



February 14th, 2019

Notice Of Meeting

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 20th February 2019 at 6:00 pm** in the **Boardroom, Monaghan Row, Newry.**

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

Chair: Councillor C Casey

Deputy Chair: Councillor J Rice

Members:	Councillor Andrews	Councillor W Clarke
	Councillor G Craig	Councillor D Curran
	Councillor G Fitzpatrick	Councillor L Kimmins
	Councillor J Macauley	Councillor M Ruane
	Councillor G Stokes	Councillor D Taylor
	Councillor J Trainor	Councillor H Harvey
	Councillor A McMurray	

Agenda

1.0 Apologies and Chairperson's remarks.

- Councillor Kimmins

2.0 Declarations of "Conflicts of Interest".

3.0 Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 23 January 2019.

[RTS Action Sheet - 23 January 2019.pdf](#)

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For Consideration and/or Decision

4.0 To consider the following Notice of Motion in the name of Councillor Hanna (referred from the Council Meeting of 4 February 2019)

"That this Council is proactive in addressing the dog fouling problem in Newry, Mourne and Down Council area, by enforcing the Bye-Laws of this Council, rigorously, with fines. This Council should increase staffing in this enforcement area until this problem is under control".

5.0 To consider the following Notice of Motion in the name of Councillor Enright (referred from the Council Meeting of 4 February 2019)

"This Council censures Newry, Mourne and Down Management over the failure to control littering, dog-fouling, fly-tipping and related issues. We note with concern the stark contrast between the statistics for this Council and the statistics for Ards and North Down Council. We do not accept the contention that the legislation is 'not fit for purpose' and direct Council management to learn from Ards and North Down".

6.0 Fly-tipping and dog-fouling enforcement. (Attached).

[Fly-tipping & Dog Fouling Enforcement.pdf](#)

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Planning

7.0 Current appeals - January 2019. (Attached).

[Current appeals - Jan19.pdf](#)

Page 15

8.0 Record of meetings between Planning Officers and Public Representatives 2018-2019 - February 2019. (Attached).

[Record of meetings - Feb 19.pdf](#)

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9.0 Planning Committee Performance Report - January 2019. (Attached).

[Planning Committee Performance Report - Jan19.pdf](#)

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Neighbourhood Services Transformation

10.0 Neighbourhood Services Project. (Attached).

[NSWG Cover Report.pdf](#)

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Facilities Management and Maintenance

11.0 Old Crag Garveyard and Church Ruins, Rostrevor. (Attached).

[Report Old Crag Graveyard and Church Ruins, Rostrevor.pdf](#)

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12.0 Update on Public Convenience Project and Development of Strategy. (Attached).

[Update on Public Convenience Project.pdf](#)

Page 74

13.0 Appointment of Design Team for cemetery extension projects. (Attached).

[Report Appointment of Design Team for Cemetery Extension Projects.pdf](#)

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Waste Management

14.0 Commercial Waste - scale of charges 2019-2020. (Attached).

[Commercial Waste - Scale of Charges.pdf](#)

Page 78

15.0 NI Local Authority Waste Management Statistics (July to September 2018). (Attached).

[NILA-Municipal Waste Statistics.pdf](#)

Page 82

16.0 Action Sheet from Strategic Waste Working Group November 2018. (To follow).

For Noting

17.0 Arc21 Members Monthly Bulletin 31 January 2019. (Attached).

[Membersmonthlybulletin-Jan19.pdf](#)

Page 116

18.0 Arc21 Joint Committee Minutes - 4 December 2018. (Attached).

[ARC21 Joint Committee Minutes - 4 December 2018.pdf](#)

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19.0 Historic Action Sheet. (Attached).

[HistoricActionsheetFeb19.pdf](#)

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

20.0 Arc21 Presentation.

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

21.0 Arc21 Organic Waste Treatment Service Contract. (Attached).

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

[ARC 21 Organics Contract.pdf](#)

Not included

22.0 Inclusion of legacy NMDC Organic Waste in the Organic Waste Treatment Service Contract. (Attached).

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

[InclusionoflegacyNMDCOrganicwaste.pdf](#)

Not included

23.0 ARC21 MDR Procurement Update.

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

24.0 Report on Business Case for Cleaning Services. (Attached).

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act

(Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

📄 ***Report Business Case for appointment of Commercial Cleaning Contractor Feb 2019.pdf***

Not included

25.0 Monkshill Cemetery - Phase 2 Extension. (Attached).

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

📄 ***Report on business case Phase2 Monkshill.pdf***

Not included

ACTION SHEET ARISING FROM RTS MEETING HELD ON WEDNESDAY 23 JANUARY 2019

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/001/2019	Monthly Action Sheet	Action sheet agreed and actions removed as marked	R Moore/RTS-PA		
RTS/004/2019	URELAC Update	<p>The Council continue its commitment to the URBELAC (4th Edition) and attendance at the next two meetings.</p> <p>The Council agree in principle to the development of a Manifesto on the Circular Economy, which the Council would endeavour to promote within the Council area at the end of the programme.</p>	R Moore	Ongoing. Next meeting confirmed for June 2019	Y
		BUILDING CONTROL AND LICENCING			
RTS/005/2019	Energy Performance of Buildings – Penalty Charge Notice	Where non-compliance was identified by the Council Officer, a warning letter would be issued to the Estate Agent. The Council Officer would then re-visit the Estate Agent two weeks following the date of the	C Jackson	Policy implemented from 1 Feb 2019	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>warning letter. If non-compliance was still apparent a Penalty Charge Notice for £200 would be issued to the Estate Agent for the first offence.</p> <p>Further offences would have a further £200 Penalty Charge Notice issued for each advertisement not displaying an EPC.</p> <p>However the delegates were reassured that the Council would follow all reasonable steps to work with and alongside Estate Agents to ensure compliance and that the use of a Penalty Charge Notice would only be used as a last resort to enforce the legislation.</p>			
RTS/006/2019	Height Restriction Barriers Newcastle	Note the update and advice from the Mr Jackson that the	C Jackson	In progress	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		barriers would be erected by 15 March 2019.			
PLANNING					
RTS/007/2019	Current appeals – December 2018	Officers get details of the claim for a full award of costs allowed in part, in respect of the appeal in relation to an agricultural building, Dublin Road, Killeen and advise him of the sum involved.	A McKay		
WASTE MANAGEMENT					
RTS/011	Review of Waste Management Christmas/New Year Operations	From an operational perspective, finalising Christmas / New Year holiday arrangements before the RTS Committee meeting in November to enable an integrated operational plan (refuse collection & HRCS) to be implemented in the month of December (i.e. contractor arrangements, communications / key	J McBride	In progress. Lessons-learned being fed into communication plan for glass in blue bins	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>messages, contingency planning etc.);</p> <p>Continuing with the current arrangements in respect of communications until a time the Council agrees to and implements new refuse collection routes. The routes optimisation project would be included as part of the Neighbourhood Services project; and</p> <p>Standardising communications activities between the two legacy areas in relation to Christmas / New Year holiday arrangements to ensure maximum impact and cost effectiveness.</p> <p>Recommendations to be presented to a future Committee meeting for Member consideration. An implementation date for the</p>			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		introduction of glass recycling in the legacy DDC area would be a key enabler for this.			
RTS/012/2019	Member Workshop – Review of Operations at Household Recycling Centres	<p><u>General Access & Usage Policy</u></p> <ol style="list-style-type: none"> 1. Officers to give further consideration to the potential implications for fly-tipping arising from the implementation of greater restrictions; 2. Further information required in relation to the cost of processing residual waste, as well as volume information in relation to the various waste streams managed via HRCs; 3. The identification of what arrangements are available for the Council to support small businesses in the disposal of their waste; 	L Dinsmore	In progress. Policy proposals being further developed. Report to be tabled at future RTS Committee	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>4. Restrictions in relation to trailer and van size to be more specific. Members commented that a single-axle trailer limit was too restrictive as these trailer-types were becoming increasingly uncommon;</p> <p>5. Further information required on the rationale for proposed limits / thresholds for specific waste materials (i.e. paint); and</p> <p>6. Careful consideration to be given to the potential communications required to advise users of the Council's HRCs as to the rationale for, as well as the specific policy changes.</p> <p><u>Construction / DIY Policy</u></p> <p>1. More detail required from Officers in relation to the</p>			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>proposed limits / thresholds for the receipt and processing of specific construction / DIY waste materials.</p> <p><u>Commercial Waste Policy</u></p> <ol style="list-style-type: none"> 1. Further information required in relation to the legislative / licensing provisions and what the Council is / is not permitted to do in relation to the disposal of commercial tyres; 2. Further information concerning the administration and benefits of the proposed permit system; and 3. More detail required from Officers in relation to travel times / number of business serviced by the proposed designated 			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>HRCs for commercial waste.</p> <p><u>Re-use Policy</u></p> <ol style="list-style-type: none"> 1. Avoiding competition between re-use partners with regard to access to materials at HRCs; and 2. Investigating the potential of a scheme, whereby businesses can leave materials for all groups to collect materials from HRCs rather than limiting the amount of re-use partners to a select few. <p><u>HRC Opening Hours</u></p> <ol style="list-style-type: none"> 1. Further information and analysis required on the volumes received on each day at each HRC; 2. Officers to consider extending opening hours into the evenings 			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>during Monday – Saturday as an alternative to Sunday opening; and</p> <p>3. Costed options to be presented to the RTS Committee for future consideration.</p> <p>It was also recommended Officers develop new operating procedures for the new Downpatrick HRC, in accordance with the guiding principles as previously agreed by the Committee in November 2018. This would be required to be undertaken concurrently with the HRC review due to the opening date of the new site, however new policy decisions based on the HRC review would then be implemented at the Downpatrick HRC (and all the Council's HRCs thereafter).</p>			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		At the request of Councillor Clarke it was also agreed as part of the review of operations at Household Recycling Centres, that officers investigate the possibility of hiring skip removal lorries to remove full skips at the Bann Road site, particularly coming into Spring when there would be an increase in green waste.			
IN CLOSED SESSION					
RTS/015/2019	Natural World Products (NWP) Ltd – recycling arrangements for 2018-2019	Agreed to note the inflationary Rise to the rates in 2019 in relation to the Council's recycling arrangements.	L Dinsmore	For noting only	Y
RTS/016/2019	Fixed Wire Testing	Approve the recommendation outlined in Section 3 of the report dated 23 January 2019 to note the content of the report and associated Business Case and to accept the	K Scullion	In progress	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		conclusion of the Business Case that Option 2 was the preferred option. Option 2 would see the appointment, through a tender process, of a competent Electrical Contractor, who would undertake annual tests and where required, agreed remedial works.			
RTS/017/2019	Expression of interest in land within Dundrum Village for the purpose of siting a public convenience	Approve the proposed response as outlined and also that the Council apply for outline planning permission for the proposed development of a public convenience on land within Dundrum Village in consultation with the site owner.	K Scullion	In progress	Y
RTS/018/2019	Strangford Road Depot – parking arrangements post	To note the content of the report and to approve the 4 No. recommendations in relation	K Scullion	In progress	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	new school development and long term viability of site	<p>to proposed parking arrangements for the development of a car park facility at Strangford Road Depot.</p> <p>It was also agreed Mr K Scullion investigate the current position regarding a commitment given by legacy Down District Council that a memorial would be provided in memory of those who had died in the former workhouse located on the Strangford Road Depot site.</p>			

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 February 2019
Subject:	Fly-tipping & Dog Fouling Enforcement
Reporting Officer:	Johnny McBride, Assistant Director: Waste Management (Acting)
Contact Officer:	Liam Dinsmore, Head of Waste Processing & Enforcement

For Decision	X	For Noting Only
1.0 Purpose & Background		
1.1	The purpose of this report is to seek approval from the Committee to a proposal to organise an Elected Member workshop to consider improvements to the Council's enforcement activities. Members will be aware that at the last Full Meeting of the Council on the 4 February 2019, two Motions in respect of enforcement operations were referred to the Committee for further consideration.	
2.0 Key Issues		
<u>Purpose of the Elected Member Workshop</u>		
2.1	Officials are proposing a workshop with Members as an initial first step in developing a much more strategic response to the entire issue, and would seek to explore issues relating to: <ul style="list-style-type: none"> i. Understanding the current situation in respect of legislative provisions, performance and resources; ii. Learning from good practice in other Councils; iii. Ideas for closer working with other Council services and external agencies; iv. The use of supporting technologies (i.e. CCTV); and v. Legislative developments (i.e. fly-tipping protocols etc.) 	
2.2	It is further proposed to invite all forty-one (41) Elected Members to this workshop. A provisional date / time of 10.00am on Friday, 22 March 2019 has been provisionally set-aside for the purposes of hosting the workshop.	
2.3	Any report, including the recommendations, from the workshop would be tabled at the inaugural meeting of the proposed new Neighbourhood Services Committee meeting (following the AGM) for further Member scrutiny and consideration.	
3.0 Recommendations		
3.1	Members are asked to consider and agree to the recommendation to organise an Elected Member workshop (for all forty-one Councillors) to consider improvements to the Council's enforcement activities	
4.0 Resource Implications		
4.1	There are resource implications arising from this report.	

5.0	Equality & Good Relations Implications
5.1	There are no equality and good relations arising from this report.
6.0	Rural Proofing Implications
6.1	There are no rural proofing implications arising from this report.
7.0	Appendices
	<ul style="list-style-type: none">• None

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2017/A0168
Planning Ref:	LA07/2017/0687/	DEA	The Mournes
APPELLANT LOCATION	Steven And Diane Campbell 30m North Of 94 Greencastle Road Kilkeel		
PROPOSAL	RT34 ADF Infill site for new dwelling and garage in existing cluster (amended plans)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged**

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2017/A0213
Planning Ref:	LA07/2016/0952/	DEA	Newry
APPELLANT LOCATION	D & M Downey 113-117 Dublin Road Newry		
PROPOSAL	RT35 AOP Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	18/01/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	3	PAC Ref:	2018/A0027
Planning Ref:	LA07/2016/1407/	DEA	The Mournes
APPELLANT LOCATION	Richard Newell 75A Glassdrumman Road Annalong		
PROPOSAL	On Down Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/05/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2018/A0046
Planning Ref:	LA07/2017/0969/	DEA	Crotlieve
APPELLANT LOCATION	Mr Peter Clerkin 160m South Of 106 Leitrim Road Hilltown		
PROPOSAL	Proposed retention and extension of farm shed (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	11/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5		
Planning Ref:	R/2014/0079/F	PAC Ref:	2018/A0054
APPELLANT	Mr Brendan Maginn	DEA	The Mournes
LOCATION	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
PROPOSAL	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2018/0747/	PAC Ref:	2018/A0079
APPELLANT	Joan Henderson	DEA	Crotlieve
LOCATION	200m South East 21 Levallyreagh Road Rostrevor		
PROPOSAL	Newly Proposed replacement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	05/09/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2018/0220/	PAC Ref:	2018/A0085
APPELLANT	Mr & Mrs H Coulter	DEA	Rowallane
LOCATION	50m SE Of 7 Old Saintfield Road Creevycarnonan		
PROPOSAL	Crossbar Proposed 2 no infill dwellings, detached garages and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/09/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2017/0701/	PAC Ref:	2018/A0086
APPELLANT	J&J McKibbin	DEA	The Mournes
LOCATION	Land 60m North East Of No. 181 Moyad Road Kilkeel		
PROPOSAL	RT34 4H1 Erection of self-catering tourist accommodation, light industrial units and associated site works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	18/09/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
Planning Ref:	LA07/2018/0865/	PAC Ref:	2018/A0100
APPELLANT LOCATION	Mr And Mrs C Parke 25 Oldtown Lane Annalong	DEA	The Mournes
PROPOSAL	RT34 4YF One and a half storey rear extension to include additional living accommodation and home office. Proposed garage to west side		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	05/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2017/0290/	PAC Ref:	2018/A0117
APPELLANT LOCATION	Mr & Mrs McMurray 110 M South Of No 52 Carsonstown Road Saintfield	DEA	Rowallane
PROPOSAL	RT24 7FR Single Storey 200sqm house with Outbuilding - garage and stores		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	24/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation		28/02/2019	
Date of Site Visit			

Current Appeals

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ITEM NO	11		
Planning Ref:	LA07/2017/0699/	PAC Ref:	2018/A0122
APPELLANT	Brian & Laura Fealy	DEA	Crotlieve
LOCATION	130m West Of No. 21 Kilkeel Road Hilltown		
PROPOSAL	Proposed dwelling & detached garage on a farm.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	25/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2018/0554/	PAC Ref:	2018/A0123
APPELLANT	Mr Craig Baxter	DEA	Crotlieve
LOCATION	No. 5 Ringbane Road Ringbane		
PROPOSAL	^{Newrv} Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	25/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 13
Planning Ref: LA07/2017/0691/ **PAC Ref:** 2018/A0124
APPELLANT Mr & Mrs G Cunningham **DEA** The Mournes
LOCATION Lands Adjacent To And North East Of 346 Newry Road
 Kilkeel
PROPOSAL RT34 4SF
 Proposed detached retirement dwelling and garage (additional plans)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 26/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: P/2015/0200/F **PAC Ref:** 2018/A0130
APPELLANT Mr Naill Black **DEA** Newry
LOCATION Approx 150m South East Of No 28 Ferryhill Road
 Killean
PROPOSAL Newry
 Erection of a farm dwelling and garage.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 30/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	15	PAC Ref:	2018/A0131
Planning Ref:	LA07/2018/0331/	DEA	The Mournes
APPELLANT	David Gordon		
LOCATION	34 Dougans Road Kilkeel		
PROPOSAL	RT34 4HN Retention of dwelling and integrated garage, in substitution of Planning Ref. P/2009/1284/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2018/A0132
Planning Ref:	LA07/2017/1316/	DEA	Newry
APPELLANT	O'Hagan Construction Ltd		
LOCATION	Site Adjacent And North Of 8 Heslips Court Adjacent And West Of 9 Heslips Court And Opposite And 25 M East Of 16 Chancellors Hall		
PROPOSAL	Retention of retaining wall and raised land and erection of dwelling (Amended Proposal)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2018/A0133
Planning Ref:	LA07/2018/0360/	DEA	The Mourne
APPELLANT	Forest Park Developments		
LOCATION	Immediately North West Of 4 Sawmill Road Castlewellan BT31 9GJ		

PROPOSAL Infill dwelling

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 31/10/2018

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	18	PAC Ref:	2018/A0134
Planning Ref:	LA07/2017/1151/	DEA	Slieve Gullion
APPELLANT	Clark McCourt		
LOCATION	Lands 70 Metres North-East Of 32 Cullentragh Road Jerretspass		

PROPOSAL Erection of farm building and associated site works to include vehicular access, access lane and hard-standing area

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 31/10/2018

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

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ITEM NO	19		
Planning Ref:	LA07/2018/1074/	PAC Ref:	2018/A0142
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	Lands Opposite No 1 Ashgrove Avenue Newry		
PROPOSAL	Housing Development comprising of 2 No. 4 bedroom Houses and 26 No. 2 Bedroom Apartments (amended proposal)		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure		Date Appeal Lodged	04/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2018/0457/	PAC Ref:	2018/A0143
APPELLANT	D Downey	DEA	Newry
LOCATION	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road Newry		
PROPOSAL	Retention of change of use of Agricultural land adjacent to establish retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/11/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21		
Planning Ref:	LA07/2018/1261/	PAC Ref:	2018/A0151
APPELLANT	Ebony Hughes	DEA	Newry
LOCATION	Premises At Corner Of Upper Edward Street Railway Avenue Newry		
PROPOSAL	Retention of mechanics garage, office store and boundary fencing		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	26/11/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2018/0903/	PAC Ref:	2018/A0168
APPELLANT	Mr Glyn Mitchell	DEA	The Mournes
LOCATION	19 The Square Kilkeel		
PROPOSAL	Change of use from a travel agency to professional services office and new external finishes		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

26

ITEM NO 23
Planning Ref: LA07/2018/0709/ **PAC Ref:** 2018/A0171
APPELLANT Mr Michael Mariner **DEA** Downpatrick
LOCATION 111 Loughinisland Road
 Annacloy
 Downpatrick
PROPOSAL Demolition of portion of existing vehicle repair building and construction
 of new extension(Retrospective)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 03/01/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 24
Planning Ref: LA07/2018/0921/ **PAC Ref:** 2018/A0172
APPELLANT Leah Chambers **DEA** The Mourne
LOCATION 14a Stewarts Road
 Annalong
 BT34 4JF
PROPOSAL Replacement dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 07/01/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

27

ITEM NO	25	PAC Ref:	2018/A0178
Planning Ref:	LA07/2017/1624/	DEA	The Mourne
APPELLANT	Thomas Stevenson		
LOCATION	Site 50m NW Of 18 Turloughs Hill Annalong		
PROPOSAL	BT34 4XD And 80m NW Of The Dwelling Which Is To Be Replaced Replacement Dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	PAC Ref:	2018/A0191
Planning Ref:	LA07/2018/0862/	DEA	Slieve Croob
APPELLANT	Mr And Mrs McIlwrath		
LOCATION	North And Adjacent To 41 Old Park Road Tievendarragh Drumaness		
PROPOSAL	Erection of a dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	27	PAC Ref:	2018/E0054
Planning Ref:	LA07/2018/1558/	DEA	The Mournes
APPELLANT	Glyn Mitchell		
LOCATION	19 The Square Kilkeel		
PROPOSAL	RT34 4AA Removing existing timber cladding and painting the ground floor façade of the building with a timber effect finish		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure		Date Appeal Lodged	20/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

Park House
87/91 Great Victoria Street
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Appeal Reference:	2018/A0030
Appeal by:	Tranquillity Ireland
Appeal against:	The refusal of full planning permission
Proposed Development:	Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations
Location:	97 Fathom Line, Newry
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2017/1192/F
Procedure:	Written Representations with Accompanied Site Visit on 27 September 2018.
Decision by:	Commissioner O'Donnell dated 4 January 2019.

