draft Programme for Government 2016 – 2021 Outcome 02

Figure 4: Renewable electricity generation by type of generation April 2015 to March 2016



Other includes Hydro, Tidal, Combined Heat & Power and Photovoltaic (PV)

Source: Department for Economy

**5.13** Public attitude towards wind energy development is changing. Newry, Mourne and Down District contains some of the most scenic landscapes including the AONB areas surrounding Slieve Gullion, the Mournes, Slieve Croob, Strangford and Lecale which encompass 55% of the District. There are concerns regarding the proliferation of single turbines and resulting visual intrusion, safety and the increasing size and massing of turbines and interference through noise and flicker.

**5.14** Having evaluated the information available in respect of wind energy, the options for the Council are to:

1. Adopt policies which are in line with existing planning policy contained within Planning Policy Statement 18 (PPS 18) Renewable Energy and the Best Practice Guidance to PPS18;
2. Develop a more restrictive policy, having regard to concerns relating to impacts on AONBs and sensitive landscapes, bio-diversity and tourism;
3. Adopt a policy position that recognises the value of wind energy development but provides policy which gives greater weight to environmentally sensitive areas and greater protection to neighbouring amenity. Any such policy changes would be brought through the introduction of Countryside Policy Areas.

**5.15** As outlined earlier, Northern Ireland is on course to meet the targets of 40% of electricity consumed from renewable sources by 2020 set out by the Strategic Energy Framework and has met the 20% target set out in the 2011-15 PFG by the NI Executive. Consequently, a more restrictive policy may hinder the progress made thus far and reverse the positive trends experienced to date. By adopting option 3, the Council would be able to continue to support renewable wind energy

development whilst also safeguarding areas which are considered to be of particular scenic value and also reducing potential impacts on neighbouring properties. The impact of onshore Wind Turbine applications will be considered further in the Landscape Character and Rural Pressure Analysis Papers.

### **Solar (Photovoltaic)**

**5.16** Active solar photovoltaic (PV) technologies generate electricity from daylight. The most common form of device is a solar panel or module typically 0.5 to 1 m<sup>2</sup> in size, dark in colour and having low reflective properties. Although roof mounted is most common, modules can be mounted on sides of buildings, or on free standing support structures on the ground. A number of modules are usually connected together in an array to produce the required output, which can vary from a domestic scale panel on e.g. residential buildings / farms of just a few square metres to several hundred square metre industrial scale panels. In most cases involving dwelling houses, providing the building is not listed or in a conservation area and the installation complies with the relevant constraints, PV will be 'permitted development' and a planning application will not be required. Passive Solar Design (PSD) is an environmentally benign approach to ensure that domestic scale buildings capture maximum light and heat from the sun whilst being positioned in the landform to act as a buffer against the worst of the elements. As of 1<sup>st</sup> April 2015 55 solar applications have been processed within the District area of which 54 have been approved. One example of a larger solar application is the approved application for a 5.1MW Photovoltaic solar farm at Tullynaskeagh Road, Downpatrick. It should be noted that the number of operational panels is likely to be much higher as some panels may qualify as permitted development and therefore did not require a planning application. To date, operational planning policy regarding solar power has not raised any particular key issues.

### **Hydro Electricity**

**5.17** Water flowing from a higher to a lower level drives a turbine which produces mechanical energy. This mechanical energy is usually turned into electrical energy by a generator. There are no large scale hydroelectric schemes in the District although recently there has been an upsurge in planning applications for small scale schemes, particularly in the Newry and South Armagh area. Hydro developments anticipated will generally small in scale and subject to design, ecological and fisheries considerations being carefully assessed this type of renewable energy development is unlikely to cause significant concern.

### **Tidal**

**5.18** Tidal power or tidal energy is a form of hydropower that converts the energy obtained from tides into useful forms of power, mainly electricity. Although not yet widely used, tidal power has potential for future electricity generation. Tides are more predictable than wind energy and solar power. Among sources of renewable energy, tidal power has traditionally suffered from relatively high cost and limited availability of sites with sufficiently high tidal ranges or flow velocities, thus constricting its total availability. However technological developments and improvements, both in design (e.g. dynamic tidal power, tidal lagoons) and turbine

technology (e.g. new axial turbines, cross flow turbines), indicate that the total availability of tidal power may be much higher than previously assumed, and that economic and environmental costs may be brought down to competitive levels.

**5.19** SeaGen is the world's first large scale commercial tidal stream generator. It was four times more powerful than any other tidal stream generator in the world at the time of installation. The first SeaGen generator was installed in Strangford Narrows between Strangford and Portaferry in April 2008 and was connected to the grid in July 2008. It generated 1.2 MW for between 18 and 20 hours a day while the tides are forced in and out of Strangford Lough through the Narrows. Strangford Lough was also the site of the very first known tide mill in the world, the Nendrum Monastery mill where remains dating from 787 have been excavated. At present there are no new approvals for tidal energy within the District.

## Heat

**5.20** Ground source heat pumps operate by circulating water (or another fluid) through pipes buried in the ground. The water temperature in the pipes is lower than the surrounding ground and so it warms up slightly. This low grade heat is transferred to a heat pump, which raises the temperature to around 50°C. Water source heat pumps operate in a similar way, with the pipes being submerged in water. Air source heat pumps extract heat in the air and use a fan to draw air over coils that extract energy. Air-source heat pumps can be located in the roof space or on the side of a building. They are similar in appearance to air conditioning boxes. To date, existing operational policy has not raised any significant issues with these types of renewable energy developments subject to careful planning consideration including archaeological implications.

## Biomass

**5.21** Biomass fuels, including wood and energy crops, can be utilised to provide energy either by combustion or fermentation / digestion technologies.

There are currently three main categories of biomass plant:

- Plant designed primarily for the production of electricity;
- Combined heat and power plant (CHP); and
- Plant designed for the production of heat.

## Biogas

**5.22** Biogas typically refers to a mixture of different gases produced by the breakdown of organic matter in the absence of oxygen. Biogas can be produced from raw materials such as agricultural waste, manure, municipal waste, plant material, sewage, green waste or food waste. Biogas is a renewable energy source and in many cases exerts a very small carbon footprint.

**5.23** Emissions and waste products from biomass energy production include airborne emissions, emissions to watercourses and ash. Anaerobic digestion (AD) is a process which bacteria break down organic material in the absence of oxygen to

produce a methane rich biogas. This can be combusted to generate electricity. Thermal processes can also be used extract energy from waste. These processes use a high temperature to release the chemical energy in the fuel. Planning issues from these renewable energy developments that require consideration include:

- Visual intrusion-the plant is an industrial feature with a chimney;
- Noise from plant and traffic operations;
- Any effects on health, local ecology or conservation from the plant and air / waterborne emissions; and
- Traffic to and from the site in order to transport biomass fuel and subsequent by-products.

**5.24** Landfill gas is produced by wet organic waste decomposing under anaerobic conditions which then releases a biogas. The waste is covered and mechanically compressed by the weight of the material that is deposited above. This material prevents oxygen exposure thus allowing anaerobic microbes to thrive. This gas builds up and is slowly released into the atmosphere if the site has not been engineered to capture the gas. If the site has been engineered appropriately however, this gas can be burned and used to generate energy.

**5.25** Having evaluated the information available in respect of biomass development, the options for the council are to:

1. Adopt policies which are in line with existing planning policy within Planning Policy Statement 18 (PPS 18) and the related Best Practice Guidance to PPS18 and within Planning Policy Statement 11 (PPS 11) Planning and Waste Management in the case of biomass from waste.
2. Develop a more restrictive policy, having regard to concerns over environmental impact, visual impact and amenity impact.

### **Connections to Electricity Grid**

**5.26** The electricity network in NI is facing an unprecedented demand for the connection of renewable generation. The total amount of renewable generation already connected to the network is 729MW, with a further 455MW committed to connect. Renewable energy connection is very reliant on the existing infrastructure. However at present the transmission and distribution networks cannot provide, on an unrestricted basis, for all of this connected renewable generation.

**5.27** Since the introduction of increased Renewable Obligation Certificate (ROC) incentives for small scale generation in April 2010, there has been a large increase in the amount of small scale generation either connected to, or committed to connect to the 11kV network. NIE have produced an 11kV network heat map (February 2015) to provide guidance on capability of the 11kV network to accept further small scale generation (see Appendix C). This heat map identifies where investment is currently required. This map is a simple visual representation however it displays that in the Newry, Mourne & Down District Plan Area locations such as Lecale, Slieve Croob and Newtownhamilton are already at saturation point.



