



May 4th, 2020

**Notice Of Meeting**

You are invited to attend the Enterprise Regeneration & Tourism Committee Meeting to be held on **Monday, 10th June 2019 at 3:00 pm** in **Boardroom Council Offices Monaghan Row Newry.**

**Councillor R Mulgrew**

**Councillor D Curran**

**Councillor T Andrews**

**Councillor R Burgess**

**Councillor W Clarke**

**Councillor C Enright**

**Councillor O Hanlon**

**Councillor G Hanna**

**Councillor V Harte**

**Councillor M Larkin**

**Councillor D McAteer**

**Councillor A McMurray**

**Councillor H Reilly**

**Councillor M Ruane**

**Councillor G Stokes**

# Agenda

**1.0 Apologies and Chairpersons' remarks.**

**2.0 Declarations of Interest.**

**3.0 To agree start time for ERT Committee Meetings from June 2019 - April 2020. (Proposed timetable attached)**

 *Proposed Cmtte Start Times.docx*

*Page 1*

**4.0 Action Sheet - arising from Enterprise Regeneration & Tourism Committee Meeting March 2019. (Copy attached)**

 *ERT Action Sheet March 2019 for June ERT.docx*

*Page 2*

## *Enterprise, Employment and Regeneration Items*

**5.0 ERT Business Plan. (Copy attached)**

 *ERT Business Plan 2019-20 Report.docx*

*Page 11*

 *ERT Business Plan 2019-20 Appendix.docx*

*Page 13*

**6.0 Working Groups. (Copy attached)**

 *Rpt re Task and Finish Working Groups.docx*

*Page 30*

**7.0 Sponsorship - NI Small Business Conference. (Copy attached)**

 *Small Business Conference.docx*

*Page 32*

**8.0 Sponsorship - NI Economic Conference. (Copy attached)**

 *8 NI Economic Conference - EER.docx*

*Page 34*

**9.0 Review of Council's Statutory Job Creation Target for new "Go for It" Programme (post 2021) .(Copy attached)**

 *Statutory Job Creation Target - EER.docx*

*Page 37*

**10.0 Update re: Applications to ERDF Investment for Growth and Jobs. (Copy attached)**

 *ERDF Applications - EER.docx*

*Page 40*

## 11.0 Public Realm Enhancement Works Scheme. (Copy attached)

 *Public Realm Enhancement.docx*

Page 43

## 12.0 Local Full Fibre Network (LFFN Funding Bid) (Copy attached)

 *FFNI.docx*

Page 45

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### ***Building Control & Regulations***

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## 13.0 Reveiw of Street Trading Policies. (Copies attached)

- (a) Stationary Licence Policy
- (b) Street Trading - Temporary Licence Policy
- (c) Mobile Licence PolicyDesignation Policy
- (d) Designation Policy
- (e) Enforcement/Seizure Policy
- (f) Stall Design and Trading Policy
- (g) Policy for Dealing with changed circumstances affecting Licensed Street Trading

 *Rpt re Street Trading Policies.docx*

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 *Appendix a) Stationary Licence Policy 2019.doc*

Page 51

 *Appendix b) Temporary Street Trading Policy 2019.doc*

Page 61

 *Appendix c) Mobile Licence Policy 2019.doc*

Page 71

 *Appendix d) Designation Policy 2019.doc*

Page 78

 *Appendix e) Enforcement & Seizure Policy 2019.doc*

Page 87

 *Appendix f) Stall Design and Trading Policy 2019.doc*

Page 94

 *Appendix g) Dealing with Changed Circumstances Policy 2019.doc*

Page 101

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### ***Tourism, Culture and Events Items***

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## 14.0 Mountain Bike Track - Events and Trails. (Copy attached)

 *MTB Events and Trails.docx*

Page 109

## 15.0 Slieve Gullion DAERA Application. (Copy attached)

 *SGFP - DAERA Application.docx*

Page 113

## 16.0 Food and Drink Tourism Initiatives. (Copy attached)

## 17.0 Transfer of Assets. (Copy attached)

Transfer of Assets.docx

Page 117

### Planning

## 18.0 Consultancy Support for Local Development Plan. (Copy attached)

(a) Landscape Consultants

(b) Retail Consultants

(a) LDP - Landscape Consultants.docx

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(b) LDP - Retail Consultants.docx

Page 129

### Exempt Information Items

## 19.0 Red Bull Event. (Copy attached)

This item is deemed to be restricted by virtue of 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.

Restricted Item - Red bull TNI.DOCX

Not included

## 20.0 Slieve Gullion - request from Clanyre Group for extension of Lease and use of Giants Lair. (Copy attached)

This item is deemed to be restricted by virtue of 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.

Restricted Item - Slieve Gullion - Clanyre Group.docx

Not included

### Notices of Motion

## 21.0 To consider the following Notice of Motion arising from Council Meeting held on Monday 1 April 2019: (Copy attached)

Newry Mourne and Down District Council enters into discussions with the Annesley Estate proposing that Council leases the woodland known as Donard Demesne Newcastle, in order that this woodland area can be properly maintained and made an attractive area to compliment the amenities already existing in Donard Park, with the view to improving the recreational, health and wellbeing and tourism potential. This



area is an important habitat that requires adequate management.

 *Notice of Motion - Donard Demesne.docx*

*Page 138*

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***For Noting***

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**22.0 Update re: NI Business Start Up Programme. (Copy attached)**

 *Noting - NIBSUP Update.docx*

*Page 143*

**23.0 Strangford Lough and Lecale Outdoor Recreational Plan.  
(Copy attached)**

 *Noting - SLLP Outdoor Recreation Plan.docx*

*Page 145*

**24.0 Environment Fund Letter of Offer for Ring of Gullion and  
Strangford Lough & Lecale AONB. (Copy attached)**

 *Noting - Environment Fund LoO.docx*

*Page 147*

**25.0 Update re: City Deal. (Copy attached)**

 *Noting - City Deal update - EER.docx*

*Page 149*

**26.0 EER Financial Assistance Applications. (Copy attached)**

 *Noting - EER financial assistance applications.docx*

*Page 152*

**27.0 Applications to "Live Here, Love Here" - AONB projects.  
(Copy attached)**

 *Noting - Live Here Love Here.docx*

*Page 154*

**28.0 Update re: Newcastle and Warrenpoint Beaches. (Copy  
attached)**

 *Noting - Newcastle and Warrenpoint Beaches Update.docx*

*Page 156*

**29.0 Update re: Golf Tourism (EPIC Event/TNI Fam trip). (Copy  
attached)**

 *Noting - Golfing update.docx*


*Page 158*

**30.0 Planning Performance. (Copy attached)**

- (a) Planning Committee Performance Report.
- (b) Committee Report

- (c) Appeals and Decisions

 *a. APRIL 2019 Planning Committee Performance Report.docx* **Page 161**

 *b. 29 May 2019 Committee Report.docx* **Page 165**

 *c Planning Appeals and Decisions April 2019.pdf* **Page 166**

### **31.0 Scheme of Delegation. (Copy attached)**

 *Scheme of Delegation for June 2019 ERT.pdf* **Page 215**

### **32.0 Historic Action Tracker. (Copy attached)**

 *ERT Historic Action Tracker Sheet for JUNE Mtg 2019.docx* **Page 216**

# Invitees

Cllr Terry Andrews

Cllr Gregory Bain

Cllr Patrick Brown

Cllr Robert Burgess

Cllr Pete Byrne

Mr Gerard Byrne

Mrs Dorinnia Carville

Cllr charlie casey

Cllr William Clarke

Cllr Dermot Curran

Cllr Laura Devlin

Ms Louise Dillon

Cllr Sean Doran

Cllr Cadogan Enright

Cllr Hugh Gallagher

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Mr Liam Hannaway

Cllr Valerie Harte

Cllr Harry Harvey

Cllr Terry Hearty

Cllr Roisin Howell

Mr Colum Jackson

Mrs Sheila Kieran

Cllr Liz Kimmins

Cllr Mickey Larkin

Miss Mary Lennon

Cllr Alan Lewis

Mr Michael Lipsett

Sandra Magee

Cllr Oonagh Magennis

Cllr Gavin Malone

Cllr Cathy Mason

Colette McAteer

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Marian McIlhone

Cllr Harold McKee

Patricia McKeever

Cllr Karen McKevitt

Mr Roland Moore  
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Margaret Morrow  
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Cllr Roisin Mulgrew  
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Cllr Barra Ó Muirí  
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Linda O'Hare  
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Cllr Gerry O'Hare  
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Mr Andy Patterson  
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Cllr Henry Reilly  
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Martin Robinson  
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Cllr Michael Ruane  
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Cllr Michael Savage  
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Cllr Gareth Sharvin  
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Donna Starkey  
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Cllr Gary Stokes  
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Sarah Taggart  
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Cllr David Taylor  
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Cllr Jarlath Tinnelly  
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Cllr John Trainor  
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Cllr William Walker  
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Mrs Marie Ward  
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## **ENTERPRISE, REGENERATION AND TOURISM COMMITTEE**

### **Proposed start times for consideration at ERT Committee Mtg June 2019**

<b>Date</b>	<b>Time</b>	<b>Location</b>
10 June 2019	3pm	Boardroom, Monaghan Row, Newry
12 August 2019	5pm	Boardroom, Monaghan Row, Newry
9 September 2019	3pm	Boardroom, Monaghan Row, Newry
14 October 2019	5pm	Boardroom, Monaghan Row, Newry
11 November 2019	3pm	Boardroom, Monaghan Row, Newry
9 December 2019	5pm	Boardroom, Monaghan Row, Newry
13 January 2020	3pm	Boardroom, Monaghan Row, Newry
10 February 2020	5pm	Boardroom, Monaghan Row, Newry
9 March 2020	3pm	Boardroom, Monaghan Row, Newry
Wednesday 15 April 2020	5pm	Boardroom, Monaghan Row, Newry
11 May 2020	3pm	Boardroom, Monaghan Row, Newry