Decision

1. The appeal is dismissed.

Reasoning

2. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
3. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations indicate otherwise. In this case, the relevant statutory plan is the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP places the appeal site outside any settlement limit and within the countryside and Ring of Gullion Area of Outstanding Natural Beauty. The BNMAP contains no material policies pertaining to the appeal proposal. Accordingly, I now turn to consider regional planning policy.
4. Paragraph 1.5 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) indicates that its provisions must be taken into account in the preparation of Local Development Plans and that they are material to all decisions on individual planning applications and appeals. Paragraph 1.10 states that a transitional period will operate until such times as a Plan Strategy for the council area has been adopted. During this transitional period, planning authorities will apply existing policy contained in specified Planning Policy Statement documents (and other documents) together with the SPPS. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be

accorded greater weight. It goes on to say that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies, this should not be judged to lessen the weight afforded to the retained policy.

5. The SPPS has a subject policy entitled 'Development in the Countryside'. It allows for the conversion and re-use of existing buildings for residential and non-residential use. It indicates that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision is also made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. Additionally, the conversion and re-use of existing buildings for non-residential use is addressed in the SPPS. It states that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location. The reference to 'single dwelling' or 'more than one dwelling' clearly relates to those proposals for conversion to residential use. In contrast, conversion to a 'variety of alternative uses' implies that other uses, alternative to residential and which could include tourist uses, appear to be considered non-residential for the purpose of this policy.
6. Policy CTY1 of the retained Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) sets out a range of types of development which are considered acceptable in principle in the countryside. One of these is the reuse of an existing building in accordance with Policy CTY4. Policy CTY4 says that planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Paragraph 5.21 of the supporting text to the policy states that there is scope for the reuse and adaptation of existing buildings in the countryside for a variety of non residential uses, including appropriate economic, tourism and recreational uses. Accordingly, this policy clearly categories tourism as non-residential and I also note that Policy CTY1 of PPS21 similarly categories tourism development as a non-residential use.
7. Following on from the above, I consider that the appeal development cannot be regarded as a dwelling house or dwelling houses under Class C1 of the Planning (Use Classes) Order (NI) 2015 (UCO) as it is not used by a single person or by people living together as a family. Clause (b) of Class C1 precludes use as a dwelling house if used by "*more than 6 residents living together as a single household where care is provided for residents*" with "care" relating to personal care as defined in the Registered Homes (Northern Ireland) Order 1992. Given its scale, the appeal development can accommodate much more than six people and no care, as specified, is provided. Class C2 of the UCO is entitled 'Guest Houses' and it refers to "*use as a boarding or guest house or as a hostel where, in each case, no significant element of care is provided*". However, as self catering accommodation has, by its very nature, no level of care provided given it contains

catering facilities for visitors, I am not persuaded that the appeal development falls within Class C2, as argued.

8. Regardless of any perceived ambiguity, *Tesco Stores Ltd v Dundee City Council [2012] PTSR 983* directs that policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context. Thus and notwithstanding the arguments from the Appellant, it is evident from the wording used in the policy documents outlined above, that tourism is regarded by the policy writers as a non-residential use. Given this and my findings as outlined above in paragraph 7, I consider the appeal development to fall under a non-residential use which is covered by the SPPS as it relates to the conversion and re-use of existing buildings for non-residential use.
9. The wording of the SPPS as outlined above clearly offers a revision of Policy CTY4 in stating that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building. There is obviously conflict between the SPPS and the retained policy. Thus, in accordance with the transitional arrangements, the SPPS must be accorded greater weight in the determination of the appeal.
10. On site, the self catering accommodation comprises the Lodge (main house) and the Mews (garage). Both were built around 2006/7 and are of modern design. The Lodge has five bedrooms with dining room, living space and kitchen area. The Mews can operate as two self contained units as the first floor accommodation can remain independent from the ground floor accommodation. The outside amenity space and parking provision is shared by all guests on site. Neither the Lodge nor Mews have any particular architectural or historic interest. Hence they cannot be regarded as locally important buildings of special character or interest. For this reason, even if the appeal development could be severed and considered as 'one unit', which appears to be argued by the Appellant, it would still fail the SPPS test. The appeal development is contrary to the requirements of the SPPS and fails this policy. As the SPPS is silent on the remaining elements of Policy CTY4, the appeal development falls to be determined under these elements of the retained policy. Those criteria which were contested by the Council are discussed below.
11. Criterion (d) of Policy CTY4 requires that proposals do not unduly affect the amenities of nearby residents. The Council argue that as guests staying on the site could avail of services including a personal DJ and Karaoke nights, these activities could adversely affect the amenity of neighbouring residents.
12. The appeal development is set back from the Fathom Road by some distance and is well secluded given the screening effect of the vegetation around the site. This includes significant buffer planting along its boundary. The closest neighbouring property is located to the north east around 50m away. I consider that the height and width of this boundary vegetation is robust enough to help in mitigating against noise arising from the appeal development. The Council did not dispute that the self catering accommodation has been running for some three years and within this time frame there is no evidence of any complaints arising from neighbours around the level of noise and/or activity on the site. My attention was also drawn to the company's 'good housekeeping rules' which sets out terms and conditions that must be agreed to by guests during their stay. Visitors are not permitted on to the premises after 10.00pm and the company reserves the right to

remove those guests who, for whatever reason, act in a disorderly fashion as to disturb the peace of other guests. It goes on to say that "*no parties, loud disturbances and/or noise nuisance are tolerated on these premises*" and I note that contravention of such rules means that guests will be asked to leave without refund. In addition, the company specifically targets families and corporate groupings.

13. Whilst DJs and karaoke nights are available to guests, it is likely they would only occur occasionally depending on the clientele. Adherence to the house rules means that such events would also be controlled. In light of the above evidence and given that the Environmental Health section of the Council, who are the competent authority on matters such as noise and disturbance, had no objections, I am not persuaded that the objections in respect of impact on residential amenity are well founded.
14. Criterion (g) of Policy CTY4 requires that access to the road will not prejudice road safety or significantly inconvenience the flow of traffic. The Appellant submitted amended access arrangements at appeal stage which were accepted by the Council. They subsequently withdrew their objection under this criterion and the third reason for refusal which related to road safety. Whilst criteria (d) and (g) of Policy CTY4 are not offended, the requirements as set out in the SPPS are not satisfied.
15. The Appellant argued that the development complied with Policy TSM 5 (b) of PPS16. This policy states that planning permission will be granted for self catering units of tourist accommodation if any of three listed circumstances are met. Criterion (b) permits a cluster of 3 or more new units at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right. Notwithstanding the arguments put forward by the Appellant including those around the amenities in the area and those planned for the area, the appeal development seeks retrospective permission for the conversion and change of use of a dwelling and double garage. It does not involve "new units" which the policy specifically refers to. The policy does not refer to a new use, as argued. Even if the development could be considered as new units, it has not been satisfactorily demonstrated that any of the stated tourist amenities are significant (my emphasis) as per the requirements set out in paragraph 7.25. In any event, the policy goes on to say that "*self catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site*". The appeal site was in residential use before being acquired by the Appellant and there is no historic or current planning permission for any tourism use on the site. For these reasons the appeal development does not meet the requirements of Policy TSM 5.
16. It is clear that the above policy advocates the focussing of self catering development around existing nodes of tourist activity. This is in order to prevent random development throughout the countryside to ultimately safeguard the value of tourist assets. The appeal development is in the open countryside with residential properties nearby. In this context, it is a somewhat arbitrary development and if approved could pave the way for neighbouring dwellings to likewise convert. This would create a more sporadic form of tourist development in the countryside, against the spirit of the policy and against what is considered to be sustainable development.

17. The Appellant's arguments including the proximity of the site to various landscape designations, its border location and the economic boost the development and indeed tourism has delivered to the region do not outweigh the policy objections to the appeal development as outlined above. The relevant contents of the Regional Development Strategy 2035 (RDS) have been considered. However, they do not override operational planning policy. There is no 'need' test applicable in the appeal and the popularity or otherwise of the development is of limited relevance to my consideration. Appeal 2012/A0320 does not assist the Appellant's case as in that appeal the then planning authority were satisfied that the conversion, reuse and extension of the existing buildings would comply with Policy CTY4 of PPS21. In addition, for reasons outlined above, the policy context in this appeal is different given the publication of the SPPS. That appeal is therefore distinguishable to this, thus administrative fairness is not an issue. In any event, each appeal falls to be determined on its own merits within the evidential context provided.
18. While the appeal development complies with criteria (d) and (g) of Policy CTY 4, it does not meet the requirements of the SPPS or Policy TSM 5 of PPS16. Policy CTY1 of PPS21 goes on to say that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in a nearby settlement. No persuasive overriding reasons were advanced to demonstrate how the proposal is essential and why it could not be located in a nearby settlement. The proposal is therefore also at odds with Policy CTY1 of PPS21. Having considered all the information provided in support of the appeal, there is nothing within which would lead me to alter my conclusions.
19. The first and second reasons for refusal are sustained in so far as stated and they are determining in the appeal. Accordingly, the appeal must fail.

This decision is based on Drawing No 1 Location Plan @ 1:2500, Drawing No 2 Survey and Access Details @ 1:500 stamped received by PAC 15 August 2018, Drawing No 3 Ground Floor Plan @ 1:100, Drawing No 4 First Floor Plan @ 1:100, Drawing No 5 Elevations @ 1:200, Drawing No 6 Existing Garage Plans @ 1:100 and Drawing No 7 Proposed Garage Conversion Plans @ 1:100 stamped refused by the Council 2 February 2018.

COMMISSIONER PAMELA O'DONNELL

2018/A0030

List of Appearances

Planning Authority:-

Ms P Manley
(Newry, Mourne & Down Council)
Mr A Donaldson
(Newry, Mourne & Down Council)

Appellant(s):-

Mr H Martin (Appellant)
Ms T Cassidy (Agent)

List of Documents

Planning Authority:-

"A" Statement of Case and appendices

Appellant(s):-

"B" Statement of Case and appendices
"B1" Rebuttal

Third Party

"C" Letter of Support from Cllr Liz Kimmins



Appeal Decision

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Appeal Reference:	2018/A0066.
Appeal by:	Mr Brendan Gibney.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Dwelling and garage on a farm.
Location:	80m East of 89 Demesne Road, Edendariff, Ballynahinch.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	LA07/2017/1394/F.
Procedure:	Written representations and accompanied site visit on 5 December 2018.
Decision by:	Commissioner Mark Watson, dated 21 January 2019.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are:
 - the principle of development, including whether or not the proposed dwelling would be sited to cluster with existing buildings on the farm; and
 - the future residential amenity of any occupants of the proposed dwelling.
3. The Ards and Down Area Plan 2015 (ADAP) is the statutory local development plan for the proposal. In it, the site lies in the countryside and there are no policies or proposals within the ADAP that are material to this single dwelling application. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of PPS21. PPS21 remains the applicable policy context to consider the principle of development against.
4. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these cases is a dwelling on a farm in accordance with Policy CTY10. It follows that if the development complies with Policy CTY10 it will comply with Policy CTY1 of PPS21.
5. The site as outlined in red comprises an agricultural field situated off the eastern side of Demesne Road. The field slopes downwards in a south-easterly direction

towards a watercourse that runs along the southern boundary. A smaller area within the north-eastern corner of the field (hereafter referred to as the appeal site given the appeal development is for full planning permission) has been demarcated as the actual curtilage for the proposed dwelling. The appeal site is to be accessed from an existing laneway situated between Nos. 89 and 91 Edendariff Road, two roadside dwellings. The laneway affords access to a series of fields, as well as an agricultural shed and yard on the northern side of the laneway which is not part of the Appellant's own holding. The proposed dwelling is to be sited on a rocky outcrop. The site boundaries of this part of the field are provided by some mature hedge along the northern boundary and mature trees and hedge on the eastern boundary. The other boundaries of this particular area are undefined. The southern boundary of the host field is provided by a post and wire fence, whilst a mature line of trees and hedge define the western boundary between the field and the line of roadside dwellings. There are a large number of agricultural vehicles parked on the western part of the host field, referred to by the Appellant as an overspill yard. There is also a barrel-roofed shed on this part of the field, used for storage of hay and an old tractor. The Appellant's main group of buildings lies adjacent and south-west of the host field, comprising the dwelling at No. 83 Demesne Road, a large agricultural shed with several smaller attached sections and an adjacent yard used to store more vehicles and equipment.

6. Policy CTY10 of PPS21 states that planning permission will be granted for a dwelling house on a farm subject to several criteria. The Appellant has a longstanding farm business and provides agricultural contracting services to other farmers. Whilst the host field is in his ownership, the remainder of his holding is taken in conacre. The Council's objection related to criterion (c) of Policy CTY10, which requires that the new building is visually linked for sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.
7. The access to the proposed dwelling would utilise an existing laneway, thus this policy preference is met. There is a sizeable agricultural shed and yard in close proximity to the appeal development, but as this lies on a separate farm holding, it cannot assist the Appellant's case. The Appellant pointed to a block built, barrel-roofed shed situated along the western boundary of the host field adjacent to No. 87 Demesne Road. The shed in question constitutes a building on the farm for the purposes of the policy. However, by the Appellant's own measurements that building lies approximately 73.84m from the main group of buildings. The appeal dwelling and garage would, also by the Appellant's own measurements, lie approximately 45.15m north-east of the barrel-roofed shed, which constitutes the nearest building on the farm. Notwithstanding that the barrel-roofed shed is a single building rather than a group of buildings on the farm holding, the separation distance from the appeal dwelling to that shed is such that the proposed dwelling and garage cannot be considered to visually link or be sited to cluster with an established group of buildings on the farm.
8. The Appellant's representative quoted the 75m distance threshold contained in Part 7 of the Planning (General Permitted Development) Order (NI) 2015 (GPDO), referring to that distance allowing for linkages between buildings on farm holdings. The 75m distance threshold at Part 7 Class A1(e) of the GPDO serves as one of a series of tests to determine whether or not agricultural buildings and operations would constitute permitted development. It serves a different function to the

locational test contained in criterion (c) of Policy CTY10 of PPS21. Regardless of the appeal dwelling being situated less than 75m from the existing barrel-roofed shed, for the reasons given above it would not meet criterion (c) of Policy CTY10 of PPS21.

9. Policy CTY10 states that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons or verifiable plans to expand at the farm business at the existing building group.
10. The Council, during consideration of the application, had suggested that the southern-most part of the host field, adjacent to the Appellant's main building group and yard, was a potentially suitable site. This location was ruled out by the Appellant on two counts. The first was that the land in question was low-lying and prone to waterlogging. It was stated that at times it also suffered pollution problems from septic tank run-off from several dwellings outwith the farm holding crossing the land and entering the watercourse. This also caused odour issues. The Appellant submitted a Structural Report which concluded that due to the waterlogged and boggy nature of this area, piling and substantial infilling would be required to facilitate a dwelling. The Appellant considered that this would be a much more expensive and less environmentally acceptable option. The Appellant's choice of site was predicated on that part of the host field being rocky land, as well as that location not interfering with the current arrangement of his overspill yard for vehicles and equipment.
11. The Appellant's Structural Report and my own inspection of the site are persuasive that the land condition at the southern end of the host field is such that it would make building more expensive, but not that it could not be carried out. Whilst earlier supporting evidence from the Appellant stated that the centre and east of the host field also suffered from waterlogging, I am not persuaded that those areas were as badly affected as the south-eastern most, low lying portion. The infilling of land for new development is not a method to be encouraged but I am not persuaded that the additional cost of construction would in itself justify an alternative location. I note from the Rivers Agency response that the land does not lie in a recorded floodplain. In the event of development in the southern part of the site, a freeboard alongside the watercourse would be required. This along with careful design could avoid any unacceptable impacts on the new dwelling or its occupants, even in the event of pollution of the adjacent watercourse at times and any odours, matters which could be pursued with the relevant statutory agency. I am not persuaded that these matters constitute demonstrable health and safety reasons which in themselves justify the location of the appeal development.
12. The Appellant also stated that he intended to erect a new farm building for further storage on this southern-most area given its location next to the farm yard where many of his vehicles are stored. I noted steel beams stored adjacent to this area that certainly could be used for this purpose. The beams appeared to have weathered over time but I do not know how long they have been stored there. I was told that such a farm building could still be erected on this boggy part of the host field more readily than a dwelling given the means of construction – steel uprights with a floating concrete floor, or simply dressing the interior floor in stones for the same purpose. The Appellant's evidence stated that he hoped the shed would be

erected in the spring of 2019. I find it reasonable that a farm shed could be more readily erected on this land notwithstanding its boggy nature, as well as the logic in such a location given the proximity to the existing main farm yard. However, despite the stated intent to expand the farm business at the existing building group and the presence of steel beams, I am not persuaded that these constitute verifiable plans, regardless of whether or not such a building could be erected utilising agricultural permitted development rights.

13. Although the southern-most area of the host field would not be best suited for a new dwelling given the ground conditions and I note the Appellant's preferences to avoid disruption to his existing overspill yard, it does not follow that a new dwelling could not be accommodated elsewhere within the host field that would be policy compliant whilst maintaining the integrity of the field, even if it necessitated some minor re-organisation of the Appellant's vehicle and equipment storage. I am not persuaded that the exceptional test under Policy CTY10 of PPS21 is met. Given this critical deficiency and the lack of compliance with criterion (c), the appeal development does not comply with Policy CTY10 read as a whole. The Council's second reason for refusal is sustained.
14. The Council raised concerns as to the proximity of the appeal development to a farm shed and yard belonging to a separate holding situated approximately 25m north-west on the opposite side of the laneway the appeal dwelling will derive access from. The Council considered that any dwelling on the site could have the amenity of its occupants adversely affected by normal operations at those buildings arising from noise, odour or pests. No policy context was provided, however, the SPPS at paragraph 4.11 states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. It cites the example of the planning system having a role to play in minimising potential adverse impacts, such as noise on sensitive receptors by means of influence on the location, layout and design of new development.
15. The proposed location of the appeal development is less than 75m from a large farm shed and yard on the opposite side of the laneway proposed to access the appeal development. I have contradictory evidence from the parties as to the active use of these agricultural facilities. The Appellant stated that the shed is only used for hay storage but the Council witness stated that he observed cattle occupying the shed in October 2017. Irrespective of whether the shed and yard in question constitutes an outlying farm group rather than the main farm group for that holding, the facilities were in good condition and appeared to be in use for storage at the time of my site visit. However, regardless of their position within that farm holding, I have no reason to doubt the Council's evidence that it has been used in late 2017 for cattle storage, or that it could be utilised so again at any point depending on the particular needs of that farm business.
16. The Appellant is a farmer himself and thus more than aware of the potential amenity impacts that can arise from normal farming activities. He stated that he accepted that there could be potential amenity impacts but was prepared to accept them if they arose. He also pointed to the nearby dwellings at Nos. 89 and 91 Demesne Road, which lay almost as close to the shed as the appeal dwelling would, stating that the occupants of those dwellings had never complained to the Council's Environmental Health Department. It is proposed that the appeal development is to

be used firstly for the Appellant's son, a farmer himself, and his family. In due course the dwelling would then serve as a retirement dwelling for the Appellant when his son took over full control of the farm business, with a swap of dwellings taking place between the Appellant and his son. The Appellant is aware of the potential implications for the siting of the appeal dwelling and the dwelling is clearly intended for his and his son's use. In the context I have been given it is unlikely that the dwelling would be sold off from the farm holding. Although not persuaded that the location of the proposed garage relative to the new dwelling would greatly assist with mitigating any potential amenity impacts that could arise, I agree that in this case the Appellant would be alive to any potential adverse amenity impacts on the new dwelling or its occupants from odour, noise or pests.

17. The Council also considered that approval of the appeal development could potentially frustrate future development of that third party farm. Notwithstanding that such potential future development would have to be considered at that time, I am not persuaded that there would necessarily be any permitted development rights available given the existence of two existing dwellings situated within 75m of the existing shed. It does not follow that a dwelling on a farm for a person involved in agriculture would necessarily stymie the future development and operation of an adjacent third party farm. I am not persuaded that permission should be withheld on this basis.
18. The Appellant referred to a previously approved application at Creevyargon Road, Ballynahinch (ref. R/2013/0115/O) where a new dwelling was allowed in proximity to third party owned farm buildings. An infill dwelling at Broomhill Road, Ballynahinch (ref. LA07/2016/1393/F) which was allowed in close proximity to a large farm shed was also referred to. I was not provided with full details of these applications and in any event each application must be assessed on its individual merits. These examples would not in themselves justify the appeal development, but notwithstanding this, for the reasons given above I nonetheless find that the Council's third reason for refusal is not sustained.
19. However, as I have determined that the appeal development fails to comply with Policy CTY10, it also fails to meet Policy CTY1 of PPS21 and the related provisions of the SPPS. There are no overriding reasons why the development is essential and could not be located in a settlement. The stated support from an elected representative would not persuade me otherwise. The Council's first and second reasons for refusal are sustained and are determining. The appeal must fail.