**5.28** The existing energy infrastructure needs to be overhauled to ensure it will be fit for purpose. This includes strengthening the grid and developing smart grid initiatives. The upgrading of the electricity grid will involve more overhead powerlines and power installations. The following table provides details of the various projects presently underway or planned in NI to aid renewables integration into the electricity network:

<b>Short Term Plan (STP)</b>
Increasing capacity of existing 110kV network by using Dynamic Line Rating techniques combined with selective up-rating- Work Completed.
<b>Medium Term Plan (MTP)</b>
Series of individual projects designed to reinforce 110kV network to increase capacity & remove bottlenecks-Work on-going.
<b>Renewable Integration Development Plan (RIDP) &amp; Network 25</b>
The RIDP has identified the issues which will arise due to the connection of renewable generation (in the north and west of NI) & in 2013 the project had arrived at a preferred overall scheme option. The scheme involves new extra high voltage, 275 and 110 kV infrastructure and the uprating of some existing circuits. However, phase 4 of the RIDP is now focused on the preparation of a transmission plan for the whole of NI (Network 25) supported by an associated Strategic Environmental Assessment.
<b>Generation Cluster Infrastructure</b>
To facilitate the connection of renewable generation to the grid NIE will 'cluster' their arrangements for the connection of generators (generally onshore wind farms) so that generators will share transmission network infrastructure as far as possible. Clustered connections generally involve the construction of a 110/33kV substation, connection to the 110kV network & individual 33kV generation connections. There are to be at least 7 cluster substations developed before 2020.
<b>New North South Interconnector (NSI)</b>
The proposed new interconnector will require the construction of a new 275/400kV substation & a new 400kV overhead line between Turleenan (Dungannon) and Woodland (Meath). A planning application was submitted in December 2009, the Environment Minister referred the application to the Planning Appeals Commission (PAC) and a Public Inquiry commenced in March 2012. An updated planning application, relating specifically to the works associated with the construction of overhead lines & towers was submitted to DOE in April 2013. Following a period of public consultation, this application has been returned to the PAC for recommencement of the Inquiry.

**5.29** It must be noted that in terms of the current planned and ongoing projects within Northern Ireland detailed within the RIDP & Network 25 along with the general Cluster Infrastructure, none of these works fall within this Council area.

## Natural Gas

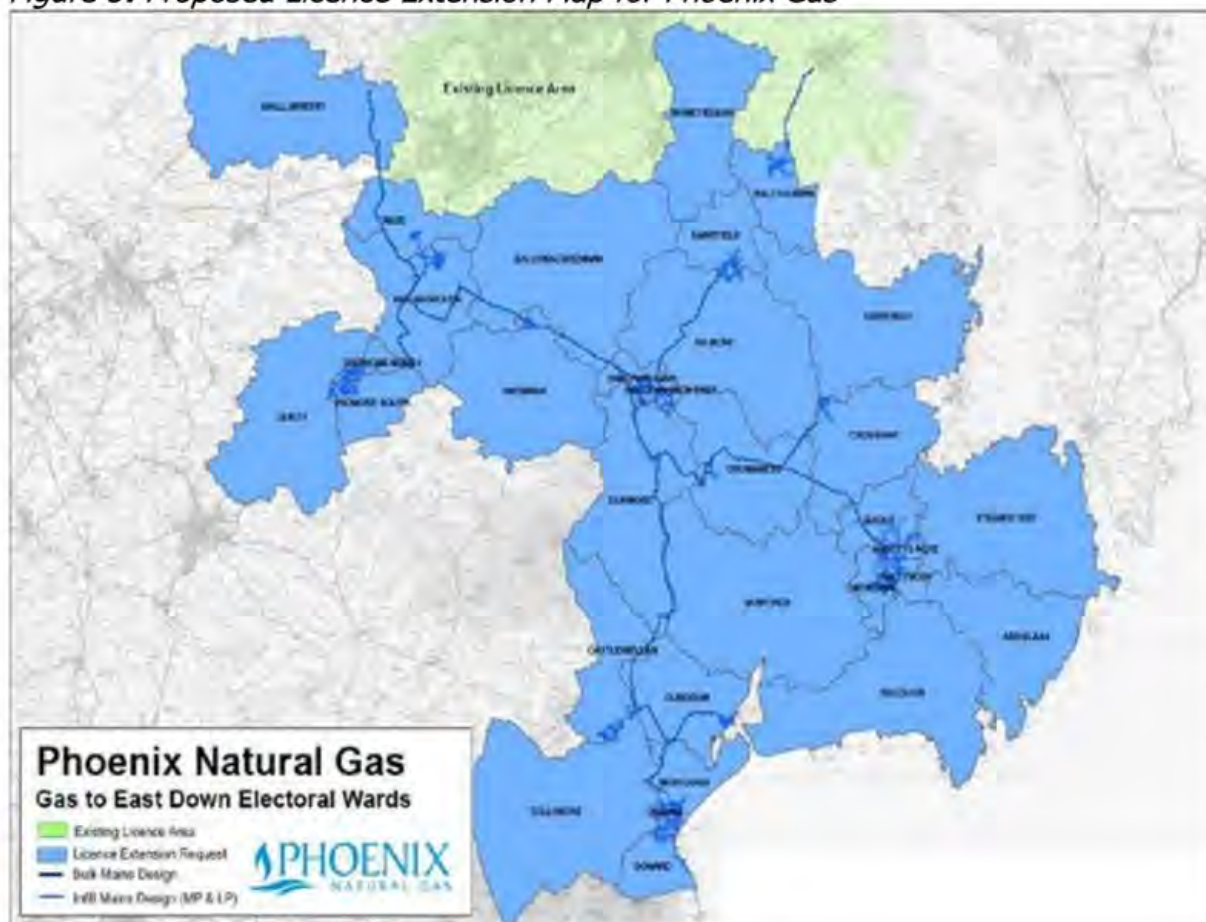
**5.30** Natural gas was first introduced to Northern Ireland via the Scotland to Northern Ireland gas pipeline in 1996. Initially, natural gas was made available to customers in Greater Belfast, the immediate surrounding area and Larne where the gas distribution network has been developed by Phoenix Natural Gas (PNG). By the

end of 2014, natural gas was available to circa 307,000 properties in this area, with around 182,000 actually connected to natural gas.

**5.31** Firmus Energy (Firmus) is engaged in work to develop the natural gas market outside Greater Belfast along the routes of the North-West gas transmission pipeline (completed November 2004) and the South-North gas transmission pipeline (completed October 2006). This work involves rolling out the gas distribution network in the 10 towns and cities across Northern Ireland including Newry, the others include Derry, Limavady, Ballymena, Ballymoney, Coleraine, Craigavon, Antrim, Banbridge and Armagh. To date, Firmus has connected around 25,000 customers in the 10 towns area, including taking natural gas to some additional urban areas, such as Warrenpoint.

**5.32** In December 2015, the Utility Regulator approved an extension of Phoenix Gas' gas conveyance licence to East Down. This proposed extension encompasses 13 new towns for development and requires capital expenditure in excess of £58m and will make gas available to around 27,000 properties. Settlements within the District to be served by the extension include Ballynahinch, Drumaness, Saintfield, Downpatrick, Castlewellan, Newcastle and Dundrum.

Figure 5: Proposed Licence Extension Map for Phoenix Gas



Source: Utility Regulator

## 6.0 Waste Management

**6.1** The policy framework for the delivery of Waste Framework Directive is set out in the 2013 Revised Waste Management Strategy, containing actions and targets to meet the EU Directive and related Programme for Government targets. It sets targets of achieving a recycling rate of 50% of household waste by 2020 (EU Directive target) and a recycling rate of 45% of household waste by 2025 (PfG Target). Local Authority collected municipal waste has a recycling rate target of 60% by 2020. The document also sets out a number of proposals in relation to reducing the amount of food waste sent to landfill in Northern Ireland. By encouraging more people 'to reduce, re-use and recycle' and 'let's recycle more', steady progress is being made in limiting the amount of waste sent to landfill.