ACTION SHEET - ENTERPRISE REGENERATION & TOURISM COMMITTEE MEETINGMONDAY 11 MARCH 2019

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>ERT/ 038/2019</b>	TOLLYMORE FOREST PARK	<b>Decision taken at Council Mtg March 2019</b> To amend <b>ERT/038/2019</b> to reflect Cllr Clarke's proposal that Council seek expressions of interest alongside negotiating with Forestry Service with regard the Tea Rooms in Tollymore Forest Park.	A Patterson	Forest Service have appointed a mobile vendor and Council have reverted to FS on proposed lease arrangements	N
<b>ERT/ 025/2019</b>	NEWCASTLE & WARRENPOINT BEACHES	<b>Decision taken at Council Mtg March 2019</b> Regarding <b>ERT/025/2019</b> , it was agreed Council seek external funding options for an artificial beach in Newcastle and bring a business case to ERT Committee for decision.	A Patterson	Update on ERT June	Y
ERT/ 043/2019	NEWRY CANAL PROJECT LOCK 5 AND 6	(a) Council transfer any underspend from the Lock No.5 Restoration to Lock No.6 Restoration Project.  (b) Subject to budget transfer, Council	M Robinson	Works ongoing in regards to Lock No.5 - expected completion in late summer 2019 (additional Schedule Monument Consent being	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		carry out the required survey/design studies and actual contractual works for restoration now required to Lock No.6.		obtained) Condition survey work now underway (May 2019)	
ERT/ 044/2019	SERVICE LEVEL AGREEMENTS ARTISAN MARKETS NEWCASTLE & DOWNPATRICK	(a) To approve the renewal of the Service Level Agreements with Down Community Collective and Unit T to deliver 10 Artisan markets in each location in the 2019/20 financial year.  (b) Council Officials to update Councillor McAteer regarding a date for Warrenpoint Market as part of the ongoing Revitalisation Project for Warrenpoint.  (c) Council Officials to investigate the option of supporting an Artisan market in Saintfield.	M Robinson	(a) Completed (b) Warrenpoint Market scheduled for 8 <sup>th</sup> June (c) Review underway and an options paper will be brought to future meeting of ERT	N
ERT/ 045/2019	FINANCIAL SUPPORT MADE IN MOURNE TRADE VISIT WASHINGTON / NEW YORK MARCH 2019	To note Council have provided support in the sum of £1,250 for 2 No. representatives from Made in Mourne to undertake an international Trade Visit to America in March 2019 in order to develop international trading opportunities for the 70+ creative business within the Made in Mourne network	M Robinson	Completed and evaluation report on file	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
ERT/ 046/2019	NMDDC STRANGFORD LOUGH & LECALE PARTNERSHIP COASTAL COMMUNITIES FUNDING	<p>(a) To note a funding application has been submitted to the Coastal Communities Fund for the delivery of actions 3.4 and 3.5 of the Strangford &amp; Lecale AONB Action Plan 2017-22, and if successful Council proceed to implement the project as per a Letter of Offer.</p> <p>(b) A further report to be tabled notifying the Council of the outcome of the application and if successful, the outputs of the final programme of activity.</p>	M Robinson	Application submitted and under assessment. Outcome expected July.	N
ERT/ 047/2019	BELFAST REGION CITY DEAL	<p>(a) To approve and sign the Belfast Region City Deal Heads of Terms Agreement with the BRCD partners, UK Government and the NI Government which confirms the collective commitment to work in partnership and ensure delivery of the Belfast Region City Deal programme.</p> <p>(b) To convey back to the Partners, sentiments expressed by Councillor P Byrne regarding the need to clarify wording contained in Page 9 of the Agreement on the UK Government's</p>	M Ward	Complete  Heads of Terms signed. Query on wording clarified with Cllr Byrne.	Y



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		commitment to match the figure of £350 million as it currently stated "up to £350 million" whereas the other partners state "investing £350 million".			
ERT/ 048/2019	SERVICE LEVEL AGREEMENTS	<p>(a) To approve the list of Service Level Agreements as contained in Report dated 11 March 2019 from Mr A Patterson Assistant Director Tourism Culture &amp; Events (Point 2.1) regarding Service Level Agreements 2019/20.</p> <p>(a) Arrangements be made in order that Councillors can view the contents of Service Level Agreements.</p>	A Patterson	Complete	Y
ERT/ 049/2019	TYRELLA MASTERPLAN	(a) To appoint a design and build contract from the Council Framework to upgrade the car park at Tyrella beach, improve visitor servicing thus improving the visitor experience on the basis of budget provision of £275,000 which will complement £40,000 commitment previously agreed by Council to undertake minor aesthetic improvements around the site as per the business case.	A Patterson	Ongoing	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		(b) Council Officials arrange for potholes to be addressed at the Car Park at Tyrella Beach before the summer season.			
ERT/ 050/2019	CRANFIELD BEACH	<p>(a) To appoint a contractor to undertake remedial works to improve Breakwater, disabled and pedestrian access, minor improvements to Ameracam Lane and drainage and repair damage to manholes on beach as per the Business Case.</p> <p>(b) To undertake a structural assessment of the breakwater to identify work required to ensure it is structurally sound.</p> <p>(c) Council Officials to examine a suggestion from Councillor R Burgess for Greencastle Castle to be opened to the public.</p>	A Patterson	Complete	Y
ERT/ 118/2017	LEASE OF PAVILION	To refer a request from Cllr J Tinnelly for the Lease at Rostrevor Tennis	A Patterson	Ongoing	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	ROSTREVOR TENNIS CLUB	Club Pavilion not to be finalised until such times as discussions regarding the Football Club changing rooms are completed, to the Regulatory & Technical Services Department for consideration.			
ERT/ 057/2019	TOURISM EVENTS FUND	Council Officials to provide information on the criteria for applications for financial assistance under the Tourism Events Fund.	A Patterson	Complete	Y
ERT/ 058/2019	LICENCE HERON'S NEST DELAMONT COUNTRY PARK	(a) To approve a Licence Agreement with the Education Authority for a period of approximately 26 weeks, for the use of the Heron's Nest building at Delamont Country Park, subject to obtaining a valuation from Land and Property Services (LPS)  (c) To ensure the Council are indemnified during lease period.	A Patterson	Complete	Y
ERT/ 059/2019	FULL FIBRE NORTHERN IRELAND (FFNI)	(a) To enter into the Consortium Agreement with NMDDC as the lead Council. (b) To proceed to work with Consortium members to meet the	M Ward	Complete  Consortium Agreement in draft with FFNI partners.	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>specified conditions set out in the checkpoints by DCMS to meet the assurance process</p> <p>(c) To approve the appointment of an external consultant to assist the FFNI team with the design of technical procurements and calls off</p> <p>(d) To proceed to develop procurement calls for fibre and launch procurements for all sites in phase 1 and authorise the award of contracts.</p> <p>(e) To accept the Letter of Offer in line with all Governance requirements and compliance being met.</p> <p>(f) To note this cost is funded by DCMS through the LFFN funding.</p> <p>(g) To take on board the points raised by Councillors regarding the lack of broadband in rural areas for households and business premises.</p>		Letter of Offer received for £15 million up to 31 March 2021	
ERT/ 060/2019	APPLICATION HERITAGE LOTTERY FUND CASTLEWELLA N FOREST PARK	<p>(a) To approve the Business Case for Integrated Consultancy Team for Grange and Traffic as part of NLHF Round One Development works in Castlewellan Forest Park.</p> <p>(b) To approve the Business Case for Horticultural Consultant for Grange and Traffic as part of NLHF Round One Development works in</p>	M Robinson	Complete	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Castlewellan Forest Park.</p> <p>(c) Proceed with issuing ITT for Integrated Consultancy Team for Grange and Traffic as part of NLHF Round One Development works in Castlewellan Forest Park.</p> <p>(d) Proceed with issuing ITT for Horticultural Consultant as part of NLH Round One development works Castlewellan Forest Park.</p> <p>(e) Proceed with issuing RFQ for Biodiversity/ Ecological Surveys as part of NLHF Round One Development Works Castlewellan Forest Park.</p> <p>(f) Proceed with recruitment of NLHF Project Officer for Castlewellan Forest Park.</p> <p>(g) Set up Inter-Departmental Team for Castlewellan Forest Park across Council Directorates: Team to contribute to development of application as required by NLHF.</p> <p>(h) NMDDC to provide letter to NLHF that they will cover the shortfall of £16,000 in case of an unsuccessful DAERA application.</p>			
ERT/ 061/2019	SLIEVE GULLION FOREST PARK REPAIRS TO	To approve the Business Case for capital works at Slieve Gullion Forest Park for repairs to the Plateau Path.	M Robinson	Complete	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	PLATEAU PATH				
END					

<b>Report to:</b>	Enterprise Regeneration and Tourism Committee
<b>Subject:</b>	Business Plan 2019-20
<b>Date:</b>	10 <sup>th</sup> June 2019
<b>Reporting Officer:</b>	Marie Ward, Director Enterprise, Regeneration and Tourism
<b>Contact Officer:</b>	Marie Ward, Director Enterprise, Regeneration and Tourism

### Decisions Required

Members are asked to note the contents of the report, give consideration and agree to:  
The Enterprise, Regeneration and Tourism Business Plan (2019-20)

<b>1.0</b>	<b>Purpose and Background</b> <p>Directorate Business Plans are an essential part of the Council's Business Planning and Performance Management Framework, which provides for the cascade of Members' priorities throughout the organisation and their subsequent performance management.</p> <p>The Business Plans provide important information in relation to planned activity during 2019-20 which will contribute to the achievement of important strategic outcomes for the Council; most notably in relation to the Community Plan, Corporate Plan, Performance Improvement Plan and other key strategies. Business Plans are aligned with the Council's budget for the same period, with other Directorates also tabling Plans for 2019-20 to their respective parent Committees in June 2019.</p>
<b>2.0</b>	<b>Key Issues</b> <p>Performance Review</p> <p>Receives and makes decisions on the majority of planning applications Enforces breaches of planning permission Makes tree preservation orders Produced a local development plan outlining how land in Down and South Armagh should be used and developed in the future.</p> <p>Business Plans</p> <p>Copies of The Enterprise, Regeneration and Tourism Business Plans (2019-20) are provided at Appendices.</p>
<b>3.0</b>	<b>Recommendations</b> <p>Members are asked to note the contents of the report, give consideration and agree to: The Enterprise, Regeneration and Tourism Business Plan (2019-20)</p>
<b>4.0</b>	<b>Resource Implications</b> <p>There are resource implications arising from this report as the delivery of actions within the respective Business Plans will be resourced from the agreed budget for 2019-20.</p>
<b>5.0</b>	<b>Equality and Good Relations implications</b> <p>There are no equality or good relations implications arising from this report, however</p>

	specific tasks within each Business Plan may be subject to their own statutory screening. The outcomes of which will be reported to Members as part of future Officer recommendations.
<b>6.0</b>	<b>Appendices</b> Enterprise, Regeneration and Tourism Directorate Business Plan (2019-20)



# Enterprise, Regeneration and Tourism Directorate

## Annual Business Plan 2019-20



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

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## 1.0 Introduction

1.1 The Enterprise, Regeneration and Tourism (ERT) Directorate is responsible for the following key functions of Council:

- **Economic Development**
- **Regeneration**
- **Tourism Development and Promotion**
- **Tourism Facilities Management and Development**
- **Arts and Culture**
- **Heritage**
- **EU Funding**
- **AONB Management**
- **Planning Development Management and Control**
- **Local Development Plan**
- **Building Control**
- **Licencing**
- **Council Car Parks**
- **Events**
- **International Relations**

## 2.0 Background and Context

- 2.1 The ERT Business Plan is developed within the context of the Community Plan, Corporate Plan and Performance Improvement Plan. The Community Plan sets out the long term outcomes for the District, based on the needs and aspirations of local people. The Corporate Plan sets out the key priorities for the Council between 2015-19, and how it will contribute to achieving the community planning outcomes. The Performance Improvement Plan highlights the positive outcomes stakeholders can expect to see through the annual performance improvement objectives, which are clearly aligned to community planning outcomes and corporate priorities.
- 2.2 The Community Plan, Corporate Plan and Performance Improvement Plan are cross cutting and strategic in nature. They guide all activity within the organisation, as well as the subsequent allocation of resources, and sit within a hierarchy of plans, as outlined in the 'Business Planning and Performance Management Framework' (Figure 1).
- 2.3 The Business Planning and Performance Management Framework drives and provides assurance that the Council is delivering its corporate vision and priorities, whilst securing continuous improvement in the exercise of functions. It provides a mechanism to join up and cascade the various plans and strategies across the organisation, demonstrating how employees contribute to achieving community planning outcomes and corporate priorities, for the ultimate benefit of the citizens we serve.