This decision relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
LA07/17/1394/1	Site Location Map	1:1250	Jun 2017
LA07/17/1394/2	Visibility Splays	1:500	Jun 2017
LA07/17/1394/3	Proposed Floor Plans	1:100	Jun 2017
LA07/17/1394/4	Proposed Elevations	1:100	Jun 2017
LA07/17/1394/5	Existing Block Plan	1:500	Jun 2017
LA07/17/1394/6	Proposed Block Plan	1:500	Jun 2017

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:-

Mr M Keane (N, M & D DC)

Appellant:-

Mr G Tumelty (Tumelty Planning Services)
Mr B Gibney (Appellant)**List of Documents**

Planning Authority:-

'A' Statement of Case & Appendices (N, M & D DC)

Appellant:-

'B' Statement of Case & Appendix (TPS)
'C' Rebuttal Statement (TPS)



Appeal Decision

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Appeal Reference:	2018/A0080
Appeal by:	Mary Slane
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Between No.34 and No.38 Seafin Road, Killeavy, Meigh
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/0464/O
Procedure:	Hearing on 11 December 2018
Decision by:	Commissioner Brigid McGlinchey dated 21 December 2018

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside and its impact on the landscape and character of the surrounding area.
3. The site lies in the open countryside as defined in the Banbridge and Newry Area Plan 2015. The plan has no material provisions in respect of the appeal proposal. The provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) are a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply the SPPS and retained planning policy statements. The relevant retained policy document relevant in this case is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 of this document sets out the types of development that are, in principle, acceptable in the countryside and will contribute to the aims of sustainable development. One of these is a small gap within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
4. Policy CTY8 is entitled 'Ribbon Development' and states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Even though this type of development has been consistently opposed, the policy goes on to say that an exception will be permitted. This exception relates to the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. It goes on to note that for the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying

development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

5. The appellant referred to two residential properties either side of the appeal site (Nos. 34 and 38 Seafin Road) plus a mobile home and shed as constituting a substantial and built up frontage. The garden of No.34 extends to the road and consists of a dwelling angled on the site with a garage sited to its side and rear of the plot. Whilst the dwelling has a frontage to the road, the garage does not given its subordinate spatial arrangement within the plot. No.38 consists of a dwelling which has a frontage to the road as the plot on which it stands shares a boundary with the road. The mobile home does not have the benefit of planning permission or a Lawful Development Certificate to demonstrate that it is lawful. Consequently, that structure cannot be weighed into the consideration of the above policy requirement. The shed is sited to the north of No.38 and is set back from the road in a plot which is separated from the road by an intervening field. While the shed fronts onto a laneway which connects to Seafin Road, this access arrangement does not negate the functional and physical separation of the building from the road. I find that the baseline requirement of the policy for at least three buildings lined out along the frontage of the road is not met. Accordingly, there is no gap or infill opportunity at this location and the appeal proposal therefore does not represent an exception to Policy CTY8.
6. Paragraph 5.33 of the amplification of Policy CTY8 indicates that ribbon development does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Paragraph 5.34 states states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality. I consider that the lands between Nos. 34 and 38 is such a gap in the existing development. The proposal would visually link the existing dwellings and shed when travelling in either direction along Seafin Road and would add to the existing ribbon of development to the detriment of rural character. The proposal therefore would not comply with Policy CTY8. The Council has sustained its second reason for refusal.
7. The proposal does not represent one of the specified types of development considered acceptable in principle in the countryside under Policy CTY1 of PPS21. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. There was no evidence to demonstrate that the proposal is essential. The proposal is at odds with Policy CTY1 of PPS21 and consequently the first reason for refusal is sustained.
8. Policy CTY14 of PPS21 relates to rural character and states that a new building will be unacceptable where it creates or adds to a ribbon of development. The existing gap between the two dwellings provides relief and a visual break that helps maintain rural character. The infilling of this gap would add to the ribbon of development leading to a suburban style build up detrimental to the rural character of the area. The third reason for refusal is sustained.

This decision is based on the Drawing 01- 1:1250 scale Site location plan date stamped received 22 May 2018.

COMMISSIONER BRIGID McGLINCHEY

Appearances

Planning Authority:- G Murtagh

Appellant:- J Young

List of Documents

Planning Authority:- C1 Statement of case + Appendices

Appellant:- A1 Statement of case + Appendices



Costs Decision

Park House
87/91 Great Victoria Street
BELFAST
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Appeal Reference:	2018/E0027
Appeal against:	The refusal of an application for a Certificate of Lawfulness of Existing Use or Development
Proposed Development:	Agricultural building
Location:	110 metres west of 240 Dublin Road, Killeen, Co Down, BT35 8RL
Claim by:	Mr James and Kevin Donnelly
Claim against:	Newry, Mourne and Down District Council
Decision by:	Commissioner Rosemary Daly, dated 28 December 2018

Decision

1. The claim for a full award of costs is allowed in part.

Reasons

2. In accordance with the Commission's publication 'Costs Awards Guidance' costs will normally only be awarded where all four of the following conditions are met:
 - the claim relates to a relevant type of appeal;
 - the claim is timely;
 - the party against whom the award is sought has acted unreasonably; and
 - the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.
3. Matters relating to discussions between the parties in advance of the appeal are not part of this determination. I therefore make no comment on the conduct of either party in this regard. Furthermore matters relating to the behaviour of the parties in respect of a separate cost claim relating to an appeal 2014/E0014 on the same site does not form part of the consideration in this appeal.

Eligibility

4. The application relating to the appeal was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 173 of the Act against the refusal to certify a Certificate of Lawfulness of Existing Use or Development (CLEUD). The Commission therefore has power to make an order as to the costs of parties in accordance with Section 205 of the Act.

Timeliness

5. The Commission's published Cost Awards Guidance states that a claim for costs will not be considered unless it is timely. It sets out various deadlines which, it says, will be strictly applied, unless the claimant can show compelling reasons for missing a deadline. It makes the general point that a costs claim should be made as soon as reasonably practicable after the behaviour that triggered the claim.
6. In this instance events at the hearing caused the Council to concede on two of their presented arguments relating to their reasoning not to certify the development was lawful. The Commission's guidance says that all claims must be made in writing unless they arise from behaviour that occurred or came to light during the hearing, in which case a claim **may be** (my emphasis) made orally at the end of the hearing. This statement is not exhaustive and does not preclude written claims after a hearing.
7. Notwithstanding the Council's views at the end of the hearing the appellant orally stated they would like to make the cost claim in respect of the behaviour of the Council at the appeal. In order to provide a full explanation of the reason for making a cost claim, at the hearing, the appellant requested could the claim be submitted in writing. On this occasion a short time period was permitted to allow the appellant to put their cost claim in writing. I do not consider the parties were prejudice by this action Furthermore I note that the Council did not raise any objection to this course of action at the hearing. The cost claim in written form was forwarded to the Commission within 2 days of the hearing and exchanged in the normal way for comments from the Council.
8. As it was indicated orally at the hearing due to the behaviour of the Council a cost claim was being made and it was submitted in writing to the Commission within 2 days of the hearing I consider the claim was made in a timely manner as indicated by the Commission's guidance. The dead line for making a claim was not missed.

Unreasonable Behaviour

9. An application for a Certificate of Lawfulness of Existing Use or Development was submitted to the Council on 16 March 2018 (LA07/2018/0467/LDE). On the 20 April 2018 the Council refused to certify that the existing use or development was lawful. The Council specified three reasons why they concluded that the development did was not permitted development in accordance with Class A of Part 7 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. The three reasons related to the development consisting of 3 buildings; the development not being located on land in an agricultural unit; and the building does not appear to be designed for the purpose of agriculture. An appeal was submitted on 17 August 2018 and the hearing took place on 13 November 2018.
10. Based on the submitted evidence and discussion at the hearing the Council conceded two out of three of their arguments relating to reasoning for refusing to certify that the development was lawful. The Council retained their stance in respect of their third argument relating to 'the purpose of the building' being design for agriculture.

11. Robust evidence was presented in the appellant's written statement of case and 23 accompanying appendices. This included planning history together with a previous Certificate of Lawfulness granted at the appeal site, examples of other agricultural buildings, site photographs, appeal decisions, farm maps and other information to justify and substantiate how the development was consistent with Class A of Part 7 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015.
12. The submission of such material to substantiate the appellant's case in the appeal does not amount to unreasonable behaviour. The information in the statement of case clarified the extent of the farm holding on the 15 March 2018 which was the day before the application was made. Matters relating to the appellant's agricultural holding were before the Council, the information provided was not new information but was clarification of the matters before the Council at the time they made their decision.
13. The claimant opinions relating to the Council's interpretation and presentation of their both their written and oral evidence does not amount to unreasonable behaviour. The quality of evidence is something which is tested through the normal appeal process. Likewise the appeal process is a means to clarify errors in the presented written evidence. The matters of error were presented at the hearing and were further clarified by the Council. Whilst errors in the written evidence are not helpful the clarification of such errors is part of the hearing process. This does not give rise to unreasonable behaviour. Furthermore the presentations of evidence to further clarify or make a point which is in dispute does not amount to unreasonable behaviour. The quality and source of such evidence is a matter for the party that is making their case. The presentation of evidence by the Council sourced on the internet does not give rise to unreasonable behaviour at the hearing.
14. Some of the presented evidence was further discussed at the hearing and only during further questioning, probing and investigation did the Council conceded two of the three arguments relating to their reasoning to refuse to certify the lawfulness of the development. Reviewing the evidence presented by the appellant it was clear that the development did relate to development on agricultural land in an agricultural unit and did comprise one building, with three compartments. The Council's concession in respect of these two reasons for refusing to certify the lawfulness of the development amounts to abandoning or not pursuing part of their case.
15. Whilst the appellant's statement of case with information providing further clarification was not before the Council at the time of they made their decision, the evidence was clearly presented to the Council before the hearing took place. Upon further discussion at the hearing the Council failed to produce any credible evidence in support of what had earlier appeared to be an important element of their case. This amounts to unreasonable behaviour.
16. The third reason which the Council did not concede related to building being designed for the purpose of agriculture. The Council provided limited evidence in their statement of case to state why they considered the development was not used for the purpose of agriculture. At the hearing the Council produced some documentation which they considered to assist their position. Whilst the

information was not persuasive of the Council's position it was used as a means to demonstrate their view in respect of the purpose of the building. Disagreement is an expected feature of the appeals process and is not inherently unreasonable and the format or type of evidence presented by the Council is a matter for their discretion. I therefore do not consider it was unreasonable for the Council to maintain their position in respect of the design and purpose of the subject building.

17. It would have been more helpful to the process had the Council made the concession at the outset of the hearing having reviewed the appellant's statement of case. As noted at paragraph 10 of the Commission guidance cost awards will encourage all those involved in the appeals process to behave in a responsible, cost conscious manner and to follow good practice by carefully assessing at the outset where they have a reasonable prospect of success, reacting in a timely fashion to changing circumstances and presenting credible evidence to support their case.
18. In this instance I conclude that the unreasonable behaviour presented by the Council is confined to the abandoning or not pursuing part of their case at the hearing. The abandonment of this part of the case was due to the Council not being in a position to make any credible arguments in respect of the matters discussed and only then conceded these points at the hearing.

Unnecessary Expense

19. The Claimant presented information as to the nature of the expenses incurred, namely:
 - The cost of the appeal fee.
 - Costs associated with the Company Director of Envirofarm Limited in preparation, consultation, review of statement of case, site visits and appearance at the informal hearing.
 - Costs associated with the Senior Planning Consultant of Envirofarm Limited in preparation, consultation, review of statement of case, site visits and appearance at the informal hearing;
 - Costs associated Architectural Technician in site visit and preparation of addition plans for the Statement of Case
 - Costs of associated with appointment of Counsel (QC) including legal opinion, consultations, assessment of planning authority statement of case, briefing and appearance at informal hearing
 - Costs of Solicitor in meetings with client and agent, instruction of Counsel (QC), consultation with Counsel (QC) and appearance at informal hearing.
20. It is not a matter for the Council to state what they consider to be excessive costs as presented by the claimant. However from the evidence provided I note the costs presented by the claimant amount to a full award of costs for having to proceed through the appeal process.
21. The evidence presented in the appellant's statement of case further clarified matters before the Council at the time of making their decision. The Council was entitled to make their decision based on the information before them at that time.

22. Whilst the Council failed to sustain its arguments in respect of the purpose of the building it is must be noted that costs will not be awarded to a party just because the appeal has been decided in favour of that party. The preparatory expense and time presenting the appellant's arguments relating to the purpose of the building are a justified expense.
23. The withdrawal of the two of the reasons to substantial the Council's reasons for refusing to certify the lawfulness were made on the basis of the evidence and arguments presented in the appellant's statement of case. These matters came to light following the submission of the appellant's evidence. Accordingly the preparation and submission of the appellant statement of case was not unnecessary or a wasted expense in this regard.
24. In this instance I have not been persuaded that Council's decision to refuse to certify the lawfulness of the development gave rise to an unnecessary appeal. The cost of making the appeal, including appeal fee, is not an unnecessary or wasted expense nor do I consider the appellant preparation for the appeal an unnecessary or wasted expense.
25. The unreasonable behaviour of the Council arose when in view of the evidence presented by the appellant's statement of case they continued at the hearing to argue their points. Only then in light of not being able to make any credible argument relating to this evidence the Council conceded to withdraw two out of the three of the reasons why they had refused to certify that the development is not lawful.
26. The unnecessary and wasted expense therefore only relates to the time at the hearing arguing these the two indefensible reasons for refusing to certify the lawfulness of the development, namely that the development was one building and that it related to development on agricultural land comprised in an agricultural unit.
27. I therefore conclude the preparation and submission of the appellant's evidence was a necessary expense. The only unnecessary or wasted expense was the time spent by the appellant's team at the hearing debating the evidence already before the Council, which was conceded at the hearing.
28. The hearing started at 11.00am and ended at around 1.45pm. The time spent arguing these elements of the case would have amounted to around 1 hour and 30 minutes of professional time of the appellant team at the hearing. Given the above reasoning the claim for a full award of costs is allowed in part to reflect this unnecessary and wasted expense of time spent at the hearing.

Order

It is hereby ordered that Newry, Mourne and Down District Council shall pay to Mr James and Kevin Donnelly the costs of professional time at the appeal hearing presenting and clarifying their argument made in their statement of case at the appeal hearing. This amounts to 1 hour and 30 minutes of professional time for those present at the hearing.

On receipt of this order the claimant may submit details of those costs to Newry, Mourne and Down District Council with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER ROSEMARY DALY

List of Documents

Planning Authority:- 'R1' Costs Claim (Newry, Mourne & Down District Council)

Appellants: 'C1' Mr James and Kevin Donnelly



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
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E: info@pacni.gov.uk

Appeal Reference:	2018/E0027
Appeal by:	Mr James & Kevin Donnelly
Appeal against:	The refusal of an application for a Certificate of Lawfulness of Existing Use or Development
Proposed Development:	Agricultural building
Location:	Approximately 110 metres west of 240 Dublin Road, Killeen, Newry, Co Down, BT35 8RL
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/0467/LDE
Procedure:	Hearing on 13 November 2018
Decision by:	Commissioner Rosemary Daly dated 28 December 2018

Decision

1. The appeal is allowed and the attached Certificate of Lawfulness is granted.

Claim for Costs

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

Preliminary

3. At the outset of the hearing the appellant outlined a number of issues relating to the Council's statement of case. Some of these issues related to a difference between this appeal and a different application (LA07/2017/0665/LDE) and subsequent appeal (2018/E0014) against the refusal of that application. A typed copied of these issues was presented at the appeal (PAC2). These facts have been duly noted and have been taken into account in the determination of this appeal.

Reasoning

4. The main issue in this appeal is whether or not the development of an agricultural building is permitted development in accordance with Part 7 Agricultural Buildings and Operations of the schedule of development permitted under Article 3 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO).

5. A Lawful Development Certificate (LDC) is a statement specifying what was lawful at a particular date. In accordance with Section 169 (2) of the Planning Act (Northern Ireland) 2011 a use or operation is lawful for planning purposes if (a) no enforcement action can be taken against it; and (b) it does not constitute a contravention of any of the requirements of any enforcement notice then in force. There is no current enforcement notice in force. The onus is therefore on the appellant to establish that the existing agricultural building is lawful.
6. The application for a Certificate of Lawfulness of Existing Use or Development was submitted to the Council on the 16 March 2018 seeking to certify that the new agricultural building complied with the Class A, Part 7 Agricultural Buildings and Operations of the schedule to the GDPO. This stipulates that development is permitted where the carrying out on agricultural land comprised in an agricultural unit of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operation; reasonably necessary for the purpose of agriculture within that unit.
7. Following consideration of the information provided during the application process the Council refused to certify that the agricultural building was permitted development. On the notice of refusal of the application for the Certificate of Lawfulness the Council stated three reasons why they considered the development not to be permitted development. It was considered firstly that the development consisted of 3 buildings; secondly that the development was not located on agricultural land; and thirdly the buildings do not appear to be designed for the purpose of agriculture. The Council stated there was no dispute that the development met with the other requirements stated in Class A and Class A.1 of Part 7 of the schedule to the GDPO.
8. At the appeal hearing the Council conceded that the development was on a field within the appellant's agricultural unit and that the development was as a whole one building. The Council's first two reasons for its conclusions relating to why the agricultural building was considered not to be permitted development are accordingly not sustained.
9. The remaining issue to be determined is whether the building has been designed for the purpose of agriculture in accordance with Class A.1 of Part 7 of the schedule to the GPDO. The Council considered the use of the building as a cool store was not for the purpose of agriculture and therefore is contrary to Class A.1 (c) of Part 7 of the schedule to the GPDO as the building, structure or works are not designed for the purpose of agriculture on the land.
10. The existing farm enterprise is accessed from the Dublin Road by two separate existing access points. The subject building is accessed by an existing private agricultural concrete laneway which serves an existing dwelling house and the other agricultural buildings on the farm enterprise at the rear of 210 Dublin Road. The development does not make any alteration to the existing access onto the Dublin Road. The building is constructed west of the detached dwelling house at 210 Dublin Road and also other existing agricultural buildings in the ownership and control of the appellant.
11. At the time of my site visit I noted there to be one building subdivided into three parts. To the rear of the building I noted that the two smaller subordinate

compartments were physically constructed and attached to the main part of the building. These two small parts of the building provided space for the plant room; switch room and condenser area associated with the cool store. The main part of the building was full to the roof with the boxes of potatoes which I note to be in the cool storage part of the building.

12. The appellant provided evidence to stating that the building has been inspected by Rates Collection Agency and has been deemed to be "zero rated" as the building is used for agricultural purpose associated with the existing farm holding. It is therefore deemed to be exempt from rates. Notwithstanding that the rates collection agency is subject to separate regulations the exemption from rates because of its agricultural use is relevant. If the buildings were used for any other purpose the rates collection agency would accordingly have this recorded. No other evidence was presented by the Council to persuade otherwise.
13. Documentation was provided from Newry Mourne and Down District Council Building Control Department on 13 April 2017 stating that the unauthorised works had come to their attention and that the works have been undertaken without a statutory application having been made under the Building Regulations (Northern Ireland) 2012 (Amended 2014). A copy of the appellant response by letter and emails were also provided. A file note of a conversation with the Building Control officer dated 19 May 2017 and the appellant's agent was provided stating that a building control application would not be necessary in this instance, as long as the building remained in agricultural use and no packaging or retailing takes place from the building. It was advised if the use of the building were to change from agriculture then a formal application would be necessary. The appellant presented that this evidence demonstrates the use of the building for agricultural purposes. This evidence was not disputed by the Council at the hearing.
14. The appellant stated that the storage and refrigeration of agricultural products derived from agricultural activities which originate from a farming enterprise is compatible with the European Union and planning definition of agricultural activity. Agricultural activity is defined by the Article 4 of the European Council Regulations (EC) No. 1307/2013 as the (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes; (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries; and (iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation. The Planning Act (Northern Ireland) 2011 states "agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing lands, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
15. Neither of the above definitions provided by the EC regulations or the Planning Act specifically describes the storage and refrigeration of agricultural products as an "agricultural activity". However to my mind the definition is not conclusive on buildings reasonably necessary for the storage of farm machinery and equipment or crops and seeds necessary for agricultural purposes or activities.

16. The matter to be considered in the context of Part 7 Class A of the schedule to the GPDO is the erection of subject building reasonably necessary for the purpose of agriculture within that unit.
17. The appellant stated that development relates to a significant agricultural enterprise which consists of both crop production, notably potatoes, and a large beef rearing unit relating to some 600 cattle. The building is the appellant's way of providing improved storage systems in order to maximise the amount, variety and quality of their stored crops and farm produce.
18. The appellant explained the purpose of the building is to provide cool storage capacity for their 'home save' ware seed potatoes which are used to seed their own potato lands on their farm. Ware potatoes are any potatoes that are destined for human consumption in potato form. 'Home save' ware potatoes are seed potatoes derived from the original crop, they are small in size and are retained by the grower for replanting the following year. The building is considered by the appellant to be essential to efficient operation of the existing farm enterprise and improved storage capacity on the farm that adds value to the farm produce. I was told that the farm enterprise, subject to weather conditions, produces crops of ware potatoes equating to almost 1,200 tonnes. Some 240 tonnes of the crop is retained as home seed for replanting the preceding year. These seed potatoes must be stored on the farm.
19. The main part of the building is designed with one door opening measuring some 2 metres wide by 2.6 metres in height. The door way size has been designed to limit openings into the building in order to regulate the temperature of the building to maintain an optimal cool temperature. The appellant stated that a forklift is used to move the boxes of potatoes out of the building. The Council stated they were not convinced that the building is designed in accordance with industry practice. They provided a copy of a details and dimensions of a building, sourced on 'YouTube' relating to 'potato and onion storage'. It was the Council's view that the appeal building did not match that as specified by the internet search which they acknowledged related to a building in Australia, located in a different climate. The appellant stated that they had gone to a local company 'Cool-Tec' whom they stated have a reputation of specifying the standards and requirements of the building necessary for cool storage. They had no reason to doubt their expertise or specifications for the building.
20. Whilst I accept that the building may not be designed to exactly match that shown by the Council, I have not been persuaded that this evidence of itself demonstrates that the appeal building does not equally meet the requirement specified by the appellant for the cool storage of the 'ware' potatoes. The appellant stated that a well sealed and insulated store will allow the crop to be kept at an optimal temperature where humidity is controlled in changeable weather conditions. The building has been designed with only one small door opening to control the ventilation of the building. The roof pitch is low level allowing for the even stacking of boxes of potatoes. Fans have been positioned at the top of the building to allow the flow of air through the potatoes. The design of the building is clearly to provide a form of environmental control to stabilise the temperate and humidity for the storage of the potatoes to be reseeded on the farm. I note the Council did not seek any professional advice to support their arguments in respect

of the design of the building. I have not been persuaded by that a internet search provides justification to conclude the building has not been designed for the purpose of agriculture.

21. Furthermore the appellant explained the value of the 'ware' potatoes will increase depending on market circumstances. The appellant stated that adequate storage capacity is essential to the efficient operation of the existing farm enterprise. The appellant stated if necessary for future use the building could be also be used for the storage of beef products but as things stand the building is used for the storage of ware seed potatoes. The appellant stated entirety of the development/building was plainly designed to provide cool storage for agricultural purposes. The Council's evidence does not persuade me to the contrary in respect of the purpose of the building for agricultural use.
22. On the balance of probabilities based on the information provided and from my site inspection I consider that the building is reasonably necessary for the purpose of storing crops for the farm enterprise. The building has been designed for the purposes of agriculture. I do not consider the development to be contrary to the Class A of Part 7 of the schedule to the GPDO nor do I consider it to fall within the development which is not permitted by Class A.1 (c) of Part 7 of the schedule to the GPDO. Should the agricultural use of the building change to any another use other than for the purpose of agriculture then that use would be subject to a separate determination. The agricultural building on the site is therefore lawful development in accordance with Part 7, Class A of the schedule to the GPDO.

