



January 18th, 2019

Notice Of Meeting

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 23rd January 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

2.0 Declarations of "Conflict of Interest".

3.0 Action Sheet of the Regulatory and Technical Services Committee Meeting held on Tuesday 18 December 2018. (Attached).

 *RTS Action Sheet - 18 December 2018.docx*

Page 1

For Consideration and/or Decision

4.0 Urbelac update (Attached).

 *Urbelac Report.pdf*

Page 8

Building Control and Licensing

5.0 Energy Performance of Buildings - Penalty Charge Notice (Attached).

 *EPB report.pdf*

Page 24

6.0 Height Restriction Barriers, Newcastle - Update (Attached).

 *HeightRestrictionBarriersUpdate.pdf*

Page 26

Planning

7.0 Current Appeals - December 2018 (Attached).

 *December 2018 Appeals and Decisions.pdf*

Page 28

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

 *Record of meetings-planning.pdf*

Page 58

9.0 Register of contacts Q3 October - December 2018 (Attached).

 *REGISTER OF CONTACTS - Q3 Oct - Dec 2018.pdf*

Page 59

10.0 Planning Committee Performance Report - December 2018 (Attached).

[PlanningCommittee Performance Report-Dec18.pdf](#)

Page 64

Waste Management

11.0 Review of Waste Management Christmas/New Year Operations (Attached).

[Review of Christmas operations.pdf](#)

Page 71

12.0 Report of Member Workshop - Review of operations at Household Recycling Centres (Attached).

[Review of operations at HRCs.pdf](#)

Page 74

For Noting

13.0 Arc21 Members Monthly Bulletin - 4 December 2018 (Attached).

[ARC21Monthlybulletin4Dec.pdf](#)

Page 100

14.0 Historic Action Sheet. (Attached)

[HistoricActionsheetJan19.pdf](#)

Page 105

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

15.0 Natural World Products (NWP) Ltd - Recycling arrangements for 2018-19 (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.

[NWP Report.pdf](#)

Not included

16.0 Fixed wire testing (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.

17.0 Dundrum Public conveniences (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.

18.0 Strangford Road Depot (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.

ACTION SHEET ARISING FROM RTS MEETING HELD ON TUESDAY 18 DECEMBER 2018

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/185/2018	Monthly Action Sheet	Action sheet agreed and actions removed as marked	R Moore/RTS-PA		
RTS/186/2018	Neighbourhood Services Project Update	A date of 30 January 2019 to be set for the inaugural meeting of the Neighbourhood Services Working Group to meet to progress matters.	J McBride	Date confirmed at 30.01.19	Y
RTS/189/2018	Planning Committee Performance Report	Mr McKay to look at the design of the Council's website to see if the location of where the lists of weekly delegated applications were displayed could be improved.	A McKay		
RTS/190/2018	Proposed extension to Warrenpoint Cemetery - amended layout	Note content of report and approve proposed layout for extension to Warrenpoint Municipal Cemetery as set out in Appendix 2 circulated at the meeting	K Scullion	In progress	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Approve the submission of a planning application for a revised road layout as shown in the drawing provided at Appendix 2.			
RTS/191/2018	HRCs Workshop Proposal	Organise an Elected Member workshop to consider the recommendations of a review of operations at the Council's Household Recycling Centres.	J McBride	Workshop held 07.01.19	Y
RTS/192/2018	Cost of fly tipping	Council to continue to develop systems to record incidence of Fly-tipping. Officials to continue to liaise with NIEA and neighbouring Councils to seek to address problems associated with Illicit Dumping of waste.	L Dinsmore	In progress	Y
RTS/193/2018	Dog Fouling Strategy	Draft Dog Fouling Strategy to be circulated for final comments to CMT, with intent to finalise February 2019.	L Dinsmore	In progress	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Provision to be made within the Rates Estimates to provide for advertising and publicity campaigns to promote the Dog-Fouling Strategy, with target date set for launch at end-June 2018. Campaign to include signage brand change, vehicle and radio advertising.</p> <p>Clear direction to be received from Legal Department regarding establishment of Dog Control Orders.</p> <p>Close communications to be made with Environmental Cleansing Services to ensure that 'roads' are regularly swept.</p> <p>Protocol to be established, that all reports of dog fouling are recorded and are addressed, with intent to identify problem locations as may need specific actions.</p> <p>Publicity materials e.g. brand</p>			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>signage to be available to parks authorities, community groups and schools for display at approaches to their premises.</p> <p>Mr McBride to investigate the following issues raised by Councillors:-</p> <ul style="list-style-type: none"> • The Council should look at a policy of "Naming and Shaming" dog owners who allowed their dogs to foul in public places and who did not pick up. • Officers investigate if there would be merit in Dog Control Orders being in force in parks etc. with which the Council had a Service Level Agreement e.g. Castlewellan Forest Park. • Concern there was insufficient Enforcement Staff to deal with dog fouling. • Investigate the benefits of locating high profile 	J McBride/L Dinsmore	Address issues as part of finalisation of Dog Fouling Strategy. A report to be tabled at Committee in February 2019 concerning enforcement.	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>banners similar to those used by the National Trust to highlight responsible dog ownership.</p> <ul style="list-style-type: none"> Burrendale kick-about area has a major problem with dog fouling and there is no signage and enforcement at this location. There was a need to target these types of areas. 			
RTS/194/2018	Single Use Plastics	<p>Support A&NDBC in a call for action, by large supermarket retailers, on single use plastics;</p> <p>Support A&NDBC in its petition to the Secretary of State for the Environment concerning the incorporation of the measures requested by the large supermarket retailers, into future legislation;</p> <p>Authorise Council Officials to write to the large supermarket retailers, as well</p>	L Dinsmore	Letters issued	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>as the Secretary of State for the Environment, confirming the Council's support to A&NDBC.</p> <p>At the request of Councillor Clarke it was also agreed to include Spar and Eurospar supermarkets in the call for action on single use plastics.</p>			
RTS/198/2018	Historic Action Sheet	Action sheet agreed and actions removed as marked	R Moore/RTS-PA	Noted	N
RTS/199/2018	Items from ARC21 Joint Committee Minutes - 27 September 2018	To note the "In Committee" items outlined in the ARC21 Joint Committee Minutes of Thursday 27 September 2018.	R Moore	Noted	Y
RTS/200/2018	Mattress Recycling Business Case	Approve the recommendation outlined in Section 3 of the report dated 18 December 2018 that	J McBride	In progress	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p style="text-align: center;">the Council implement a mattress recycling scheme within the Household Recycling Centres with further recommendations listed at 2,3,4 and 5 also approved.</p>			

Report to:	Regulatory & Technical Services Committee		
Date of Meeting:	23 rd January 2019		
Subject:	URBELAC Network (Fourth Edition)		
Reporting Officer (Including Job Title):	Mr. Roland Moore (Director Neighbourhood Services)		
Contact Officer (Including Job Title):	Mr. Roland Moore (Director Neighbourhood Services)		
Confirm how this Report should be treated by placing an x in either:-			
For decision	X	For noting only	
1.0	Purpose and Background		
1.1	Members are asked to note the contents of the report and agree to: <ol style="list-style-type: none"> 1) <i>The Council's participation on URBELAC Network</i> 2) <i>Development of manifesto on the Circular Economy.</i> 		
2.0	Key issues:		
2.1	<p>Background</p> <p>The Council was invited to apply to become a participant city in the URBELAC network (fourth edition) in November 2018. This is a fully funded programme at minimal cost to the Council. This programme is focused on the "Circular Economy".</p> <p>The Ellen MacArthur Foundation defines the Circular Economy as;</p> <p><i>Looking beyond the current take-make-dispose extractive industrial model, a circular economy aims to redefine growth, focusing on positive society-wide benefits. It entails gradually decoupling economic activity from the consumption of finite resources, and designing waste out of the system. Underpinned by a transition to renewable energy sources, the circular model builds economic, natural, and social capital. It is based on three principles:</i></p> <ul style="list-style-type: none"> • <i>Design out waste and pollution</i> • <i>Keep products and materials in use</i> • <i>Regenerate natural systems</i> <p>Further background information on the Circular Economy is referenced in Section 8.0</p>		
2.2	<p>URBELAC</p> <p>The URBELAC initiative, is a city network created in November 2010 on the basis of the interest held by both the European Commission (DG-REGIO) and the Inter-American Development Bank. The goal is in helping national, regional and local governments face the challenge of harmonising social development, urban productivity and environmental protection in the context of the increasing concentration of population in urban areas and the central role played by cities in development processes.</p> <p>The URBELAC fourth edition started last May 2018 and will end next September 2019.</p>		

<p>2.3</p>	<p>This edition involves 18 cities, including 9 cities from Europe and 9 cities from Latin America. Please, note that 10 out of 18 cities that will attend URBELAC-4 have already participated to previous URBELAC editions, while new 8 cities are selected specifically for this edition.</p> <p>The European cities participating to this fourth edition are as follows: Bordeaux (FR), Edinburgh (UK), Genova (IT), Maribor (SL), Milan (IT), Murcia (ES), Vienna (AU) and Viseu (PT). While, Latin America cities are: Buenos Aires (AR), Cali (CO), Campo Grande (BR), Cuenca (EC), Guadalajara (MX), Hermosillo (MX), Montevideo (UY), Providencia (CL), San Salvador (SA).</p> <p>Further information on the programme is contained within the appendixes.</p> <p>Application</p> <p>An application was submitted by the Council in November 2018 and was successful when the Council became a participant city and two representatives attended the second meeting of the programme in December 2019 in Genoa, Italy.</p> <p>This was the second meeting of the programme, as the Council were not involved at the start of the programme that commenced in May 2018 (prior to receiving our invitation to apply).</p>
<p>2.4</p>	<p>Key Objective</p> <p>The main outcome from the programme will be the development of a Manifesto on the Circular Economy by all participants, which regions or cities will endeavour to promote within their own area at the end of the programme.</p>
<p>2.5</p>	<p>Next Steps</p> <p>There is now ongoing contact and sharing of ideas and/or circular economy practices between participant cities.</p> <p>There will be two further meetings of the programme between now and September 2019 to help shape the Manifesto as detailed in 2.3. These meetings will be held at the participants cities. At this point, it is not known if our Council will be requested to host a meeting within this current programme.</p>
<p>3.0</p>	<p>Recommendations</p>
<p>3.1</p>	<ol style="list-style-type: none"> 1) The Council continue its commitment to the URBELAC (4th Edition) and attendance at the next two meetings. 2) The Council agree in principle to the development of a Manifesto on the Circular Economy, which the Council will endeavour to promote within the Council area at the end of the programme.
<p>4.0</p>	<p>Resource implications</p>
<p>4.1</p>	<p>The programme is funded by the European Commission and IDB. There are minimal costs for Council but do require ongoing commitment and Officer time.</p>
<p>5.0</p>	<p>Equality and good relations implications</p>
<p>5.1</p>	<p>No adverse implications</p>
<p>6.0</p>	<p>Rural Proofing implications</p>