**Figure 1: Business Planning and Performance Management Framework**



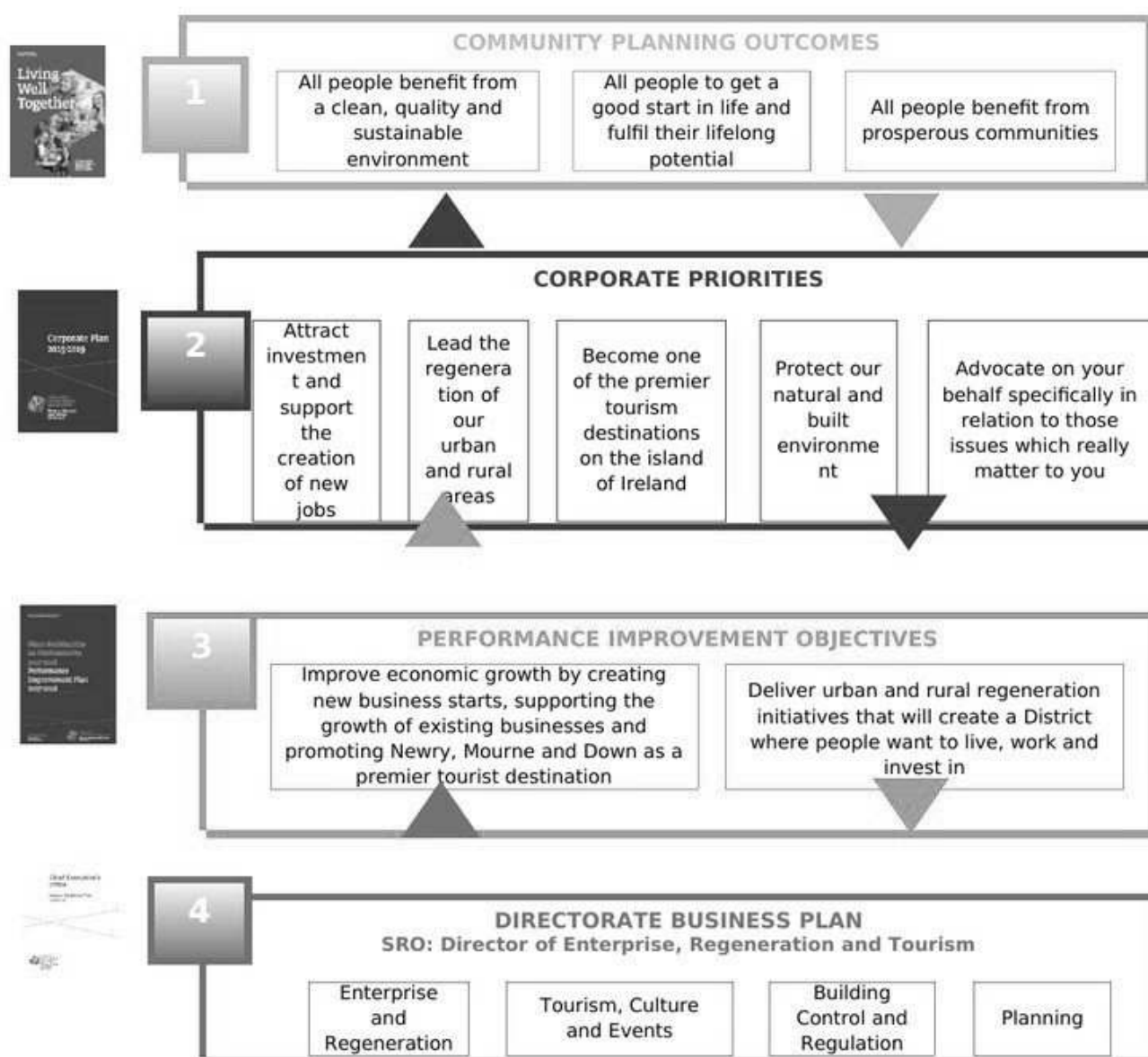
- 2.4 The ERT Business Plan provides an overview of the key operational activities for the coming year. These activities are explicitly linked to corporate priorities, and coupled with 'business as usual' service delivery, provide clear direction for all employees within the Office (Figure 2). The ERT Business Plan is published annually and is the basis upon which performance is managed and reviewed by full Council, the Enterprise, Regeneration and Tourism, Regulatory and Technical Service Committee's and Senior Management Team.

## 3.0 Purpose and Values

### 3.1 Purpose

3.1.1 The ERT Directorate's primary purpose is to develop, implement and monitor key strategies and plans to deliver economic, regeneration, tourism, arts and culture outcomes for the Council that contribute to the delivery of community planning outcomes and corporate priorities.

**Figure 2: ERT Alignment across the Business Planning and Performance Management Framework**



## 3.2 Values

3.2.1 The Directorate adheres to the Council's values which are outlined in the Corporate Plan 2015-19:

We Will Be	What This Means
Citizen Focused	We will actively encourage citizen and community engagement, as well as be a listening and responsive Council.
Accountable	We will make decisions based on an objective assessment of need and operate in a transparent way as well as openly report on our performance.
Collaborative	We will actively encourage and pursue working in partnership and at all levels to deliver for our District.
Sustainable	We will take into account the social, economic and environmental impacts of our decisions on current and future generations.
Fairness	We will proactively target actions at those who are marginalised in our community.

3.2.2 In accordance with the Section 75 requirements of the Northern Ireland Act (1998), the CEO is committed to carrying out its functions having due regard to the need to promote equality of opportunity and regard for the desirability to promote good relations. All new and revised policies, procedures and programmes of work will be subject to an equality screening and rural needs impact assessment (where appropriate).

## 4.0 Challenges and Opportunities

4.1 The ERT was established in 2017 following the reorganisation of the former Strategic Planning and Performance Directorate and Regulatory and Technical Services Directorate. The directorate continues to evolve in line with organisational change, and remains committed to developing and embedding the necessary plans, policies and processes to deliver improvement across the organisation.

4.2 Influences within the external and internal environment continuously present challenges and opportunities, which have an impact on the overall management and operation of the ERT Directorate. These influences can be summarised as follows:

### External Environment

Potential considerations:

- Brexit and the impact on EU funding on existing and future programmes of work
- City Deal
- Political uncertainty in relation to funding from the DFC
- Finalising/closing the rural development programme
- Consumer demand for arts and culture initiatives
- Technological advancements / broadband etc
- **Legislation:** Ensuring legislative compliance with The Local Government (NI) Act 2014 and subsequent Orders, specifically in relation to the Duty of Community Planning, Duty of Improvement and Political Governance.
- **Strategic Alliances:** Collaborating with stakeholders to address the impact of Brexit and continue to operate amidst wider political uncertainty.
- **Community Planning:** Strengthening existing partnerships and progressing the implementation of the four Thematic Delivery Plans to support the achievement of the long term community planning outcomes.
- **Local Government Reform:** Addressing legacy issues and successfully integrating the new powers and functions created by Local Government Reform.
- **Evidence Based Decision-Making:** Ongoing collation of national, regional and local datasets to inform and influence local decision-making, policy development and service provision.
- **Global trends:** Considering the impact of complex social issues, the needs of a growing and ageing population, increased demand for public services and rising customer expectations on public service provision.

### Internal Environment

- **Management:** Successfully establishing the Office in terms of its structure, governance, internal processes and increased responsibilities. Tier 4 positions are now in place and the focus is on recruiting to Tier 5 positions.
- **Resources:** Identifying and securing the financial and non-financial resources required for the Office to successfully develop and discharge its responsibilities amidst increased budgetary constraints and austerity.
- **Democracy:** Ensuring Elected Members and the Council's decision-making structures are provided with appropriate levels of support to enable the effective and efficient discharge of their responsibilities.
- **Transformation and Improvement:** Leading the development and implementation of a transformational programme of change at both strategic and operational levels, enabling employees and Elected Members to drive forward improvements that meet resident needs and aspirations.



- **Performance Management:** Monitoring and reviewing Council performance, highlighting areas of high-performance, identifying areas for intervention and facilitating the development of a performance improvement culture.
- **Risk Management:** Managing potential risks and opportunities in achieving the key actions outlined in the CEO Business Plan by adhering to the Corporate Risk Management Policy and reviewing the CEO Risk Register on a quarterly basis.

## 5.0 ERT Supporting Actions

### Key Office Actions

**Enterprise and Regeneration** – Work with partners to lead the implementation of the Economic, Regeneration and Investment Strategy.

**Tourism, Culture and Events** – Work with partners to lead the implementation of the Tourism Strategy. Lead the development and implementation of Culture and Arts Strategy

**Building Control and Regulation** – A statutory duty to apply the Building Regulations and licencing obligations of Council. The management of Car Park facilities owned and operated by Council

**Planning** – Receives and makes decisions on the majority of planning applications, enforces breaches of planning permission, makes tree preservation orders. Produce a local development plan outlining how land in Down and South Armagh should be used and developed in the future.

Key ERT Actions		Timescale
Enterprise, Employment and	Implement and deliver ERDF funded business mentoring programmes to support the continued growth of our existing business case.	Q1-Q4
	Establish a cohesive Social Enterprise Programme that compliments and adds value to the work of other agencies (DfC, INI etc) that operate in this sector.	Q1-Q4
	Delivery of NI Business Support Programme in collaboration with 10 partner Councils and Invest NI	Q1-Q4
	Develop a new funding proposal for continued Business Start Up support for March 2021 onwards that delivers against statutory job creation targets.	Q4
	Sign Heads of Terms for the Belfast Region City Deal bid in co-operation with 5 partner Councils and	Q1-Q4



Regeneration	continued development of the City Deal investment pillars and associated Governance arrangements.	
	To continue to explore and engage in opportunities to build international relations and stimulate investment opportunities for local businesses.	Ongoing
	Deliver a National Lottery Heritage Fund (NLHF) Development Phase at Castlewellan Forest Park and prepare a second round application for funding to develop the park as a heritage led visitor and tourist destination.	Q1-Q4
	Warrenpoint Municipal Park: Implement the Activity Plan as per the National Lottery Heritage Fund Letter of Offer	Q1-Q4
	Delivery of the NI Rural Development Programme as per strategy for 2019/20	Q1-Q4
	Implementation and delivery of RDP Funded Village Renewal schemes across the NMD area.	Q1-Q4
	Implementation and delivery of a regeneration schemes in Derrymore Demense, Bessbrook	Q1-Q4
	Delivery of the SEA FLAG Fisheries Programme as per strategy for 2019/20	Q1-Q4
	Conclude development brief exercises for sites at Warrenpoint Baths	Q2
	Conclude development brief exercise for Lisburn Street Carparks Ballynahinch	Q2
	Secure all lands and carry development brief process to realise the regeneration of the former PSNI station site and adjacent lands in Downpatrick.	Q3
	Further development of the Regeneration forward plan and implementation of public realm works along lower Hill Street, Newry	Q1-Q4
	Secure a preferred partner for the development of Theatre, Conference and Civic Centre for Newry City.	Q1
	Establish an effective programme and structure for AONB management across the 3 AONBs in the District.	Q2
	To secure funding for the implementation of a new 3 year action plan for the Ring of Gullion and Strangford Lough and Lecale AONB	Q1