COMMISSIONER ROSEMARY DALY

List of Appearances

Planning Authority:-	Mr G Murtagh, Newry, Mourne & Down District Council Mr A Donaldson, Newry, Mourne & Down District Council
Appellant:-	Mr W Orbinson, QC instructed by Steven Begley Solicitors Mr B McKenvitt, Envirofarm Mr S Hughes, Envirofarm Mr Donnelly, Appellant Mr S Begley, Solicitor

List of Documents

Planning Authority:-	"A"	Statement of Case and Appendices, Newry, Mourne & Down District
Appellant:-	"B"	Statement of Case and Appendices, Envirofarm

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 169

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on 16th March 2018 the building described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown hatched on the plan attached to this certificate was lawful within the meaning of section 169 of the Planning Act 2011, for the following reason(s):

Signed

Rosemary Daly

COMMISSIONER ROSEMARY DALY
28 December 2018

FIRST SCHEDULE

Agricultural Building as shown on Drawing 01 (existing building) dated received by Newry, Mourne and Down District Council 16 March 2018 and Drawing 02 (site location map and site layout) dated received by Newry, Mourne and Down District Council 16 March 2018.

SECOND SCHEDULE

Land approximately 110 metres west of 240 Dublin Road, Killeen, Newry, Co Down, BT35 8RL

Notes:

- (1) This certificate is issued solely for the purpose of section 169 of the Planning Act 2011.
- (2) It certifies that the building described in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.
- (3) This certificate applies only to the extent of the building described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.

Record of meetings between Planning Officers and Public Representatives 2018-2019

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
23/04/2018	A McAlarney	Cllr W Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	Colin McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn
17/07/2018	A McAlarney	Colin McGrath
09/08/2018	G Kerr / P Smyth	Cllr B Quinn
14/08/2018	A McAlarney	Cllr walker
04/09/2018	G Kerr	Cllr Tinnelly
07/09/2018	A McAlarney	Colin McGrath
12/09/2018	A McAlarney	Cllr Walker Cllr Andrews
18/09/2018	A McAlarney	Cllr Walker Cllr Andrews
20/09/2018	A McAlarney	Cllr Rice
03/10/2018	A McAlarney	Cllr W Clarke
18/10/2018	A McAlarney	Cllr Enright
29/10/2018	A McAlarney	Cllr Walker Cllr Andrews
13/11/2018	A McAlarney	Cllr Burgess
04/12/2018	A McAlarney	Cllr Walker

Newry, Mourne & Down District Council – January 2019

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1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231
August	114	913	244
September	141	958	263
October	168	971	272
November	187	1,002	276
December	133	1,085	297
January	164	1,063	273

Newry, Mourne & Down District Council – January 2019

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2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	914
May	506	193	78	33	106	916
June	483	201	84	33	108	909
July	540	189	90	34	107	960
August	482	187	99	34	111	913
September	511	184	108	45	110	958
October	529	170	114	46	112	971
November	548	178	110	52	114	1,002
December	604	184	115	64	118	1,085
January	607	183	90	62	121	1,063

3. Live applications per Case Officer

Month 2018/19	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51
August	48
September	56
October	61
November	62
December	64
January	62

Newry, Mourne & Down District Council – January 2019

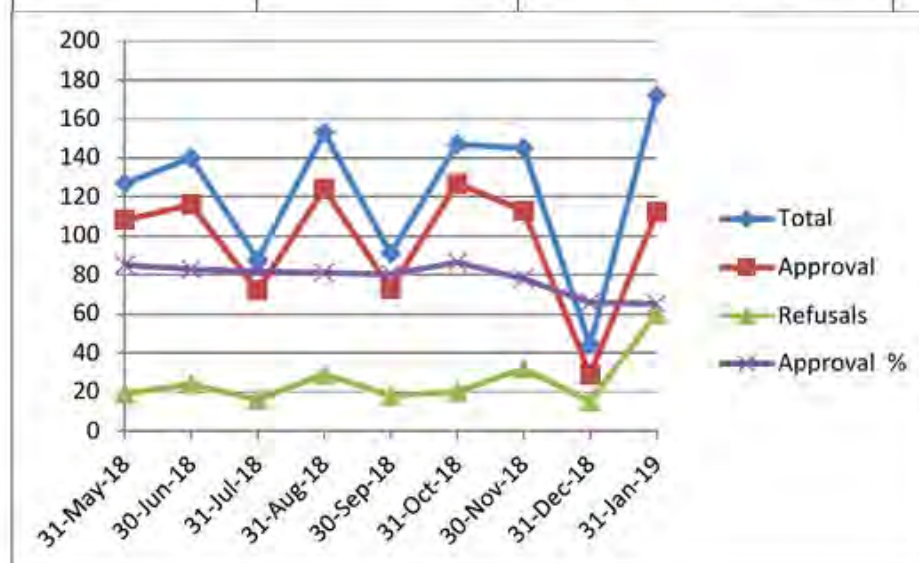
4. Decisions issued per month

Month 2018/19	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83
October	147	141
November	145	138
December	44	40
January	172	156

Newry, Mourne & Down District Council – January 2019

5. Decisions Issued YTD

Month 2018/19	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%
September	729	Approvals (596)	82%
		Refusals (133)	18%
October	876	Approvals (723)	83%
		Refusals (153)	17%
November	1,021	Approvals (836)	82%
		Refusals (185)	18%
December	1,065	Approvals (865)	81%
		Refusals (200)	19%
January	1,234	Approvals (977)	79%
		Refusals (260)	21%



Newry, Mourne & Down District Council – January 2019

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6. Enforcement Live cases

Month 2018/19	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970
August	365	246	110	85	73	150	1,029
September	373	250	125	81	76	156	1,061
October	389	239	142	77	80	160	1,087
November	393	232	155	83	71	169	1,103
December	383	220	165	77	74	174	1,093
January	388	217	166	82	72	181	1,106

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
24 October 2018	13	4	9
21 November 2018	10	4	6
19 December 2018	15	12	3
16 January 2019	12	6	6
Totals	158	87	71

Newry, Mourne & Down District Council – January 2019

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8. Appeals

Planning Appeal Commission Decisions issued during January 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	20	3	1	2	1
Down	7	1	0	1	0
TOTAL	27	4	1	3	1

Newry, Mourne & Down District Council – January 2019

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Statutory targets monthly update - up to December 2018 (unvalidated management information)
Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	49	6	170.2	66.7%
May	0	2	67.3	0.0%	115	118	16.9	43.2%	50	14	48.3	64.3%
June	1	1	20.2	100.0%	135	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	108	81	15.2	49.4%	39	6	61.9	66.7%
August	0	-	0.0	0.0%	110	136	15.6	47.8%	40	5	34.6	80.0%
September	1	-	0.0	0.0%	118	82	14.9	50.0%	34	5	129.7	20.0%
October	2	-	0.0	0.0%	146	138	16.3	44.9%	50	29	49.8	69.0%
November	0	-	0.0	0.0%	142	123	16.4	44.7%	36	14	58.4	50.0%
December	0	-	0.0	0.0%	113	31	18.0	38.7%	18	32	59.8	50.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	4	5	48.6	20.0%	1,087	950	15.8	47.36%	364	136	54.6	58.8%

Source: NI Planning Portal

Notes:

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.

Report to:	Regulatory & Technical Services Committee
Subject:	Neighbourhood Services Project
Date:	20 February 2019
Reporting Officer:	Roland Moore, Director: Neighbourhood Services
Contact Officers:	Roland Moore, Director: Neighbourhood Services

Decision(s) Required

For Decision	<input checked="" type="checkbox"/>	For Noting Only	<input type="checkbox"/>
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1.0	<u>Purpose & Background</u>
1.1	The purpose of this report is to seek the approval of Members to the Neighbourhood Services Working Group action sheet.
2.0	<u>Key Issues</u>
	A copy of the action sheet from the inaugural meeting of the Neighbourhood Services Working Group, held on the 30 January 2019, is attached at Appendix I .
3.0	<u>Resource Implications</u>
3.1	There are no resource implications contained within this report.
4.0	<u>Equality & Good Relations Implications</u>
4.1	There are no equality and good relations implications arising from this specific report.
5.0	<u>Rural Proofing Implications</u>
5.1	There are no rural proofing implications arising from this report, however due regard will need to be given to the potential rural implications of the service, once detailed design has been completed.
6.0	<u>Appendices</u>
	<ul style="list-style-type: none"> ▪ Appendix I – action sheet from the inaugural meeting of the Neighbourhood Services Working Group, held on the 30 January 2019

NEIGHBOURHOOD SERVICES WORKING GROUP**30 JANUARY 2019, 2.00PM, BOARDROOM, MONAGHAN ROW****In attendance: (Councillors)**

Councillor C Casey (Chair)
 Councillor T Andrews
 Councillor J Macauley
 Councillor W Walker
 Councillor W Clarke
 Councillor J Tinnelly

In attendance: (Officials)

Mr. R Moore (Director, Neighbourhood Services)
 Mr. J McBride (Assistant Director, Waste Management) (Acting)
 Mr. K Scullion (Assistant Director, Facilities Management & Maintenance)
 Mr. J McGilly (Assistant Director: Community Planning & Performance) (Acting)

Apologies: Councillor G Stokes

Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
Terms of Reference.	<p>Read: Neighbourhood Services Working Group Terms of Reference.</p> <p>Terms of Reference considered arising from RTS Committee agreement in October 2018. Minor changes made to Officer job titles.</p>	R Moore	For noting only	Y
Neighbourhood Services Project Update Report	<p>Read: Neighbourhood Services Project Update Report.</p> <p>Members consider the amber status of the project and progress made in relation to supporting actions</p>	J McBride	For noting only	Y

Guiding Principles & Delivery Framework	<p>Read: Guiding Principles & Delivery Framework</p> <p>Agreed on the PROPOSAL of Councillor Clarke, SECONDED by Councillor Andrews to approve the guiding principles and delivery framework for the project and to adopt Option Two (using any efficiency savings for re-investing into the service as part of its future modernisation).</p>	R Moore		Y
Detailed Service Design & Next Steps	<p>Read: Detailed Service Design & Next Steps</p> <p>Agreed on the PROPOSAL of Councillor Andrews, SECONDED by Councillor Clarke to approve the engagement of external technical / consultancy support, as part of detailed service design and implementation; and to initiate a routes review and optimisation exercise, as an enabler for other important elements of the project.</p> <p>Members also requested Officers give consideration to the following as part of detailed service design:</p> <ol style="list-style-type: none"> 1. Reviewing the potential inclusion of pest control services in the scope of the project, although it was noted this service currently resided within the AHC Directorate; and 2. The potential for Dept. Economy to provide training and development opportunities in support future Cleansing operations. 	J McBride		Y

Stakeholder Communication & Engagement Update	Members considered an update in relation to the development of a stakeholder communications and engagement plan in support of the project. A final draft plan to be presented at the next Working Group meeting.	R Moore	For noting only	N
Project Risks	Read: Neighbourhood Services Project Risks Members considered the key risks to the project.	J McBride	For noting only	Y
END				

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 th February 2019
Subject:	Old Crag Graveyard and Church Ruins, Rostrevor
Reporting Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance
Contact Officer (Including Job Title):	Aidan Mallon, Head of Maintenance

Confirm how this Report should be treated by placing an x in either:-

For decision	<input checked="" type="checkbox"/>	For noting only	<input type="checkbox"/>
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1.0	Purpose and Background
1.1	<p>In December 2018, Officers were made aware of a crack in the gable end wall of the Church ruins in Old Crag Graveyard, Rostrevor. This ruin contains the four walls of the Church but there is no roof.</p> <p>This graveyard is the responsibility of the Council and the Council does maintain the site to allow visitors access.</p> <p>As a precautionary measure, the Council has locked the gates to this old cemetery and placed notices to advise people to "keep out" as the wall may be unstable.</p> <p>The Historic Environment Division of the Department of Communities are of the opinion that the site is owned by Council and this includes the Church Ruins. They also confirmed that the Church is not a Scheduled site and so does not have statutory protection. However, if Council proposed to do anything major in terms of repair/removal then planning approval would be required.</p> <p>On the 23rd January 2019 an Engineer visited the site to make an inspection of the gable wall. Their assessment is summarised below;</p> <p><i>It is not clear if the crack is recent or if has been there for many years. The presence of ivy and other growth within the crack suggests it has not suddenly occurred recently. The continued growth of ivy creepers inside the crack will, over time, gradually cause further damage to the stonework, and will dislodge mortar and small stones, leading to the larger stones being dislodged.</i></p> <p><i>Whilst the gable wall does not appear to be leaning out to a point where it is a cause for alarm, as the crack has effectively removed the buttressing from one corner, it would be difficult to demonstrate that the wall was stable under extreme condition wind loads.</i></p>

	<p><i>Voids in the masonry, presumed to have been formed by rotten timber ties, as well as the apparently rotten lintels in the west gable will further weaken the structure.</i></p> <p><i>The ongoing ivy growth, as well as freeze-thaw cycles will dislodge mortar and small stones from the wall.</i></p> <p>The Engineer recommended that the following steps be taken at this stage.</p> <p><i>Tell-Tales are installed on the wall and are read and readings recorded once a month on an ongoing basis. Significant change in monthly readings should prompt an immediate review</i></p> <p><i>The area around the south west corner, inside and outside the church ruin, including the area between the gable and the boundary wall, should be fenced off from the public.</i></p> <p><i>A restoration programme be considered to prevent the collapse of the ruin. In drawing up a programme an architect which specialises in restoration of historic buildings should be considered to manage the process, as it will be necessary to comply with legislation in dealing with this historic building, amongst other matters.</i></p> <p>The recommendations of the appointed Architect will be taken back to Committee for consideration.</p>
<p>2.0</p>	<p>Key issues</p> <ul style="list-style-type: none"> • The Council has a responsibility for maintenance of a number of historic graveyards throughout the district including Old Crag Graveyard and Church Ruins, Rostrevor • A crack in the gable end wall of the Church ruins has been identified. • A Structural Engineer has inspected the Church ruins and made a number of recommendations. • Monthly monitoring of the crack to assess if it is getting worse will be carried out and in the interim period whilst access to the graveyard will be permitted, the area around the south west corner, inside and outside the church ruin, including the area between the gable and the boundary wall, will be fenced off from the public. • Council approval is being requested to the appointment of an Architect, who specialises in restoration of historic buildings, to develop a programme of works to the repair the structure and to manage this process on behalf of the Council is being requested. • The recommendations of the appointed Architect will be taken back to Committee for consideration.

3.0	Recommendations
3.1	<ul style="list-style-type: none"> Note the content of the report and agree to the appointment of an Architect who specialises in restoration of historic buildings to develop a programme of works for the repair of the structure and to manage this process on behalf of the Council.
4.0	Resource implications
4.1	Cost to appoint an Architect who specialises in restoration of historic buildings to develop a programme of works for the repair the structure and to manage this process on behalf of the Council.
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
	None
8.0	<p>Background Documents</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ol style="list-style-type: none"> <i>Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i> <i>Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 th February 2019
Subject:	Update on Public Convenience Project and Development of Strategy
Reporting Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance
Contact Officer (Including Job Title):	Gail Kane, Head of Facilities

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	<p>The Committee will be aware that the Council has accepted the need for a programme of works to upgrade the current condition of many of its 31 Public Conveniences. It has agreed a capital budget of £1.2 million over three financial years starting with 2018/19.</p> <p>In taking forward this capital project, the Council has agreed to set up an internal Officer Study Group across all relevant Directorates to gather relevant information concerning the use and operation of our Public Conveniences so that in making consideration concerning future spend and use of our Public Conveniences all relevant issues are considered.</p> <p>Whilst looking at current facilities the group would also consider requests for new facilities as part of developing an overall programme for the Council's Public Convenience Service.</p> <p>It is proposed that the Study Group will meet initially between March and June (3 to 4 meetings) and from this a Development Strategy for our Public Convenience Provision will be prepared and tabled at the June Meeting of the Neighbourhood Services Committee.</p> <p>This Strategy will:</p> <ul style="list-style-type: none"> • Review the role of the Council in providing a PC Service and how this may contribute to relevant plans and strategies (e.g. Community Plan, Corporate Plan, Tourism Strategy) • Review the current condition of PC provision across the area and how current provision contributes or otherwise to relevant plans and strategies • Consider the range of options for how Council may choose to provide a PC Service throughout the Council area and utilise its capital budget of £1.2 million.

	<p>The Council will be assisted in compiling this strategy by the British Toilet Association who can provide independent expert advice to local authorities on the provision of a PC Service.</p> <p>The provision of this strategy will assist the Council in directing its officers on how best to use its capital budget for this project.</p>
2.0	<p>Key issues</p> <ul style="list-style-type: none"> • Council has a capital programme of £1.2 million for upgrading its Public Convenience Service which currently comprises of 31 facilities. • In order to better direct this spend, an interdepartmental study group will be formed and supported by the British Toilet Association in compiling, a Development Strategy for our Public Convenience Provision Service. • This strategy will be presented to the Neighbourhood Services Committee in June 2019 for their consideration.
3.0	Recommendations
3.1	<ul style="list-style-type: none"> • Note the content of the report.
4.0	Resource implications
4.1	Initial consultancy fee of circa £7000 to the British Toilet Association for their support in compiling the Development Strategy for our Public Convenience Provision.
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
	None
8.0	<p>Background Documents</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i> <i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 th February 2019
Subject:	Appointment of Design Team for Cemetery Extension Projects
Reporting Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance
Contact Officer (Including Job Title):	Gail Kane, Head of Facilities

Confirm how this Report should be treated by placing an x in either:-

For decision	X	For noting only	
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1.0	Purpose and Background
1.1	<p>The Council has agreed capital budgets for the extension of its Monkshill Municipal Cemetery and Kilbroney Municipal Cemetery:</p> <ul style="list-style-type: none"> Phase 3 of Monkshill Municipal Cemetery (note separate report to Committee on Phase 2 extension to this cemetery) Phase 2 Kilbroney Municipal Cemetery <p>Technical support is required by the Council to take these projects through the various development stages; initial design, statutory approvals, detailed design, tendering and managing works on site.</p> <p>Council will be kept informed through this Committee of progress at each stage and where required approvals to proceed to next stage will be sought from the Committee.</p> <p>Council is asked to agree to the appointment of a suitably qualified Design Team to provide the technical support required to assist the Council in taking forward the above projects to completion. Their appointment will be in accordance with Council Procurement Policy.</p>
2.0	Key issues
2.1	As noted above.
3.0	Recommendations
3.1	Note the content of the report and agree to the appointment of a suitably qualified Design Team to provide the technical support required to assist the Council in taking forward Phase 3 of Monkshill Municipal Cemetery and Phase 2 Kilbroney Municipal Cemetery.

4.0	Resource implications
4.1	It is anticipated, subject to tender, that the Design Team Support will cost circa £29,000.00.
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
	None
8.0	<p>Background Documents</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i> <i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 February 2019
Subject:	Commercial Waste – Scale of Charges for 2019-20
Reporting Officer:	Johnny McBride, Assistant Director: Waste Management (Acting)
Contact Officer:	Liam Dinsmore, Head of Waste Processing & Enforcement

For Decision	X	For Noting Only	
1.0	Purpose & Background		
1.1	The purpose of this report is to recommend for Member approval a scale of charges for commercial waste services for 2019-20. Commercial waste services apply to both the Council's commercial waste collection service and the receipt of commercial waste at designated Household Recycling Centres (HRCs).		
2.0	Key Issues		
	Scale of Charges for 2019-20		
2.1	Reviewed on an annual basis in line with the rate estimates process and in accordance with the Council's Waste Management strategy, the following is proposed for 2019-20:		
2.2	<p><u>Refuse Collection Service</u></p> <ul style="list-style-type: none"> i. Apply a 1.99% increase to all residual (Black Bin) commercial waste collection services; ii. No increase be applied to Blue and Brown Bin collection charges; and iii. Reduce the cost of the Brown Bin collection service to the same cost of the Blue Bin collection service. <p><u>Receipt of Commercial Waste at HRCs¹</u></p> <ul style="list-style-type: none"> iv. Apply a 1.99% increase to charges associated with the receipt of commercial waste at designated HRCs. <p><u>Purchase of Wheeled Bins</u></p> <ul style="list-style-type: none"> v. A 1.99% increase be applied to the cost of purchasing a Black Bin; and vi. A 50% decrease in the cost of purchasing 660 Litre & 1,100 Litre Blue Bins. <p><u>Bulky Collection Service</u></p> <ul style="list-style-type: none"> vii. Apply a 1.99% increase to the cost of a bulky collection service. 		

¹ These charges may be subject to change arising from HRC review

2.3	The primary rationale for this proposal is to support increased recycling and to minimise the amount of residual (Black Bin) waste produced. The proposed scale of charges is provided at Appendix I .
3.0	Recommendations
3.1	Members are asked to consider and agree to the proposed scale of charges for commercial waste services for 2019-20.
4.0	Resource Implications
4.1	There are a number of resource implications arising from this report. These are primarily concerned with an anticipated reduced income arising from the introduction of incentives to encourage greater recycling. The initial cost to the Council is likely to be outweighed by the corresponding reduced cost of a reduction in residual (Black Bin) waste tonnages.
5.0	Equality & Good Relations Implications
5.1	There are no equality and good relations arising from this report.
6.0	Rural Proofing Implications
6.1	There are no rural proofing implications arising from this report.
7.0	Appendices
	<ul style="list-style-type: none"> ▪ Appendix I – Scale of Charges for 2019-20



PROPOSED WASTE MANAGEMENT CHARGES 2019/2020

1. *BIN PURCHASE

BIN PRICES	BLACK (RESIDUAL BIN)	BLUE & BROWN RECYCLING BINS (Domestic & Trade)
140 litre bin collected from Depot	£38.75	£19.00
240 litre bin collected from Depot	£40.80	£20.00
360 litre bin collected from Depot	£85.70	£42.00
660 litre bin collected from Depot	£283.50	£141.75
1100 litre bin collected from Depot	£320.25	£160.12
140 Litre bin delivered	£43.75	£24.00
240 Litre bin delivered	£45.80	£25.00
360 Litre bin delivered	£95.70	£52.00
660 Litre bin delivered	£313.50	£171.75
1100 Litre bin delivered	£350.25	£190.12
Axles & Wheels collected from depot (140 litre & 240 litre)	£12.25	£12.25
Axles & Wheels fitted (140 litre & 240 litre)	£16.30	£16.30
Lid delivery & fitting (only available Greenbank 140 litre & 240 litre)	£13.25	£13.25

2. ***Bulky Household Waste** £10.20 (maximum 5 items)

3. ***HRC Commercial Charges (Camlough & Kilkeel Sites Only)**

Car Boot	£6.40
Car Full	£29.60
Small van up to 1.5 GVW	£29.60
Small trailer up to 2 x 1.5 1.5 m	£29.60
Large van assumed weight 0.84 tonne	£91.80
Large trailer ie horsebox/silage trailer	£91.80
Commercial recyclable waste (max 6 x bags or equivalent)	FREE

* Note: Prices are V.A.T. inclusive

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



Comhairle Ceantair
an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down
District Council

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4. ****Trade Waste Residual Bins**

140 litre bin collected	£4.15
240 litre bin collected	£5.07
360 litre bin collected	£7.11
660 litre bin collected	£13.29
1100 litre bin collected	£21.56

5. ****Trade Waste Dry Recyclable**

140 litre bin collected	£3.19
240 litre bin collected	£3.40
360 litre bin collected	£4.55
660 litre bin collected	£8.89
1100 litre bin collected	£13.59

6. ****Trade Waste Organic**

140 litre bin collected	£3.19
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** Note: Collection charges are V.A.T. exempt

7. **Caravan Trade Waste Collection Charges: -**

1100L Black Bin	£7.00	240L Black Bin	£1.40
1100L Blue Bin	£3.75	240L Blue Bin	£1.25

8. **Charities**

Charities to pay for purchase of bin, but receive free collection service for 1x240L black, 1x240L blue & 1 x 140L brown per fortnight. Anything over this usage is subject to charges.