### Strategic Planning Policy Statement

**6.2** The SPPS supports wider government policy and in line with the RDS, promotes the 5 step Waste Hierarchy and the proximity principle. It sets three policy objectives for waste management:

- Promote development of waste management and recycling facilities in appropriate locations;
- Ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised; and
- Secure appropriate restoration of proposed waste management sites for agreed after-use.

**6.3** Council should set out policies and proposals in the LDP that support the above-mentioned aims and policy objectives, tailored to the local circumstances of the plan area.

**6.4** The Council must assess the likely extent of future waste management facilities for the plan area. Specific sites for the development of waste management facilities should be identified in the LDP together with key site requirements. The COMAH Directive (EU Directive 96/82/EC) requires development plans to ensure that appropriate distances are maintained between hazardous substances and residential areas of public use/open space.

**6.5** Sites and proposals for waste collection and treatment facilities must meet one or more of the following locational criteria:

- It is located within an industrial or port area of a character appropriate to the development;
- It is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facilities including a land fill site;
- It brings previously developed, derelict or contaminated land back into productive use or where existing or redundant buildings can be utilised;

- In the case of civic amenity facilities, the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or
- It is suitably located in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact.

**6.6** In the case of a regional scale waste collection or treatment facility, its location should relate closely to and benefit from easy access to key transport corridors and where practicable make use of the alternative transport modes of rail and water.

**6.7** LDPs should also identify the need for appropriate waste management facilities within new development. A presumption in favour of waste collection and treatment facilities, and waste disposal (land filling and land raising) will apply where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan (WMP). In the case of Waste Water Treatment Works, need must be demonstrated to the satisfaction of the Department or relevant authority.

**6.8** In all circumstances particular attention should be given to the potential impacts of existing and approved waste management facilities on neighbouring areas and the need to separate incompatible land uses.

**6.9** Following the Publication of the SPPS, until such times as a Plan Strategy for the whole of the Council area has been adopted; planning authorities will apply existing policy contained within Planning Policy Statement 11 (PPS 11): Planning and Waste Management together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

**6.10** Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

**6.11** PPS 11 promotes the development, in appropriate locations, of waste management facilities to meet need as identified in the WMP. Consideration of the impact of existing or proposed waste management facilities should also be given when zoning land for development and ensuring incompatibility of adjacent land uses is avoided.

## **Arc 21**

**6.12** Newry, Mourne & Down Council falls within the Arc 21 region. Arc 21 is an umbrella waste management group for 6 councils in the east of Northern Ireland. Arc21's aim is to encourage households and businesses to 'Reduce, Re-use and Recycle' as much as possible, and deliver new waste infrastructure facilities to

manage waste efficiently and in an environmentally-friendly manner. At present Arc 21's region accounts for 54% of all Northern Ireland's municipal waste, 518,000 tonnes per annum

**6.13** Under the provisions of the Waste and Contaminated Land (Northern Ireland) Order 1997 it is the responsibility of the district councils to prepare a WMP for the forward planning of waste management requirements for collecting, recovering, treating and disposing of controlled waste within the region.

**Waste Management Plan**

**6.14** A revision of the Waste Management Plan for the Arc 21 region was determined by the Department of the Environment in September 2015. The Plan provides a framework for waste management provision and a regional network of facilities for all controlled wastes within the Arc 21 region. It establishes the overall need for waste management capacity and details the proposed arrangements to deal with the wastes produced in a sustainable manner.

Figure 6:

**Household waste recycling rate Northern Ireland, 2015/16**



Source: NIEA NI Local Authority Collected Municipal Waste Management Statistics

**6.15** The Arc 21 objectives have been set in the context of the following four principles of sustainable development:

- Social progress which meets the needs of everyone;
- Effective protection of the environment;

- Prudent use of natural resources; and
- Maintenance of high and stable levels of economic growth and employment.

**6.16** The principle objective of the Plan is therefore to identify options for managing waste within the Arc 21 region which draws the correct balance between:

- The provision and maintenance of sufficient capacity to deal with the waste produced;
- Meeting strategic targets for recycling and recovery, and potentially for reduction;
- The protection of the environment for present and future generations; and
- Optimising resource utilisation in the Arc 21 region.

**6.17** Application of the Waste Hierarchy to minimise waste production and policies to educate the public, industry and young people in particular, in effective resource use and reuse, recycling and composting is facilitated through the provision of 'bring facilities', bottle banks and civic amenity sites which are the responsibility of the Council.

### **Waste Processing within Newry, Mourne & Down District Council**

**6.18** In 2015/16 the Newry, Mourne & Down District Council area amassed 84,459 tonnes of municipal waste of which a total of 30,643 (36.3%) tonnes was sent for preparation for reuse, dry recycling and composting. A further 23,932 tonnes (28.3%) was sent for waste energy recovery and 29,762 (35.2%) was sent to landfill.

**6.19** The two main landfill sites within the district at Aughnagon and Drumnakelly ceased to be used for the purpose of household waste on April 2015 and May 2016 respectively. Currently 'Black Bin' waste within the district is collected by the council and transferred to private operator for sorting of material appropriate for 'Refuse Derived Fuel' and recovery of recyclable and biodegradable material. Planning permission has been granted at the Councils landfill site at Drumnakelly for a proposed Waste Transfer Station. 'Blue Bin' waste within the District is also transferred to private operators in Newry and Mallusk for processing. Commercial waste disposal is the responsibility of the waste generator and commercial facilities exist in both Killeel and Bessbrook.

**6.20** Newry, Mourne and Down District also has 10 recycling centres located across the District. These centres are located in the following settlements listed below:

Ballynahinch  
 Castlewellan  
 Downpatrick  
 Newry  
 Bessbrook  
 Killeel  
 Newtownhamilton

Crossmaglen  
Warrenpoint  
Hilltown

Outline planning permission has been granted for a more modern facility at Killough Road Downpatrick with a reserved matters application currently under consideration.

**6.21** At present there is no envisaged need for additional or expansion of existing Council operated waste facilities within the District however this will be monitored and updated as the Development Plan progresses. It should also be noted that the recycling and use of waste for energy production is a growth area in the private sector and it is highly likely that during the Development Plan period there will be applications for facilities from the private sector.

## **7.0 Flood Risk, Drainage, Water Supply and Sewerage**

### **Flood Risk**

**7.1** The EU "Floods Directive" (2007/060/EC) came into force on the 26<sup>th</sup> November 2007 and aims to establish a framework that will contribute to reducing the impact of flooding on communities and the environment. Compliance with this Directive is the responsibility of the Rivers Agency which is part of the Department for Infrastructure (DFI) and they have begun implementing the directive by establishing flood risk and hazard maps which were published in 2013.

**7.2** The EU Floods Directive confirms that development can exacerbate flood risk and states that the planning authority has a crucial role to play in managing development so as to reduce the risks and impacts of flooding. The Directive highlights the fundamental importance of preventing or restricting new development in flood prone areas.

Under the Floods Directive, flood risk is managed by:

**Prevention:** avoiding construction of houses and industries in flood-prone areas; by adapting future developments to the risk of flooding; and by promoting appropriate land-use, agricultural and forestry practices.

**Protection:** taking measures, both structural and non-structural, to reduce the likelihood and impact of floods.

**Preparedness:** informing the public about flood risk and what to do in the event of a flood.

**7.3** The SPPS states that the preparation of a LDP affords the opportunity to engage with relevant government departments with responsibility for various aspects of flood risk management thereby fostering a necessary joined up approach to addressing flooding issues. Typically, this will involve considerable engagement with Rivers Agency and the use of the most up to date information on flood risk which will usually be contained in the Strategic Flood Maps. This joined up approach

should also be extended to neighbouring councils in circumstances where flooding and flood risk crosses administrative boundaries.

**7.4** The SPPS also states that LDPs should take account not only of current flood risk but also the likelihood of flood risk in the future and should not allocate land for development which may be prone to flooding.

**7.5** Until the new Plan Strategy is adopted, PPS 15 (Planning and Flood Risk) is to be applied alongside the SPPS. PPS 15 operates a presumption against development within designated flood plains, unless the development is of regional importance or it falls into a pre-defined list of categories such as:

- A replacement building;
- An essential operational development such as utilities infrastructure;
- Sport and recreational uses;
- Minerals development; or
- Seasonal development which will not increase flood risk

**7.6** With specific reference to flooding in each river basin, in December 2015 DARD (now DFI) published specific Flood Risk Management Plans (FRMPs) for the three River Basin areas in Northern Ireland. Two of these Plans cover this District, the Neagh Bann River Basin Flood Risk Management Plan and the North East River Basin Flood Risk Management Plan.