	Implementation of the LPS for Ring of Gullion as per agreed action plan.	Q2
	Continued development of collaboration across all sectors to promote regeneration, business growth and international investment within the District.	Ongoing
	Work in partnership with Councils and other partners in relation to Brexit.	Ongoing
	Deliver an Innovation Conference for the District	Q3
	Deliver a Tourism Marketing Programme in line with Tourism NI's new Tourism Strategy and Marketing Brand Proposition to support the district becoming one of the premier tourist destinations and reinforce the position of Outdoor Capital.	Q4
	Create destination experiences through: <ol style="list-style-type: none"> <li>1. The development and delivery of Visitor Experience Plans;</li> <li>2. Experiential Package Development;</li> </ol>	Q1-Q4
	Create and deliver a new Tourism Business Support Programme to support micro-tourism businesses to: <ol style="list-style-type: none"> <li>1. Develop new commercially-sustainable visitor experiences;</li> <li>2. Grow business capacity and skills</li> <li>3. Grow tourism revenue</li> </ol>	Q3-Q4
	Collaborate and engage with key stakeholders to ensure the ongoing delivery of the Tourism Strategy and to reinforce a strong partnership approach to tourism growth and leadership: <ol style="list-style-type: none"> <li>1. Tourism Forum of industry stakeholders</li> <li>2. Cross-party Tourism Task and Finish group</li> <li>3. Cross-departmental Project Teams from Cleansing, Estates, Leisure, Community to address key issues</li> </ol>	Ongoing
	Develop and deliver a new Tourism Events Programme in line with strategic priority of growing the economic impact of tourism in the district.	Q4
	Work with key partners in industry and Government to create a Sustainable Tourism Growth Plan for the region, to address: <ol style="list-style-type: none"> <li>1. Environmental impact of tourism growth in rural areas</li> </ol>	Q3-Q4

	<ol style="list-style-type: none"> <li>Traffic and visitor management at key sites</li> <li>Maintaining and improving quality standards and visitor experience, whilst ensuring tourism growth</li> </ol>	
	Continue to prioritise the reorganisation of the structure within ERT to ensure delivery of tourism development, visitor services and marketing, tourism event delivery, and heritage and arts development.	Ongoing
	<p>Develop sales plans and deliver key projects to prioritise growth in the following Key Tourism Sectors:</p> <ol style="list-style-type: none"> <li>Food and drink; 2. Golf Tourism; 3. Screen Tourism;</li> <li>Incentive Tourism</li> </ol>	Q4
	<p>Continue to progress key Tourism Capital Investment Projects in partnership with Government stakeholders:</p> <ol style="list-style-type: none"> <li>Gateway to the Mourne as part of the BRCD</li> <li>Investment in our Forest Parks, Country Park, and Beaches</li> <li>Newry Canal Blueway concept and Great Eastern Greenway</li> </ol>	Ongoing
	Submit a full application for the UNESCO Geopark Project to International Geoscience and Geopark Programme (IGGP) by November 2019.	Q3
Tourism, Culture, Heritage and Events	<p>Launch the Council's new Arts, Culture and Heritage Strategy and Action Plan to:</p> <ol style="list-style-type: none"> <li>Grow and develop our arts and heritage offering in Council venues;</li> <li>Increase participation and engagement of communities throughout the district in our arts and heritage offering;</li> <li>Support key events organisers, musicians, artists and arts groups to promote and celebrate the unique arts, culture and heritage offering of this district</li> </ol>	Q2
		Q3
	Collaborate and engage with key stakeholders through a newly formed Arts Forum to deliver the Arts, Culture and Heritage Strategy and to reinforce a strong partnership approach to growth of the sector.	Q1-Q4
	Progress the development of the major new Theatre, Arts and Conference facility in Newry under BRCD and as part of the delivery of the new Arts, Culture and	

	Heritage Strategy.	
Building Control and regulation	Increase the online/automated phone applications for Dog Licences from 20% to 40%	Q3
	Introduce the online facility for BN and RG BC applications	Q2
	Introduce the online facility for Licences (General)	Q4
	Set performance targets for Licensing applications	Q3
	Rationalise the alignment of bye-laws enforcement of the off street car parking service through the district.	Q3
	Maintain an effective monitoring and reporting procedure to demonstrate effective performance within Building Control and Licensing.	Ongoing
	Work in conjunction with DfI and Translink to identify and develop P&R and P&S sites within the district.	Ongoing
	Maintain an effective information sharing procedure between Building Control and Planning	Ongoing
	Rationalise the alignment of bye-laws enforcement of the dog control service throughout the District.	Q3
	Implementation of the car park strategy in line with overall regeneration objectives for the district, initially concentrating on Newry.	Ongoing
	Replace NI Direct call management system with Council's own internal call management.	Q3
Planning	To process 60% of local applications within 15 weeks.	Q4
	To process 75% of major applications within 30 weeks.	Q4
	Conclude 75% of enforcement cases within 39 weeks.	Q4
	Publish Draft Local Development Plan Strategy by end of 2020	Ongoing
	NI Planning IT System - complete the procurement exercise for the new IT System.	Q3
	Develop Council guidance and checklists for the submissions of planning applications.	Q4

## 6.0 Performance

- 6.1 In addition to managing and monitoring financial and human resources, the following performance measures will be monitored during 2019-20:

Measures of Success
<b>Economic Development (statutory):</b> <ul style="list-style-type: none"> <li>The number of Business Plans approved (target: 301)</li> <li>The number of jobs promoted (target: 155)</li> <li>The number of new business starts (target: 205)</li> </ul>
<b>Building Control:</b> <ul style="list-style-type: none"> <li>Domestic Building Control applications processed within 21 days from the date of submission Target: 77%</li> <li>Commercial Building Control applications processed within 35 days from the date of submission target: 77%</li> <li>All Building Control applications processed within 56 days from date of submission (target: 100%)</li> <li>Amendments to applications (BR3 returns) to be processed within 14 days from date of re-submission (target: 82%)</li> <li>All Building control applications to be validated within 7 days from the date of submission – Target 100%</li> </ul>
<b>Tourism, Culture and Events:</b> <ul style="list-style-type: none"> <li>Tourism visitor revenue</li> <li>Tourism visitor volume (overnights)</li> <li>Tourism jobs supported</li> <li>Visitor revenue in arts, culture and heritage venues</li> <li>Visitor volume in arts, culture and heritage venues</li> <li>Engagement of local communities in arts, culture and heritage programmes</li> </ul>
<b>Planning (statutory):</b> <ul style="list-style-type: none"> <li>Local planning applications to be processed within an average of 15 weeks.</li> <li>Major planning applications to be processed within an average of 30 weeks.</li> <li>70% of all enforcement cases concluded within 39 weeks of complaint receipt.</li> </ul>

### ERT Plans and Strategies

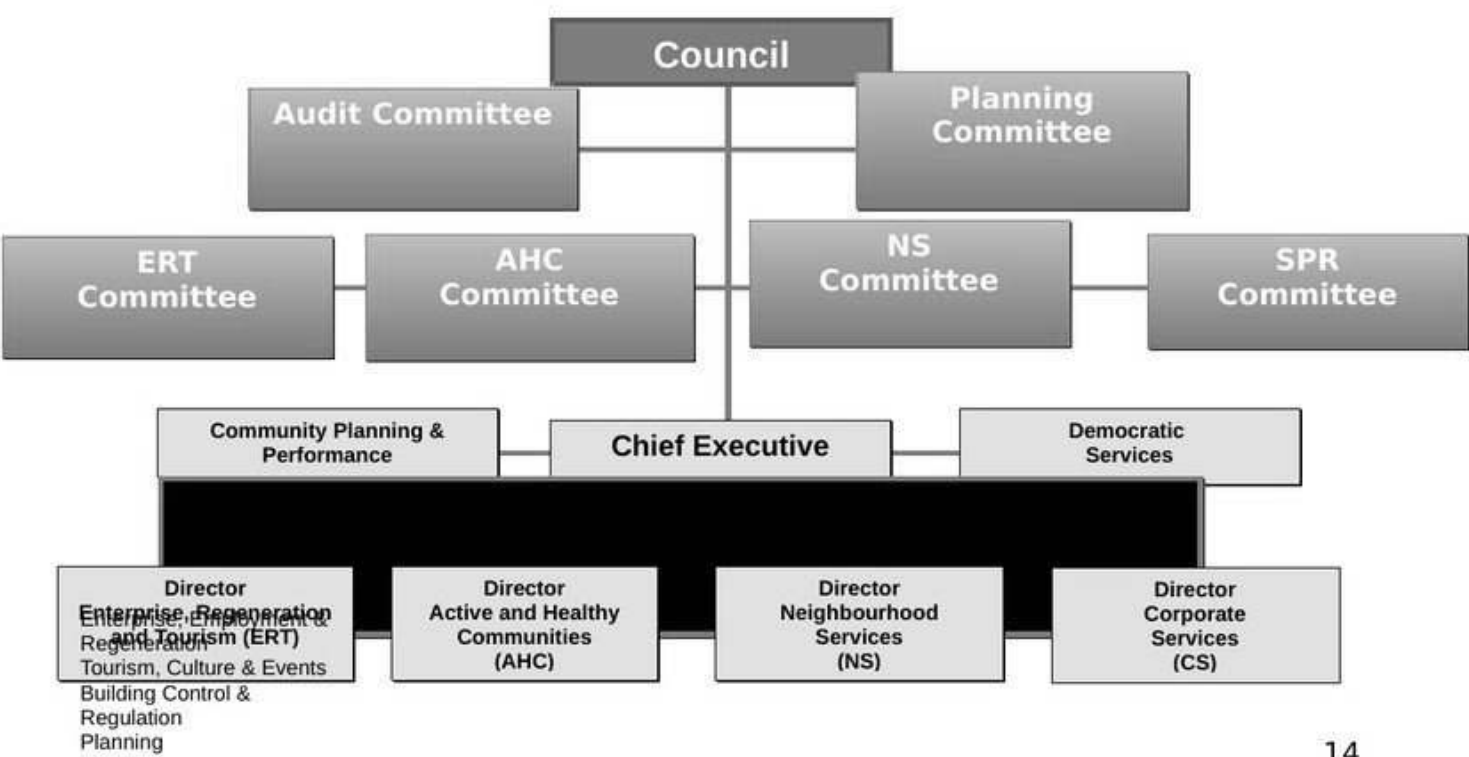
- 6.3 The ERT Directorate is responsible for leading the development, implementation and review of the following plans and strategies, which influence the work of the Office and Council:
- Economic, Regeneration and Investment Strategy
  - Tourism Strategy
  - Rural Development Strategy
  - Arts and Culture Strategy

- Local Development Plan – Preferred Options Paper

7.0 Organisation and Directorate Structure

7.1 The ERT Directorate is one of five Departments, which together, comprise the Management structure of the Council. The management structure of the Council is set-out in Figure 3.