Version: 08/02/19
Increase as part of Rates Estimates 19/20

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 February 2019
Subject:	Northern Ireland Local Authority Collected Municipal Waste Management Statistics (Quarter 2: July to September 2018)
Reporting Officer:	Johnny McBride, Assistant Director: Waste Management (Acting)
Contact Officer:	Liam Dinsmore, Head of Waste Processing & Enforcement

<table border="1"> <tr> <td>For Decision</td> <td>For Noting Only</td> <td>X</td> </tr> </table>		For Decision	For Noting Only	X
For Decision	For Noting Only	X		
1.0	Purpose & Background			
1.1	The purpose of this report is to provide for Member consideration, a summary of the Northern Ireland Local Authority Collected Municipal Waste Management (NILACMWM) Statistics for Quarter Two: July – September 2018.			
1.2	Published by the Northern Ireland Environment Agency (NIEA) the quarterly reports contain provisional estimates relating to energy recovery; waste arisings; landfill; re-use; dry recycling and composting.			
2.0	Key Issues			
	<u>Summary</u>			
2.1	Members are asked to note the following highlights: <ul style="list-style-type: none"> i. The Council continues to reduce its waste arisings and increase recycling rates; ii. The Council increased its recycling rate by 5.3 percentage points, representing the largest increase in the reporting period for Northern Ireland; iii. This increase was attributable to increases in household waste composting (3.7%) and household dry recycling (1.5%); and iv. The Council recorded the highest Local Authority Collected (LAC) waste energy recovery rate at 46.8%, the highest recovery rate for Councils in Northern Ireland. 			
2.2	More detailed information relating to the performance of the Council is provided in a copy of the NIEA report at Appendix I .			
3.0	Recommendations			
3.1	Members are asked to note the contents of the report.			
4.0	Resource Implications			
4.1	There are resource implications arising from this report.			
5.0	Equality & Good Relations Implications			
5.1	There are no equality and good relations arising from this report.			

6.0	Rural Proofing Implications
6.1	There are no rural proofing implications arising from this report.
7.0	Appendices
	<ul style="list-style-type: none">▪ Appendix I - Northern Ireland Local Authority Collected Municipal Waste Management (NILACMWM) Statistics for Quarter Two: July – September 2018

Northern Ireland Local Authority Collected Municipal Waste Management Statistics

Quarterly provisional estimates for
July to September 2018



Issue No: 38

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URL: <https://www.daera-ni.gov.uk/articles/northern-ireland-local-authority-collected-municipal-waste-management-statistics>

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Key Points for Northern Ireland

- Northern Ireland's councils collected 256,157 tonnes of LAC municipal waste between July and September 2018, 1.5 per cent lower than the 260,024 tonnes collected during the same three months of 2017. Household waste accounted for 89.3 per cent of total LAC municipal waste. Belfast had the smallest quantity of household waste per person at 107kg, whilst the largest quantity per person was recorded in Antrim & Newtownabbey at 149kg.
- The household waste preparing for reuse, dry recycling and composting rate was 51.8 per cent between July and September 2018, an increase on the 51.2 per cent recorded during the same three months of 2017. At council level, rates varied from 45.3 per cent in Belfast to 58.8 per cent in Antrim & Newtownabbey.
- The LAC municipal waste energy recovery rate was 19.7 per cent, an increase on the 18.6 per cent reported for July to September 2017. The highest rate was recorded in Newry, Mourne & Down at 46.8 per cent and the lowest was 5.2 per cent in Ards & North Down.
- The latest quarterly landfill rate for household waste is 28.2 per cent, a further reduction on the 29.9 per cent recorded during the same three months of 2017. There were 36,070 tonnes of biodegradable local authority collected municipal waste (BLACMW) sent to landfill between July and September 2018. This was 6.5 per cent lower than the 38,575 tonnes sent between the same three months of 2017, although it accounted for a similar proportion of the annual allowance, 15.4 per cent between July and September 2018 compared to 15.5 per cent in the equivalent quarter of 2017.

Reader Information

This document may be made available in alternative formats, please contact us to discuss your requirements.

Purpose

This is a quarterly publication which reports provisional figures on the key measurements of local authority collected municipal waste for councils and waste management groups in Northern Ireland.

Next Updates

- Provisional figures for October to December 2018 will be available on 25 April 2019.
- Finalised data for 2018/19 are scheduled to be published on 28 November 2019.
- The scheduled dates for all upcoming publications are available from the GOV.UK statistics release calendar: <https://www.gov.uk/government/statistics>

National Statistics

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value.

All official statistics should comply with all aspects of the Code of Practice for Official Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.

It is a producer's responsibility to maintain compliance with the standards expected of National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

Introduction

This report presents information on the quantities of local authority collected municipal waste managed in Northern Ireland between July and September 2018. It provides information on the quantities and rates of local authority collected waste arisings, sent for preparing for reuse, for dry recycling, composting, energy recovery and sent to landfill. Some of these measurements are key performance indicators (KPIs). These are used to assess progress towards achieving waste strategy targets and where appropriate this is highlighted in the tables and charts.

The 26 councils covered by previous reports were reorganised into 11 new councils from 1 April 2015. This is the fourteenth release of waste data collected on an 11 council basis. During this period in Northern Ireland, 8 of the 11 councils were split into two Waste Management Groups (WMGs) with 3 councils unaffiliated to any group. WMGs produce, develop and implement Waste Management Plans for their areas of responsibility and are an important part of the data submission process. The group with the largest share of the population is arc21 with 59 per cent. The North West Regional Waste Management Group (NWRWMG) has 16 per cent of the population with the remaining 25 per cent residing in councils belonging to no waste management group.

There were six councils in arc21: Antrim & Newtownabbey; Ards & North Down; Belfast; Lisburn & Castlereagh; Mid & East Antrim; and Newry, Mourne & Down. NWRWMG contained two councils: Causeway Coast & Glens; and Derry City & Strabane. The remaining three councils were not members of any WMG: Armagh City, Banbridge & Craigavon; Fermanagh & Omagh; and Mid Ulster.

Figure 1: Map of councils and waste management groups in Northern Ireland



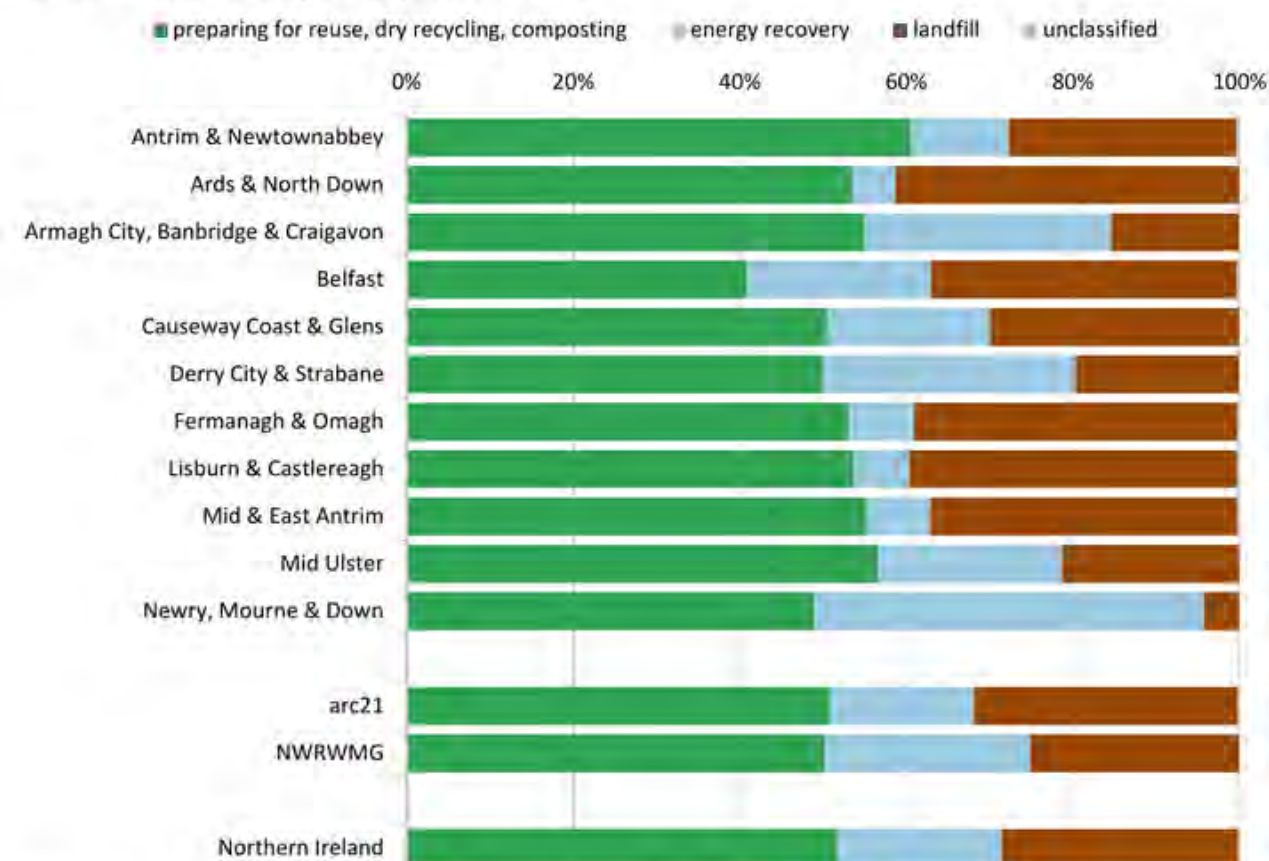
Overview

This report is split into five sections, each of which cover local authority collected (LAC) municipal and, where appropriate, household waste:

- waste arisings (pages 6-8),
- reuse, dry recycling and composting (pages 9-11),
- energy recovery (pages 12-14),
- landfill (pages 15-17), and,
- biodegradable landfill (pages 18-19).

The purpose of this overview is to show at a glance the proportions of the total LAC municipal waste arisings sent for preparing for reuse, dry recycling, composting, energy recovery and landfill between July and September 2018.

Figure 2: LAC municipal waste preparing for reuse, dry recycling, composting, energy recovery and landfill rates by council and waste management group Northern Ireland, July to September 2018



At the Northern Ireland level, 51.7 per cent of LAC municipal waste was sent for preparing for reuse, dry recycling and composting between July and September 2018. Energy recovery accounted for 19.7 per cent and 28.4 per cent was landfilled. This left 0.2 per cent unaccounted for which was likely to involve moisture and/or gaseous losses. Unclassified waste is calculated as a residual amount of municipal waste after municipal waste sent for preparing for reuse, dry recycling, composting, energy recovery and landfill have been accounted for, instead of being extracted directly from the WasteDataFlow system. Each of the rates is discussed in detail in the appropriate section of the report.

These figures are an improvement on the same quarter last year when 50.7 per cent of LAC municipal waste was sent for preparing for reuse, dry recycling and composting, 18.6 per cent was sent for energy recovery and 30.5 per cent was landfilled.

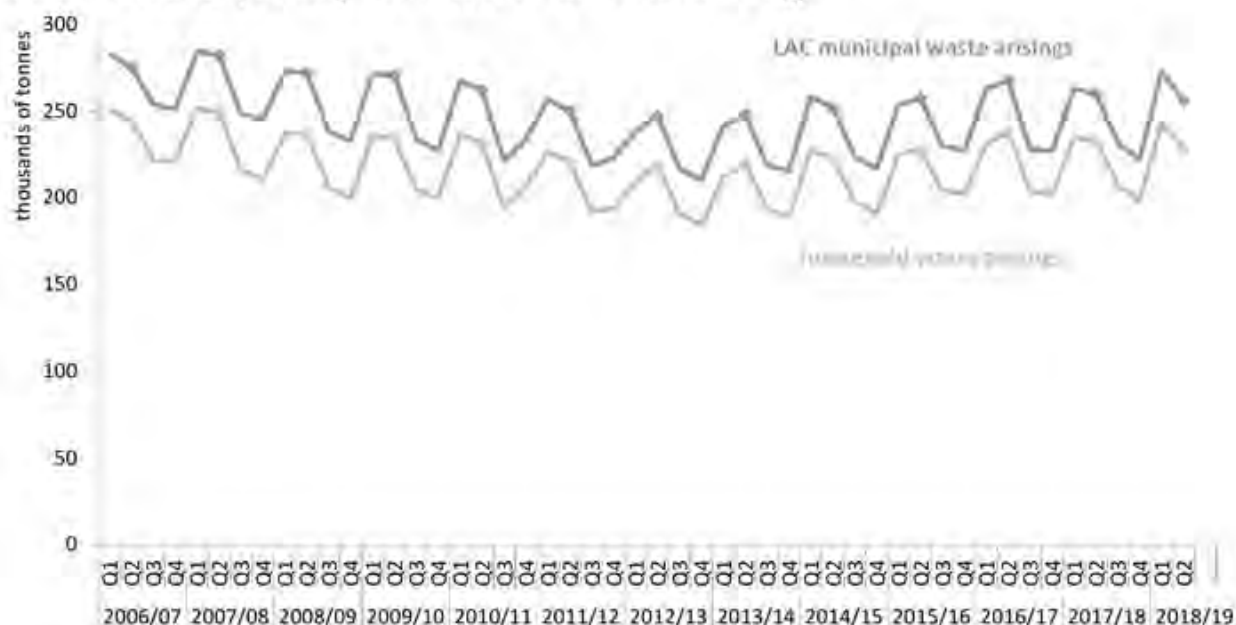
Waste arisings

The total quantity of local authority collected (LAC) municipal waste arisings is a key performance indicator, KPI (j). This indicator is also used to monitor performance under the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015. Northern Ireland’s councils collected 256,157 tonnes of LAC municipal waste between July and September 2018. This was a 1.5 per cent decrease on the 260,024 tonnes collected during the same three months of 2017.

Since 2006/07 household waste has accounted for 86-90 per cent of total LAC municipal waste each quarter. From July to September 2018, household waste accounted for 89.3 per cent. Household waste includes materials collected directly from households via kerbside collections, material taken to bring sites and civic amenity sites as well as several other smaller sources. The remaining 10.7 per cent was non household waste.

Figure 3: Waste arisings

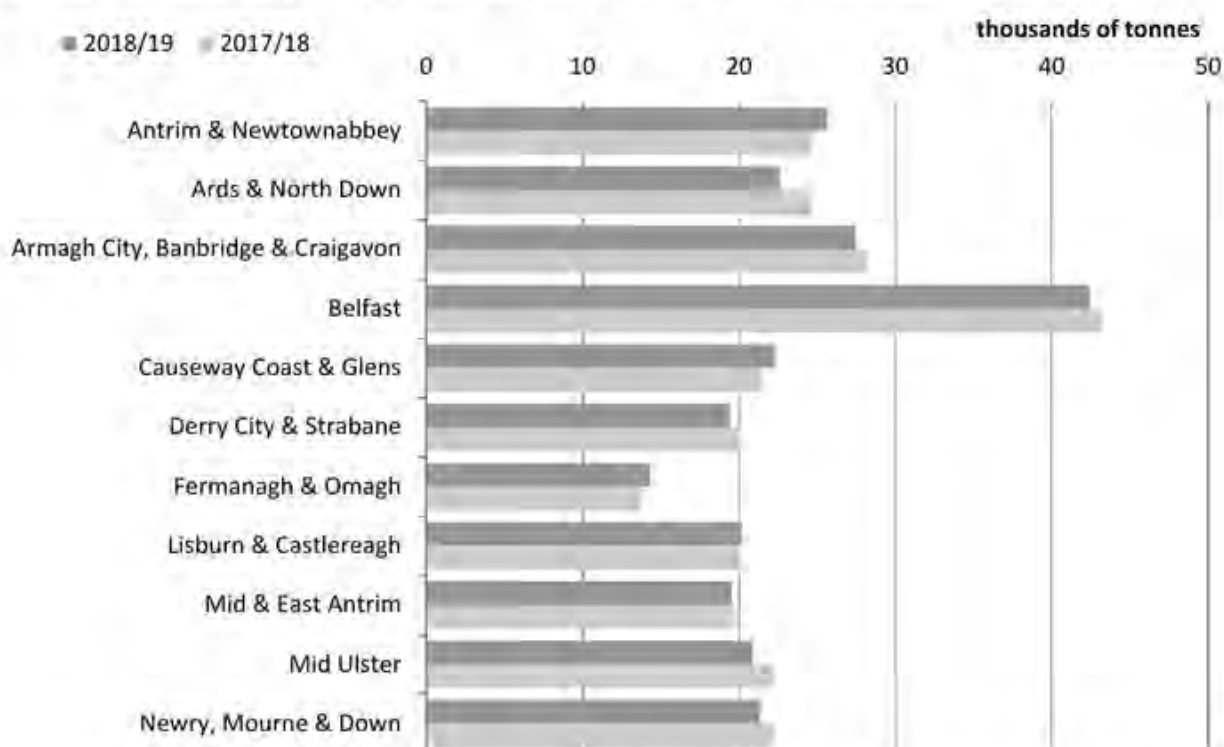
Northern Ireland, quarterly from 2006/07 to 2018/19 KPI (j)



The longer term trend for July to September saw a gradual reduction in LAC municipal waste arisings of 12.3 per cent across five years, from a high of 282,309 tonnes between July and September 2007 to a low of 247,487 tonnes between the same three months of 2012. In the six years since, arisings have increased by 3.5 per cent to 256,157 tonnes in July to September 2018.

Factors affecting LAC municipal waste arisings, the majority of which is household waste, include individual household behaviours, the advice and collection services provided by councils and to some extent the state of the economy.

Figure 4: LAC municipal waste arisings by council
Northern Ireland, July and September 2017 and July and September 2018, KPI (j)



Note: The NI and waste management group figures are not shown on this chart as their larger waste arisings distort the scale and make it difficult to distinguish the differences between councils. All figures are available from the data tables appendix.

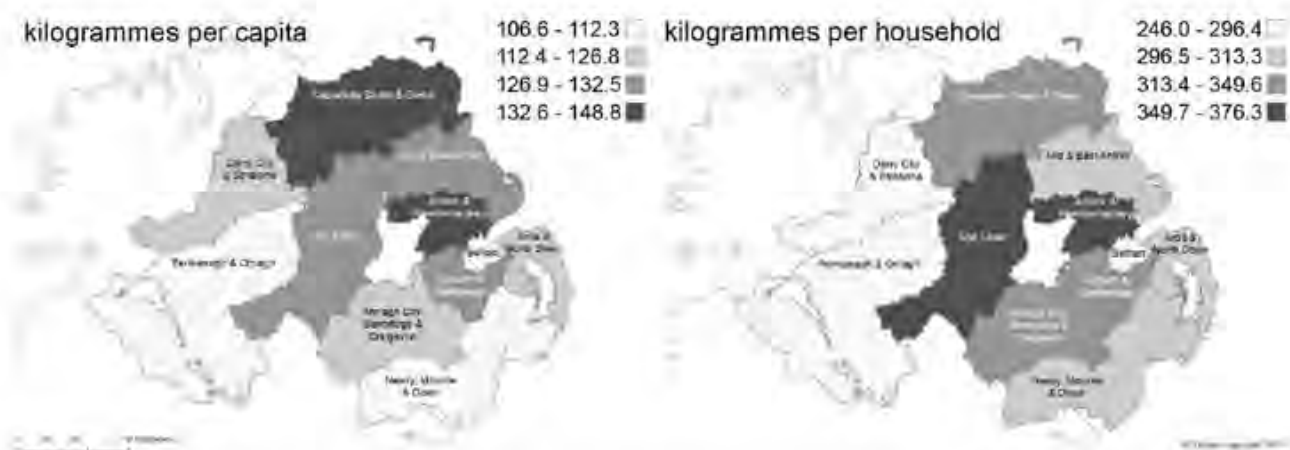
The proportion of Northern Ireland's total LAC municipal waste by each council broadly reflects the population within the councils. Belfast City Council had the greatest LAC municipal waste arisings between July and September 2018 with 42,398 tonnes. This was 17 per cent of total NI LAC waste arisings, similar to its 18 per cent share of the total NI population.

Fermanagh & Omagh District Council had the lowest LAC municipal waste arisings between July and September 2018 with 14,326 tonnes collected. This represented 6 per cent of total NI arisings during the period, the same as its share of the total NI population.

Four councils reported an increase in their LAC municipal waste arisings compared to July to September 2017. The largest increase was recorded in Causeway Coast & Glens at 4.1 per cent, whilst Fermanagh & Omagh reported an increase of 4.0 per cent. Antrim & Newtownabbey and Lisburn & Castlereagh reported increases of 3.9 per cent and 0.8 per cent respectively. LAC municipal waste arisings decreased in all other councils. The largest decreases were recorded in Ards & North Down and Mid Ulster, falling by 8.1 and 5.9 percent respectively. The remaining councils reported decreases between 3.8 per cent and 0.9 per cent.