6.1	No adverse implication
7.0	Appendices
	Appendix 1 - Concept note URBELAC (4) programme Appendix 2 – Agenda for the second meeting 11-13 December 2018
8.0	Background Documents
	European Commission – Circular Economy https://ec.europa.eu/growth/industry/sustainability/circular-economy_en
	Invest NI - Resource Efficiency and the Circular Economy https://www.investni.com/features/resource-efficiency-and-the-circular-economy.html
	ReNEW report into the Circular Economy in NI http://www.wrap.org.uk/sites/files/wrap/ReNEW%20CE%20Employment%20Report.pdf
	Ellen MacArthur Foundation https://www.ellenmacarthurfoundation.org/

Concept Note

URBELAC-4

Urban European and Latin America and Caribbean Cities

1. Background

The URBELAC network was created in November 2010 by the Inter-American Development Bank (IDB) and the European Commission (EC) to develop cooperation among cities and strengthen urban development efforts.

There have been three rounds of URBELAC meetings, involving 31 cities from both Latin America and the Caribbean (LAC) and Europe.

LAC cities	EU cities
URBELAC-1	
<ul style="list-style-type: none"> - Bucaramanga (Colombia) - Concepción (Chile) - Goiania and Manaus (Brazil) - Port of Spain (Trinidad and Tobago) - Rosario (Argentina) - Santa Ana (El Salvador) - Trujillo (Perú) 	<ul style="list-style-type: none"> - Florence (Italy) - Madrid and Bilbao (Spain) - Malmo (Sweden)
URBELAC-2	
<ul style="list-style-type: none"> - Cochabamba (Bolivia) - Cuenca (Ecuador) - Manizales and Pereira (Colombia) - Mar del Plata (Argentina) 	<ul style="list-style-type: none"> - Edinburgh (UK) - La Laguna and Malaga (Spain) - Porto (Portugal) - Venice (Italy)
URBELAC -3	
<ul style="list-style-type: none"> - Buenos Aires (Argentina) - Campo Grande (Brazil) - Guadalajara (Mexico) - Montevideo (Uruguay) 	<ul style="list-style-type: none"> - Bordeaux (France) - ASDA (Greece) - Milan (Italy) - Viseu (Portugal) - Murcia (Spain)



2. Purpose of the alliance

Urban development has evolved, during the past decades, from a sectorial intervention with a clear emphasis on physical investments to a more integrated approach that allows cities to work across sectors, in order to exploit synergies of different interventions.

The EC's approach on urban development initiatives focuses on four main objectives:

1. to reinforce economic prosperity and urban employment;
2. to support social inclusion, equality and urban regeneration of deprived neighborhoods;
3. to protect and improve the urban environment and tackle climate change; and
4. to promote capacity building at local level to improve the performance of urban governance and help community participation. Achieving these objectives requires an integrated approach supported by multisectoral strategies, which include economic and social aspects, as well as those relating to institutional capacity and the provision of basic services. Therefore, urban development shall also include other policy areas, particularly environment, economic development, transport, culture, community building and social infrastructure.

The IDB provides selective support for projects that contribute towards developing the capacity of LAC countries in responding to the challenges of rapid urbanization. One of IDB's tools is its financing, providing loans and non-reimbursable technical cooperation to its borrowing member countries. It also contributes by generating knowledge on key urban development topics, fostering the exchange of best practices to countries in the region, and financing pilots to test innovative approaches to urban development.

URBELAC is based on the common interests shared by the IDB and the EU in supporting local governments in facing new challenges imposed by urban growth, whilst combining social, economic and environmental sustainability.

3. Objective

The ideas at the root of this network program are twofold. On the one hand, URBELAC aims to contribute to improving the quality of urban life, by facilitating new approaches and methodologies of urban interventions and exchanging information on sustainable and integrated urban development between Europe and the LAC region. On the other hand, the program aims to assist city policy-makers, practitioners and managers of the participating LAC cities in defining solutions to their proposed challenges in the form of projects and programs, which will be the concrete output of the program. The projects and programs will be conceived based on the lessons learned and best practices visited and analyzed during the implementation of URBELAC-4.



4. Program Description

The characteristics of URBELAC-4 can be summarized as follows:

1. *Macro-topics to be discussed during URBELAC-4:*¹

- Circular Economy

2. *Participants:*

There will be three groups of participants.

- *New cities*: a limited number of cities (maximum four on each side) will be selected by the EC and the IDB, as the result of a call for proposals. The selection will take into consideration: the macro-topic, a geographic balance between sub-regions, the quality of the technical proposals, and a balance between metropolitan cities and cities.
- *Cities already member of URBELAC*: the cities that have already participated to one of the previous URBELAC editions and showed continuity in terms of agenda and responsibility as well as interest in mentoring the new cities will be invited to share knowledge and experience, within the limits of budget capacity. A maximum of 10 cities, already members of URBELAC network, depending by budget availability will be invited to attend the fourth edition of URBELAC.
- *Special guests*: private and public stakeholders and international organizations could be invited to the URBELAC-4 meetings, taking into account their familiarity with the macro-topics and their availability to help the selected cities in conceptualizing, developing, or co-financing the implementation of their Local Action Plans. The number of guests will be estimated within the limits of budget capacity.
- *Other participants through the crowd sourcing methodology*: Tapping into the growing network of cities and international experts the IDB and the EC have fostered, pre-defined virtual sessions will be organized to answer specific and technical questions the cities can have during the process of defining their projects.

3. *Selection of the participants:*

Cities will be selected through a competitive process to make sure that those selected are the most committed and able to deliver. The rationale of the selection criteria will be to ensure complementarity and matching between the need of expertise and the available knowledge coming from different partners.

¹ The topics are selected based on the urban agenda of the EU and the institutional strategy of the IDB.



Both the EC and the IDB will organize an open call inviting new cities to apply for the fourth URBELAC edition. Based on the macro-thematic, identified by the IDB and EC, the cities will fill in a specific application form, including at least the following information:

- Short description of the city (population, size of the urban and metropolitan area, economy, etc.).
- Short description of the main problems/challenges affecting the city (each city will demonstrate available data and analysis on the topics of interest).
- Typology or indication of best practices needed from the other participants to the network.
- Experience or best practices of the city that could be shared with the participants, identifying the rationale for such best practice.
- Contacts of the two representatives of each city that will attend the URBELAC meetings.

Cities that demonstrate a thorough understanding of the selected topic of interest to be discussed within URBELAC-4 will be prioritised during the selection process. In the case of European cities, preference will be given to the cities that are already part of other EU cities networks or programs.

4. *Expected outputs*

The expected outputs of URBELAC-4 are as follows:

- a. *Knowledge exchange between the participants*: the cities will be able to apply what they learnt during URBELAC experience in their own city with the purpose to improve their city urban development policy (projects and/or programs).
- b. *Project identification*: each city will be invited to conceptualize and design a project / program during its participation to URBELAC-4 as result of its exchange of information and experiences with the other cities.
- c. *Manifesto for Urban Policy Development*: this is a new output compared to the previous URBELAC editions. The aim is that participating cities will work together to conceptualize, design and sign an URBELAC Manifesto about guideline policies on the circular economy. The cities that will sign the Manifesto will commit themselves to respecting the guidelines contained therein regarding their development policies about the circular economy. In addition, the Manifesto could be used by the IDB and EC to improve their present policies, projects and programs about the circular economy.



5. Working methodology:

- **Organization of the groups of interest:** based on the specific requests of each participating city, **groups of interest** will be created to discuss issues and find solutions to items related to the macro-topics.

The groups of interest will benefit from the mentoring of cities members of the URBELAC network. The mentoring cities will be responsible in assisting the selected cities in reaching the outputs, within budget restrictions.

Two representatives for each selected city will be invited to the meetings. Preference will be given to one technician (expert in the topics selected by the city) and one person representing the city government. Referring to the cities that are already URBELAC members, this fourth edition will cover the costs for only one participant for each city. Additional participants are accepted to the meetings, but their participation costs will be entirely supported by the representing municipality.

Main working languages will be English and Spanish. With the purpose to guarantee continuity in the implementation of the activities, all URBELAC-4 meetings and field visits should be attended by the same representatives that have been selected by each city.

- **Meetings, field missions, projects and programs:** URBELAC-4 will facilitate the exchange of experience and learning among policy makers and practitioners through technical seminars and workshops, field visits, and business-matching meetings. The expected output of URBELAC-4 is the presentation by each selected city of a pipeline of projects and programs to be implemented. To reach the outputs, four main meetings will be organized during this URBELAC-4 edition. According to project implementation needs, field visits will also be organized during the meetings. If a meeting is hosted in a URBELAC city, the same city will be responsible to organize the field visits to its best practices. As a result of the field visits discussions will take place to identify common issues and discuss projects and programs.
 - *First meeting:* the selected cities meet, and the groups of interest are created. Each selected city presents its urban challenges. The core of the discussions will focus on identifying and grouping issues and identifying best practices and experiences. The EU and the IDB will provide assistance in identifying best practices.
 - *Second meeting:* the groups of interest meet to discuss projects and programs to address their challenges. Each city presents the first draft of its project proposal.