Figure 3 - Council Management Structure





Leisure  
Health & Wellbeing  
Community Engagement

Waste Management  
Facilities Management &  
Maintenance

Corporate Planning & Policy  
Finance  
Administration  
Human Resources  
Estate and Capital Projects

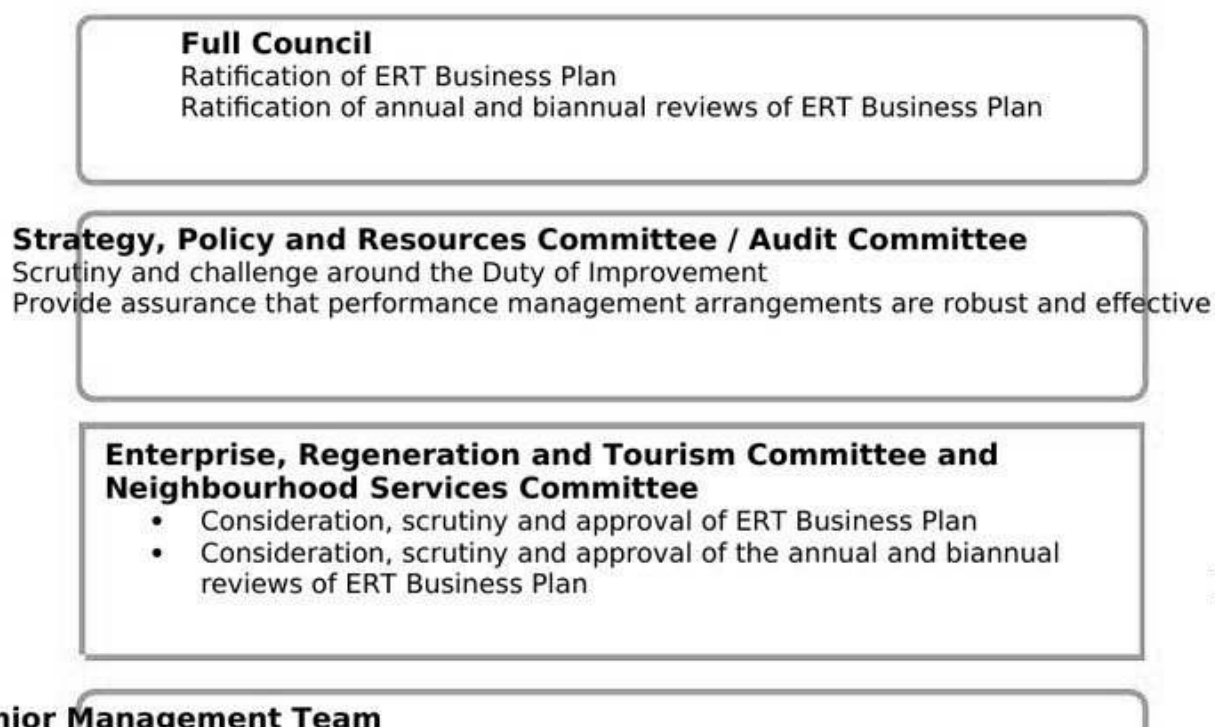
## 8.0 Financial Information

Net estimated expenditure Revenue (2019-20)	
Enterprise, Employment and Regeneration	£1,186,061
Tourism, Culture, Heritage and Events	£5,858,667
Building Control and Regulation	£235,318
Planning	£911,757
<b>TOTAL: ERT Directorate</b>	<b>£8,191,804</b>

## 9.0 Governance Arrangements

- 9.1 Reviewing performance and reporting progress to Elected Members and other key stakeholders facilitates transparency, accountability and improvement in everything the Council does. The political and organisational governance arrangements to develop, monitor and report the Council's progress in implementing the ERT Business Plan are outlined below, and are supplemented by regular reviews by the ERT Director and her team. The governance arrangements the Council has put in place to deliver continuous improvement are also subject an annual audit and assessment by the Northern Ireland Audit Office.

**Figure 5: Governance Arrangements**







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

0300 013 2233 (Council)  
0300 200 7830 (Planning)  
[council@nmandd.org](mailto:council@nmandd.org)  
[www.newrymournedown.org](http://www.newrymournedown.org)

**Oifig an Lúir  
Newry Office**  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

**Oifig Dhún Pádraig  
Downpatrick Office**  
Downshire Civic Centre  
Downshire Estate, Ardglass  
Road  
Downpatrick BT30 6GQ

<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Working Groups
<b>Reporting Officer (Including Job Title):</b>	Marie Ward Director Enterprise, Regeneration and Tourism
<b>Contact Officer (Including Job Title):</b>	Marie Ward Director Enterprise, Regeneration and Tourism

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

<b>For decision</b>	<b>X</b>	<b>For noting only</b>													
<b>1.0</b>	<b>Purpose and Background</b>														
1.1	A number of groups were agreed in ERT Committee in the 2015 - 2019 term of Council and these will continue to operate in this term of Council for the purposes of providing political guidance and support.														
<b>2.0</b>	<b>Key issues</b>														
2.1	<p>It has been agreed that the following working groups would be made up from the members of the ERT committee and that the make up of the groups would remain as before:</p> <table><tr><td><b>Brexit Forum</b></td><td><b>Tourism/Arts Task and Finish</b></td></tr><tr><td>1 Sinn Fein</td><td>2 Sinn Fein</td></tr><tr><td>1 SDLP</td><td>2 SDLP</td></tr><tr><td>1DUP</td><td>1 DUP</td></tr><tr><td>1UUP</td><td>1 UUP</td></tr><tr><td>1 Alliance/Independent</td><td></td></tr></table> <p><b>Economic Forum</b></p> <p>2 Sinn Fein 2 SDLP 1 DUP 1 UUP 1 Alliance/Independent</p> <p>The Arts and Culture Strategy is in the process of development and will be due to be publicly consulted on in August/September 2019. It is recommended that the remit of the Tourism Task and Finish Group is extended to cover the Arts and Culture.</p>			<b>Brexit Forum</b>	<b>Tourism/Arts Task and Finish</b>	1 Sinn Fein	2 Sinn Fein	1 SDLP	2 SDLP	1DUP	1 DUP	1UUP	1 UUP	1 Alliance/Independent	
<b>Brexit Forum</b>	<b>Tourism/Arts Task and Finish</b>														
1 Sinn Fein	2 Sinn Fein														
1 SDLP	2 SDLP														
1DUP	1 DUP														
1UUP	1 UUP														
1 Alliance/Independent															
<b>3.0</b>	<b>Recommendations</b>														
3.1	<p>To provide names of party members from ERT as outlined above.</p> <p>To extend the remit of the Tourism Task and Finish Group to incorporate Arts and Culutre.</p>														

<b>4.0</b>	<b>Resource implications</b>
4.1	Available within current budgets.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.
<b>7.0</b>	<b>Appendices</b>
	None
<b>8.0</b>	<b>Background Documents</b>
	None

<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Sponsorship for NI Small Business Conference, to be held in Newry City Sept 2019
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director for Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Amanda Smyth Head of Regeneration and Business Development

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

<b>For decision</b>	<b>X</b>	<b>For noting only</b>	
<b>1.0</b>	<b>Purpose and Background</b>		
1.1	<p>Newry Chamber of Commerce and Trade are bringing forward an event to recognise and celebrate small businesses across NI as part of their "Supporting Business - Building Excellence" work plan. The event will be held in September 2019 and potential venues considered are Newry Townhall or Arts Centre</p> <p>The objective of this conference is to provide owner/managers of small businesses with important, relevant information and advice on how to develop and grow their business. It will also profile best practice examples and incorporate facilitated networking sessions and dedicated workshops. The conference will be an opportunity for small businesses to learn from experts in their area, as well as an opportunity to showcase successful small businesses located within our District. An important outcome will be opportunities for businesses to potentially work with each other on mutually beneficial projects as a direct result of engagement at the conference.</p> <p>It will provide essential information and advice covering all key aspects of business activity, including, advice on marketing, sales, finance, export, R&amp;D, e commerce, shared space working; HR and business growth strategies. The interactive nature of the programme which will include keynote speakers and themed workshops, will ensure valuable learning opportunities and insights for our local businesses.</p> <p>Ultimately this conference will highlight this region as an exemplar of small business enterprise and entrepreneurship on a Northern Ireland stage, demonstrating that the District is a place to invest and do business in.</p>		
<b>2.0</b>	<b>Key issues</b>		
2.1	<p>The Chamber would like to deliver this event in partnership with Council; Council will be recognised as the lead sponsor. Council will take a lead role in helping to shape the programme and the themes to ensure that it fits with the Council's economic development objectives. In addition to being</p>		

	<p>involved in the development of the programme, the Council would also receive:</p> <ul style="list-style-type: none"> <li>• A number of stands at the event for promotion of business support programmes</li> <li>• Speaking opportunity on the agenda</li> <li>• Council branding on conference material</li> <li>• Council branding on all PR material surrounding the conference;</li> <li>• Press coverage will include supporting quotations and photograph opportunities</li> <li>• Acknowledgement as principal sponsorship in all pre and post event press releases</li> </ul> <p>This conference offers a unique opportunity to showcase to NI the indigenous micro and small businesses located within the District, how small and micro businesses are recognised on the international stage, and to showcase the District as a dynamic place to invest in and to do business with.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	To support the NI Small Business Conference delivered by Newry Chamber of Commerce and Trade through a lead sponsorship contribution of £10,000
<b>4.0</b>	<b>Resource implications</b>
4.1	£10,000 which is available in existing budgets
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.
<b>7.0</b>	<b>Appendices</b>
	None
<b>8.0</b>	<b>Background Documents</b> None

<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Sponsorship for NI Economic Conference (delivered by Agenda NI)
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director for Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Amanda Smyth Head of Regeneration and Business Development

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

<b>For decision</b>	<b>X</b>	<b>For noting only</b>	
<b>1.0</b>	<b>Purpose and Background</b>		
1.1	<p>Northern Ireland Economic Conference is Northern Ireland's premier economic analysis event and is unique in being the only forum which takes a high level look at the performance of, and prospects for the local economy. Now in its 24th year, the conference is firmly established as the annual autumn 'summit' for Northern Ireland's economic community, including policy-makers and business leaders.</p> <p><u>The Northern Ireland Economic Conference 2019</u></p> <p>In line with the established format, the conference will open with a presentation of the Northern Ireland regional economic forecast, which looks ahead across a range of economic indicators to assess exactly how well the local economy is performing, behind the headline figures. Other issues to be addressed may include:</p> <ul style="list-style-type: none"> <li>• Economic Priorities</li> <li>• Sub-regional economic development, outside Belfast;</li> <li>• Impact of Brexit on the regional economy;</li> <li>• The role of manufacturing in the regional economy</li> <li>• Sectoral / industry updates: agri-food, financial services, manufacturing, construction, ICT;</li> <li>• Tourism in the economy</li> <li>• Promoting &amp; fostering innovation</li> <li>• Promoting entrepreneurship</li> <li>• Infrastructure investment</li> <li>• Boosting productivity</li> <li>• Increasing exports</li> <li>• Role of education and skills</li> <li>• Sectoral / industry updates</li> </ul> <p>The Conference takes place in the autumn, attracting 300 senior industry and economic representatives.</p>		