There are two key performance indicators which look at household waste arisings in more detail by considering household waste arisings per capita, KPI (p), and per household KPI (h). In Northern Ireland there were 122 kilogrammes (kg) of household waste collected per capita (per head of population) and 306 kg per household between July and September 2018. This compares with the 125 kg collected per person and 316 kg per household during the same three months of 2017.

Figure 5: Household waste arisings per capita and per household by council
Northern Ireland, July and September 2018, KPIs (p) and (h)



Belfast had the smallest quantity of household waste per person of the 11 councils at 107kg per person between July and September 2018. The largest quantity per person was recorded in Antrim & Newtownabbey (149kg per person). Most councils reported decreases in their household waste arisings per person compared to the same three months in 2017, the largest of which was recorded in Ards & North Down at 8.1 per cent.

The household waste arisings per household show a similar distribution across Northern Ireland to household waste arisings per capita with some small differences. Belfast City Council generated the smallest quantity at 246kg per household, whilst the largest quantity per household was recorded in Mid Ulster at 376kg per household (decreased from 403kg in July to September 2017).

The arisings figures can be found in Tables 1 and 2 of the data tables appendix. The per capita and per household figures can be found in Tables 13 and Table 14 respectively. All figures are also available from the time series dataset.

<https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-july-september-2018>

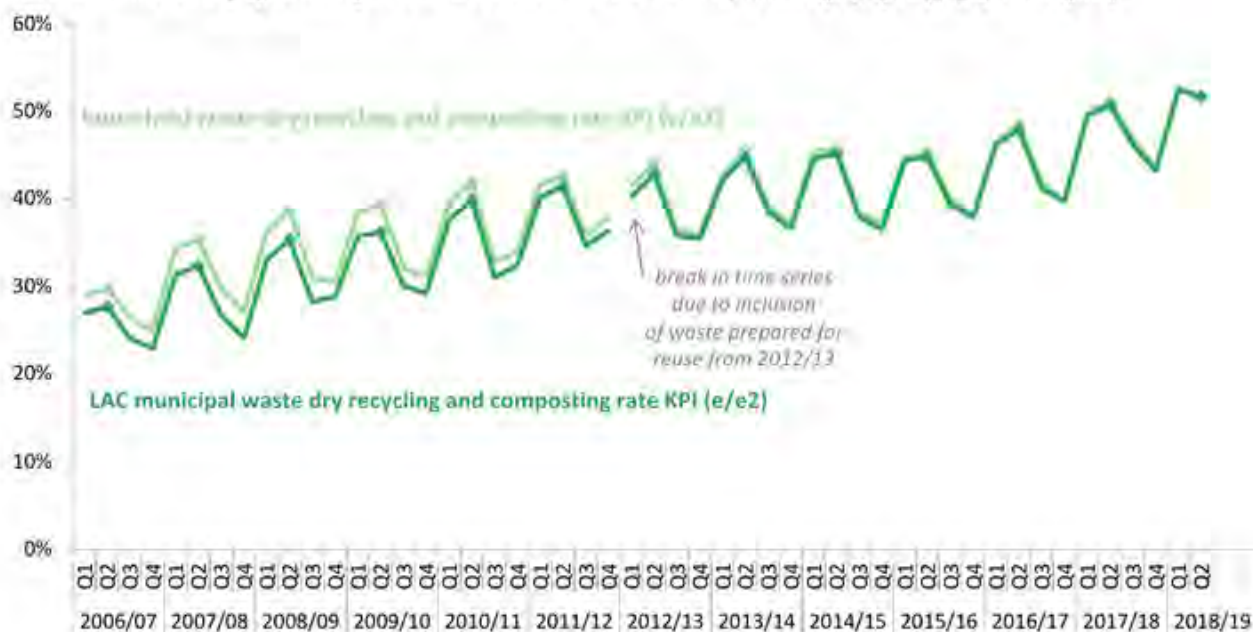
Recycling (preparing for reuse, dry recycling and composting)

This section of the report looks at local authority collected (LAC) municipal and household waste recycling rates. Both are key performance indicators and now include waste sent for preparing for reuse, dry recycling and composting. Previously used key performance indicators KPI (a) and (e) have been modified, in line with the rest of the UK, to include waste sent for preparing for reuse, and relabelled as KPI (a2) and (e2). The impacts were small, adding 0.1-0.2 percentage points to the rates, and resulted in the break in the time series visible in Figure 6. The KPI (a2) indicator is also used to monitor performance under the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

There were 132,477 tonnes of LAC municipal waste sent for preparing for reuse, dry recycling and composting (referred to as 'recycling' for the rest of this section) between July and September 2018. The LAC municipal waste recycling rate was 51.7 per cent. This was an increase of 1.0 percentage points on the 50.7 per cent of LAC municipal waste sent for recycling between July and September 2017.

The household waste recycling rate was 51.8 per cent between July and September 2018, 0.6 percentage points higher than the 51.2 per cent recorded during the same three months of 2017. The proportion of household waste sent for preparing for reuse was 0.2 per cent, dry recycling made up 22.8 per cent and composting was 28.8 per cent. During July to September 2017, the equivalent rate for reuse was 0.2 per cent whilst the dry recycling and composting rates were 22.3 per cent and 28.8 per cent respectively.

Figure 6: Waste sent for preparing for reuse, dry recycling and composting Northern Ireland, quarterly from 2006/07 to 2018/19, KPIs (a), (a2), (e) and (e2)



These figures show seasonal variation which is driven by the quantities of garden waste sent for composting. Greater quantities of garden waste are collected and sent for composting during the spring and summer quarters, April to June and July to September. The longer term trend in July to September of each year has been a steady increase in the household waste dry recycling and composting rate from 29.8 per cent in July to September 2006 to a peak of 51.7 per cent in July to September 2018. Waste sent for

preparing for reuse (355 tonnes this quarter) has been included since 2012/13 and brings the reuse, recycling and composting rate up to 51.8 per cent.

Figure 7: Household waste preparing for reuse, dry recycling and composting rate by council and waste management group

Northern Ireland, July and September 2017 and July and September 2018, KPI (a2)



The lowest household waste recycling rate recorded was in Belfast at 45.3 per cent, 3.1 percentage points lower than the previous year's rate. The highest household waste recycling rate was recorded in Antrim & Newtownabbey at 58.8 per cent, an improvement of 3.4 percentage points on the figure recorded in the same quarter last year.

From April 2017, it became a statutory requirement for all councils in Northern Ireland to provide each household with a container for food (potentially with other bio-waste) to enable its separate collection. The purpose of this was to reduce the amount of this waste sent for disposal, if not collected separately it becomes contaminated/unrecyclable. The impact of this had been seen in recent trends where most councils reported increased household recycling rates compared to the same quarter the previous year. July to September 2018 experienced particularly dry weather however which may be responsible for the 2.1 per cent reduction in the quantity of household waste sent for composting. The impact of this can be seen in Figure 7, where four councils reported decreased household waste recycling rates. Differences in composting rates across the council areas can also be affected by variations in the urban-rural characteristics of the council areas.

Newry, Mourne & Down and Causeway Coast & Glens reported the largest increases on their recycling rates compared to last year. Newry, Mourne & Down increased their recycling rate by 5.3 percentage points, an increase which can be attributed to an increase in household waste composting which increased by 3.7 percentage points to 27.9 per cent, and an increase in household dry recycling which increased by 1.5 percentage points to 22.8 per cent. Causeway Coast & Glens increased their recycling rate by 4.6 percentage

points to 49.8 per cent. This can be attributed to an increase in the household waste composting rate, up 6.1 percentage points to 27.9 per cent.

Antrim & Newtownabbey, Lisburn & Castlereagh, Fermanagh & Omagh and Derry City & Strabane reported increased recycling rates by between 3.4 and 1.5 percentage points. Four councils reported decreased household waste recycling rates compared to July to September 2017, the largest of which were reported in Mid & East Antrim and Belfast. Mid & East Antrim reported a decreased household recycling rate by 3.2 percentage points, a fall which can be attributed to an increase in household waste composting which fell by 3.3 percentage points to 35.3 per cent. The household waste recycling rate fell by 3.1 percentage points in Belfast, a fall which can be explained by a decrease in both the dry recycling and composting rates. The dry recycling rate fell by 2.2 percentage points to 23.6 per cent and the composting rate fell by 0.9 percentage points to 21.1 per cent.

Overall, there was considerable variation between dry recycling and composting rates. Derry City & Strabane recorded the highest dry recycling rate at 28.8 per cent whilst Lisburn & Castlereagh recorded the lowest rate at 18.2 per cent. The highest composting rate was in Antrim & Newtownabbey at 37.2 per cent with Derry City & Strabane having the lowest rate at 18.0 per cent. Dry recycling rates remained relatively stable for most councils compared with July to September 2017, with the largest increase recorded in Mid Ulster, increasing by 3.5 percentage points to 23.3 per cent. The largest decreases in the dry recycling rates were recorded in Belfast and Causeway Coast & Glens, falling 2.2 and 1.4 percentage points respectively.

The household recycling rates for the Waste Management Groups were 51.8 per cent for arc21 and 48.5 per cent for NWRWVG, the Northern Ireland recycling rate is 51.8 per cent.

An additional recycling rate, called the waste from households recycling rate, is now also calculated. It is not a key performance indicator and is not discussed in this report but can be found in the data tables appendix. It can be used to make comparable calculations between each of the four UK countries. For more information see *Waste from Households Recycling Rate* under *Data Developments* in the User Guidance.

These figures can be found in Tables 3 and 4 (for LAC municipal waste) and Tables 11 and 12 (for household waste) of the data tables appendix and also in the time series dataset. The waste from households figures are available in Table 17 and in the time series dataset.

<https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-july-september-2018>

Energy recovery

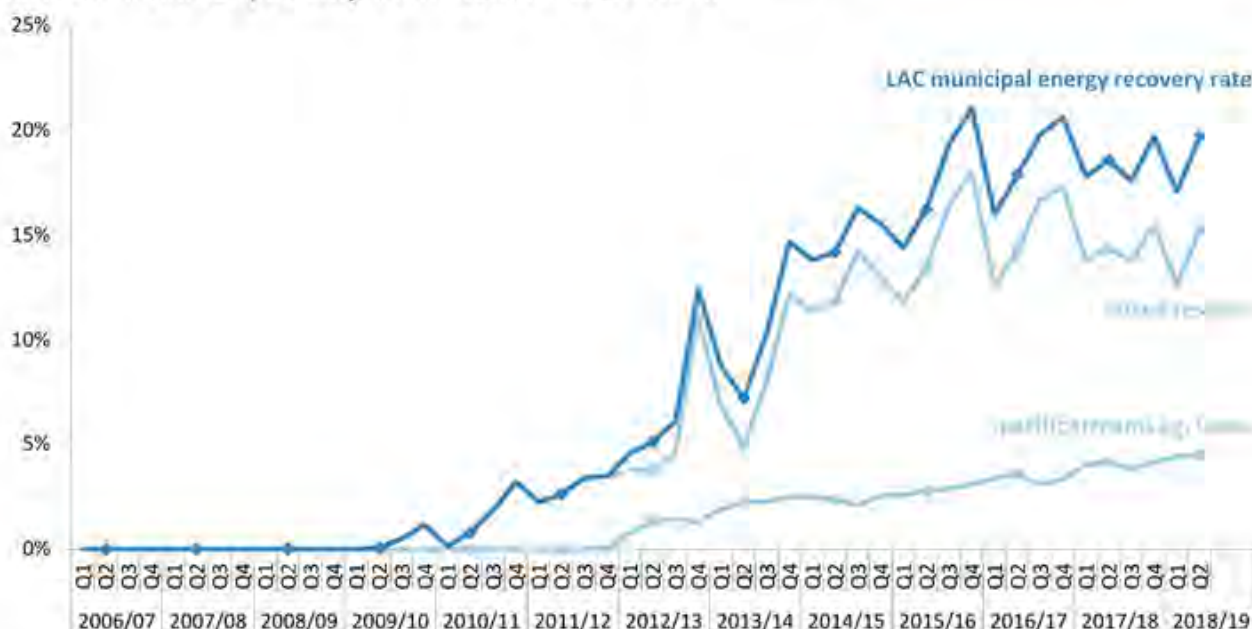
Energy Recovery via incineration of LACMW

This quarterly report includes figures on energy recovery, which is the term used when value is gained from waste products by converting them into energy. All energy recovery figures reported in this section are derived from material sent for energy recovery via incineration, although other technologies exist. Energy recovery via anaerobic digestion is discussed at the end of this section.

Between July and September 2018, 50,557 tonnes of LAC municipal waste arisings were sent for energy recovery. This gave a LAC municipal waste energy recovery rate of 19.7 per cent, higher than the 18.6 per cent rate reported for the same period in 2017/18. In each year, the majority was mixed residual LAC municipal waste with a smaller proportion from specific streams, e.g. wood.

Figure 8: LAC municipal waste sent for energy recovery

Northern Ireland, quarterly from 2006/07 to 2018/19



There was zero, or very small quantities, of LAC municipal waste sent for energy recovery before 2009/10. Strong growth followed from 2010/11 with the energy recovery rate increasing from 0.1 per cent between July and September 2009 to a high of 19.7 per cent for the same three months of 2018. Most of the growth since 2010/11 has been driven by mixed residual LAC municipal waste sent for energy recovery (from 0.1 per cent in July to September 2009 to 15.3 per cent in July to September 2018). The specific stream proportion reached 1.3 per cent in 2012 and increased by 3.2 percentage points to 4.5 per cent in July to September 2018.

Mixed residual LAC municipal waste sent for energy recovery is combustible residual waste collected from the kerbside and from civic amenity sites and processed into refuse derived fuel at material recovery facilities. The specific streams element of energy recovery is mostly wood but also includes furniture, carpets and mattresses, mostly collected from civic amenity sites.

Figure 9: LAC municipal waste energy recovery rate by council and waste management group

Northern Ireland, July and September 2017 and July and September 2018



The highest LAC municipal waste energy recovery rate was recorded in Newry, Mourne & Down at 46.8 per cent, down from 50.5 per cent between July and September 2017. The lowest rate recorded was 5.2 per cent in Ards & North Down, lower than the 5.8 per cent sent for energy recovery between July and September 2017.

Mid Ulster and Belfast reported the largest increases to their LAC municipal waste energy recovery rates compared to July to September 2017. Mid Ulster's rate increased by 5.6 percentage points to give an energy recovery rate of 22.0 per cent, whilst Belfast's increased by 3.5 percentage points to 22.2 per cent. Causeway Coast & Glens and Fermanagh & Omagh reported increases of 2.7 and 1.9 percentage points respectively to give energy recovery rates of 19.6 per cent and 7.9 per cent. Armagh City, Banbridge & Craigavon, Lisburn & Castlereagh and Derry City & Strabane reported increases to their LAC municipal waste energy recovery rates by between 1.5 and 0.7 percentage points.

Two councils reported decreased LAC municipal waste energy recovery rates in July to September 2018 compared to the same three months in 2017. In Newry, Mourne & Down the rate decreased by 3.7 percentage points to 46.8 per cent, whilst Ards & North Down reported a 0.6 percentage point decrease to give an energy recovery rate of 5.2 per cent. Antrim & Newtownabbey and Mid & East Antrim reported similar rates to those recorded in July to September 2017.

For most councils, energy recovery for mixed residual waste accounted for a greater proportion of total energy recovery than specific streams such as wood. Four councils, Antrim & Newtownabbey, Ards & North Down, Fermanagh & Omagh and Lisburn & Castlereagh had larger proportions of energy recovery for specific streams such as wood than for mixed residual waste. Generating energy from waste by incineration is preferable

to landfill, although preparing for reuse, dry recycling and composting are preferable to both.

Energy Recovery via Anaerobic Digestion of LACMW

The tonnages relating to energy recovery from material undergoing anaerobic digestion are still accounted for under the recycling section since the vast majority of the tonnage of waste undergoing this process eventually ends up as a compost (once the methane generated from the anaerobic digestion process has been collected). Table 9 in the data tables appendix shows the amount of food waste anaerobically treated to recover energy before ending up as a compost.

These figures can be found in Tables 3, 4 and 9 of the data tables appendix and in the time series dataset. <https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-july-september-2018>

Landfill

The quantity of LAC municipal waste sent to landfill decreased by 8.4 per cent from 79,293 tonnes during July to September 2017 to 72,671 tonnes between July and September 2018. This gave a quarterly landfill rate of 28.4 per cent for the most recent quarter which was lower than the 30.5 per cent recorded during the same quarter of 2017. The latest quarterly landfill rate for household waste only was 28.2 per cent, a further reduction on the 29.9 per cent recorded during the same three months of 2017.

Figure 10: Waste sent to landfill

Northern Ireland, quarterly from 2006/07 to 2018/19, KPIs (b) and (f)



The landfill rate has now reached its lowest ever level for July to September. The long term trend has seen the July to September household waste landfill rate fall consistently from 70.3 per cent in July to September 2006 to the 28.2 per cent recorded in July to September 2018. Note that the landfill rate exhibits seasonality and the April to June and July to September quarters tend to have lower rates than October to December and January to March. The seasonality stems from the higher level of compostable garden waste arising during spring and summer.

Figure 11: Household waste landfilled by council and waste management group
Northern Ireland, July and September 2017 and July and September 2018, KPI (b)



Two councils recorded an increase in their household landfill rate in July to September 2018 compared to same three months last year. The household landfill rate increased by 3.4 percentage points to 37.4 per cent in Mid & East Antrim, and 2.2 percentage points to 39.0 per cent in Ards & North Down. All other councils reported decreases in their household landfill rates.

Newry, Mourne & Down recorded the lowest household waste landfill rate at 4.0 per cent, one seventh of the Northern Ireland rate of 28.2 per cent and an improvement of 0.8 percentage points on the July to September 2017 rate for the council of 5.3 per cent. Whilst Lisburn & Castlereagh’s household landfill rate decreased by 3.8 percentage points compared to July to September 2017, the 41.1 per cent reported for July to September 2018 was higher than in any other council.

Increased recycling rates due to the statutory requirement for all councils in Northern Ireland to provide households with a container for food to enable its separate collection contributed to the drop in some landfill rates, though increasing energy recovery rates for some councils also contributed.

The household landfill rates for the Waste Management Groups were 31.1 per cent for arc21 and 25.6 per cent for NWRWVG, the Northern Ireland household landfill rate was 28.2 per cent. Material, mainly from residual waste treatment, can also be sent for energy recovery in the form of refuse derived fuel (RDF) which also diverts it from landfill. Landfill Tax for household waste continues to be the main driver for local authorities to reduce landfill. Other considerations include a limit on the amount of biodegradable LAC municipal waste as measured by KPI (g). Generating energy from waste by incineration is preferable to landfill, although recycling and reuse are preferable to both.

This data and more information including collection method can be found in the data tables appendix. Tables 3 and 4 cover LAC municipal waste and Tables 11 and 12 cover household waste. The data are also available from the time series dataset.

<https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-july-september-2018>

Biodegradable local authority collected municipal waste to landfill

Article 5(2) of the EC Landfill Directive (1999/31/EC) requires member states to reduce the amount of biodegradable municipal waste sent to landfill, setting challenging targets. The Landfill Allowance Scheme (NI) Regulations 2004 (as amended) place a statutory responsibility on councils, in each scheme year, to landfill no more than the quantity of biodegradable LAC municipal waste (BLACMW) for which they have allowances. In order to ensure compliance with these targets, the amount of biodegradable LAC municipal waste sent to landfill, KPI (g), is monitored. This indicator is also used to monitor performance under the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

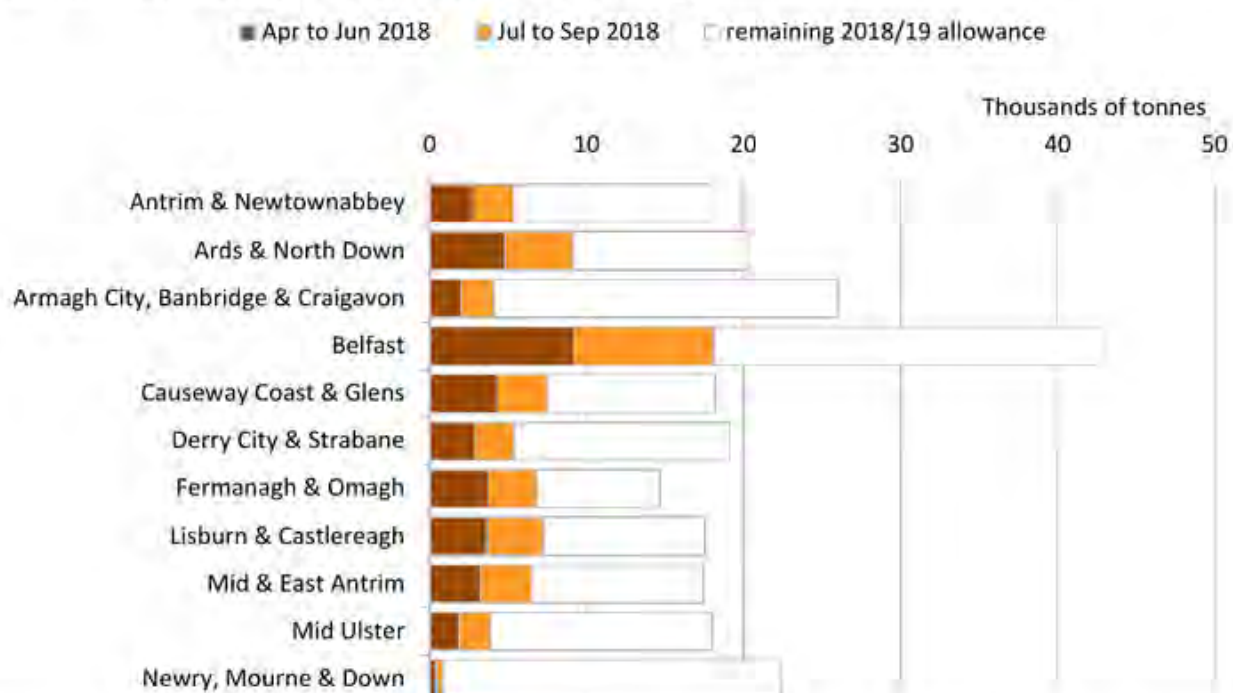
Under the Northern Ireland Landfill Allowance Scheme (NILAS) regulations councils have been allocated a number of allowances (each allowance represents 1 tonne of BLACMW) for each year until 2019/20. However in any scheme year a council may transfer allowances to other councils in order to ensure that each council does not exceed the amount it is permitted to send to landfill. Transfers of allowances are not included in the provisional quarterly figures but are included in the finalised annual figures. The finalised 2018/19 figures are scheduled to be released in November 2019. More information on the NILAS regulations can be found on the DAERA website:

- <https://www.daera-ni.gov.uk/articles/northern-ireland-landfill-allowance-scheme-nilas>

There were 36,070 tonnes of BLACMW sent to landfill between July and September 2018. This was 6.5 per cent lower than the 38,575 tonnes sent during the same three months of 2017. It accounted for a similar proportion of the annual allowance, 15.4 per cent between July to September 2018 compared to 15.5 per cent in the equivalent quarter of 2017. The 2018/19 NILAS allowance (234,284 tonnes) is 5.7 per cent lower than the 2017/18 NILAS allowance (248,570 tonnes). If comparing the extent to which allowances have been used against last year, it is important to note that there has been a reduction in the allocations.