**7.7** Flood Risk Management Plans (FRMPs) are a key requirement of the Floods Directive (Directive 2007/60/EC on the assessment and management of flood risks) and are aimed at reducing the potential adverse consequences of significant floods on human health, economic activity, cultural heritage and the environment. The FRMPs are coordinated at the River Basin District level to align with the Water Framework Directive's River Basin Management Plans and focus on managing the flood risk in the twenty Significant Flood Risk Areas (SFRAs) identified through the Preliminary Flood Risk Assessment (PFRA) for Northern Ireland that was completed by the Department in December 2011. Within this District, the FRMP's encompass the settlements of Newry, Warrenpoint, Newcastle and Downpatrick. Areas identified for further study include Rostrevor, Ballynahinch and Drumaness. In practice, the FRMP's provide the information and evidence necessary to support risk management decision making. The Plans also help promote greater awareness and understanding of the risks of flooding amongst the public, Government Departments, Councils and other organizations. The Council should ensure that the new LDP is compatible with these FRMP's.

**7.8** Rivers Agency Planning Advisory Unit also advises on the flooding potential for individual sites which are the subject of specific planning applications and where flooding is likely to occur. The Planning Advisory Unit will advise on any development where there is a potential to the proposed development or property elsewhere caused by the proposed development. The SPPS will not permit development within the flood plains of rivers or the sea unless it meets prescribed exceptional circumstances.



If not controlled in the correct way, development can increase flood risk by:

- a) Using up land which is required for flood relief pondage;
- b) Allowing new development to take place on land which is in danger of flooding and therefore posing a threat to the safety of that new development;
- c) Increasing the volume of water which is entering a particular watercourse in the form of sewage or industrial effluent runoff.

**7.9** When preparing local policies as part of the LDP process, the Council will seek to ensure that land which has been identified as being at risk of flooding is not zoned for certain types of development such as housing or industry. Such zoning would eradicate the natural function of such land as a flood relief pondage area.

Rivers Agency will be able to advise on the suitability of land for development with respect to flood risk. This includes:

- The Extent of Flood Risk.
- The Mitigation of flood risk.
- Sustainable Drainage Systems.
- Resistance measures against flooding.
- Resilience measures to reduce the impact after flooding occurs.

**7.10** The LDP should take account of the "Climate Change" Flood maps (Appendix D-F) as well as the information contained in the Strategic and Hazard Flood Maps to establish land zonings.

**7.11** There are no current works or definitive proposals for Flood Defence Schemes or Improvements to existing Flood Defence Schemes planned within the District. There are however, a number of possible schemes currently being considered at Design Stage including:

- Newcastle, Shimna River;
- Mayobridge Flood Alleviation Scheme;
- Annsborough Flood Alleviation Scheme (Phase 2).

**7.12** There is also a Feasibility Study currently on-going regarding the Newry, Greenbank Sea Defence Upgrade and a Flood Study of Newry currently being undertaken. It should be noted that subject to viability, flood alleviation schemes can take several years from identification of the requirement through to completion of work. All proposed works are subject to the availability of resources and competing priorities.

## **Drainage**

**7.13** In March 2016, the Department for Infrastructure (DfI) published a long term strategy entitled Sustainable Water: A Long-Term Water Strategy for Northern

Ireland (2015-2040) on the best way forward for managing the water sector in Northern Ireland.

The Strategy highlights that planning policies should promote sustainable water and sewerage services by making appropriate space in development plans for water and sewerage infrastructure. Future local development plans should make provision for both waste water treatment facilities and sustainable drainage systems.

The Strategy identifies four key sections:

- Drinking Water Supply and Demand
- Flood Risk Management and Drainage
- Environmental Protection and Improvement
- Water and Sewage Services

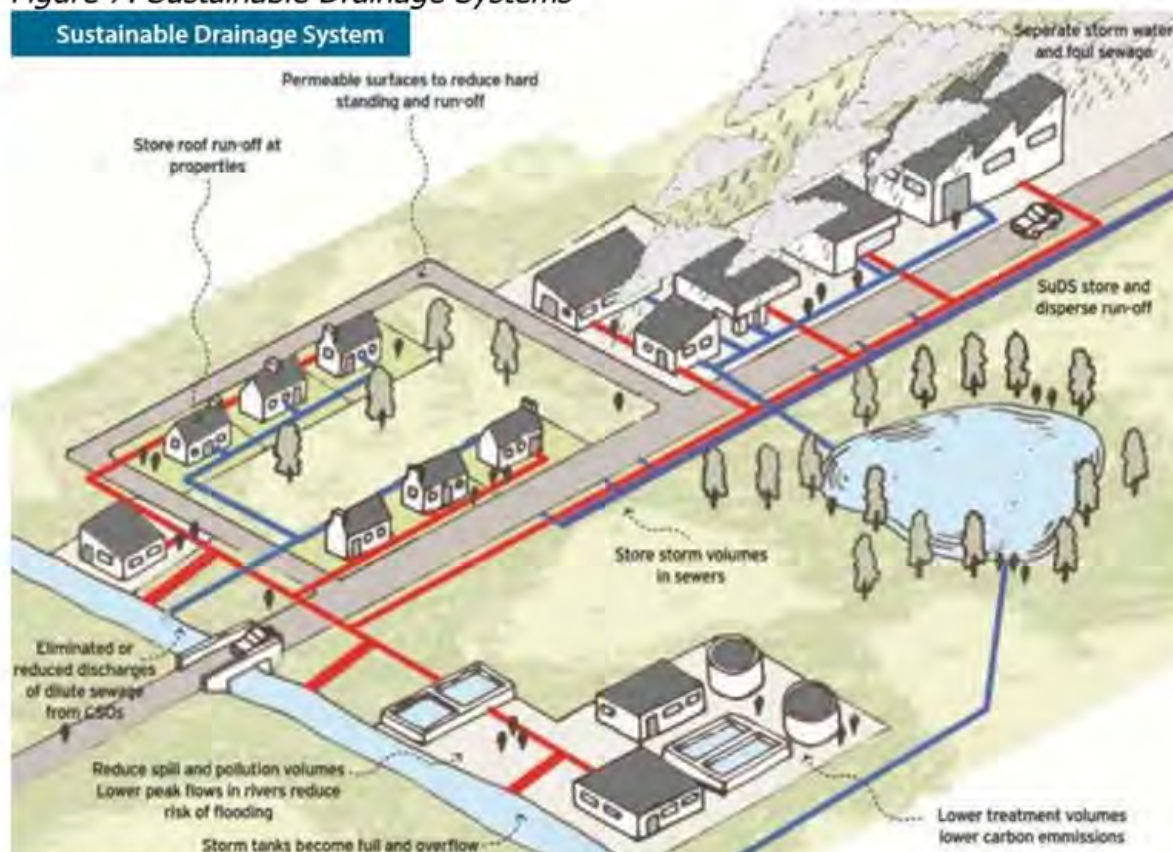
**7.14** Each of these sections sets out aims, policies and actions to achieve Sustainable Water within the lifetime of the Strategy, some of which have been identified to be implemented through the Local Development Plans (LDP), including:

- Make space for surface water management in LDPs – e.g. when zoning suitable land, large surface water drainage schemes such as lakes, wetlands and wet woodland could be created to meet the future drainage needs of the proposed development in an area.
- LDP policy could require, either generally or for specific zonings, that schemes are put in place at design stage so as to minimise surface water runoff. It is preferable that a range of Sustainable Drainage System (SuDS) solutions be employed as these are more sustainable and often less costly than using traditional piped infrastructure. They also offer multiple benefits such as recreation and amenity provision. Examples of such are green roofs, permeable paving, soakaways, ponds and wetlands. The Diagram below shows how Sustainable Drainage Systems work (see figure 7).

**7.16** Taking account of this information, the Council may, when preparing the LDP and local planning policies, try to ensure that the following objectives are realised;

- Ensure the LDP is compatible with and complements the Flood Risk Management Plans published by DFI Rivers Agency.
- Avoid zoning land for habitable development which has been identified as being at risk of flooding, either on the Strategic / Hazard / Climate Change Flood Maps.
- Formulate planning policy which makes drainage a key element of design and which promotes the use of SuDS.