<b>2.0</b>	<b>Key issues</b>
2.1	<p><u>Opportunity for Newry, Mourne and Down District Council</u></p> <p>Agenda NI have engaged with Council, to host the 2019 Northern Ireland Economic Conference. Association with Northern Ireland's major annual economic conference is a valuable opportunity to reinforce the Council's identity and highlight its economic development activities with a key audience of economic policy-makers and decision-makers from across Northern Ireland and further afield.</p> <p>Sponsorship benefits</p> <ul style="list-style-type: none"> <li>• Newry, Mourne and Down District Council to act as the host for the 2019 Northern Ireland Economic Conference</li> <li>• Council logo on all marketing and promotional materials, including high profile corporate brochure direct-mailed to 6,000 individuals on specialist database and distributed via AgendaNI magazine (circulation 7,000)</li> <li>• Council Chairperson to 'open' the conference</li> <li>• Opportunity to provide a keynote speaker - opportunity to influence key players and highlight Council's economic leadership and vision</li> <li>• Opportunity to provide branded banner/pull-up stands for display during conference</li> <li>• Council logo projected onto conference screen on official event slide, to be displayed during all breaks</li> <li>• Council logo on all conference documentation</li> <li>• Council may provide appropriate insert for inclusion in the delegate documentation packs (A4, maximum 4 pages)</li> <li>• Council may provide corporate gift for distribution to delegates</li> <li>• Ten complimentary delegate places and additional places at significant discount</li> <li>• Council logo featured on conference website and on all digital / online marketing and will be included in social media promotion</li> </ul> <p>It would be recommended that this conference takes place in Newcastle.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	To support the 2019 NI Economic Conference delivered by Agenda NI, through a lead sponsorship at a cost of £10,000.
<b>4.0</b>	<b>Resource implications</b>
4.1	£10,000 which is available in existing budgets
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.

7.0	<b>Appendices</b>
	None
8.0	<b>Background Documents</b>
	None



<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Review of Council's Statutory Job Creation Target for new "Go for It" Programme (post 2021)
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director for Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Amanda Smyth Head of Regeneration and Business Development

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

<b>For decision</b>	<b>X</b>	<b>For noting only</b>	
<b>1.0</b>	<b>Purpose and Background</b>		
1.1	<p>Northern Ireland Business Start Programme (NIBSUP aka 'Go For It') is a regional business start programme, through which entrepreneurs receive support to develop a quality assured business plan. Business start was one of the functions which transferred to Councils in April 2015, following Local Government Reform. Through the Programme, delivered by the Councils since 2015, NIBSUP's key outputs are completed and approved business plans, with the 'jobs promoted' then calculated at a conversion rate, determined by previous programme evaluations of actual jobs created.</p> <p>Following RPA in 2015, statutory targets were allocated to each of the new Councils, totalling 1,625 jobs, as required by the Programme for Government. NMD Council's target is currently 155 jobs, the 5<sup>th</sup> highest of Councils, accounting for 9.5% of the overall 1,625 jobs target.</p>		
<b>2.0</b>	<b>Key issues</b>		
2.1	<p><b>Review of Councils' Statutory Targets (Business Start Activity)</b></p> <p>There has been a lack of clarity as to how job creation targets were allocated across Councils. To ensure the programme targets are fit for purpose going forward and reflect current economic conditions, NI Councils collaboratively appointed Capaxo Ltd to complete an Economic Review of the Statutory Targets by Council Area set under the Review of Public Administration, and make recommendations for a formula to be used to calculate new targets for each Council.</p> <p>Capaxo's Report proposes a Proportional Formula on the basis of three indices to provide a range of job creation targets. They include:</p> <ul style="list-style-type: none"> <li>• Proportion of NI Small Businesses within Council Areas (2018)</li> <li>• Proportion of NI Micro Enterprises within Council Areas (2018)</li> <li>• Proportion of NI Business Births by Council Area (2017)</li> </ul>		

Each Council's share of these indicators is calculated and then added to each Council's share of the working age population. The 3 statistics used are strong indicators of business start-up and small business activity and are good barometers of the extent of entrepreneurial activity in each Council area. They provide regional comparisons and are also official government statistics, compiled from large sample sizes with regular data

The Proportionate Formula for each has then been calculated to propose targets for each area. The recommendation for NMD District Council is to revise the target upwards from 155 jobs to 173 jobs.

	<b>Small Business</b>	<b>Micro Enterprise</b>	<b>Birth</b>	<b>Range</b>	<b>Median</b>
NMDDC	172	170	175	170 - 175	<b>173</b>

Each Council is now considering the recommendations from the Capaxo report. Each Council's decision will then be presented to the Department for the Economy for consideration. The next steps for Councils is to indicate if they are in favour of the proposed review of their individual targets. Agreeing a target in principle will inform the targets to be included in new Go for It Programme which is being developed and which will succeed the current NIBSUP post 2021.

#### Pervious performance

NMD Council has exceeded its statutory target of 155 jobs, and forecasts for the current programme also indicate an over performance.

	<b>ACTUAL 2016/2017</b>	<b>ACTUAL 2017/2018</b>	<b>ACTUAL 2018/2019</b>	<b>FORECAST 2019/2020</b>
NMDDC	192	168	185	185
% achieved against 155 stat target	124%	108%	119%	119%

On the basis of the review, it is recommended that Council agrees to adjust the Statutory target to the median with 173 jobs created from start-ups.

This is then to be used as a baseline in the new Business Start Programme

	and to be suggested to DfE when considering new Statutory targets relating to job creation arising from the Business Start up programme.
<b>3.0</b>	<b>Recommendations</b>
3.1	To recommend a revised jobs target of 173 jobs to be used as a baseline in the new Business Start Programme and to be suggested to DfE when considering new Statutory targets relating to job creation arising from the Business Start up programme
<b>4.0</b>	<b>Resource implications</b>
4.1	N/A
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.
<b>7.0</b>	<b>Appendices</b>
	None
<b>8.0</b>	<b>Background Documents</b> <i>Capaxo report available upon request</i>

<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Update on applications to ERDF Investment for Growth and Jobs
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director Enterprise Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Amanda Smyth Head of Regeneration and Business Development

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

<b>For decision</b>	<b>x</b>	<b>For noting only</b>	
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	<p>ERDF is the main EU Structural and Investment Fund used to support economic development to help drive economic growth. Invest NI are the intermediary funding body for priority ERDF Axis 2 Objective 4 which is to "Increase employment in NI micro and small businesses".</p> <p>Council Officers have been working closely with INI to develop business support proposals suitable for ERDF funding. The main criteria for proposals are that they are targeted at Small and Micro sized enterprises located within the District, and a key output of the programme is job creation.</p>
<b>2.0</b>	<b>Key issues</b>
2.1	<p>Council have now secured funding for the delivery of 3 mentoring programmes:</p> <p><u>Business Growth</u> (already operational)</p> <ul style="list-style-type: none"> <li>This programme will offer businesses mentoring support across a range of areas aimed at assisting businesses to overcome challenges to growth. Support available is via one to one mentoring, half day workshops and 5 x half day thematic programmes.</li> <li>The programme commenced in October 2018 and will deliver support up to Dec 2022. Over the duration of the programme Council will deliver 1,170 mentoring days, engage with 758 businesses, and create 500 new employment positions</li> </ul> <p><u>Procurement and Supply Chain Programme</u> (new programme)</p> <ul style="list-style-type: none"> <li>This programme will support businesses to develop their procurement processes from identification of suitable private sector tender opportunities, perfecting their tender writing, and more efficient and effective management of their contracts through their relationships with suppliers, management of their costings, and ensuring a high standard of delivery. Key to this development will be engagement with key buyers,</li> </ul>

	<p>learning of their procurement opportunities, their process and requirements for issuing, assessing and awarding tenders.</p> <ul style="list-style-type: none"><li>The programme will commence in Spring 2019 and will deliver support up to Dec 2022. Over the duration of the programme Council will deliver 510 mentoring days, engage with 170 businesses, and create 145 new employment positions</li></ul> <p><u>Digital (new programme)</u></p> <ul style="list-style-type: none"><li>This is a joint programme in partnership with North Down and Ards Council, with Newry Mourne and Down District Council as the administrative lead.</li><li>This programme will offer 2 tiers of support (1) enhancement of basic digital skills to improve efficiency and development within business practices and (2) Exploration of emerging technologies i.e. IOT, AR, VR, AI, Big data for the expansion and development of existing businesses</li><li>The programme will commence in Spring 2019 and will deliver support up to Dec 2022. Over the duration of the programme the programme will deliver across both Council areas: 630 mentoring days, engage with 260 businesses, and create 185 new employment positions</li></ul> <p><u>Future applications</u></p> <p>Invest NI are in a position to accept new applications up to March 2020. Council officials will continue to explore further opportunities for business support programmes that would be eligible for ERDF funding. The key requirements of the programme are as follows:</p> <ul style="list-style-type: none"><li>Minimum programme value is £250,000</li><li>Minimum job creation output per programme: 250</li><li>Support offering: mentoring (capped value) and thematic programmes /events</li></ul>																
<b>3.0</b>	<b>Recommendations</b>																
3.1	<ul style="list-style-type: none"><li>For the two new programmes that are yet to be established (Procurement &amp; Supply Chain and Digital): Proceed as per LoO requirements, to work with NMD and CPD to procure and appoint suitable delivery agents for implementation of programmes</li><li>To continue to engage with Invest NI and other relevant stakeholders and Councils to explore other potential applications that may be eligible for ERDF IGJ funding</li></ul>																
<b>4.0</b>	<b>Resource implications</b>																
4.1	<p>Total project cost for ERDF Business Growth programmes is supported financially 60% ERDF / 20% Invest NI / with 20% balance match funding from Council</p> <table><tr><td></td><td>Grant</td><td>Council Cost</td><td>Total Cost</td></tr><tr><td>NMD growth Oct 18 - Dec 22</td><td>£378,220</td><td>£94,555 - NMD Cost</td><td>£472,775</td></tr><tr><td>Procurement and Supply Chain Spring 19 - Dec 22</td><td>£200,104</td><td>£50,026 - NMD Cost</td><td>£250,130</td></tr><tr><td>Digital (NMD and North Down and Ards)</td><td>£200,400</td><td>£50,100 - NMD + N Down</td><td>£250,500</td></tr></table>		Grant	Council Cost	Total Cost	NMD growth Oct 18 - Dec 22	£378,220	£94,555 - NMD Cost	£472,775	Procurement and Supply Chain Spring 19 - Dec 22	£200,104	£50,026 - NMD Cost	£250,130	Digital (NMD and North Down and Ards)	£200,400	£50,100 - NMD + N Down	£250,500
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			& Ards	
<b>5.0</b>	<b>Equality and good relations implications</b>			
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.			
<b>6.0</b>	<b>Rural Proofing implications</b>			
6.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.			
<b>7.0</b>	<b>Appendices</b>			
	None			
<b>8.0</b>	<b>Background Documents</b>			
	None			