At the waste management group level, the councils in the arc21 group used 16.7 per cent of their 2018/19 allowance between July and September 2018 whilst those in NWRWMG used 15.3 per cent.

Figure 12: Biodegradable LAC municipal waste allowance sent to landfill by council Northern Ireland, July to September 2018, KPI (g)



Note: The NI and waste management group figures are not shown on this chart as their figures distort the scale and make it difficult to distinguish differences between councils. The figures are available from the data tables appendix.

Figure 12 does not include allowance transfers between councils.

There is considerable variation between councils in the proportion of the 2018/19 allocation used between July and September 2018. Newry, Mourne & Down have used the lowest share of its annual allocation at 2.1 per cent during the quarter, similar to the 2.5 per cent they used during the same three months last year. Fermanagh & Omagh have used the highest share during July to September 2018 at 21.2 per cent, lower than their usage for the same quarter last year (22.0 per cent).

It is important to bear in mind that a council may transfer allowances to other councils in order to ensure that each council does not exceed the amount it is permitted to send to landfill. Transfers of allowances are not included in the provisional quarterly figures but will be included in the finalised annual figures, scheduled to be released in November 2019.

<https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-july-september-2018>

Overview of Key Performance Indicators

Key Performance Indicators (KPIs) are a set of measures used to gauge performance in terms of meeting waste strategy targets. They were originally defined in the Environment and Heritage Service (now the Northern Ireland Environment Agency) municipal waste data monitoring and reporting: interim guidelines, published in March 2003.

The annual reports provide final validated information on KPIs used to assess progress towards achieving local authority collected municipal waste targets. As targets are set for an annual period, care should be taken when comparing quarterly figures against such targets.

The reference table below has been included to help users quickly find a specific KPI in the report and/or appendix.

Indicator	Definition	Location
KPI (a)	Percentage of household waste arisings sent for recycling and composting	Report pages 9-11
KPI (a2)	Percentage of household waste arisings sent for preparing for reuse and recycling (including composting)	Report pages 9-11 Appendix table 12
KPI (b)	Percentage of household waste arisings landfilled	Report pages 15-17 Appendix table 12
KPI (e)	Percentage of local authority collected municipal waste arisings sent for recycling and composting	Report pages 9-11
KPI (e2)	Percentage of local authority collected municipal waste arisings sent for preparing for reuse and recycling (including composting)	Report pages 9-11 Appendix table 4
KPI (f)	Percentage of local authority collected municipal waste arisings landfilled	Report pages 15-17 Appendix table 4
KPI (g)	Biodegradable local authority collected municipal waste landfilled	Report pages 18-19 Appendix table 15
KPI (h)	Total household waste collected per household	Report page 8 Appendix table 14
KPI (j)	Total local authority collected municipal waste arisings	Report pages 6-7 Appendix tables 1-2
KPI (m)	Percentage capture rate for collected household kerbside primary waste categories	Appendix tables 16i and 16ii
KPI (p)	Total household waste collected per capita	Report page 8 Appendix table 13

Note: In this table 'appendix' refers to the data table appendix available with the report.

<https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-july-september-2018>

Appendix 1: User Guidance

This statistics release is part of a regular quarterly data series presenting provisional information on local authority collected municipal waste managed in Northern Ireland.

Description of data

Local authority collected municipal waste (LACMW) data in Northern Ireland. This is municipal waste which is collected under arrangements made by a district council.

Main Uses of Data

Data contained in this release are published primarily to provide an indication of the progress towards achieving waste strategy targets. They allow for the assessment of the performance of the councils and waste management groups in Northern Ireland in managing waste arisings, recycling, composting and landfill. Targets are set for an annual period and care should be taken when comparing quarterly figures against such targets.

The revised NI Waste Management Strategy sets out targets for the management of local authority collected municipal waste.

- To achieve a recycling rate of 45 per cent (including preparing for re-use) of household waste by 2015.
- To achieve a recycling rate of 50 per cent (including preparing for re-use) of household waste by 2020.
- Proposals to achieve a recycling rate of 60 per cent (including preparing for re-use) of LACMW by 2020.

<https://www.daera-ni.gov.uk/articles/waste-management-strategy>

The draft Programme for Government Framework 2016-2021 contains 'percentage of household waste that is recycled or composted' as a measure for indicator 36: increase household waste recycling. The second consultation on this framework opened on 28 October 2016 and closed on 23 December 2016.

The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 came into operation on 28 September 2015. It contains three waste management indicators which correspond to KPIs (a2), (g) and (j) in this publication.

The EU Waste Framework Directive statutory target requires member states to recycle 50 per cent of waste from households by 2020.

The data are also used to assess performance against the Landfill Directive targets.

<http://www.ciwm.co.uk/ciwm/knowledge/landfill-directive.aspx>

The annual report provides final validated information on several key performance indicators (KPIs) used to assess progress towards achieving local authority collected municipal waste targets.

These data also provide policy makers with the necessary information to formulate and evaluate waste services and are helpful in assessing the effectiveness of resource allocation in providing services that are fully responsive to public need.

Councils and waste management groups use these statistics to inform corporate analysis and reports. Indeed both councils and waste management groups are integral parts of the data provision and submission processes.

The waste data may help to inform particular lifestyle choices of the public, specifically decisions about how to treat their waste. This information feeds into Northern Ireland specific and UK wide research projects & articles carried out & published by Waste and Resource Action Programme (WRAP) – see the following web resources for more information:

<https://www.recyclenow.com/ni>

<http://www.wrap.org.uk/>

<http://laportal.wrap.org.uk/>

These projects are funded by each of the governments within the UK and the EU. The results of research by WRAP assist governments to devise strategies to deal with issues such as using resources sustainably, helping people to recycle more and to waste less both at home and at work, which offers economic as well as environmental benefits.

Additionally, waste management information is used to inform the media, special interest groups such as the Chartered Institute of Waste Management (CIWM) which is the professional body representing waste and resource professionals, academics, for example those who would have an interest and/or involvement in the WRAP research mentioned above, and by DAERA to respond to parliamentary / assembly questions and ad hoc queries from the public.

The Northern Ireland Neighbourhood Information Service (NINIS) provides access to waste information with the aim of making it available to as wide an audience as possible by providing interactive charts and mapping facilities that enable the statistics to be interpreted in a spatial context.

[http://www.ninis2.nisra.gov.uk/InteractiveMaps/Agriculture per cent20and per cent20Environment/Environment/Local per cent20Authority per cent20Collected per cent20Municipal per cent20Waste per cent20Recycling/atlas.html](http://www.ninis2.nisra.gov.uk/InteractiveMaps/Agriculture%20and%20Environment/Environment/Local%20Authority%20Collected%20Municipal%20Waste%20Recycling/atlas.html)

Local Government Reorganisation

The 26 councils covered by previous reports were reorganised into 11 new councils from 1 April 2015.

Prior to this, we consulted with users of the report, the proposed changes and summary of responses are available on the Statistics and Analytical Services Branch (SASB) website

<https://www.daera-ni.gov.uk/publications/changes-quarterly-ni-local-authority-collected-municipal-waste-management-statistics>

At that stage the opportunity was also taken to update the report using feedback from NISRA's peer review group.

Data Developments

Key Performance Indicators (a) and (e)

Prior to 2015/16, NI recycling KPIs did not include waste sent for preparing for reuse, unlike the other UK devolved administrations. Waste sent for preparing for reuse has been added to the calculations of these KPIs and they have been renamed KPI (a2) and KPI (e2). This change has been backdated to include data from 2012/13 onwards and allows comparisons across time to be made for these KPIs.

The difference this makes to the quantity of waste recycled is small. Across the four quarters of 2016/17 this change added on an average 341 tonnes of waste sent for preparing for reuse to the recycling total per quarter. This added 0.2 percentage points to KPI (a) and 0.1 percentage points KPI (e) rates each quarter.

These measures are now more consistent with the rest of the UK and more consistent with the definition of the targets in the Waste Management Strategy 2020 and the Local Government (Performance Indicators and Standards) Order (NI) 2015, which include waste sent for preparing for reuse.

Waste from households recycling rate

In Northern Ireland, the household recycling rate is based on 'household waste' as defined in the Waste and Contaminated Land (NI) Order 1997 (the 1997 Order) and Schedule to the Controlled Waste and Duty of Care Regulations (NI) 2013. The new 'waste from households' recycling rate has been introduced for statistical purposes to provide a harmonised UK indicator with a comparable calculation in each of the four UK countries.

This 'waste from households' measure has been added to the data tables appendix; see Table 17. However the focus of this report is still the previous 'household waste' definition because it is the measure most directly related to current NI policy targets. There are targets in the revised Waste Management Strategy, the 2015-16 Programme for Government and the Local Government (Performance Indicators and Standards) Order (NI) 2015 that reference the prior 'household waste' definition. The 'waste from households' measure may feature in the body of this report in future if it becomes more prominent in recycling targets.

There is a difference between 'household waste' and 'waste from households'. The latter has a generally narrower definition than the former. There are a number of sources of waste that were considered under 'household waste' that are not considered by 'waste from households', for example waste from street recycling bins and street cleaning. More information is available from the 'waste from households' calculation guidance on the WDF website. http://www.wastedataflow.org/documents/guidancenotes/NorthernIreland/OtherGuidanceNotes/WfHrecyclingguidanceNI_v2.pdf

Analysis using 2016/17 data has shown that the 'waste from households' rate is, on average, 1 percentage point lower than the 'household waste' recycling rate at the Northern Ireland level. However, the difference between these rates varies across councils and quarters. The range varies with the waste from households being between 5.0 percentage points lower to 1.4 percentage points higher than the household waste. The time series file allows the difference in these rates to be compared over quarters and across councils.

Data Sources

Waste Management Data

The information presented in this report is taken from WasteDataFlow (WDF), a web based system for local authority collected

municipal waste reporting by UK local authorities to central government. The data are based on returns made to WDF (relating to approximately 40 questions on local authority collected municipal waste management) by councils, within two months of the end of each quarter.

It is increasingly rare that residual waste may still be disposed of directly to landfill. Waste is collected by the councils directly from the kerbside and some civic amenity sites; third parties under contract to the council also collect from the remaining civic amenity sites and almost all of the bring banks. Some larger councils use intermediate bulking up stations where the waste is weighed both coming into and leaving the transfer station. In all cases the waste is weighed on arrival at treatment sites for recovery e.g. Material Recovery Facilities (MRFs) and/or disposal e.g. landfill sites.

MRFs, which sort the co-mingled waste into different resource streams, almost always have more than one input source and so the weighed tonnages of each stream coming out of the plant are assigned pro-rata to each source i.e. based on their input tonnages as a percentage of all input tonnages for that period. Weighbridge dockets are generated which form the basis for statutory Waste Transfer Notes (WTNs) as the waste moves further down the treatment chain/onto reprocessors. These WTNs and/or internal reports (which also form the basis for invoices) are then sent to the council on a monthly basis. These are summarised on a quarterly basis and organised into the relevant WDF questions/categories and finally input by hand into the WDF web portal.

Data providers (councils in Northern Ireland) are supplied with technical guidance documents outlining the methodologies that should be used in the collection, reporting and validation of the data returns. These documents can be accessed on the WDF website.

www.wastedataflow.org/html/datasets.aspx#NorthernIrelandGuidance

Population Data

Population data used to calculate KPI (p), household waste arisings per capita, are taken from the 2017 mid-year estimates, produced by NISRA, and were the most up to date available at the time of publication.

Household Data

Household data used to calculate KPI (h), household waste arisings per household, are based on the Land and Property Services (LPS) housing stock for Quarter 4 and annual reports. For quarters 1-3 reports, housing stock plus the number of quarterly new dwelling completions up to and including the quarter to which that report relates. Note these household figures do not include caravans. An adjustment is made to account for the estimated number of vacant properties. A council-specific occupancy rate was calculated from 2011 Census data and is applied to the LPS data. The datasets can be accessed from the LPS website.

<https://www.finance-ni.gov.uk/topics/statistics-and-research/housing-stock-statistics>

<https://www.finance-ni.gov.uk/topics/statistics-and-research/new-dwelling-statistics>

Data Quality

The data are provisional and may change when all returns have undergone validation at the end of the year. The data were downloaded from WDF on 11 January 2019. At that time, all the councils had made a return, giving a 100 per cent response rate.

Information contained in this report has been sourced from WasteDataFlow (WDF) which is the web based system for local authority collected municipal waste data reporting by UK local authorities to central government. The data in this report are based on returns made to WDF by councils in Northern Ireland at the end of

the quarter. Although these quarterly data have been validated by the Department prior to release, the data should be treated as provisional since they will undergo further validation.

The fully validated figures that are published in the *annual* report have undergone audit by Northern Ireland Environment Agency (NIEA) and further validation by Statistics and Analytical Services Branch (SASB). The annual validation acts as a check that all issues raised at the quarterly validation stage have been addressed. Additional validation checks incorporated later in the working year are then also applied backwards to all quarters in the reporting year via the annual validation.

The fully validated figures for 2018/19 are scheduled to be published in November 2019.

Strengths of Data

Data are derived from WDF with full coverage for all councils to support statutory NILAS diversion targets. As the data are derived from an administrative system, they provide a complete picture of council controlled waste activity in NI.

Validation and audits

Various validation checks are carried out by both NIEA and SASB. Validations are conducted for each individual question, with additional global validations carried out to ensure that total tonnage of waste types is equal to the sum of the component parts. Any discrepancies are queried with the data provider. Variance checks are employed as an integral part of the production process.

In addition, NIEA carry out a year round programme of audits of WDF returns by individual councils. These audits are conducted under Regulation 10 (6)(a) of the NILAS Regulations. Councils are selected from each waste management group and contacted by telephone, letter and e-mail informing them of NIEA's intention to audit. The audit involves

checking and confirming relevant data submitted as a NILAS return to the Monitoring Authority via WDF. One quarter of each council's municipal waste returns are selected, generally being the most recent submission. The areas being inspected relate to:

- i. landfilling of municipal waste,
- ii. collection, recycling, reuse and recovery of municipal waste,
- iii. the standard of reporting/evidence for end destinations of recycled materials.

Councils are asked to provide original documentation to support reported figures in the WDF system for the quarter in question. Any anomalies or discrepancies are subsequently queried with the relevant council. As WDF data can usually only be amended at council level, it is then necessary to 'reject' or release the data back to the waste management group and subsequently back to the council so that it might be corrected as appropriate.

Limitations of Data

Waste Management Data

Despite the intensive validation carried out on the data prior to publication, any administrative system involving manual data compilation will always be open to a degree of clerical error.

Provisional Status

In addition, data are not finalised until the production of the annual report. For these reasons, very small increases or decreases in figures (<0.5 per cent or <0.5 percentage points) are not highlighted in the commentary and should be interpreted with care. Due to the significant impact of in-year revisions at low geographical levels, the provisional Council level figures should only be viewed as indicative and any comparisons made with care and with due regard to seasonal factors.

Departmental policy is to publish revised figures with subsequent statistical releases unless it is decided that the magnitude of the change merits earlier notification.

Provisional results for each quarter are published within four months of the end of

that quarter. Each quarter will not be revised in subsequent quarterly publications to minimise revisions and confusion for the user. Instead, a final set of results will be published in the annual dataset in November and this will include revised quarterly figures.

Unclassified waste

Unclassified waste is calculated as a residual amount of municipal waste after municipal waste sent to landfill, sent for recycling (including composting), sent for energy recovery and preparing for reuse have been accounted for, instead of being extracted directly from the WasteDataFlow system. The majority of the total unclassified tonnage can be attributed to moisture and/or gaseous losses. Small negative tonnages can arise in the unclassified column if more waste is sent for treatment in the quarter than was actually collected as is more likely at councils operating transfer stations.

Transfer stations move waste quickly but if a particular transfer occurs the day after arriving, which also happens to be the start of the next quarter, then a small inconsistency can arise.

Types of waste

There are many different forms of waste, including municipal solid waste, commercial and industrial waste, construction, demolition and excavation waste, hazardous waste, agricultural waste, and waste water and sludges.

The latest report on construction, demolition and excavation waste arisings is for 2009/10:

<https://www.daera-ni.gov.uk/publications/construction-demolition-and-excavation-waste-arisings-use-and-disposal-northern-ireland>

Following on from the UK's agreement to revise its interpretation of 'municipal waste' to include much more commercial and industrial waste than previously; it should be noted that this report, as with all

previous ones, reflects local authority collected municipal waste only.

Material Recovery Facilities

MRFs usually have more than one input source and the pro-rata assignment to each source based on their input tonnages can lead to a small over or under estimation of the actual tonnage being recovered from each individual source.

Capture Rates

Capture rates are no longer included in the body of the report but are still available in the data tables appendix. The calculations for capture rates are based on a Compositional Study undertaken in 2007-08 and may not accurately reflect the current situation. However, it is the best available estimation of the proportions of the primary waste categories contained within kerbside residual waste. Levels of uncertainty around the results of the Compositional Study are discussed in the full report.

The accuracy of these estimates is expected to decrease over time as household recycling habits continue to change.

Waste Crime

Waste crime is the unauthorised management of waste, including illegal dumping. It can be difficult to quantify the impact of such activity upon these official figures as it is not always possible to determine the source, date and tonnage of illegally deposited waste. Where possible the extent and any implications of such activity will be communicated to users.

Rounding and Summing

It should be noted that in some instances totals may not add up due to rounding. If tonnages work out to be less than 0.5 tonnes, they will be rounded to zero.

On occasion percentages work out to be less than 0.1 per cent or more than 99.9 per cent. Users should be aware that in

such cases, the percentage is rounded to zero or 100 per cent respectively.

Whilst tonnages may be summed over councils and/or Waste Management Groups to give totals for higher level geographies, such totals may suffer from rounding errors when compared with any given totals.

However where fractions or proportions, such as recycling rates, waste arisings per capita etc are stated for councils or waste management groups, these indicators cannot be simply added or averaged to produce a rate for a higher level geography. Such information is often available in the data tables appendix, or otherwise may be available upon request.

Notation and Terminology

Please see the glossary (appendix 2) for clarification of key terms.

Guidance on using data

The data contained in the publication are presented on a quarterly basis. Many of the figures show seasonal variation, particularly composting, to a lesser extent recycling, and consequently overall waste arisings. It is therefore advisable that data for the current quarter be compared with both the previous quarter (to gauge the most recent direction of activity) and, more importantly, the same quarter in the previous year (to consider seasonal impact).

Care needs to be taken in interpreting the long-term trends of an annual dataset with that of a quarterly release of provisional data. The revisions that can happen to quarterly data and the balancing of tonnages across quarters could mean that different trends are observed in the provisional year to date and the finalised annual figures. The provisional quarterly figures are the best available at the time of publication, however they are subject to change following further validation activities such as audits.

If finalised figures are required by the user then the latest annual local authority collected municipal waste management report should be used, bearing in mind these figures may not necessarily reflect the situation this year. The latest annual report (2016/17) is available via the DAERA website:

<https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-2016>

Waste Management information elsewhere in the United Kingdom and Europe

While it is our intention to direct users to waste management information elsewhere in the UK and Europe, users should be aware that local authority collected municipal waste statistics in other administrations are not always measured in a comparable manner to those in Northern Ireland. Details of waste management data published elsewhere in the UK and Europe can be found at the following links.

England

<https://www.gov.uk/government/collections/waste-and-recycling-statistics>

Scotland

<http://www.sepa.org.uk/environment/waste/waste-data/waste-data-reporting/>

Wales

<http://gov.wales/statistics-and-research/local-authority-municipal-waste-management/?lang=en>

Ireland

<http://www.epa.ie/waste/municipal/>

European Union Member States

http://ec.europa.eu/eurostat/statistics-explained/index.php/Municipal_waste_statistics

The basis of the data collection across the UK using WDF is broadly consistent, however there are some minor definitional

differences such as NI recycling KPIs do include material used as 'backfill' (using suitable waste material to refill an excavation instead of non-waste material) which is not directly comparable with the revised Waste Framework Directive recycling measurements.

The meetings of the WasteDataFlow Operational Group ensure a conscious effort to share waste management developments on a UK-wide basis with Northern Ireland representation on this group.

<https://www.daera-ni.gov.uk/publications/waste-data-flow-northern-ireland-user-group-meeting-2012>

A National Statistics Publication

National Statistics are produced to a high professional standard. They undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free from any political interference.

The UK Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be broadly interpreted to mean that the statistics:

- meet identified user needs;
- are well explained and readily accessible;
- are produced according to sound methods; and
- are managed impartially and objectively in the public interest.

Once statistics have been designated as National Statistics it is a statutory requirement that the Code of Practice shall continue to be observed.

The Department demonstrates its commitment to the Code of Practice by publishing a series of supporting statements related to its use of administrative data, publication strategy,

confidentiality arrangements, revisions policy, customer service and complaints procedure. For details see the statistics charter on the DAERA statistics website <https://www.daera-ni.gov.uk/publications/daeras-statistics-charter>

For further information

For more information relating to this publication, including additional analysis, breakdowns of the data or alternative formats please contact Statistics and Analytical Services Branch.

As we want to engage with users of our statistics, we invite you to feedback your comments on this publication at any time of the year. Contact details are available on the front cover of this report and in the data tables appendix.