Figure 7: Sustainable Drainage Systems



Source DRD: Sustainable Water

## Sewerage Facilities – Waste Water Treatment Works (WWTW)

**7.17** The provision of sewage treatment facilities across the District is also the responsibility of NI Water.

**7.18** The RDS proposes that Newry, Mourne and Down District Council will need approximately 10,900 new houses from 2012 - 2025 so it is important to bear in mind the impact that this housing need will have on the existing sewage network capacity. Most houses are connected to the existing sewage network, under the SPPS, in all circumstances proposals for development must meet planning and environmental considerations including those for drainage and sewerage.

**7.19** Single houses in the countryside rely on septic tanks, it should be noted that Policy CTY 16 of PPS 21 states that planning permission will only be granted for developments relying on non-mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem.

**7.20** When preparing the LDP, the potential capacity of the existing sewage infrastructure in an area will have a bearing on the amount and location of new development and whether or not land is zoned for new development. An indication as to the available capacities (headroom) of existing waste water treatment works (WWTW) within the Council area was supplied by NI Water in December 2015 and will be updated through the plan process. The information provided (see appendix

G) at this stage is limited to those settlements served by public treatment facilities serving population equivalents of greater than 50.

**7.21** The information provided to date highlights that the following settlements as having no remaining capacity (headroom) within the business period 2015-2021:

Drumaness  
 Dundrum (Upgrade of this WWTW during 2015-2021)  
 Ballymaderphy  
 Glasdrumman (Armagh)  
 Glen Villas  
 Lurganare  
 Oliver Plunkett Park

**7.22** NI Water maintains all works through a capital maintenance programme and further seeks to address quality and development issues through an enhancement programme which is delivered on a prioritised basis across Northern Ireland within allocated funding. This information will need to be kept under review to ensure an accurate picture of the extent of any constraint placed on development.

**7.23** Proximity to existing WWTW will also be a factor in considering the location of new development land as part of the LDP. When selecting land for development, it is generally desirable to avoid land near established treatment works as these can cause nuisance. Guidelines established between DOE Planning and NI Water set out what can be considered acceptable distances between development and WWTWs. For example, a WWTW with a design equivalent population of 5,000 should not be within 300m of inhabited development.

**7.24** Taking account of this information, the Council may, when preparing the LDP and local planning policies, try to ensure that the following objectives are realised;

- Ensure that development land is zoned in areas where the 'headroom capacity' of existing WWTWs is such that development can be supported by sewerage infrastructure; and
- Avoid zoning land for habitable development in close proximity to existing WWTWs.

## **Water Supply**

**7.25** The responsibility for the provision of water supply across the District is the responsibility of NI Water.

**7.26** NI Water has indicated that it does not envisage any substantive issues that will impinge upon new development. This will be confirmed in a brief statement along with some additional context on on-going programme of Network strengthening and resilience improvements. Where there are instances of planned investment on major capital works e.g. water treatment works upgrade this will be highlighted within the response.

## Reservoirs

**7.27** The Reservoirs Act (Northern Ireland) 2015 aims to ensure that the existing 130-150 reservoirs in Northern Ireland are managed and operated to minimise any risk of flooding due to an uncontrolled release of water resulting from dam failure and therefore protecting people, the environment, cultural heritage and economic activity. It will impose management and maintenance requirements on owners and managers of reservoirs with a volume in excess of 10,000 cubic metres. To facilitate the management of such reservoirs, Rivers Agency has prepared reservoir inundation maps. Where development is proposed in close proximity to a reservoir, the developer will be required to submit a detailed flood risk assessment to show how the development will not be at risk of flooding from the nearby reservoir. Consequently, when preparing the LDP the Council may not wish to allocate land for development close to existing reservoirs. To do so would be to require the developer to carry out a flood risk assessment, thus complicating the planning application process.

## 8.0 Conclusions

**8.1** This paper has provided an overview of utility provision within Newry, Mourne & Down and has looked the existing provision and spare capacity of public utilities over the plan period until 2030. Utility provision in the Local Development Plan must take account of the regional planning framework set out by the RDS and the SPPS to assist judgements on the allocation of housing growth and to ensure that sufficient land is allocated to meet the anticipated needs of the community. The provision of public utilities within the plan area is primarily the responsibility of a number of Government Departments and statutory bodies as well as the District Councils; however the private sector is playing an increasingly important role. In terms of the role of the LDP it is therefore important to recognise that external providers have their own long term strategies and investment plans subject to budget constraint.

**8.2** The LDP will not designate or zone specific sites for public utilities. However in accordance with regional and operational planning policy it will seek to locate new developments which maximise the efficient use of existing utility infrastructure whilst keeping the environmental impact to a minimum.

**8.3** Where proposals to develop new or replace existing public utilities are known, these should be identified in the Plan. Where provision of an existing public utilities is limited and there are no known plans to upgrade during the plan period, development may be constrained as a result of this.

Thus the key elements of any strategy relating to the following themes are identified as follows:

## 8.4 Telecommunications

- Develop an approach which promotes the development of telecommunications infrastructure whilst also paying close attention to the impact such development will have. This may mean for example, that certain areas are designated at local policies plan stage as areas where no telecommunications development will be

permitted in order to protect sensitive landscapes, provided there is not a recognised 'Not Spot' at that location i.e. no telecommunication coverage at all. Any such policy changes would be brought through the introduction of Countryside Policy Areas.

### **8.5 Recycling and Waste Management**

- Facilitate the implementation of the Waste Management Plan when formulating Plan Strategy and Local Policies Plan.

### **8.6 Flood Risk, Drainage and Water Supply**

- Ensure that development land is zoned in areas where the "headroom capacity" of existing Waste Water Treatment Works is such that development can be supported by sewerage infrastructure.
- Avoid zoning land for habitable development in close proximity to existing WWTWs.
- Local development plans should be compatible with and compliment the Flood Risk Management Plans published by DFI Rivers Agency.
- Avoid zoning land for habitable development which has been identified as being at risk of flooding, either on the Strategic / Hazard / Climate Change Flood Maps.
- Formulate planning policy which makes drainage a key element of design and which promotes the use of SuDS.

### **8.7 Energy Supply and Renewables**

- Adopt a policy position that recognises the value of wind energy development but provides policy which gives greater weight to environmentally sensitive areas and greater protection to neighbouring amenity. Any such policy changes would be brought through the Introduction of Countryside Policy Areas.
- In relation to biomass development, adoption of current planning policy would ensure continued support for such development while ensuring potential impacts are minimised.