<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	Monday 10 <sup>th</sup> June 2019
<b>Subject:</b>	General Public Realm Enhancement Works Scheme
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson – Assistant Director Enterprise Employment & Regeneration.
<b>Contact Officer (Including Job Title):</b>	Seamus Crossey – Project Manager

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

<b>For decision</b>	<b>x</b>	<b>For noting only</b>	
<b>1.0</b>			<b>Purpose and Background</b>
1.1			<p>Following previous ERT approval in Nov 2017, Council agreed to: Approve an 'Outline Urban Regeneration Public Realm Future Work Plan' to allow continued lobbying of Department for Communities (DFC) in regards their Newry Mourne and Down budget allocations.</p> <p>Council is now seeking to progress to consultancy appointment for the 'General Public Realm Refurbishment works' scheme. (Focus on the 6 Council Urban centres)</p> <p>Following consultancy appointment, they will be asked to look at older, previously completed schemes across the district to assess their current condition. Key elements of installed environmental improvements inclusive of Pathways, Signage, Street Furniture and Planting will be examined to see what is and is not performing to standard. An Economic Appraisal and Planning Applications (if needed) will then be completed.</p> <p>Council funding in 19/20 will be used to cover the initial RIBA stages 1-3. Only after DFC have approved a funding package can progress then be made in terms of appointing a contractor and proceeding with the on-site works.</p>
<b>2.0</b>			<b>Key issues</b>
2.1			<p>In order to make an application to the DFC, to trigger release of 90% of the required funding for the scheme, Council now need to proceed with appointment of the Integrated Consultancy Team (ICT) for the Design, Economic Appraisal and Planning Permission (If required) Stages of the project (RIBA 1-3).</p> <p>While Council have already approved the Work Plan, the requirement is now to approve the appointment of the Consultants and the supporting Business Case.</p>
<b>3.0</b>			<b>Recommendations</b>
3.1			<b>1.) Approve the appointment of an Integrated Consultancy Team to deliver the design for the proposed 'General Public Realm Enhancement Works Scheme'.</b>
<b>4.0</b>			<b>Resource implications</b>
4.1			Over the next 4 Financial Years, Council have agreed to consider Capital and Revenue match funding contributions for future Public Realm projects. The

	Councils required funding (up-to £160k) for this project have been agreed in the rates process for the next 4 years and will cover the initial RIBA Stages 1-3 and then match fund DFC (Seeking up-to 500k from them) in regards covering the main contract costs.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated the recommendation will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to a rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>
	N/A
<b>8.0</b>	<b>Background Documents</b>
	N/A



<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Local Full Fibre Network (LFFN) Funding Bid
<b>Reporting Officer (Including Job Title):</b>	Marie Ward, Director of Enterprise, Regeneration and Tourism
<b>Contact Officer (Including Job Title):</b>	Michael Forster – Business Intelligence Officer

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

<b>For decision</b>	<b>x</b>	<b>For noting only</b>	
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<b>1.0</b>	
<b>1.1</b>	<p><b>Summary</b></p> <p>The FFNI (Full Fibre Northern Ireland) consortium is a consortium of the ten councils outside Belfast, hosted by Newry, Mourne and Down District Council.</p> <p>The consortium made a successful collective bid for £15m funding from the Department for Digital, Culture, Media and Sport (DCMS) Local Full Fibre Networks Challenge Fund, to support digital infrastructure development across Northern Ireland.</p> <p>The Consortium has now received the Letter of Offer from DCMS, confirming that the capital grant of £15m has been approved.</p> <p>This paper requests permission from the Committee for the Council's officers, on behalf of the consortium, to sign the and accept the Letter of Offer, and to initiate the procurements to deploy the funding.</p> <p><b>Background</b></p> <p>The DCMS LFFN funding must be spent by 31<sup>st</sup> March 2021. It is therefore essential to proceed rapidly with the procurements to deploy the funding, in order to give suppliers the maximum time for delivery.</p> <p>The £15m grant will be divided equally between the Consortium Members, so that, after consortium costs are covered, approximately £1.473m will be spent on fibre connectivity in each Consortium Member area.</p> <p>The procurements will buy full fibre connections for public sector</p>

	<p>buildings. Most buildings are Council sites, but other sites such as schools are also proposed, subject to agreement of the organisations responsible for them.</p> <p>The buildings in each procurement will be selected from a long list authorised by DCMS to optimise value for money from the market.</p> <p>Multiple procurements are necessary to ensure an effective competition that delivers best value.</p> <p>Newry, Mourne and Down District Council will operate the procurements on behalf of the consortium and other public sector bodies. Each organisation will contract with the selected supplier(s) for the connections to its own buildings.</p> <p>Permission to proceed into procurement is three-fold:</p> <ul style="list-style-type: none"><li>• From the Council as a participating Consortium Member</li><li>• From each of the other participating Consortium Members</li><li>• From DCMS</li></ul> <p><b>Procurement</b></p> <p>The market from which we will procure the services is complex. To secure the best value outcome for the consortium, the procurements are designed to encourage strong competition between a range of suppliers.</p> <p>The Council expects to run 3 procurements on behalf of the consortium, but up to 5 could be necessary to ensure maximum value and coverage.</p> <p>Each procurement will be carefully constructed to deliver the best value from the market, including spreading the delivery effort across multiple supply chains to reduce risk. The European Journal (OJEU) Open Procurement Procedure is planned.</p> <p>The site list is primarily based on funding eligibility rules set by DCMS. The consortium aims to procure services to as many of the sites as possible within the funding constraints. The sites eventually selected will be determined through the procurements to deliver best value based on the market response.</p> <p><b>Approximate Timescales</b></p> <p>Subject to agreement from each Consortium Member and from DCMS, the first of the procurements will start in early July.</p>
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	Each procurement will take approximately 10 weeks.
<b>2.0</b>	<b>Key issues</b>
2.1	The timescales for spending DCMS funding are challenging. The FFNI Programme must make rapid progress to meet the 31 <sup>st</sup> March 2021 deadline.
<b>3.0</b>	<b>Recommendations</b>
3.1	<ul style="list-style-type: none"> <li>i. Authorise officers to sign the Letter of Offer on behalf of the consortium, for £15m of funding from the DCMS (Department for Digital, Culture, Media and Sport) under their LFFN Challenge Programme.</li> <li>ii. Authorise officers to operate the procurements on behalf of the consortium to deploy the funding.</li> </ul>
<b>4.0</b>	<b>Resource implications</b>
4.1	<p>The procurements will be run by the FFNI Operations Team. The Newry, Mourne and Down District Council procurement team will oversee the procurement process.</p> <p>NMDDC has secured £15m from DCMS for this programme. It is anticipated that this will meet all project financial requirements including resources. The breakdown of funding and costs for this programme have been previously presented to Members. Any additional unforeseen costs which may arise will be brought back to Council for consideration.</p> <p>The costs of the Operations Team will be met from the grant funding.</p> <p>The estimated costs of the procurement and delivery, and the resource to support it, formed part of the Financial Case of the consortium Bid to DCMS, and have previously been shared with Council.</p> <p>There are no material changes from previously submitted estimated costs.</p>
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Beneficiaries include urban and rural businesses and residents and the outcome will have a positive impact on improving connectivity across all Councils including Newry, Mourne and Down public buildings
<b>7.0</b>	<b>Appendices</b>
	None
<b>8.0</b>	<b>Background Documents</b>

	None
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<b>Report to:</b>	Enterprise Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Street Trading Policies
<b>Reporting Officer (Including Job Title):</b>	Colum Jackson, Assistant Director, Enterprise Regeneration and Tourism Dept.
<b>Contact Officer (Including Job Title):</b>	Fintan Quinn, Head of Services Enterprise Regeneration and Tourism Dept.
<b>Decisions required:</b>	
Members are asked to consider and approve the attached Street Trading Policies.	
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>The Council's Licensing Section set down Policies for dealing with the Designation, Granting and Enforcement of its Street Trading function. The powers of the Council are laid out in Legislation under: The Street Trading Act (Northern Ireland) 2001.</p> <p>Council to review Policies every 4 years.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<p>The following Policies are set down for review:</p> <ol style="list-style-type: none"> <li>1. Designation Policy</li> <li>2. Stationary Licence Policy</li> <li>3. Mobile Licence Policy</li> <li>4. Temporary Licence Policy</li> <li>5. Stall Design and Trading Policy</li> <li>6. Changed circumstances Policy</li> <li>7. Enforcement and Seizure Policy</li> </ol>
<b>3.0</b>	<b>Recommendations:</b>
3.1	To consider and approve the attached Street Trading Policies.
<b>4.0</b>	<b>Resource implications</b>
4.1	<ul style="list-style-type: none"> <li>• Review of existing policy documents</li> <li>• Preparation of amendments.</li> </ul>
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	The Policies have been Equality Screened

	<b>Rural Needs Impact Assessment</b>
	The Policy has Rural Needs Impact Assessed
<b>6.0</b>	<b>Appendices</b>
	<ol style="list-style-type: none"> <li>1. Designation Policy</li> <li>2. Stationary Licence Policy</li> <li>3. Mobile Licence Policy</li> <li>4. Temporary Licence Policy</li> <li>5. Stall Design and Trading Policy</li> <li>6. Changed circumstances Policy</li> <li>7. Enforcement and Seizure Policy</li> </ol>



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

# **Street Trading**

## **Stationary Licence Policy**

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

ENTERPRISE REGENERATION AND TOURISM DEPARTMENT

**Dated: 22 May 2019**

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## 1. Purpose

By virtue of Section 1 of The Street Trading Act (Northern Ireland) 2001 The District Council may grant to a person a licence to trade in a stationary position on a designated site.

The purpose of this policy document is to provide guidance on matters, which should be considered when deciding whether to grant or refuse an application for a Stationary Trading Licence. Its aim is to provide, in so far as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

This Stationary Street Trading Policy should be read in conjunction with the Policy for Dealing with Changed Circumstances Affecting Licensed Street Trading, Street Trading Enforcement Policy and Street Trading Stall Design and Trading Policy.

## 2. Scope

This Policy is intended to ensure that the District Council Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Stationary Street Trading Licence.

## 3. References

3.1 Street Trading Act (Northern Ireland) 2001

3.2 Guide to the Street Trading Act (Northern Ireland) 2001

## 4. Background

The Street Trading Act (Northern Ireland) 2001 (here after called 'the Act') enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5 April 2001, with a run-in period of 6 months and became operative on 1 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby market rights can be acquired or extinguished.

Section 1 of the Act empowers District Council's to issue Stationary Street Trading Licences.

## 5. General Principles

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the District Council is to make sure that each stationary street trading licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 The District Council will consider applications, in writing on the prescribed form, to permit stationary trading at a designated site within the boundaries of the District Council.