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Appendix 2: Glossary

Term	Explanation
Bring site	An unmanned site with a container or a collection of containers for depositing recyclable waste.
Biodegradable waste	Any waste that is capable of undergoing anaerobic decomposition, such as food and garden waste, and paper and paperboard.
Bring site	An unmanned site with a container or a collection of containers for depositing recyclable waste.
Capture rate for household kerbside collected waste	The amount of 'available' material that is actually being collected for recycling through household kerbside collection schemes.
Civic amenity site	A manned site for depositing waste.
Composting	An aerobic, biological process in which organic wastes, such as garden and kitchen waste, are converted into a stable granular material which can be applied to land to improve soil structure and enrich the nutrient content of the soil.
Composting rate	The percentage of waste sent for composting. It excludes waste collected for composting that was rejected at collection or at the gate of the reprocessor.
Dry recycling	The recycling of dry materials such as paper, card, cans, plastic bottles, mixed plastic, glass.
Dry recycling rate	The percentage of waste sent for recycling. It excludes waste collected for recycling that was rejected at collection, during sorting or at the gate of the recycling reprocessor. It includes residual waste which was diverted for recycling but excludes waste sent for preparation for reuse.
Energy recovery rate	The percentage of waste sent for energy recovery. It includes mixed residual and specific sources components.
Household waste	Includes materials (except soil, rubble and plasterboard) collected directly from households (e.g. kerbside collections) or indirectly (e.g. bring sites, civic amenity sites, collected by private and voluntary organisations not included elsewhere or street sweepings).
Kerbside	A regular collection of waste from premises.
Key Performance Indicators (KPIs)	A set of measures used to gauge performance in terms of meeting waste strategy targets.

Term	Explanation
LAC	Local Authority Collected, as in LAC municipal waste.
Landfill sites	Any areas of land in which waste is deposited. Landfill sites are often located in disused mines or quarries. In areas where they are limited or no ready-made voids exist, the practice of landraising is sometimes carried out, where waste is deposited above ground and the landscape is contoured.
Local authority collected municipal waste	Waste which is collected under arrangements made by a district council.
Mixed dry recyclables	Waste streams intended for recycling found together with each other but separately from other waste.
Mixed residual waste sent for energy recovery	Combustible residual waste collected from the kerbside and civic amenity sites and processed into refuse derived fuel at material recovery facilities.
NILAS	Northern Ireland Landfill Allowance Scheme
Non household waste	Asbestos, beach cleansing, civic amenity sites waste, fly-tipped materials, gully emptyings, commercial and industrial, construction and demolition, grounds waste, highways waste, other collected waste and other.
Other household waste	Healthcare waste, bulky waste, street cleaning and other household.
Recycling	Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It does not include energy recovery and the reprocessing into materials that are used as fuels.
Refuse Derived Fuel (RDF)	Consists largely of organic components of municipal waste (such as plastics and biodegradable waste). This can then be used in a variety of ways to generate electricity, most commonly as an additional fuel used with coal in power stations or in cement kilns.
Regular residual household waste	Household regular kerbside collection.
Residual waste	Waste that is not sent for preparing for reuse, sent for recycling or composting.
Specific streams e.g. wood	Used in the context of LAC municipal waste sent for energy recovery. It is mostly wood but also contains furniture, carpets and mattresses, mostly collected from civic amenity sites.
Waste arisings	The amount of waste collected in a given locality over a period of time.
Waste collected for disposal to landfill	Collected for disposal is residual waste that has not been sorted to separate out recyclable material from other waste before being presented to the Council for collection at various locations.

Term	Explanation
Waste from households	Not the same as 'household waste'. This is a narrower definition and includes material (except soil, rubble and plasterboard) collected only from households (e.g. kerbside collection, bring sites, civic amenity sites or community skips managed by councils).
Waste sent to landfill	The amount of waste sent to landfill. Excludes residual waste which was diverted for energy recovery, recycling or composting. Includes household waste collected for energy recovery, recycling or composting which was diverted to landfill.
Waste Transfer Note (WTN)	A note which must be created for any transfer of controlled waste. The exception to this is householders, who are not required to produce transfer notes.
WasteDataFlow	The web based system for local authority collected municipal waste data reporting by UK local authorities to government (www.wastedataflow.org).

Recycled material types

Compostable (excluding wood)	Green waste only, green garden waste only, mixed garden and food waste, waste food only, other compostable waste (excluding wood).
Construction, Demolition and Excavation	Plasterboard, rubble and soil.
Electrical Goods	Large and small domestic appliances, TVs and monitors, fluorescent tubes and other light bulbs, fridges and freezers, auto batteries and post consumer batteries.
Glass	Brown, clear, green and mixed glass.
Metal	Aluminium, mixed and steel cans, aluminium foil, bicycles, aerosols, gas bottles, fire extinguishers and other scrap metal.
Paper and Card	Books, card, mixed paper and card, paper, yellow pages and cardboard beverage packaging.
Plastics	PET(1), HDPE(2), PVC(3), LDPE(4), PP(5), PS(6), other plastics(7), mixed plastic bottles, and plastics.
Textiles	Textiles and footwear, footwear only, textiles only and carpets.
Unclassified	Derived category including all other recycled material collected not included in the main categories.
WEEE (Waste Electrical and Electronic Equipment)	As electrical goods above but excluding auto batteries and post consumer batteries.
Wood	Wood, chipboard and MDF, composite wood materials and wood for composting.

Appendix 3: List of Acronyms

This is a list of commonly used acronyms in this report.

arc21	Regional waste management group in Northern Ireland
BLACMW	Biodegradable Local Authority Collected Municipal Waste
CIWM	Chartered Institution of Wastes Management
DAERA	Department of Agriculture, Environment and Rural Affairs
EC	European Commission
EU	European Union
KPI	Key Performance Indicator
LAC	Local Authority Collected
LACMW	Local Authority Collected Municipal Waste
LPS	Land and Property Services
MDR	Mixed Dry Recyclables
MRF	Materials Recovery Facility
NI	Northern Ireland
NIEA	Northern Ireland Environment Agency
NILAS	Northern Ireland Landfill Allowance Scheme
NISRA	Northern Ireland Statistics and Research Agency
NWRWVG	North West Regional Waste Management Group
RDF	Refuse Derived Fuel
SASB	Statistics and Analytical Services Branch, DAERA
UK	United Kingdom
WDF	WasteDataFlow
WEEE	Waste Electrical and Electronic Equipment
WRAP	Waste and Resource Action Programme



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MEMBERS' MONTHLY BULLETIN

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

The titles highlighted in blue relate to the various agenda items.

Item 3 - Minutes of Joint Committee Meeting 035 held on 4 December 2018

For approval

The Joint Committee's approval is sought for the minutes of the meeting held on 4 December 2018.

Item 4 - Matters Arising

Item 5 - Minutes of Special Joint Committee Meeting 036 held on 17 January 2019

For approval

The Joint Committee's approval is sought for the minutes of the meeting held on 17 January 2019.

Item 6 - Matters Arising

'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL

Item 7 - Minutes of Joint Committee Meeting 035 held on 4 December 2018 held 'in committee'

For approval

The Joint Committee's approval is sought for the minutes of the meeting held on 4 December 2018 'in committee'.



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Item 8 - Matters Arising

Item 9 - Minutes of Special Joint Committee Meeting 036 held on 17 January 2019 held 'in committee'

For approval

The Joint Committee's approval is sought for the minutes of the meeting held on 17 January 2019 'in committee'.

Item 10 - Matters Arising

Item 11 - Residual Waste Treatment Project

For noting

Planning Application – Work on developing the further environmental information package is ongoing.

Grid Connection - A further extension of time for NIE Networks to provide a connection offer is being sought from the Utility Regulator.

The Joint Committee is asked to note the report.

Item 12 - Municipal Waste Disposal Contract Extension

For approval

The Municipal Waste Disposal Contracts for Lots 1 and 2 commenced in April 2016 and are due to finish on 31 March 2019. A short extension to each of the Contracts, of 3 months, is required to complete a procurement and can be facilitated by using the Extended Term provision contained in the contract.

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



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Item 13 - Dry Material Recovery Service - Tender Award Report

For approval

Evaluation process underway at the time of dissemination of meeting papers. It is anticipated this process will be completed prior to the meeting date, with a consequent report presented.

OUT OF COMMITTEE & RETURN TO MAIN AGENDA

Item 14 - Review of Waste Management Plan (WMP) Including Strategic Environmental Assessment (SEA)

For noting

A review of the Waste Management Plan and associated Strategic Environmental Assessment is required to be undertaken at least every six years. The last review was completed in 2015.

The full review process takes approximately 20 months and accordingly it is intended to commence this process this month.

The Joint Committee is asked to note the report.

Item 15 - Consultation on the Rectification of the Cost Cap Floor Breach in the Local Government Pension Scheme

For approval

The current Local Government Pension Scheme in Northern Ireland was updated in 2015 following a UK wide review undertaken by Lord Hutton.

The revised pension scheme includes an employer cost cap which was set at 17% of pensionable earnings with breaches of +/- 2% of this target being permissible.

The first actuarial review of the scheme, to March 2016, has been undertaken showing that this +/-2% permissible level has been breached. The employer cost cap was 13.8% of pensionable savings which is 3.2% below the target of 17%.

In such circumstances the Department is required to consult the Local Government Pension Scheme Advisory Board and the Board have recommended that pension benefits be improved in a way which will bring the target of 17% back into line.



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The Department has now published a consultation document seeking the views of the various stakeholders regarding the recommendation.

A copy of the proposed arc21 response is attached.

The Joint Committee is asked to consider and approve the draft response for submission to the Department by the deadline of 15 February 2019.

Item 16 - Contracts and Performance Update

For noting

Contract year tonnages in 2017/18 in respect of the Organic Waste Contract increased by 6.5% on previous year rising to 132,235 tonnes delivered for treatment.

Six rejected loads received into organics delivery sites in November 2018.

Orders for Compost.

Tonnages delivered to the MRF contracts in December 2018 were similar to those delivered in the previous year.

The Joint Committee is asked to note the report.

Item 17 - Audit Committee Update

For noting

The next meeting of the Audit Committee is to be held immediately after the joint Committee meeting on 31 January 2019.

The business that the Audit Committee will be dealing with at the meeting is set out in the Executive Summary attached to the report.

The Joint Committee is asked to note the report.



Item 18 - AOB

Next Meeting: Thursday 28 February 2019 to be hosted by Newry, Mourne and Down District Council – for noting

CONFIDENTIAL

ITEM 3
ARC21 JOINT COMMITTEE
Meeting No 035
Hosted by Belfast City Council
MINUTES
Tuesday 4 December 2018

Members Present:

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

Members' Apologies:

Councillor N Kelly	Antrim and Newtownabbey Borough Council
Councillor M Magill	Antrim and Newtownabbey Borough Council
Councillor S Ross	Antrim and Newtownabbey Borough Council
Councillor G Milne	Belfast City Council
Councillor J Bunting	Belfast City Council
Councillor L Poots	Lisburn & Castlereagh City Council
Councillor W Clarke	Newry, Mourne and Down District Council
Councillor D Curran	Newry, Mourne and Down District Council

Officers Present:

R Burnett	arc21
G Craig (<i>Secretary</i>)	arc21
H Campbell	arc21
K Boal	arc21
J Green	arc21
M Lavery	Antrim and Newtownabbey Borough Council
N Martin	Ards and North Down Borough Council
T Walker	Belfast City Council
W Muldrew	Lisburn & Castlereagh City Council
D Carey	Mid and East Antrim Borough Council
R Moore	Newry, Mourne and Down District Council

Officers' Apologies:

C Robinson	arc21
G Girvan	Antrim and Newtownabbey Borough Council
D Lindsay	Ards and North Down Borough Council
N Grimshaw	Belfast City Council
H Moore	Lisburn & Castlereagh City Council
P Thompson	Mid and East Antrim Borough Council

Item 1 - AGM**Thanks from the Chairman**

The Chairman, Councillor Declan O'Loan, thanked the Deputy Chair, Alderman Robert Gibson, for all his support during the past year. He further thanked the Members and Officers and staff of arc21 for all their support during the year.

Councillor O'Loan then stood down from the Chair in order for the election of the positions of Chair and Deputy Chair to take place.

Item 1(a) - Procedures

Mr Craig referred to the procedures for the elections presented in the papers. He pointed out that due to the Local Government Elections, which are to be held in May 2019, the next term of office would run until 2 May 2019. He then asked the Deputy Chair, Alderman Robert Gibson, to take the Chair in order to conduct the election of the position of Chair for the forthcoming year.

(Alderman Gibson in the Chair)**Thanks from the Deputy Chair**

Alderman Gibson took the Chair. He forwarded his sincere thanks to Councillor O'Loan for an excellent year in office and for doing a fantastic job.

Item 1(b) – Election of Chair

Alderman Gibson then sought nominations for the position of Chair to serve the Joint Committee for the forthcoming year.

Nominated: Councillor Declan O'Loan

Proposed: Councillor Angus Carson

Seconded: Councillor Owen Gawith

It was resolved that Councillor O'Loan be elected as Chair of the Joint Committee for the incoming year.

(Councillor O'Loan in the Chair)

Councillor O'Loan thanked the Members for re-electing him as Chair of the Joint Committee for the forthcoming year and welcomed the opportunity to continue supporting the organisation. Councillor O'Loan stated that the next item of business was the election of the position of Deputy Chair for the forthcoming year.

Item 1(c) - Election of Deputy Chair

Nominations were then invited for the position of Deputy Chair of the Joint Committee.

Nominated: Alderman Robert Gibson

Proposed: Councillor Angus Carson

Seconded: Councillor Owen Gawith

It was resolved that Alderman Gibson be elected Deputy Chair of the Joint Committee for the incoming year.

Alderman Gibson thanked Members for re-electing him as Deputy Chair of the Joint Committee for the forthcoming year.

Item 2 - Conflicts of Interest Statement

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

Action: Noted

Item 3 - Apologies

Apologies were noted.

Action: Noted

Item 4 - Minutes

The minutes of Joint Committee meeting 034 held on 27 September 2018 were agreed.

Action: Agreed

Item 5 - Matters Arising

NWP Change of Ownership - Ms Boal advised Members that she had provided an update on this at the last meeting and no issues with the new ownership were noted. No change in this position remains.

Declaration of Interest Forms - Mr Craig reported that following the last meeting there were still five forms outstanding. He suggested that as the Council elections would be taking place in May 2019, and new nominations made by Councils to the Joint Committee, that the opportunity to seek the completed forms from Members would be when the new Joint Committee membership is known. He also confirmed that it was the intention to continue with completing the forms on an annual basis.

Following discussion the Joint Committee agreed to endorse this approach.

Action: Agreed

Audit Committee Representation - Mr Craig advised Members that the Audit Committee was made up of 4 Committee Members and one external member. However, with one Member recently unable to continue with this role, the Committee now consisted of 3 Committee Members and one external member.

He suggested that, as there was only one more meeting scheduled for the Audit Committee before the May 2019 elections, the current Committee composition should continue with nominations to serve on the Audit Committee then being sought when the new Joint Committee membership, post elections, was known.

Following discussion the Joint Committee agreed to endorse this approach.

Action: Agreed

Chief Executive Temporary Position - The Chair advised Members that following his communique with the Chief Executives in relation to the arc21 Chief Executive position, that to date he had received letters from Stephen Reid, Liam Hannaway and Nigel Grimshaw. He reported that he had already met with Stephen Reid and Nigel Grimshaw and was awaiting a meeting date with Liam Hannaway who was also trying to include the remaining Chief Executives. He reported that discussions had been positive and that the Chief Executives he had spoken to seemed content with the temporary arrangements put in place and supportive of a collaborative approach continuing. The Chair confirmed that he would update Members on developments as they progress.

Action: The Chair

Item 6 - Notes of Joint Committee briefing held on 25 October 2018

The briefing notes of the Joint Committee meeting held on 25 October 2018 were noted.

Action: Noted

Item 7 - Matters Arising

Joint Committee Meetings - Mr Burnett reported that following the last meeting he had sent out an email to Members to highlight the importance of attendance as the decisions could not be taken at the last meeting due to it being inquorate.

He reported that the last full council meeting in one of the Councils before the May elections would be taking place on 4th March. Accordingly, in order for any recommendations to go through the governance cycle for ratification by 4th March, the Joint Committee meeting at the end of January would probably be the last opportunity to present recommendations for approval.

He advised that there may be the need to hold some Special Joint Committee meetings accordingly but encouraged as many to attend these meetings as possible, as there would be difficult decisions to be made and it would be imperative to have a quorum present.

Action: Noted

The Chair advised Members that the meeting would now go In Committee, which was proposed and seconded accordingly.

In Committee

Matters of a confidential and commercially sensitive nature were discussed under these agenda items.

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

Item 8 - Minutes of Joint Committee Meeting 034 held on 27 September 2018 'in committee' **Action: Agreed**

Item 9 - Matters Arising **Action: Noted**

Item 10 - Notes of Joint Committee Briefing held on 25 October 2018 'in committee' **Action: Noted**

Item 11 - Matters Arising:

Item 11.1 - Proposed Variation to MRF Contract Lot 1 **Action: Agreed**

Item 11.2 - Organic Waste Treatment Contract **Action: Noted**

Item 12 - Residual Waste Treatment Project **Action: Agreed**

Out of Committee

The Chair advised Members that the briefing would now return to the main agenda, which was agreed.

Item 13 - Contracts and Performance Update

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

A summary of the key discussions is replicated as follows:

- *Increase in Organic Waste Tonnages in October 2018 in comparison to October 2017 by over 6%;*
- *One Rejected load into Organics delivery site in October 2018, and a further five in November 2018;*
- *A fire was extinguished at Mullaghglass Landfill caused by battery power pack included in waste delivered to the site.*

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Item 14 - Financial Report 2017-18

Mr Craig presented Members with the Financial Report for the year to March 2018, following the completion of the statutory external audit and the certification of the accounts by the Local Government Auditor.

A summary of the report is replicated as follows:

- *The Joint Committee is required to prepare a Draft Statement of Accounts Report annually and subject it to a Statutory Audit by the Local Government Auditor. The Draft Statement of Accounts of the Joint Committee for the year to March 2018 was presented to the Audit Committee at the meeting held on 31 May 2018 and then provided to the Department for the Communities.*
- *Following completion of the annual audit, the Local Government Auditor has, once again, certified our accounts without qualification.*
- *The Annual Audit Letter is required to be presented to the Joint Committee and, once again, there were no issues of concern raised by the Local Government Auditor.*
- *There is a requirement on the Joint Committee to publish both the certified Statement of Accounts and the Annual Audit Letter and this is achieved by placing the documents on our website.*
- *In terms of financial highlights, overall income was down slightly from £29.6m to £28.3m year on year, with the lower volume of landfill waste tonnage delivered largely accounting for this reduction in income (down from £17.7m in 16/17 to £15.2m in 17/18).*
- *A small surplus on the operational activities of £751 was achieved in 17/18 compared to a surplus of £216,908 in the previous year.*
- *Cash balances at 31 March 2018 were slightly down year on year (£3.9m compared to £4.1m in the previous year) but remained sufficient to provide the ongoing essential liquidity to enable arc21 to meet its monthly contractual obligations, which average out at around £3m.*
- *The Pension Scheme Reserve remains in a deficit position but there was a decrease of £30,000 in the deficit in 17/18 compared to the previous year (£568k versus £598k).*
- *The General Reserves at 31 March 2018 increased to £1.24m (£1.18m in 16/17) continuing to place the Joint Committee in a strong financial position to meet the significant challenges ahead, particularly with the Residual Waste Treatment Project where expenditure is expected to increase significantly should the planning application be approved to enable the Project to progress to contract award.*

The Chair paid tribute to the Audit Committee and arc21 staff for achieving such excellent results.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Item 15 - Education Vehicle

Mr Burnett presented a report to provide the Joint Committee with a synopsis on the utilisation of the education vehicle during the last financial year.

He summarised the report as follows:

- *Types and locations of visits were as follow: Schools - 72%; Summer Schemes - 8%; Community Events - 8%; Evening Groups - 5%; Shopping Centres - 4%; Area Door Knocking - 2% and HRCs - 1%.*
- *Survey results show that 96% of visitors to the vehicle rated their visit as very useful with a high proportion of education respondents rating the programme as excellent.*

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Item 16 - ISO9001:2015 Accreditation

Mr Burnett presented a report to advise Members that, following the annual audit surveillance inspection, arc21 had again retained certification under ISO 9001:2015 for its various functions.

He reported that not one issue had been highlighted which reflected well on the organisation and he recorded his congratulations to all the staff for this remarkable result.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Item 17 - NILAS 2017/18

Mr Burnett presented Members with a report on the final NILAS position for 2017/18.

He reported that all arc21 Councils had met their target this year and there was no requirement to initiate the Transfer protocol.

Following discussion the Joint Committee agreed to note the report.

Action: Noted

Item 18 - Personnel

All Officers were asked to leave the meeting during this agenda item with the exception of Mr Burnett, Mr Craig and Ms Campbell.

Mr Burnett reported that, following his appointment as Acting Chief Executive, he had had to step out of his role as Policy and Operations Director to concentrate on the more strategic issues of the organisation and as such Ms Boal had stepped in to cover this position.

He recommended that formal arrangements for Ms Boal to act up in support of the Policy and Operations Director role be agreed by the Joint Committee and that an appropriate honorarium be payable to cover the additional duties and responsibilities involved. As Ms Boal had been undertaking the new duties and responsibilities since 1 October 2018 Mr Burnett asked that the honorarium be applicable from that date.

Following discussion the Joint Committee agreed to endorse this recommendation.

Action: Agreed

Item 19 - Next Meeting

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 31 January 2019 at 10.30am and hosted by Mid and East Antrim Borough Council and wished everyone a very Happy Christmas.

Action: Noted

Date: _____

Chairman: _____

HISTORICACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING20 February 2019

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 18 MAY 2016			
RTS/78/2016	Council Public Amenity Space near the Council public toilets at Castlewellan		K Scullion	It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated. Investigation will be concluded and brought to future Committee.	Y
		RTS MEETING – 9 DECEMBER 2015			
RTS/142/2015	Old Furniture at Council Recycling Sites	Council adopt a policy that people leaving old furniture at Council amenity sites be given the opportunity to donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.	J Parkes/L Dinsmore	Expressions of Interest, Phase 1 has been completed with 9 returns received. This item is currently being addressed as part of HRC review.	Y