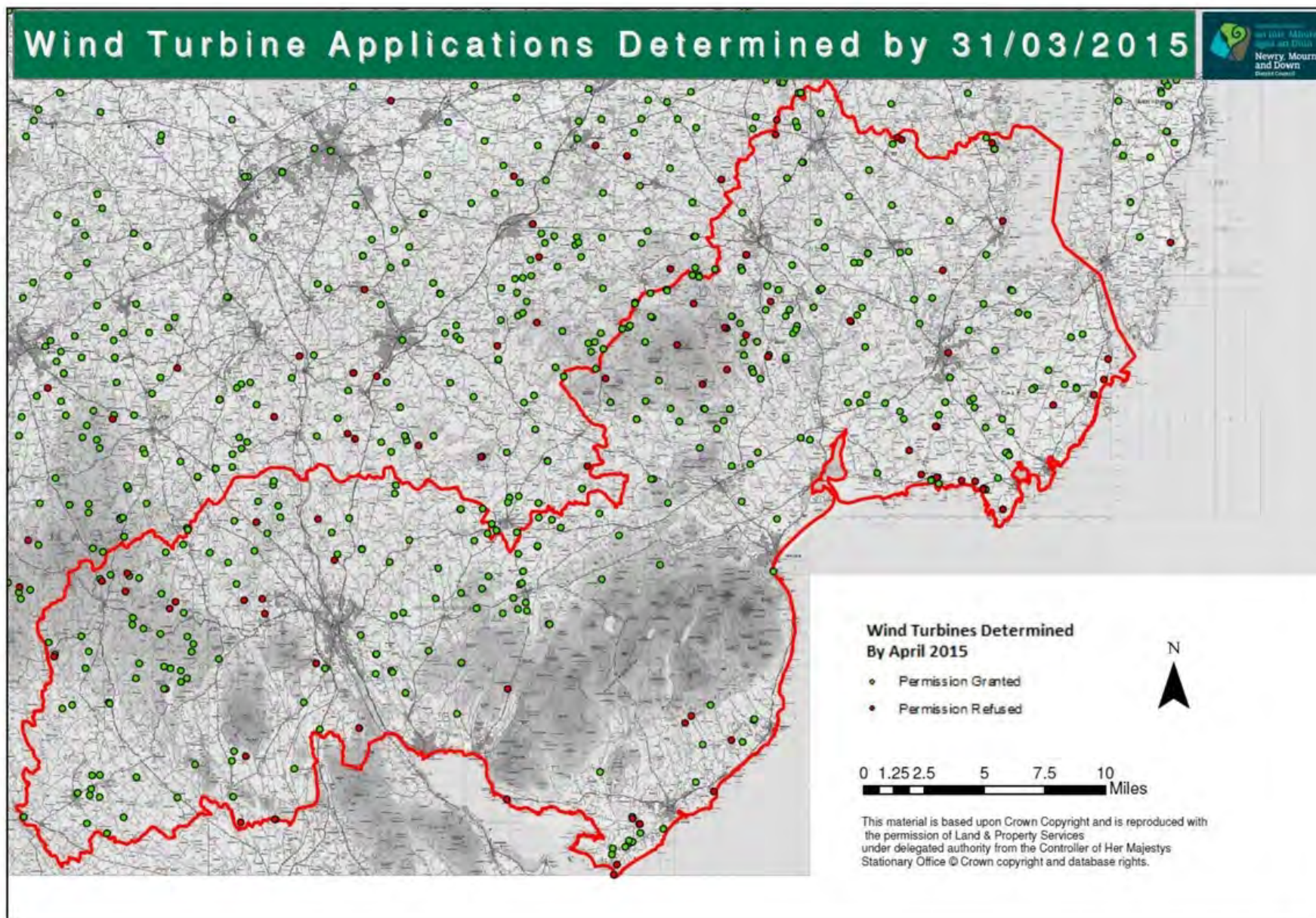
# Appendices

## Appendix A – Housing Evaluation Framework

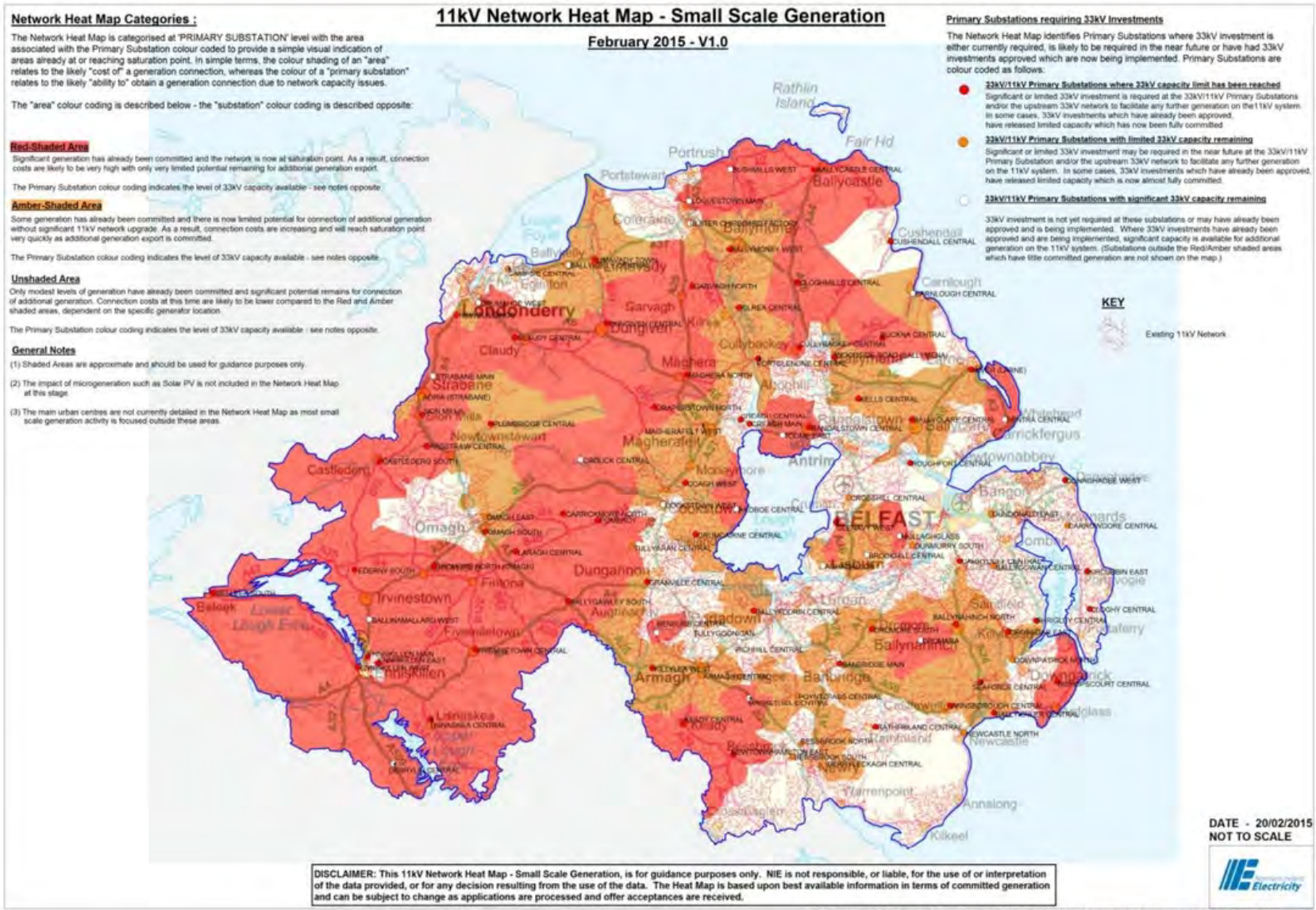
<b>Housing Evaluation Framework</b>	
<b>Resource Test</b>	Studies should be carried out to assess and detail the existence of community assets and physical infrastructure such as water, waste and sewage, including spare capacity.
<b>Environmental Capacity Test</b>	An assessment of the environmental assets of the settlement, the potential of flooding from rivers, the sea or surface water run-off and its potential to accommodate future outward growth without significant environmental degradation should be made.
<b>Transport Test</b>	Studies should be carried out to assess the potential for integrating land use and public transport and walking and cycling routes to help reduce reliance on the car.
<b>Economic Development Test</b>	The potential to facilitate an appropriate housing and jobs balance and to unlock any major strategic development opportunities should be assessed and detailed.
<b>Urban and Rural Character Test</b>	Assessment should be made of the potential to maintain a sense of place, and to integrate new development in a way that does not detract from the character and identity of the settlement.
<b>Community Services Test</b>	The potential to underpin and, where necessary, reinforce the community service role and function of the settlement should be assessed and detailed.



Appendix B – Wind Turbine Application Determinations within NM&D Between 2002 and 2015