- *Third meeting*: the groups of interest meet to discuss the final project proposal. The first draft version of the Manifesto on Circular Economy will be discussed. Informed guests and mentor cities are invited to comment.
 - *Fourth meeting*: presentation of the final project proposals by each participating city and the final version of the Manifesto to invited guests, donors, and other key-players that could be interested in co-financing or accompanying the cities in their implementation.
- **Municipal working groups**: as ex-ante condition to participate in URBELAC-4, the selected cities are invited to establish their own municipal working groups, composed of internal staff and, if needed, other selected stakeholders. Each selected city will identify a representative to facilitate communication and collaboration among all participants.
 - **Facilitation/support**: in the spirit of mutual collaboration, each participant city will be invited to assist the other cities in conceptualizing their projects and programs, including specific activities/pilot projects to submit to funding opportunities.
 - **Capitalising and Disseminating**: URBELAC will widely disseminate the experiences and examples of good practices collected, and especially the lessons drawn from pilot projects and policies. Types of actions could include – events, knowledge management through thematic clustering, social media, policy recommendations and thematic publications. The URBACT network should act as multiplier inside the EU to allow for a larger number of EU cities to have access to the platforms. Other such national, regional and transnational city networks will equally be considered as potential multipliers outside the EU and between EU and non-EU cities.
 - **Business contacts and matching**: When possible, the IDB and the EU will facilitate the networking and participation of selected cities in international forums (Habitat III, for example) by organizing meetings along the same dates and locations. This doesn't mean that additional resources will be allocated.

6. Program management:

URBELAC-4 will be executed in 17 months. During those 17 months the activities will be: selection of the cities, exchange of the information and best practices, field missions, definition of the projects and programs and their dissemination of the projects and programs.

Considering the activities to be implemented, a tentative working plan is as follows:



Activities	Months																	
	mag-18	giu-18	lug-18	ago-18	set-18	ott-18	nov-18	dic-18	gen-19	feb-19	mar-19	apr-19	mag-19	giu-19	lug-19	ago-19	set-19	
a) Invitation of the cities to the network																		
b) Application of the cities (proposal)																		
c) Selection of LAC and EU cities																		
d) Matching and Clusters organization / Groups of Interest																		
e) Exchange (information and best practices)																		
f) Conceptualization and development of the Manifesto and Project action plans by the cities																		
h) Validation with stakeholders																		
i) Final workshop / meeting																		
j) Dissemination																		



“Circular Economy”

Genova, Italy, 11th – 13th December 2018

Objectives of the meeting in Genova:

The participating cities will be able to deepen the topics of their interest by requesting clarifications and / or more details to the cities that have presented their best practices at the URBELAC meeting in Montevideo. It will thus be possible to begin the process of exchange of information between the cities. At the same time, the meeting in Genoa aims to deepen some issues of the circular economy through a visit to the best practices of Genoa and the participation of an European expert in circular economy models. Finally, the participation of a representative of the DG-DEVCO of the European Commission will allow participating cities to learn the current policies and programs that the European Commission is implementing in the field of international cooperation.

Tuesday – 11th December 2018 - 08h:30 – 18h:00

Place: Palazzo della Meridiana

Salita San Francesco 4 - 16124 Genova - Italy

t. +39 010 2541996

Time	Issue
8:30–9:00	Registration of participants
9:00–9:30	<p>Opening words:</p> <p>Municipality of Genova</p> <ul style="list-style-type: none"> • <i>Mrs. Arianna Viscogliosi, Councillor for European and International Policies</i> <p>Welcoming by European Commission and IDB</p> <ul style="list-style-type: none"> • <i>Mr. Ramon Sanchez, DG REGIO – European Commission</i> • <i>Ms. Ophelie Chevalier, Inter-American Development Bank</i> <p>Working Methodology and thematic groups</p> <ul style="list-style-type: none"> • <i>Mr. Vincenzo Zappino, URBELAC Coordinator</i>
9:30–10:30	<p>Section 1 – City presentation</p> <p>Presentation of the best practices by the cities that could not attend the URBELAC meeting in Montevideo.</p> <p><i>Cities:</i> Bordeaux, Edinburgh, “Newry, Mourne and Down District” and San Salvador</p> <p><i>Duration:</i> 15 minutes per city</p>
10:30 – 10:45	Coffe break
10:45–12:45	<p>Section 2 – Macro area “Public Sector”</p> <p>Q&A section to clarify the selected thematic between cities.</p> <p>Special guest: Ing. Marco Blazina, – <i>General Director of MM (Water Supply Service of Milan)</i>. Presentation on: “Water management system of the Municipality of Milan with insights on circular economy models connected to it.”</p>

	<p>Interested cities: Buenos Aires, Bordeaux, Cali, Campo Grande, Cuenca, Edinburgh, Hermosillo, Maribor, Milan, Montevideo, Murcia, Providencia, San Salvador and Viseu</p> <p>Related thematic to circular economy:</p> <ul style="list-style-type: none"> - Urban decoration and furnishing - Urban renovation / regeneration - Urban enlargement - Solid waste management - Water supply and treatment - Public legislation on Circular economy <p>Moderator: <i>Vincenzo Zappino</i></p> <p>Languages: ES, EN, PT</p>
12:30-14:00	Lunch buffet
14:00-18:00	<p>Section 3 - Visit to the best practices</p> <ul style="list-style-type: none"> - Presentation of "Rolli days" event and visit to the "Rolli's Palaces" - Presentation of the Project called TACKLE: Sustainable Management of sportive infrastructures by AMIU (Public company owned by the Municipality of Genova). Visit to the football stadium "Luigi Ferraris"
<p>Objetives:</p> <ul style="list-style-type: none"> i) Introduce, to all the participants, the cities (and their best practices in the circular economy) that could not participate in the URBELAC meeting in Montevideo. ii) Detail the topics of interest of each city exchanging information with other cities. iii) Learn in detail the experience of the city of Genoa with respect to its best practices related to the circular economy. 	

Wednesday - 12 December 2018 - 09h:00 - 18h:00.

Place: Palazzo della Meridiana

Salita San Francesco 4 - 16124 Genova - Italy

t. +39 010 2541996

Time	Issue
09:00-11:30	<p>Section 4 - Macro area "Public-Private Sector"</p> <p>Q&A section to clarify the selected thematic between cities.</p> <p>Special guest: Prof. Laura Gavinelli - "<i>Does circular economy affect corporate performance and reputation? The answer of the European enterprises</i>". University of Milan - Bicocca / CRIET</p> <p>Interested cities: all cities</p> <p>Related thematic to circular economy:</p> <ul style="list-style-type: none"> - Modernization / Innovation & Smart City

	<ul style="list-style-type: none"> - Food / Urban Public Markets - Organic production - Urban agriculture - Creative industry - PPP / competition - Fashion and technological innovation - Private sector innovation <p>Moderator: <i>Vincenzo Zappino</i> Languages: ES, EN, PT</p> <p>Coffe break (10h30 - 10h45)</p>
11:30-12:30	<p>Section 5 – Special Guest</p> <p>Policies and tools of the European Union to promote urban cooperation for sustainable development. Presentation: Ms. Anna Lixi – Head of Sector for Local Authorities Directorate General for International Cooperation and Development (DG-DEVCO) – Unit C5 Cities, Local Authorities, Digitalization and Infrastructure</p>
12:30-14:30	<p>Lunch buffet</p>
14:30-17:00	<p>Section 6- Macro area “Sustainability” Q&A section to clarify the selected thematic between cities.</p> <p>Special guest: <i>Mr. Hans Peter Hagens – “Urban Markets, Sustainability and Circular Economy”</i></p> <p>Interested cities: Buenos Aires, Bordeaux, Edinburgh, Genova, Hermosillo, Maribor, Montevideo, Providencia, Viseu</p> <p>Related thematic to circular economy:</p> <ul style="list-style-type: none"> - Green infrastructure - Social sustainability - Energy efficiency applied to historical buildings - Culture heritage and circular economy <p>Moderator: <i>Vincenzo Zappino</i> Languages: ES, EN, PT</p> <p>Coffee break (16h00 - 16h15)</p>
17:00-18:00	<p>Conclusions on the three Macro Areas</p>
18:00-20:00	<p>Cocktail (offered by the Municipality of Genova)</p>
<p>Objective: Detail the topics of interest of each city exchanging information with the other cities.</p>	

Thursday, 13th December 2018 - 09h:00 - 12h:30

Place: Palazzo della Meridiana

Salita San Francesco 4 - 16124 Genova - Italy

t. +39 010 2541996

Time	Issue
09:30-12h:00	<p>Section 7 - Discussion on the Circular Economy Manifesto</p> <p>Open discussion of participants to define the general guidelines of the Manifesto</p> <p>Moderator: Vincenzo Zappino Languages: ES, EN, PT</p> <p><i>Coffee break available during discussion</i></p>
12:00-12h:30	<p>Conclusions on URBELAC meeting in Genova</p> <p>Open discussion between participants Q&A section</p>
	<p><i>Return of participants to their cities of origin</i></p>
<p>Objective: To begin the discussion among the cities to formulate a Manifesto on the Economic Circular, which could be one of the products of this fourth URBELAC edition. Some examples of questions that cities would have to discuss are:</p> <ul style="list-style-type: none"> - Is it possible / necessary to make a Manifesto on the Circular Economy for the cities? - What structure and content to give to the Manifesto? - Which issues are important in the Manifesto? 	

SPECIAL GUESTS - Biography

Ing. Marco Blazina, (General Director of MM - Water Supply Service of Milan)

Marco is graduated in engineering and specialized in environmental and territorial studies, at Polytechnic of Milan in 2005 and he's since then living and working in Milan, Italy.

From 2006 to 2014 he worked in Suez-Degremont Spa in the field of wastewater treatment, before as Process Engineer and then as Operation Manager of a waste water plant.

Since 2016 he works in MM, the company entirely owned by the Municipality of Milan, that manages the Water Service of the city, handling groundwater withdrawal, purification, distribution, wastewater collection and treatment and, in general, the maintenance and investment plan of the water supply and wastewater networks. Actually, he is Depuration, Environmental protection and Waste water plants Manager for Milan municipality area, with the responsibility for two large wastewater treatment plants of over 1 Mil EL each, over 30 pumping stations, monitoring river and sewage rain/flood.