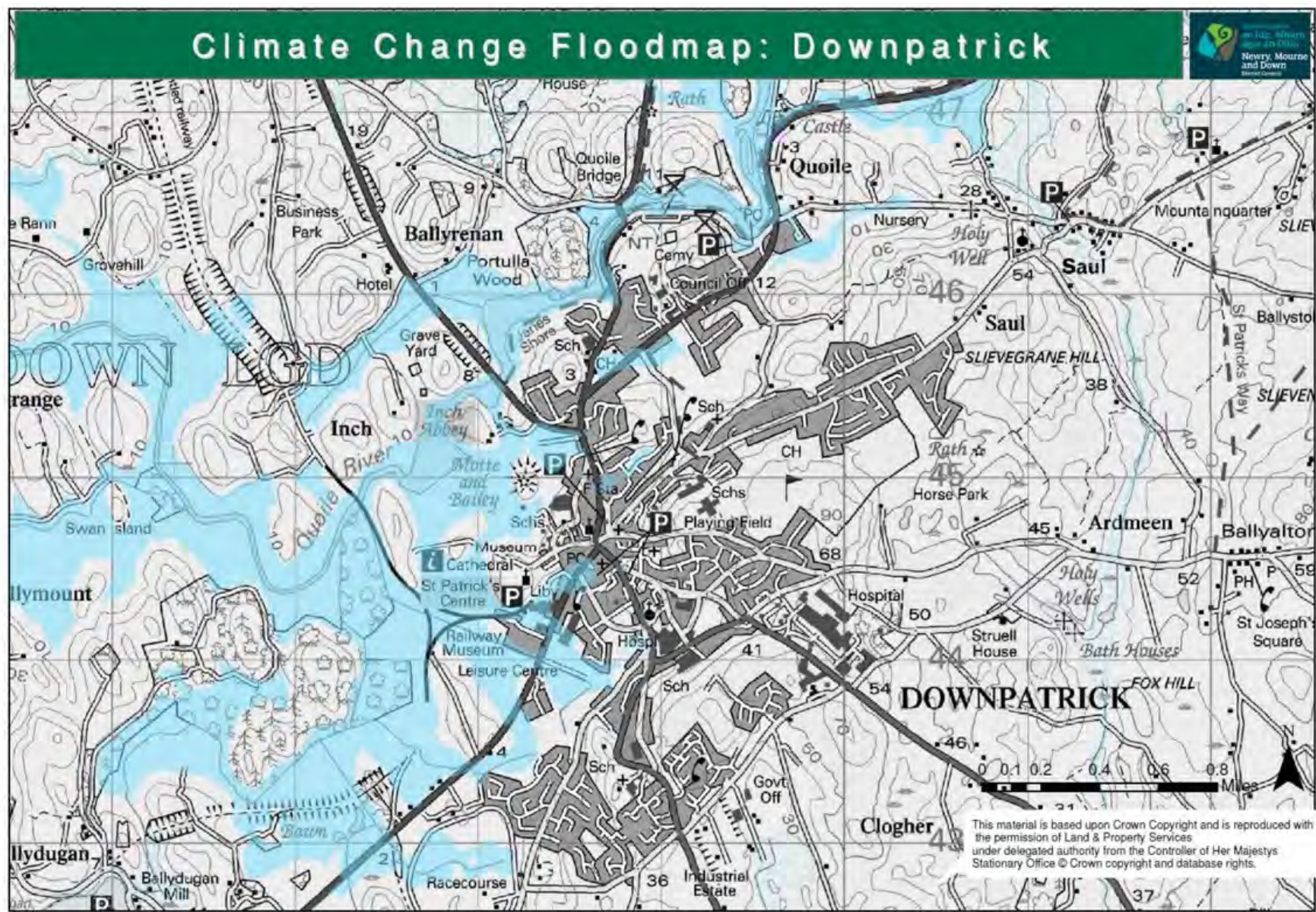


Appendix C – NIE Heatmap

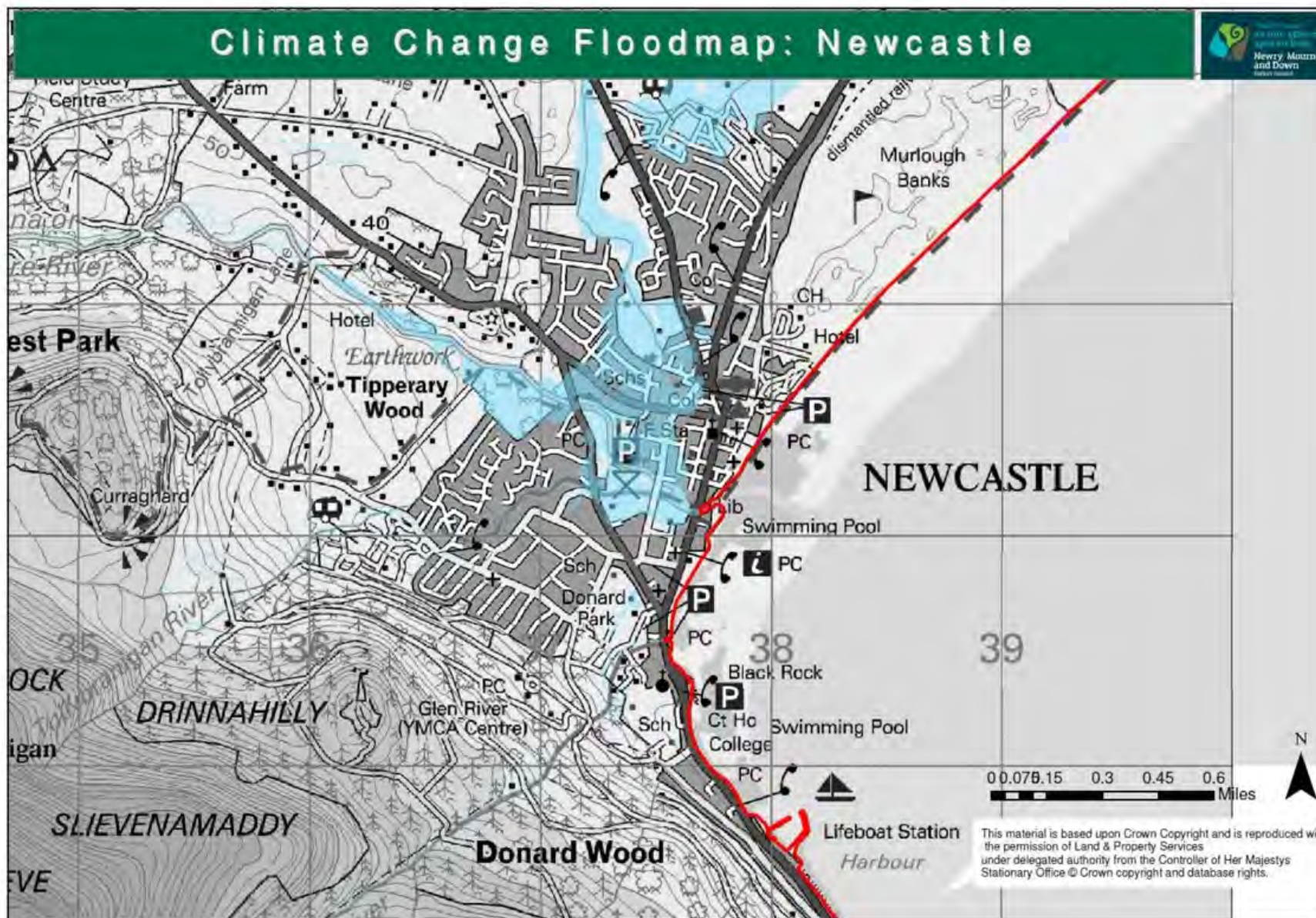


Source: [http://www.nienetworks.co.uk/documents/Generation/SSG\\_HeatMap\\_200215\\_V1.aspx](http://www.nienetworks.co.uk/documents/Generation/SSG_HeatMap_200215_V1.aspx)