He truly believes in circular economy and in the necessity to preserve the environment to make metropolitan areas more liveable for people.

Prof. Laura Gavinelli (University of Milan – Bicocca / CRIET)

Laura Gavinelli is a Research Fellow at the University of Milan-Bicocca, Di.SEA.DE - Department of Business Economics and Law for Economics. At Di.SEA.DE he teaches Marketing Management and Communication Management for the Master's Degree in Business Economics. After a degree in Foreign Languages and Literature with an economic background and a post-graduate specialization in Marketing, she received her Ph.D. in Business Administration. From 2004 to 2010 he collaborated with Centrimark, the Marketing Research Center of the Catholic University of Milan. Since 2010 she is collaborating with CRIET Interuniversity Research Center in Territorial Economics, for which she coordinated the Milan and Brianza Business Observatory from 2011 to 2015.

Mrs. Anna Lixi (European Commission – DG-DEVCO)

After having completed her PhD on Development Cooperation at the European University Institute, Anna joined the EC for a temporary period in the Delegation in Venezuela. She spent 2 years in the Bocconi University in the international projects department and teaching at ISPI (Institute of international studies and politics) before joining permanently the European Commission where she worked in DG DEV. There she covered different functions (governance, trade issues, G8 coordinator, political desk for Uganda, and for Zimbabwe).

Then she served in two delegations, Egypt as Head of the Social, Rural, Cultural sector, and Bangladesh as head of the sector Governance, Human Rights, Civil Society.

She joined again the Head Quarter one year ago as Head of the Local Authorities sector in the Unit C5 responsible for Local Authorities, Cities, Digitalization and Infrastructure.

Mr. Hans Peter Hagens (Architect - Sustainable Urban Markets Specialist)

Director of *Architectural Workshop* 1990-2018 www.arkitekturværkstedet.dk - an architectural firm located in the heart of Copenhagen – Chiefarchitect on the recent realization of the highly acclaimed new Foodmarket of Copenhagen (Torvehallerne) and the surrounding green urban space with its 41 plane trees. Copenhagen's Foodmarket has become one of the most important meeting places in the Danish Capital. Creating urban life/business combined with attractive rural areas is one of the declared goals of Hans Peter Hagens

Hans Peter Hagens has been working as architect in New York, Berlin, Melbourne, Vietnam, Mali, Iceland, Sweden, Denmark etc.

- Chairman of the Architecture Committee of the Danish Arts Foundation 2002-2004
- Chairman of the Board of the Association for the Beautification of the Capital 2008
- Member of The Green Council, City of Copenhagen 2006-2008
- Member for The Royal Academy of Fine Arts 2009-2014, 2017-2023
- Chief responsible for the participation of the "Harbour Shop" in the 9th international Architecture Biennale in Venice 2004 under the auspices of the Danish Arts Foundation
- Professional jury member for the Danish Architects' Association and in an urban planning competition in Vietnam in 2012/13

In addition, the firm is involved in two African offshoots of the Copenhagen Foodmarket, two crafts markets in the Unesco Cultural Heritage areas of Djenné and Bandiagara (Pay Dogon) in Mali, Western Africa.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	23 January 2019
Subject:	Energy Performance of Buildings – Penalty Charge Notice
Reporting Officer (Including Job Title):	Mr Colum Jackson, Assistant Director Building Control and Regulation
Contact Officer (Including Job Title):	Mr Edwin Newell, Head of Building Control

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

For decision	For noting only	X
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1.0	Purpose and Background
1.1	Following the Energy Performance of Buildings (EPB) Audit Report to the RTS Committee in August 2018, two information sessions for Estate Agents have been completed, one in Newry on 8 th January 2019 and one in Downpatrick on 9 th January 2019. These proved very successful and we received very positive feedback on the day from the delegates.
2.0	Key issues
2.1	At the information session we reinforced the requirements of the legislation and the responsibility the Estate Agents have to demonstrate compliance. Where non-compliance is found by the Council, and following a process of both verbal and written communication to the Estate Agents, from 1 st February 2019 the Council will issue Penalty Charge Notices as a last resort to ensure the Council meets its statutory duty to enforce the EPB legislation.
3.0	Recommendations
3.1	<p>The procedure which the Council will use to ensure compliance, in line with the EPB legislation and agreed by all 11 Councils, was communicated to the Estate Agents as follows:</p> <ol style="list-style-type: none"> (1) Where non-compliance is identified by the Council Officer, a warning letter will be issued to the Estate Agent. (2) The Council Officer will then re-visit the Estate Agent two weeks following the date of the warning letter. If non-compliance is still apparent then a Penalty Charge Notice for £200 will be issued to the Estate Agent for the first offence. (3) Further offences will have a further £200 Penalty Charge Notice issued for each advertisement not displaying an EPC. <p>However the delegates were reassured that the Council will follow all reasonable steps to work with and alongside Estate Agents to ensure compliance and that the use of a Penalty Charge Notice will only be used as a last resort to enforce the legislation.</p>
4.0	Resource implications
4.1	None

5.0	Equality and good relations implications
5.1	None
6.0	Rural Proofing implications
6.1	None
7.0	Appendices
	None
8.0	Background Documents
	None

Report to:	Regulatory & Technical Services Committee.
Date of Meeting:	23 rd January 2019.
Subject:	Height Restriction Barriers, Newcastle - UPDATE
Reporting Officer (Including Job Title):	Mr Colum Jackson Assistant Director, Enterprise, Regeneration and Tourism.
Contact Officer (Including Job Title):	Mr Gary McCurry, Duty Manager, Off Street Parking Function.

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

<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 and Background			
1.1	In relation to the proposed installation of Height Restriction Barriers (HRB's) at two car parking sites in Newcastle, namely Downs Road and Glen River (Patten's Bridge) car parks, the completion date for this project has been delayed.			
2.0	Key issues			
2.1	<p>Due to the projected costs of the project, there was a requirement to comply with Procurement regulations and engage in the Request For Quotation (RFQ) tender process.</p> <p>As a result of the RFQ process, two applicants were shortlisted and scored by an adjudication panel. The contract was awarded to Breezemount Electrical & Hydraulic Limited, with installation planned for December 2018.</p> <p>Breezemount have subsequently informed Council that installation will now occur in early March 2019, apparently due to unforeseen circumstances beyond their control. Due to the complexity of the barrier design, which requires laser cutting technology, issues have arisen pertaining to the laser cutting machinery utilised by the Sub Contractor.</p> <p>Once resolved, the manufacturing process will take place followed by installation of the three HRB's by mid-March 2019. Council Officials have made a written submission to the contractor expressing disappointment and concern that the conditions of the tender agreement have not been complied with. Breezemount have apologised for the unscheduled delay and stress that the mid-March 2019 completion date should be identified as the worst case scenario and that they are striving to prioritise the this matter with the sub-contractor.</p> <p>Members will be kept apprised accordingly.</p>			
3.0	Recommendations			
3.1	<ul style="list-style-type: none"> RTS Committee Members are asked to note the content of the above report, in the context as an update of the on-going process. 			

4.0	Resource implications
4.1	None.
5.0	Equality and good relations implications
5.1	N/A at this juncture.
6.0	Rural Proofing implications
6.1	None.
7.0	Appendices
	None
8.0	Background Documents
	None.

Current Appeals

AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2017/A0168
Planning Ref:	LA07/2017/0687/	DEA	The Mournes
APPELLANT	Steven And Diane Campbell		
LOCATION	30m North Of 94 Greencastle Road Kilkeel		
PROPOSAL	RT34 4DF Infill site for new dwelling and garage in existing cluster (amended plans)		

APPEAL TYPE DC- Refusal of Planning Permission

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

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2017/A0213
Planning Ref:	LA07/2016/0952/	DEA	Newry
APPELLANT	D & M Downey		
LOCATION	113-117 Dublin Road Newry		
PROPOSAL	RT35 80P Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	18/01/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO 3
Planning Ref: LA07/2016/1407/ **PAC Ref:** 2018/A0027
APPELLANT Richard Newell **DEA** The Mournes
LOCATION 75A Glasdrumman Road
 Annalong
 Co. Down
PROPOSAL 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
Planning Ref: LA07/2017/1192/ **PAC Ref:** 2018/A0030
APPELLANT Tranquility Ireland **DEA** Newry
LOCATION 97 Fathom Line
 Fathom Lower
 (Main Portion)
PROPOSAL Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 01/06/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

ITEM NO	5		
Planning Ref:	LA07/2017/0969/	PAC Ref:	2018/A0046
APPELLANT	Mr Peter Clerkin	DEA	Crotlieve
LOCATION	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			

ITEM NO	6		
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			

Current Appeals

31

ITEM NO	7	PAC Ref:	2018/A0066
Planning Ref:	LA07/2017/1394/	DEA	Slieve Croob
APPELLANT	Mr B And Mrs A Gibney		
LOCATION	80m East Of 89 Demesne Road Edendarriff		
PROPOSAL	^{Rallynahinch} Dwelling and garage on a farm		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/08/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2018/A0079
Planning Ref:	LA07/2018/0747/	DEA	Crotlieve
APPELLANT	Joan Henderson		
LOCATION	200m South East 21 Levallyreagh Road Rostrevor		
PROPOSAL	^{Newrv} 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

32

ITEM NO	9		
Planning Ref:	LA07/2018/0464/	PAC Ref:	2018/A0080
APPELLANT	Mary Slane	DEA	Newry
LOCATION	Between No. 34 And 38 Seafin Road Killeavy		
PROPOSAL	Meigh Dwelling and garage (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	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			

ITEM NO	10		
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			

Current Appeals

ITEM NO	11		
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 4HI 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			

ITEM NO	12		
Planning Ref:	LA07/2018/0865/	PAC Ref:	2018/A0100
APPELLANT	Mr And Mrs C Parke	DEA	The Mournes
LOCATION	25 Oldtown Lane Annalong		
PROPOSAL	RT34 4XF 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			

Current Appeals

34

ITEM NO	13		
Planning Ref:	LA07/2017/0290/	PAC Ref:	2018/A0117
APPELLANT	Mr & Mrs McMurray	DEA	Rowallane
LOCATION	110 M South Of No 52 Carsonstown Road Saintfield		
PROPOSAL	RT24 TFR 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			

ITEM NO	14		
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			

Current Appeals

35

ITEM NO	15		
Planning Ref:	LA07/2018/0554/	PAC Ref:	2018/A0123
APPELLANT	Mr Craig Baxter	DEA	Crotlieve
LOCATION	No. 5 Ringbane Road Ringbane		
PROPOSAL	Newry 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			

ITEM NO	16		
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 ASF 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			

Current Appeals

ITEM NO	17	PAC Ref:	2018/A0130
Planning Ref:	P/2015/0200/F	DEA	Newry
APPELLANT	Mr Naill Black		
LOCATION	Approx 150m South East Of No 28 Ferryhill Road Killean Newry		
PROPOSAL	Erection of a farm dwelling and garage.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		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	18	PAC Ref:	2018/A0131
Planning Ref:	LA07/2018/0331/	DEA	The Mournes
APPELLANT	David Gordon		
LOCATION	34 Dougans Road Kilkeel RT34 4HN		
PROPOSAL	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			

Current Appeals

37

ITEM NO	19		
Planning Ref:	LA07/2017/1316/	PAC Ref:	2018/A0132
APPELLANT	O'Hagan Construction Ltd	DEA	Newry
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			

ITEM NO	20		
Planning Ref:	LA07/2018/0360/	PAC Ref:	2018/A0133
APPELLANT	Forest Park Developments	DEA	The Mournes
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			

Current Appeals

38

ITEM NO	21		
Planning Ref:	LA07/2017/1151/	PAC Ref:	2018/A0134
APPELLANT	Clark McCourt	DEA	Slieve Gullion
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			

ITEM NO	22		
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			

Current Appeals

39

ITEM NO	23		
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		
PROPOSAL	Newry 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		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			

ITEM NO	24		
Planning Ref:	LA07/2018/1261/	PAC Ref:	2018/A0151
APPELLANT	Ebony Hughes	DEA	Newry
LOCATION	Premises At Corner Of Upper Edward Street Railway Avenue		
PROPOSAL	Newry Retention of mechanics garage, office store and boundary fencing		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		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			

Current Appeals

40

ITEM NO	25		
Planning Ref:	LA07/2018/0467/	PAC Ref:	2018/E0027
APPELLANT	Mr James And Kevin Donnelly	DEA	Newry
LOCATION	Lands Approximately 110 Meters West Of No. 240 Dublin Road Killeen		
PROPOSAL	Newry New agricultural building which complies with the Planning (General Permitted Development) Order (Northern Ireland) 2015 in particular respect to Part 7 - Agricultural Buildings and Operations - Class A - Permitted Development and is development that does not require		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/06/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

41

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
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

44

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 con-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
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

51

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

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

CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

59

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
27/9/18	Clr W Walker	Meeting request	A McKay	Direct e mail	5/10/18	
1/10/18	Clr D Curran	Update requested	A McAlarney/M Keane	E mail sent	1/10/18	
" "	Clr W Clarke	Update requested	A McAlarney	Direct e mail	1/10/18	
" "	Clr D Taylor	Enquiry	A Davidson	Call transferred	1/10/18	
" "	C Boylan MLA	Enquiry	A Davidson	E mail sent		
2/10/18	Clr G Sharvin	Query	A McAlarney	Call transferred	2/10/18	
" "	Brenda – S Bradley MLA	Update requested	P Rooney	E mail sent & Direct e mail	2/10/18	
" "	Clr T Hearty	Discuss number of applications	P Rooney	Call transferred	2/10/18	
" "	Clr G Sharvin	Update requested	A McAlarney	Direct e mail	3/10/18	
3/10/18	Clr H Harvey	Request to discuss	A McAlarney	Direct e mail	3/10/18	
" "	C Boylan MLA	Discuss applications	A Davidson	E mail sent		
" "	Clr C Enright	Meeting re Social Housing	A McAlarney	Direct e mail	5/10/18	
4/10/18	Clr R Burgess	Request for meeting	A McAlarney	Call transferred	4/10/18	
9/10/18	Clr L Devlin	Update requested	A McAlarney	Direct e mail	9/10/18	
" "	Clr T Andrews	Query re: call in procedure	A McAlarney	Direct email	9/10/18	
11/10/18	Una for E Rogan MLA	Update requested	A McAlarney	Call transferred	11/10/18	
" "	Clr L Devlin	Re: C McGrath meeting with A McKay 12/10/18	M McIlhone	Call answered	11/10/18	
15/10/18	Clr L Devlin	Update requested	A McAlarney	Direct e mail	15/10/18	
" "	Clr L Devlin	Update requested	A McAlarney	Direct e mail	16/10/18	
16/10/18	Clr W Walker	Request for meeting	A McAlarney	Direct e mail	16/10/18	
" "	Catherine for S Ennis MLA	Update requested	P Rooney	Call transferred	16/10/18	
" "	Clr R Burgess	Update requested	A McAlarney	Call transferred	16/10/18	
17/10/18	Clr H Harvey	Updates requested	A McAlarney	Direct e mail	17/10/18	
17/10/18	Catherine for S Ennis MLA	Re discussion yesterday	P Rooney	E mail sent		

CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

60

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
18/10/18	Clr W Walker	Enquiry	A McAlarney	Call transferred		18/10/18
22/10/18	Brenda for S Bradley MLA	Re recent e mail	P Rooney	E mail sent		22/10/18
" "	S Bradley MLA	Query representation letter	A McAlarney	Direct e mail		25/10/18
	Clr L Devlin	Query submission to Committee	A McAlarney	Direct e mail		25/10/18
23/10/18	Brenda for S Bradley MLA	Urgent query	P Rooney	E mail sent		
24/10/18	Una for E Rogan MLA	Update requested	A McAlarney	E mail sent		
25/10/18	Clr W Walker	Query	A McAlarney	E mail sent		25/10/18
5/11/18	C McGrath MLA	Query	A McAlarney	Direct e mail		6/11/18
6/11/18	Clr A McMurray	Query	A McAlarney	Direct e mail		6/11/18
" "	Clr D Taylor	Enquiry	A Davidson	E mail sent		6/11/18
7/11/18	Clr W Walker	Meeting requested	A McAlarney	Direct e mail		7/11/18
" "	Brenda for S Bradley MLA	Meeting request	A Davidson	Phone call & e mail sent		
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail		8/11/18
8/11/18	Clr R Burgess	Query	A McAlarney	Call transferred		8/11/18
" "	Una for E. Rogan MLA	Update requested	A McAlarney	Call transferred		8/11/18
10/11/18	Clr L Kimmons	Update requested	A Davidson	Direct e mail		
12/11/18	Clr D Taylor	Updates on a number of applications	A Davidson	E mail sent		13/12/18
" "	S Bradley MLA	Meeting request	A McAlarney	Direct e mail		14/11/18
13/11/18	Clr D Taylor	Updates on a number of applications	A Davidson	E mail sent		13/12/18
14/11/18	Brenda for S Bradley MLA	Update requested	J McParland	E mail sent		

CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

61

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
15/11/18	Cllr Sean Doran	Update requested	Anthony McKay	AMcK directly passed info.		
" "	E Rogan MLA	To discuss a number of apps.	A McKay	E mail sent		
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	19/11/18	
" "	Cllr W Walker	Returned call	A McAlarney	E mail sent	19/11/18	
" "	Cllr T Andrews	Deferral request	A McAlarney	Direct e mail	19/11/18	
" "	Cllr H Harvey	Advice on app. For a shed	A McAlarney	Direct email	20/11/18	
19/11/18	Brenda for S Bradley MLA	Query	J McParland	E mail sent		
" "	C McGrath MLA	Update on consultations	A McAlarney	Direct e mail	20/11/18	
" "	C McGrath MLA	Query associated Enforcement case	A McAlarney	Direct e mail	23/11/18	
20/11/18	Cllr L Devlin	Update requested	A McAlarney	Direct e mail	20/11/18	
" "	C McGrath MLA	Meeting request	A McAlarney	Direct e mail	22/11/18	
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	22/11/18	
21/11/18	Thomas for J McNulty	To arrange a meeting to discuss a number of applications.	A Davidson	E mail sent		
" "	Cllr T Andrews	Update requested	A McAlarney	Direct e mail	22/11/18	
26/11/18	Cllr S Doran	Advice requested	A Davidson	E mail sent	26/11/18	
" "	C Hazzard MP	Query re: Appeal	A McAlarney	Direct e mail	26/11/18	
" "	Brenda for S Bradley MLA	Update requested	A McAlarney 11/12/18	Generic e mail	11/12/18	
27/11/18	Cllr T Andrews	Query	A McAlarney	Direct e mail	27/11/18	
29/11/18	Cllr R Burgess	General enquiry	P Rooney	E mail sent	6/12/18	
" "	Cllr R Burgess	Meeting request	A McAlarney	Call transferred	29/11/18	
30/11/18	Thomas for J McNulty MLA	Query	A Davidson	E mail sent		
30/11/18	Cllr L Kimmons	Query	A Davidson	Direct email	30/11/18	
3/12/18	E Rogan MLA	Call to arrange meeting	A McKay	E mail sent		

CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

62

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	C McGrath MLA	Query	A McAlarney	Call transferred		3/12/18
4/12/18	Brenda for S Bradley	Enquiry	P Rooney	Call transferred		4/12/18
" "	ClIr D Taylor	Update requested from L O'Hare	J McParland	Call transferred		4/12/18
" "	ClIr J Macauley	Update requested	A McAlarney	Call transferred		4/12/18
" "	J Wells MLA	Update on Anaerobic Digester application	A McAlarney	E mail sent		5/12/18
5/12/18	C Boylan MLA	Update	A Davidson	Call transferred		5/12/18
" "	J Wells MLA	Update on Anaerobic Digester application	A McAlarney	Call transferred		5/12/18
" "	C McGrath	Query	A McKay	E mail sent		
6/12/18	C McGrath	Query	A McKay	E mail sent		
" "	C McGrath	Query	A McAlarney	Call transferred		6/12/18
" "	C McGrath	Query	A McAlarney	Call transferred		6/12/18
7/12/18	ClIr D Curran	Call back requested	A McAlarney	Verbal request		7/12/18
10/12/18	ClIr L Devlin	Query about delegated lists	M McIlhone	Call answered		10/12/18
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail		10/12/18
" "	C McGrath MLA	Meeting request	A McAlarney	Direct e mail		10/12/18
" "	Brenda for S Bradley MLA	Query	A McKay	Call transferred		10/12/18
" "	C McGrath MLA	Update on Development Plan	A Hay	Direct e mail		13/12/18
11/12/18	C Boylan MLA	Query	A Davidson	E mail sent		
" "	ClIr L Devlin	Meeting re: Brooklands Grove, Bryansford Road, Newcastle	A McAlarney	Direct e mail		11/12/18
12/12/18	C McGrath MLA	Query	A McAlarney	Direct e mail		13/12/18
14/12/18	ClIr A McMurray	Enquiry	A McAlarney	Call transferred		14/12/18
17/12/18	Brenda for S Bradley MLA	Update requested	P Rooney	Call transferred		17/12/18

CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

63

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
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" "	Cllr L Kimmons		Update requested	A Davidson	Direct e mail	
" "	C McGrath MLA		Update requested	A McAlarney	Direct e mail	17/12/18
" "	Cllr D McAteer		Query	D Watson	E mail sent	
" "	Cllr C Enright		Energy query	A McKay	E mail sent	
18/12/18	C McGrath MLA		Enquiry	A McAlarney	Call transferred	18/12/18
" "	C McGrath MLA		Enquiry	A McKay	E mail sent	
" "	C McGrath MLA		Enquiry	A McAlarney	Call transferred	18/12/18
19/12/18	Cllr M Murnin		Update requested	A McAlarney	In person	20/12/18
20/12/18	Cllr R Burgess		Query	M Keane	Call transferred	20/12/18
28/12/18	Cllr R Burgess		Did app. appear on a Delegated list?	M McIlhone	Call answered	28/12/18

Newry, Mourne & Down District Council – December 2018

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

Newry, Mourne & Down District Council – December 2018

65

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

3. Live applications per Case Officer

Month 2017/18	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

Newry, Mourne & Down District Council – December 2018

66

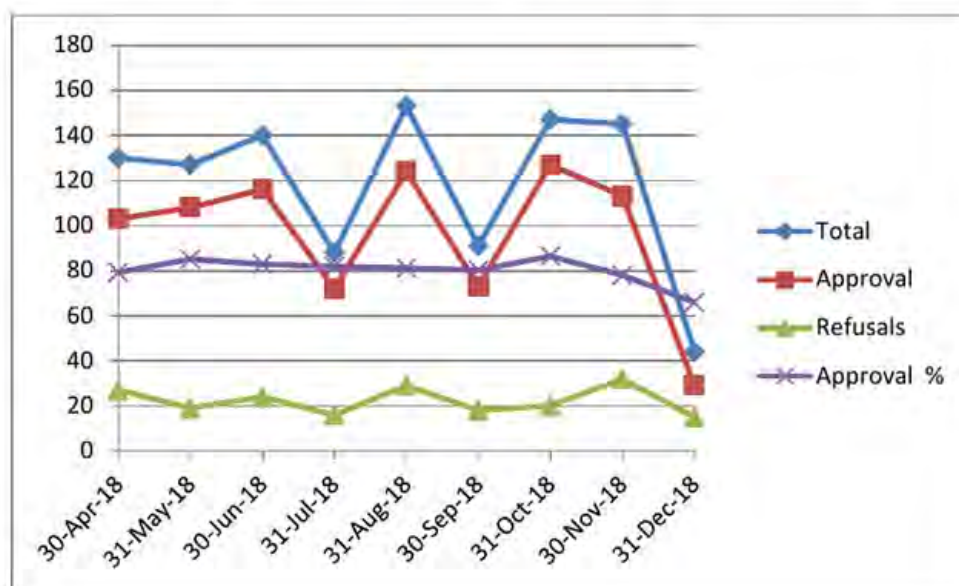
4. Decisions issued per month

Month 2017/18	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

Newry, Mourne & Down District Council – December 2018

5. Decisions Issued YTD

Month 2017/18	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%



Newry, Mourne & Down District Council – December 2018

68

6. Enforcement Live cases

Month 2017/18	<=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

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
Totals	146	81	65

Newry, Mourne & Down District Council – December 2018

8. Appeals

Planning Appeal Commission Decisions issued during December 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	20	2	1	1	1
Down	5	0	0	0	0
TOTAL	25	2	1	1	1

Newry, Mourne & Down District Council – December 2018

Statutory targets monthly update - up to November 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%	137	123	16.4	44.7%	36	14	58.4	50.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	4	5	48.6	20.0%	969	919	15.8	47.6%	347	104	53.9	61.5%

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
Date of Meeting:	23 January 2019
Subject:	Review of Waste Management Christmas / New Year Operations
Reporting Officer:	Johnny McBride, Assistant Director: Waste Management (Acting)
Contact Officer:	Johnny McBride, Assistant Director: Waste Management (Acting)

<table border="1"> <tr> <td>For Decision</td> <td>X</td> <td>For Noting Only</td> <td></td> </tr> </table>		For Decision	X	For Noting Only	
For Decision	X	For Noting Only			
1.0	Purpose & Background				
1.1	The purpose of this report is to provide Members with a summary of the findings and recommendations from a review of operations over the Christmas / New Year holiday period.				
1.2	Members will be aware of a number of operational issues, which arose in relation to the Council's refuse collection and household recycling centre services, and which impacted negatively upon the level of service to the general public. Members will also be aware that historically, the Christmas / New Year holiday period results in increased levels of (recyclable and non-recyclable) household waste being produced, which does present a challenge to the Council with regards to servicing.				
2.0	Key Issues				
	Refuse Collection Service				
2.1	The exercise has identified the following issues: <ul style="list-style-type: none"> i. The "pull forward" alternative collection dates¹ resulted in reduced bin presentation rates when compared with previous years. For legacy NMDC, this figure was estimated at c.70-75%, whereas in legacy DDC this was estimated at c.50-60%². Although largely driven by the dates upon which the holidays fell, this had the effect of placing pressure on bin capacity over the holiday period for those households who did not present bins; ii. Agreed dates for the alternative collection service were only agreed by Management and the recognised Trade Unions in December 2018, thereby constraining the time available for the Council's communication activities; iii. Although public notices were placed in local newspapers, as well as on the Council's website and via social media channels, "alternative collection stickers" were not deployed in the legacy NMDC area, nor where calendars automatically issued out to households in November 2018 in the legacy DDC area; and iv. Information relating to the alternative collection service was difficult to find on the Council website. 				
2.2	The main mitigating measure taken during this period was the temporary suspension of the				

¹ "Pull forward" refers to the alternative collection day taking place before the normal collection day

² These figures are considered only marginally worse when compared with previous years. The experience of the Council is that presentation rates tend to decrease over Christmas / New Year holiday periods.

	bulky waste collection service for a two-week period (week commencing 24 th December 2018) to support a catch-up service. The Council continues to experience heavy collections, however this is now stabilising.
2.3	A contributing factor was the lateness of the arrangements for the alternative collection service being finalised, and the subsequent communication activities not being as effective as were originally intended. These form the basis of the recommended improvements.
	Household Recycling Centre (HRC) Service
2.4	In respect of the HRCs, the exercise has identified the following issues: <ul style="list-style-type: none"> v. Exceptional demand over the Christmas / New Year holiday period for HRC services, driven largely by reduced presentation rates in the refuse collection service, a longer holiday break (i.e. combination of how the weekend & public holidays fell this year) and good weather conditions. The net effect of the former was that waste normally collected via the refuse collection service was presented at HRCs, thereby affecting capacity; vi. Early closures in legacy DDC HRCs from the 28 December 2018 through to the 2 January 2019 due to site capacity being exceeded³. This created understandable anger and frustration for customers of the service⁴; and vii. A number of issues (including contractor-opening arrangements) which impacted upon the ability of contractors to service the HRCs.
2.5	As with the refuse collection service, a number of mitigating measures were taken to help alleviate the problems. These included securing additional / short-term capacity to ensure HRCs were kept open as long as possible. Examples include the use of Council refuse collection and caged vehicles at weekends, as well as securing additional contractor support (i.e. provision of skips). The service has now stabilised.
3.0	Recommendations
3.1	Members are asked to consider and agree to the following recommendations, which affect both the refuse collection and household recycling centre service: <ul style="list-style-type: none"> i. 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 messages, contingency planning etc.); ii. Continuing with the current arrangements in respect of communications until a time the Council agrees to and implements new refuse collection routes⁵. The routes optimisation project will be included as part of the Neighbourhood Services project; and iii. Standardising communications activities between the two legacy areas in relation to Christmas / New Year holiday arrangements to ensure maximum impact and cost effectiveness. Recommendations to be presented to a future Committee meeting for

³ One of the problem sites was Downpatrick HRC (Cloonagh Rd) where capacity was significantly constrained. It is anticipated the new HRC (opening in late Spring / early Summer 2019) will help address this issue in the future, should it arise

⁴ The service stabilised from the 2nd January 2019 due to additional servicing being secured.

⁵ In the event new routes are not secured during 2019, Officers will recommend interim arrangements to the Committee for the 2019 Christmas / New Year holiday period.