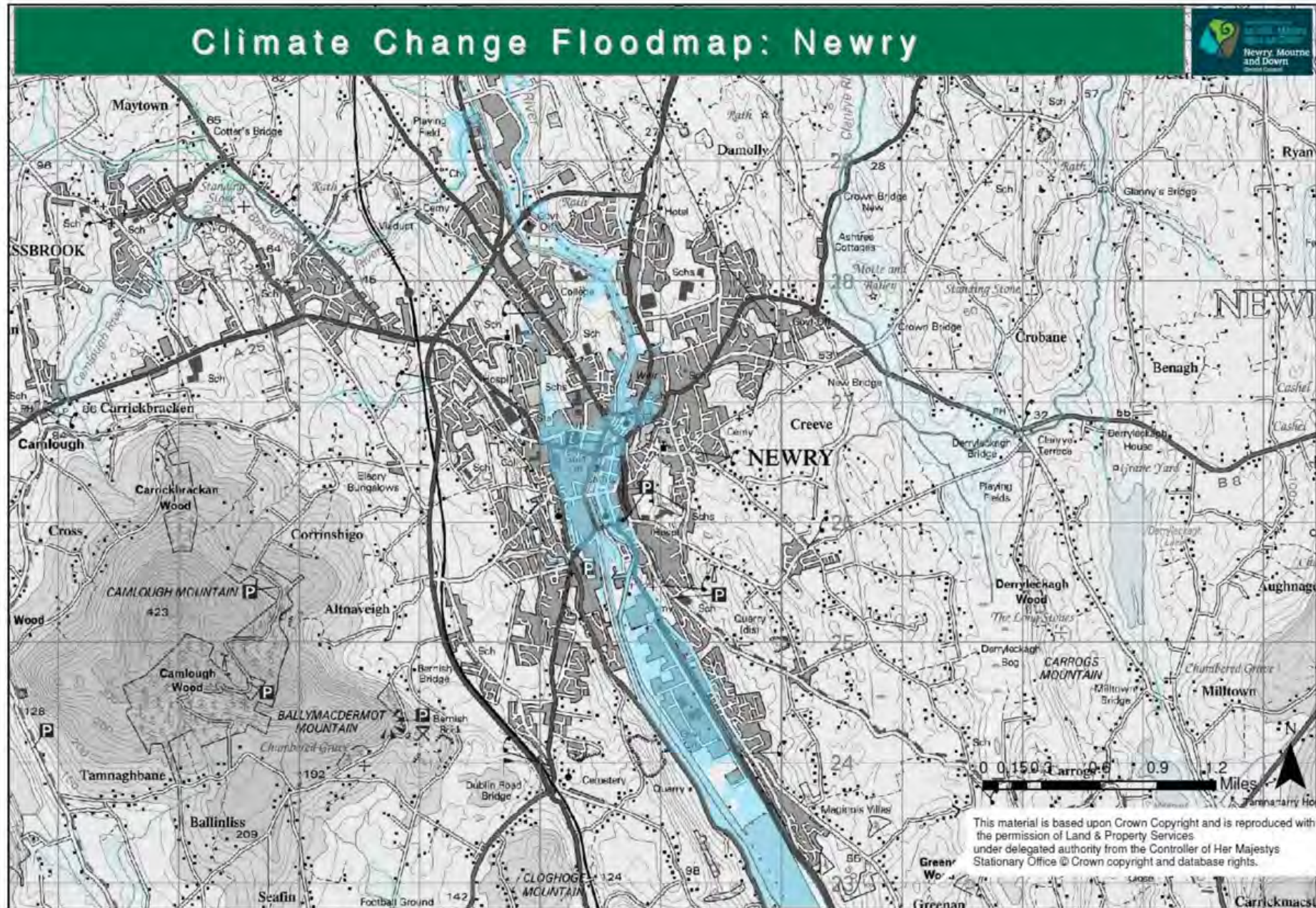
Appendix D - 1/100 year Climate Change Floodmap: Downpatrick



Appendix E - 1/100 Year Climate Change Floodmap: Newcastle








Appendix F: 1/100 Year Climate Change Floodmap: Newry



### Appendix G – Waste Water Treatment Works

As displayed below, NI Water have devised a new informative to convey both the present capacity condition of each of its Wastewater Treatment Works and also how this condition may change depending on a range of potential growth scenarios. The Informative presents two sets of indicators; one relating to current capacity and the associated impact on the availability of new sewerage connections; the second is an estimated projection of treatment capacity were prescribed growth factors to be applied to the existing drainage catchment flows.

Settlement	Name of Works	Current Status	Estimation of Future Capacity based on Growth Factor			Comment
			10%	20%	30%	
Any Town	Any Town WwTW		✓	✓	✓	
Any City	Any City WwTW		⊗	✗	✗	
Any Village	Any Village WwTW		✗	✗	✗	No public sewerage system exists.
Any Hamlet	Any Hamlet WwTW		✓	✓	✓	Catchment flows pumped to Any Town WwTW
Another Village	Another Village WwTW		✓	✓	✓	A project exists within current Business Plan to upgrade this facility

**Key**

-  New Connections permitted – Capacity Available
-  Restricted Planning – Limited Capacity
-  New connections refused – No Capacity
- ✓ Works has 'Reasonable Capacity'
- ⊗ Works is 'At or Reaching Capacity'
- ✗ Works has 'Insufficient Capacity'

The indicators are a combination of Red, Amber and Green (RAG) traffic lights for current capacity and a variety of tick box symbols for future capacity. The distinct formats were adopted to help emphasise the certainty of the current status compared with the more speculative conclusion looking forward. The respective keys explain the relevant implications, information on planned investment for wastewater treatment or other relevant information will appear as a supplementary comment against each listed WWTW. The current capacity for settlements within this District has been provided overleaf.


Settlements Served by Large Wastewater Treatment Works

Wastewater Treatment works	Current Planning Status	Estimation of Capacity based on Growth Factor			Comment
		10%	20%	30%	
Annacloy (WWTW)	■	✓	✓	⊘	
Annalong (WWTW)	■				Query
Ardglass (WWTW)	■	✓	✓	✓	
Ballykinier (WWTW)	■	✓	✓	⊘	
Ballynahinch (Down)	■	✓	✓	✓	
Blackrock Retention Tank (Down)	■				Query
Clough (WWTW)	■	x	x	x	
Coneyisland (WWTW)	■	⊘	⊘	⊘	
Downpatrick (WWTW)	■	✓	✓	✓	
Drumaness (WWTW)	■	⊘	⊘	⊘	
Drumaroad (WWTW)	■	⊘	⊘	x	
Dundrum (Down)	■	✓	✓	✓	Upgrade of this WwTW planned during 2015-2021
Glassdrumman (Down)	■	✓	✓	⊘	
Kilkeel (WWTW)	■	✓	✓	⊘	

Killough (Retention Tank)					Query
Killyleagh (WWTW)		✓	✓	✓	
Lisowan		⊗	x	x	
Loughinisland (WWTW)		x	x	x	
Maghera (Down)		⊗	⊗	x	
Newcastle (WWTW)		✓	✓	⊗	
Saintfield (WWTW)		⊗	x	x	
Strangford		✓	✓	✓	
Thorney Glen		⊗	⊗	⊗	
Annsborough		⊗	x	x	
Attical (WWTW)		✓	✓	✓	
Ballymaderphy		x	x	x	
Bankside Shinn		⊗	⊗	⊗	
Beech Hill South		⊗	⊗	⊗	
Belleek (Armagh)		✓	⊗	⊗	
Cranfield (Down)					Query



Crossmaglen		✓	⊘	⊘	
Cullaville		✓	⊘	⊘	
Cullyhanna (WWTW)		⊘	⊘	x	
Dorsy		⊘	⊘	⊘	
Drumilly		⊘	⊘	⊘	
Drumintee		✓	✓	✓	
Forkhill		✓	✓	✓	
Glassdrumman (Armagh)		x	x	x	
Glen Villas		x	x	x	
Hilltown (WWTW)		⊘	⊘	⊘	
Jonesborough (WWTW)		✓	✓	✓	
Kilcoo		✓	✓	✓	
Killeen (Armagh)		⊘	⊘	⊘	
Leitrim (New)		⊘	⊘	⊘	
Lislea (New)		⊘	⊘	⊘	
Lisnalea		⊘	⊘	⊘	

Lurganare		x	x	x	
McKinley Park		x	x	x	
Meigh (WWTW)		x	x	x	
Mountain View (Drumintee)		⊘	⊘	⊘	
Mullaghglass (Newry)		⊘	⊘	⊘	
Newry (WWTW)		✓	✓	✓	
Newtownhamilton		✓	✓	✓	
Oliver Plunkett Park		x	x	x	
Rathfriland (WWTW)		⊘	x	x	
Silverbridge		⊘	⊘	⊘	
Warrenpoint (WWTW)		⊘	x	x	
<b>Key to Current Planning Status</b>		<b>Key to Local Development Planning</b>			
	New connections permitted - Capacity Available	✓	Works has 'Reasonable Capacity'		
	Restriction on new connections - Capacity Limited	⊘	Works is 'At or reaching Capacity'		
	New connections refused - No Capacity	x	Works has 'Insufficient Capacity'		



**HISTORIC ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING****23 November 2016**

<b>Minute Ref</b>	<b>Subject</b>	<b>Decision</b>	<b>Lead Officer</b>	<b>Actions taken/ Progress to date</b>	<b>Remove from Action Sheet Y/N</b>
RTS/144/2016	Report on bus shelter requests	Agreed to:- <ul style="list-style-type: none"> <li>Remove the existing bus shelter at Roxborough Road, Dorsey and that a canteliver type bus shelter be installed at the new location agreed with the landowner</li> </ul>	K Scullion	<b>In progress</b>	<b>N</b>
RTS/145/2016	Kilbroney Municipal Cemetery	Mr Scullion submit a report to the Rate Estimates Review Meeting for 2017/2018 on the need for a capital works project at Kilbroney Municipal Cemetery to address subsidence and uneven ground issues.	K Scullion	<b>In progress</b>	<b>N</b>