	Member consideration. An implementation date for the introduction of glass recycling in the legacy DDC area will be a key enabler for this.
4.0	Resource Implications
4.1	There are no resource implications arising from this specific report; however, any recommendations in relation to standardising communications activities may result in additional revenue expenditure. These cannot be quantified at this stage.
5.0	Equality & Good Relations Implications
5.1	There are no equality and good relations arising from this specific report, however any future decision of the Council concerning changes to current communications activities may be subject to an equality impact assessment.
6.0	Rural Proofing Implications
6.1	There are no rural proofing implications arising from this specific report. Again, any future changes will result in the Council giving due regard to the potential rural implications. These cannot be identified at this stage.
7.0	Appendices
	<ul style="list-style-type: none"> ▪ None

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	23 January 2019
Subject:	Review of operations at Household Recycling Centres (HRCs)
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><input checked="" type="checkbox"/></td> <td>For Noting Only</td> <td><input type="checkbox"/></td> </tr> </table>		For Decision	<input checked="" type="checkbox"/>	For Noting Only	<input type="checkbox"/>
For Decision	<input checked="" type="checkbox"/>	For Noting Only	<input type="checkbox"/>		
1.0	Purpose & Background				
1.1	The purpose of this report is to seek approval from the Committee to the report of the Elected Member workshop, held on the 7 January 2019 to consider the recommendations of a review of operations at the Council's Household Recycling Centres (HRCs).				
2.0	Key Issues				
	<u>Elected Member Workshop</u>				
2.1	A copy of the report of the workshop is provided at Appendix I .				
2.2	A copy of the presentation used at the workshop is provided at Appendix II .				
3.0	Recommendations				
3.1	Members are asked to approve the report of the workshop, and to mandate Officials to begin to work-up the next steps in accordance with the following: <u>General Access & Usage Policy</u> <ol style="list-style-type: none"> i. Officers to give further consideration to the potential implications for fly-tipping arising from the implementation of greater restrictions; ii. 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; iii. The identification of what arrangements are available for the Council to support small businesses in the disposal of their waste; iv. 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; v. Further information required on the rationale for proposed limits / thresholds for specific waste materials (i.e. paint); and vi. 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><u>Construction / DIY Policy</u></p> <p>vii. More detail required from Officers in relation to the proposed limits / thresholds for the receipt and processing of specific construction / DIY waste materials.</p> <p><u>Commercial Waste Policy</u></p> <p>viii. 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;</p> <p>ix. Further information concerning the administration and benefits of the proposed permit system; and</p> <p>x. More detail required from Officers in relation to travel times / number of business serviced by the proposed designated HRCs for commercial waste.</p> <p><u>Re-use Policy</u></p> <p>xi. Avoiding competition between re-use partners with regard to access to materials at HRCs; and</p> <p>xii. 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> <p><u>HRC Opening Hours</u></p> <p>xiii. Further information and analysis required on the volumes received on each day at each HRC;</p> <p>xiv. Officers to consider extending opening hours into the evenings during Monday – Saturday as an alternative to Sunday opening; and</p> <p>xv. Costed options to be presented to the RTS Committee for future consideration.</p>
3.2	<p>It is 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 will require 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 will then be implemented at the Downpatrick HRC (and all the Council's HRCs thereafter).</p>
	<p>4.0 Resource Implications</p>
4.1	<p>There are no resource implications arising from this report, however any decision(s) arising from the finalisation of the review may have resource implications for the Members to consider. These cannot be quantified at this stage, however Members will be aware that a budget reduction of c.£100,000 has already been included in the draft budget for 2019-20 and which reflects assumed changes to the current policy.</p>
	<p>5.0 Equality & Good Relations Implications</p>
5.1	<p>There are no equality and good relations arising from this report, however any future decision of the Council concerning the future operation of its HRCs is likely to be subject to an equality impact assessment. These cannot be quantified at this stage.</p>

6.0	Rural Proofing Implications
6.1	There are no rural proofing implications arising from this report, however any future decision of the Council will require due regard to be given to the potential rural implications. These cannot be identified at this stage.
7.0	Appendices
	<ul style="list-style-type: none">▪ Appendix I – report of Elected Members’ workshop, held on 7 January 2019;▪ Appendix II – copy of presentation used at the workshop.

**MEMBER WORKSHOP ON REVIEW OF OPERATIONS AT COUNCIL
HOUSEHOLD RECYCLING CENTRES**

MONDAY 7th JANUARY 2019 AT 2 PM

MOURNE ROOM, DOWNSHIRE CIVIC CENTRE

In attendance: Councillor J Rice (**Chair**)

Councillor T Andrews	Councillor M Carr
Councillor W Clarke	Councillor D Curran
Councillor S Doran	Councillor C Enright
Councillor G Fitzpatrick	Councillor G Hanna
Councillor H Harvey	Councillor R Howell
Councillor L Kimmins	Councillor K Loughran
Councillor J Macauley	Councillor O McMahon
Councillor M Murnin	Councillor B Quinn
Councillor H Reilly	Councillor M Ruane
Councillor G Stokes	Councillor J Trainor
Councillor W Walker	

Mr R Moore, Director of Neighbourhood Services

Mr J McBride, Assistant Director: Waste Management (Acting)

Mr L Dinsmore, Head of Waste Processing & Enforcement

Apologies:	Councillor N Bailie	Councillor R Burgess
	Councillor C Casey	Councillor G Craig
	Councillor V Harte	Councillor T Hearty
	Councillor M Larkin	Councillor B Ó Muíri

PRESENTATION: **A review of operations at Council Household Recycling Centres (HRCs)**

Purpose of the Workshop

Mr McBride advised the purpose of the workshop was to explore with Elected Members proposals for a new access and usage policy for all of the Council's Household Recycling Centres (HRCs), as well as to agree the next steps.

Background & Context

As background to the workshop, Members were referred to previous Terms of Reference, which had been agreed by the Council, as well as to a similar review in legacy NMDC that had reduced the amount of residual waste going through HRCs by approximately 70%.

Mr McBride advised the key issue for Members to consider was the need to standardise an access and usage policy between the two legacy areas and within the context of reducing the amount of residual waste currently being processed through the HRCs. A number of key differences between the two legacy Councils were also highlighted for Member consideration.

Policy Proposals

Mr McBride advised the policy proposals were broken down into four key areas:

1. General access & usage policy proposal which would affect all Council HRCs;
2. Construction / DIY policy proposal;
3. Commercial waste policy proposal; and
4. Re-use policy proposal.

Mr McBride also advised he sought Member direction on a preferred option concerning the future opening hours for all Council HRCs.

General Access & Usage Policy

Members were largely supportive of the proposed policy changes, which were primarily concerned with applying greater restrictions concerning access and usage, and considered the following issues:

- Officers to give further consideration to the potential implications for fly-tipping arising from the implementation of greater restrictions;
- 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;
- The identification of what arrangements are available for the Council to support small businesses in the disposal of their waste;
- 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;
- Further information required on the rationale for proposed limits / thresholds for specific waste materials (i.e. paint); and
- 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.

Construction / DIY Policy

Members were largely supportive of the proposed policy changes, and considered the following:

- More detail required from Officers in relation to the proposed limits / thresholds for the receipt and processing of specific construction / DIY waste materials.

Commercial Waste Policy

Members considered the following issues in relation to the proposed policy changes:

- 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;
- Further information concerning the administration and benefits of the proposed permit system; and
- More detail required from Officers in relation to travel times / number of business serviced by the proposed designated HRCs for commercial waste.

Re-use Policy

Members were supportive of the proposed policy changes; however requested Officials to give further consideration to the following:

- Avoiding competition between re-use partners with regard to access to materials at HRCs; and
- 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.

HRC Opening Hours

Members were presented with a number of high-level options in relation to the future opening hours for all Council HRCs. The following was considered in relation to the options presented:

- Further information and analysis required on the volumes received on each day at each HRC;
- Officers to consider extending opening hours into the evenings during Monday – Saturday as an alternative to Sunday opening; and
- Costed options to be presented to the RTS Committee for future consideration.

Strategic Implications

Mr McBride summarised the strategic implications of any future decision were largely attached to human resources; finance (the financial benefits of reduced residual waste volumes), information technology, as well as communications with the general public and users of the HRC sites.

Members confirmed that in relation to an effective implementation date for any policy changes, an opportunity was presented by the opening of the Downpatrick HRC in late Spring / early Summer 2019.

Members then discussed the issue of public consultation and given that legacy NMDC had already successfully implemented similar policy proposals, it was agreed to limit consultation to surveying a sample of users across the HRCs.

Next Steps

The following next steps were agreed:

- i. A report of the workshop to be tabled at the next meeting of the RTS Committee on the 23 January 2019; and
- ii. Table a final report in relation to a recommended access and usage policy, as well as future opening hours at a future meeting of the RTS Committee, once finalised.

Close

The workshop closed at 4.14pm.

Elected Member Workshop – 07.01.19

Review of operations at Household Recycling Centres (HRCs)

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

Agenda

- Purpose of the workshop
- Background / current situation
- Entrance & usage policies – recommendations
- Opening hours - options
- Strategic implications
- Decision(s) required & next steps

Purpose of the workshop

To consider with Elected Members:

- options & recommendations for the future operation of Household Recycling Centres (HRCs); and
- agreement on the next steps.

Terms of Reference / Scope

Considered at RTS Committee (November 2018) to include:

- Entrance & usage policies (including restrictions)
- Re-use systems
- Opening times
- Site servicing arrangements
- HR issues (staffing levels, staff training, safeguarding)

Background / current situation

- 10 x HRCs across the entire District (3 x DDC / 7 x NMDC)
- Key part of the Council's waste management & recycling services (c.25% of all household waste received)
- HRCs perform a critical role in supporting recycling targets
- Legislative requirement to provide but number provided, opening hours & operating policies determined by Council
- Significant cost implications - annual operating costs & capital investment
- However, significant legacy differences exist which require to be addressed (entrance & usage policies which impact upon tonnages)

Tonnages (17/18)

HRC	Households Served	Annual Tonnage	Rank	Recycling Rate (%)
Newry	13,140	2,550	4	70
Downpatrick	12,835	3,400	1	48
Castlewellan	9,469	3,060	2	54
Ballynahinch	8,345	2,900	3	57
Kilkeel	6,338	1,680	7	65
Warrenpoint	6,080	1,840	6	73
Camlough	4,863	2,400	5	65
Crossmaglen	3,292	420	10	75
Hilltown	2,431	630	9	61
Newtownhamilton	1,916	700	8	65

Waste throughput / tonnage differences

Legacy Council	No of Households	Annual Disposed Tonnage	Kgs per Household
NMDC*	40,000	2,740 Tonnes	68 kg
DDC	28,000	4,390 Tonnes	156 kg
NMDDC	68,000	7,130 Tonnes	105 kg
<i>NI Average</i>			<i>113 kg</i>

- Significant imbalance between legacy areas – driven by different entrance & usage policies, including use of HRCs by commercial customers
- **NMDC previously reviewed HRC policies which resulted in c. 7,000 tonnes being removed from HRCs

Entrance & usage policy proposal – summary

- Why important?....drives resident behaviour in relation to recycling & use of HRCs
- Proposals consider:
 - (1) All HRCs
 - (2) Construction / DIY waste
 - (3) Arrangements for Commercial waste
 - (4) Re-use

Entrance & usage policy proposal – all HRCs

Policy	NMDC	DDC
1.95m height barrier	✓	✗
No access for long-wheel base vans & twin-axle trailers	✓	✗
No wheeled bins	✓	✗
Pre-sorting of waste (inc. black bag waste)	✓	✗
Re-use storage facilities	✗	✗
Daily limits (6 x bags unrecyclable waste, 3 x bulky items, 25 kgs rubble, single-axle trailer of grass)	✓	✗
No commercial waste (Downpatrick, Kilkeel & Camlough designated for receipt of commercial waste)	✓	✗

Entrance & usage policy proposal – all HRCs (ctd)

Policy	NMDC	DDC
No tyres (only accepted at designated commercial sites at £2 per tyre) (commercial vehicle tyres not accepted)	✓	✗
Max 10 ltrs paint per visit but only accepted at specific sites (paint originating from commercial premises not accepted)	✓	✗
Specific arrangements for construction / DIY (see separate table)	✓	✗
Max 2 mattresses per visit but only accepted at specific sites (with adequate storage facility)	✗	✗

Construction / DIY policy proposal

Policy	NMDC	DDC
PVC windows / doors not accepted	x	x
Maximum of 4 doors per household per annum	x	x
Maximum of 4 fitted kitchen items per household every 6 months (pre-sorting required)	x	x
Maximum of 4 bathroom items (ceramics, taps, tiles, shower glass) per household every 6 months (pre-sorting required)	x	x
Maximum of 5 sheets per plasterboard per household per annum (will incur a £20 disposal charge) (only accepted at Downpatrick & Kilkeel)	✓	x
Maximum of 25 kg of rubble per day	✓	x
Oil tanks / drums not accepted	✓	✓

Commercial waste policy proposal

Policy

Downpatrick, Kilkeel & Camlough designated as commercial centres

No entry for horseboxes, long-wheel base vans & high-sided trailers

Schedule of charges to be introduced

Hazardous / industrial waste from commercial operators not accepted (i.e. paint, tyres, rubble, plaster board etc)

No charges to be applied to smaller quantities of fully recyclable waste for trade waste customers

No commercial fridges accepted

Charity waste will be considered commercial however current arrangements will remain for fully recyclable waste (pre-booking during off-peak times)

Use of permits for entry

Permits

- Applicable to all commercial customers who wish to use HRCs & residents who wish to dispose of waste using commercial vehicles
- Subject to an application process – supported by proof of address & vehicle registration
- Initial “honeymoon” period of 4 weeks (provisional permits can be issued at HRCs for use by the commercial user)
- Thereafter, application must be made to the Council for Full Permit
- Valid for two years & must be re-applied for upon expiry
- Charges will apply as per schedule of charges for commercial users
- Hired vehicles – proof of hire must be provided

Commercial waste – schedule of charges

Charge	Restrictions	Commentary
£0	Small quantities of fully recyclable waste	Applicable to trade waste customers only
£20.00	Small van (<3 tonnes GVW) / Single-axle trailer	Recyclable waste must be fully sorted
£7.50	Car-boot	General unsorted waste but rubble, liquid & bio-waste not accepted
£85.00	Medium van (<1.95 metres height)	Maximum waste must not exceed 1 tonne
£2.00	Per tyre	Commercial vehicle tyres not accepted
£15.00	Per mattress	Maximum 2 mattresses per visit

Re-use policy proposal

Policy	NMDC	DDC
Appointment of Charity partners to support re-use activities (EOIs sought)	x	x
HRC users encouraged to leave items for re-use (visible re-use of items will re-inforce recycling message)	x	x
Removal of items only permitted by appointed Charity partners	x	x
Specific target areas include – bric-a-brac, furnishings, white goods & bicycles	x	x
Will require a supporting Council policy in relation to scavenging	x	x

Opening Hours

- **Option One** – Do nothing but legacy differences remain
- **Option Two** – adopt legacy NMDC opening arrangements. Open Monday – Saturday. Limited seasonal opening hours apply.
- **Option Three** – adopt legacy DDC opening arrangements. Open Monday – Saturday + Sunday afternoons. Limited seasonal opening hours apply.
- **Option Four** – adopt a hybrid model to provide limited Sunday opening across designated HRCs (i.e. maximum of two sites opening in each legacy area)
- **Option Five** – reduced opening hours at low volume HRCs. Need to identify criteria to support identification of low volume HRCs
- **Others?**

Implications

- Significant HR implications – T&Cs, pay & grading, staffing levels, safeguarding, training etc. but cannot be quantified at this stage
- Financial implications – opportunities to increase recycling rates with corresponding positive impact on budgets (i.e. cost of residual waste disposal)
- IT implications – some of the policy changes (i.e. permits) are best supported by information technology (process efficiencies & customer experience), including use of CCTV
- Communication, consultation & engagement – new policy will result in significant changes, and will require significant user behaviour change. HRC customers will need to understand the rationale for & the nature of the changes. Significant implications for customer engagement.

Decision(s) required & next steps

- Do Members agree with the proposed policy changes for HRC entrance & usage?
- What is Members' preferred option for HRC opening hours?
- What do Members consider as an effective implementation date?
- Do Members wish to consult the public on the proposed changes?
- Next Steps – subject to Member agreement in relation to the above:
 - (1) Table report of workshop at RTS Committee (January 2019);
 - (2) Table preferred policy changes, including a detailed assessment of the strategic implications & implementation plan at RTS Committee (February 2019)





JOINT COMMITTEE
4 December 2018

100

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 1 - Annual General Meeting

Election of Chair and Deputy Chair.

Item 4 - Minutes of Joint Committee Meeting 034 held on 27 September 2018**For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 27 September 2018.

Item 5 - Matters Arising**Item 6 - Notes of Joint Committee Briefing held on 25 October 2018****For noting**

The Joint Committee is asked to note the notes from the briefing held on 25 October 2018.

Item 7 - Matters Arising**'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL****Item 8 - Minutes of Joint Committee Meeting 034 held on 27 September 2018 held 'in committee'****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 27 September 2018 'in committee'.



JOINT COMMITTEE
4 December 2018

101

Item 9 - Matters Arising**Item 10 - Notes of Joint Committee Briefing held on 25 October 2018 'in committee'****For noting**

The Joint Committee is asked to note the notes from the briefing held on 25 October 2018 'in committee'.

Item 11 - Matters Arising:***Item 11.1 - Proposed Variation to MRF Contract Lot 1*****For approval**

The current extension (a 9-month period from April 2018) expires on 31 December 2018. A new MRF contract is currently in the procurement phase and will not be operational in the period January to March 2019. It is therefore necessary to seek a further extension from the current service provider Bryson Recycling Ltd. on the same terms as apply to the current extension.

The Joint Committee is asked to endorse the recommendation.

Item 11.2 - Organic Waste Treatment Contract**Item 12 - Residual Waste Treatment Project****For approval**

Planning Application - For a time limited period, the decision-making capacity of NI government departments in the absence of Ministers and an Executive Committee has been confirmed via a new Act of Parliament (the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018). The scope of the Act includes the Department for Infrastructure (DfI) in relation to planning applications for regionally significant developments. The Act requires guidance issued by the Secretary of State for Northern Ireland (SoSNI) to be observed by all government departments when making certain decisions. The guidance sets out the considerations to be stepped through by officials before departments make a decision during this period. In the context of a fresh determination of arc21's planning application to develop Hightown Quarry it will be necessary for DfI officials to now consider both: (i) extant planning mandatory assessments and associated policy tests; and now (ii) the SoSNI's procedural guidance required by the Act. There is a degree of overlap of these aspects.



JOINT COMMITTEE
4 December 2018

102

The Joint Committee is asked to endorse the continuation of the risk management approach in respect of planning previously adopted for the contingent liability, the PAC hearing and the judicial review proceedings and to note the rest of the report.

OUT OF COMMITTEE & RETURN TO MAIN AGENDA

Item 13 - Contracts and Performance Update

For noting

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.

The Joint Committee is asked to note the report.

Item 14 - Financial Report 2017-18

For noting

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, an extract of which is presented in Appendix C.

The Annual Audit Letter (see Appendix D) 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.



JOINT COMMITTEE
4 December 2018

103

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 Joint Committee is asked to note the report.

Item 15 - Education Vehicle

For noting

Information to provide a synopsis on the utilisation of the education vehicle during the period April 2017 to March 2018.

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.

The Joint Committee is asked to note the report.



JOINT COMMITTEE
4 December 2018

104

Item 16 - ISO 9001:2015 Accreditation**For noting**

Following the annual audit surveillance inspection, arc21 has retained certification under ISO 9001:2015 for its various functions.

The Joint Committee is asked to note the report.

Item 17 – NILAS 2017/18**For noting**

The NIEA have issued the final reconciliation letter covering the 2017/18 position.

All arc21 Councils have met their target this year and there was no requirement to initiate the Transfer protocol.

The Joint Committee is asked to note the report.

Next Meeting: Thursday 31 January 2019 to be hosted by Mid and East Antrim Borough Council

HISTORIC**ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING****23 January 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.	N
		RTS MEETING – 9 DECEMBER 2015			
RTS/142/2015	Old Furniture at Council Recycling Sites	Council adopt a policy that people leaving old furniture at Council amenity sites be given the opportunity to donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.	J Parkes/L Dinsmore	Expressions of Interest, Phase 1 has been completed with 9 returns received. Phase 2 of process will now commence with returns to be received by end of December 2018	N