### 5.3 Mandatory grounds for refusing an application:

- (1) A District Council shall refuse an application under section 5 of the Act if the applicant: -
- (a) is not an individual; or
  - (b) has not reached the upper limit of compulsory school age, within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (NI 3)

The District Council will consider all applications received in accordance with section 5 of this Act for Stationary Trading. However, District Council are required to refuse an application under Section 8, Mandatory Grounds for Refusing an application and may refuse an application under Section 9, Discretionary grounds for Refusing an Application of this Act.

### 5.4 Discretionary grounds for refusing an application

- (1) A District Council may refuse an application under section 5 on any of the following grounds-
- (a) that -
    - I. the location at which the applicant wishes to trade as a stationary trader is unsuitable;
    - II. the space is in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
    - III. the area or areas of the District in which the applicant wishes to trade as a stationary trader are unsuitable for the applicant to do so without, causing undue interference or inconvenience to persons or vehicles in the area or areas;
    - IV. there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or
    - V. the nature of the articles, things or services in which the applicant wishes to trade in such that their sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
  - b) that the applicant has, in connection with the application, made a statement in which he knows to be false in a material particular;
  - c) that the applicant is, on account of misconduct or some other reasons, relating to trading activities, unsuitable to hold a street trading licence.
  - d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence.
  - e) that the applicant has at any time been granted a street trading licence by the District Council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the District Council in respect of the licence;
  - f) that the applicant has failed to provide the particulars required by the District Council to deal with the application;
  - g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposed to trade.
- 2) if the District Council considers that grounds for refusal exist under subsection (1) (d), it may grant the applicant a licence subject to conditions which permit him/her.

- a) to trade on fewer days or during a shorter period in each day than is specified in the application; or
- b) to trade in a different designated street or in a different area from that specified in the application.

- a. In addition to Mandatory Grounds and Discretionary Grounds for refusing an application, the District Council will also consider: -
  - (a) The safety of the public and any risks which may arise
  - (b) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
  - (c) The potential for the proposed said stationary street trading licence to have an adverse effect in terms of anti-social behaviour and public disorder.
  - (d) Previous complaints arising from street trading activities in the area or part thereof.
  - (e) Any other Statutory provision which would be appropriate to consider.

## 6. General

- 6.1 The District Council retains its right to amend or replace this Policy at any given time.
- 6.2 All licence '**application fees**' are non-refundable
- 6.3 An application for stationary street trading will be deemed valid only if it is in the approved application form, fully completed and accompanied by all requested documentation and payment of fees.
- 6.4 It shall be a condition of licence that all receptacles are registered with the District Council's Environmental Health Section and are licensed to trade in such commodities being offered for sale.
- 6.5 Licences will only permit trading on the stated days and times on the licence. The time during which the licence holder may sell or supply articles, things or offer services must be agreed with the District Council prior to the issuing of the licence.
- 6.6 It shall be the policy of the District Council that a trader must obtain a separate licence for each designated street trading pitch used.
- 6.7 If a stationary trader wishes to cease trading, they must give 28 days notice in writing to the District Council.
- 6.8 Stationary licences cannot be sub-let, sold on or transferred.
- 6.9 All stationary traders must comply strictly with the requirements of the Highway Code.
- 6.10 The following method of payment to the District Council of fees and charges imposed under Section 15 of the Street Trading Act (Northern Ireland) 2001 will apply: **Payment made three months in advance of trading.**

- 6.11 Refunds of '**street trading licence fees**' will only be given when the licence holder has not been able to trade due to circumstances beyond their control, for example when a road is closed, or a site is inaccessible for any purpose such as road works etc. In the event of this occurring, the District Council must be informed no later than the day of trading.
- 6.12 Stationary Street Trading Licences can be issued for a maximum period of 3 years or for such term as the District Council will determine.
- 6.13 All available Stationary Street Trading sites will be advertised in one local newspaper circulating in the vicinity of the proposal, the District Council's website and facebook page. All Stationary Street Trading sites will be advertised after 1 October in each year.

## 7. Criteria

- 7.1 The criteria is laid out in the applicant criteria and the criteria for the award of street trading licences shall apply. The District Council retains its right to amend or replace these criteria at any given time.
- 7.2 Application criteria for inclusion:
- All applicants must provide proof of identity via photographic means
  - All applicants must provide a photograph of his/her stall when fully erected.
  - All applicants must provide confirmation of public liability insurance. (games stall trader to ensure correct public liability insurance cover)
  - All applicants must submit a completed application form with the correct fee.
  - The successful applicant's receptacles will be required to be registered by the District Council's Environmental Health Section to trade in such commodities being offered for sale.
  - Multiple applications will not be accepted either by person or for receptacle.
  - All applicants must provide the exact size of receptacle when erected including tow bar, accurate dimensions must be given.
  - The District Council will stipulate the type of trading allowed for the event/events. It will also provide a list of items that are banned from sale.



### 7.3 CRITERIA FOR THE AWARD OF STATIONARY TRADING LICENCES:

Persons fitting into the first criteria 7.3 (1) will be awarded a Street Trading Licence subject to the number of pitches being available. If no applicants meet the first criteria, then the District Council shall continue down the following list (in order) until an applicant meet one of the criteria: -

- 7.3 (1) Applicant who is presently trading at that location and has no relevant convictions in relation to that trading or breaches under Section 9 (Parts b – g inclusive) of the 2001 Street Trading Act.
- 7.3 (2) Applicant who has previously traded at that location and has no relevant convictions in relation to that trading or breaches under Section 9 (Parts b – g inclusive) of the 2001 Street Trading Act.
- 7.3 (3) Applicant who has previously traded within the District Council area and has no relevant convictions in relation to that trading or breaches under Section 9(Parts b – g inclusive) of the 2001 Street Trading Act.
- 7.3 (4) A new Applicant with or without trading history either inside or outside of the District subject to no history of relevant trading convictions or breaches under Section 9(Parts b – g inclusive) of the 2001 Street Trading Act.

Section 9 of the Street Trading Act (NI) 2001 outlines discretionary grounds for refusing an application. In addition, the criteria outlined in 7.3(5) to 7.3(8) will apply. The District Council reserves the right to award a street trading licence where these criteria may apply and subject to any condition to trade that the District Council may deem appropriate.

- 7.3 (5) Applicant who has previously traded within the District who has been guilty of a breach under Section 9 of the Act (Parts b - g inclusive).
- 7.3 (6) Applicant who has previously traded outside the District Council area and has been guilty of a breach under Section 9 of the Act (parts b - g inclusive).
- 7.3 (7) Applicant who has previously traded within the District (as a Street Trader under the 2001 Act or 1929 Act) and has been convicted of an offence relating to trading (subject to the District Council's approval).
- 7.3 (8) Applicant who has previously traded anywhere (as a Street Trader under the 2001 Act of 1929 Act) and has been convicted of an offence relating to trading (subject to the District Council's approval).

In the situation of 2 or more Applicants meeting any of the above criteria then the following scores will be awarded to their application and the highest score will be awarded the Licence.

2 or more verbal or written warnings	- minus	5 Points
Fixed Penalty in previous 12 months (each)	- minus	5 Points
Breaches under Section 9 of the Street Trading Act 2001 (b-g inclusive) (each) –	- minus	5 Points
Appearance and Appropriateness of stall/vehicle by assessment of the following subject matters:	- plus	0-8 Points

Consumer Protection, Food Hygiene, Health & Safety, Aesthetic appearance, Odour,  
Compatibility of Commodity, Litter control and/or Noise

- 7.4 Where two or more applicants meet the same criteria the District Council will allocate the licence to trade at the site/area via a lottery system.

Where necessary a District Council Elected Member (The Mayor or Deputy Mayor) will carry out the Lottery within 2-3 days of the closing date of applications. Applicants will be notified of the results of the lottery within 2 days after the lottery is carried out.

## 8. Fees

- 8.1 Section 15 of The Street Trading Act (Northern Ireland) 2001 enables a District Council to charge: -

- (a) for the grant or renewal of a street trading licence;
- (b) for varying under Section 11(1) (a) the conditions specified in a street trading licence

Such fees as the District Council may determine and as may be sufficient in the aggregate, taking one year with another to cover any reasonable administrative or other costs (excluding the costs mentioned in subsection (2) (c) in connection with its functions under this Act, not otherwise recoverable.

The District Council may determine the time and manner in which fees or charges are to be paid.

- 8.2 The following detailed costing for stationary street trading fees are based on actual costs of administering the District Council's functions in dealing with applications, enforcement of licensed traders and designation (in relation to stationary traders) costs. These costs do not take into account the cost of enforcement and seizure of unlicensed trading.

- 8.3 The Stationary Street Trading Fees are:

<u>TYPE OF LICENCE</u>	<u>APPLICATION FEE</u> <u>(Non-refundable)</u> <u>£</u>	<u>LICENCE FEE</u> <u>(Including Application Fee)</u> <u>£</u>
Stationary Licence	£80.00	£930 per annum £460 (October-April incl)
Variation	£55.00	n/a

(Table 1)

9. Policy Owner

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism.

10. Contact details in regard of this policy are:

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

11. Policy Authorisation

Enterprise Regeneration and Tourism Committee	10 June 2019
Council authorised on	1 July 2019

12. Policy Effective Date – 1 August 2019

13. Policy Review Date – 1 June 2023 (or sooner as required)

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

14. Procedures

Refer to the Stationary Licence Street Trading Procedure

15. Equality Impact Assessment

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

**16. This policy has been Rural Impact Assessed**  
Version 1.0





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

# **Street Trading**

# **Temporary Licence Policy**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

ENTERPRISE REGENERATION AND TOURISM DEPARTMENT

**Dated: 22 May 2019**

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## 1. Purpose

By virtue of Section 14 of the Street Trading Act (Northern Ireland) 2001 the District Council may grant to a person a temporary licence authorising him to engage in street trading in a street or part thereof in its District.

The purpose of this policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Temporary Street Trading Licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

This policy should be read in conjunction with Street Trading Enforcement Policy and Street Trading Stall Design and Trading Policy.

## 2. Scope

This policy is intended to ensure that the District Council's Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a Temporary Licence.

## 3. References

- 3.1 Street Trading Act (Northern Ireland) 2001
- 3.2 Guide to the Street Trading Act (Northern Ireland) 2001

## 4. Background

The Street Trading Act (Northern Ireland) 2001 (here after called 'the Act') enables District Council's to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5<sup>th</sup> April 2001, with a run-in period of 6 months and became operative on the 1<sup>st</sup> October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 14 of the Act empowers the District Council to issue a temporary licence where a full licence may not be appropriate, for example, for special events such as festival and fairs. The District Council is given the discretion to allow temporary street trading at any place or any street within the District and in such manner as appears appropriate to the District Council.

The temporary licence may remain in force for such periods not exceeding seven consecutive days and no more than five temporary licences may be granted to an individual during any calendar year.

## 5. General Principles

- 5.1 Temporary street trading licences will be considered having due regard to those criteria as set out under section 7 of this policy.
- 5.2 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the District Council is to make

sure that each temporary licence application is fairly and objectively assessed and that all relevant factors are considered.

- 5.3 Applications must be received by the District Council not less than 42 days before the date of the first day of the proposed special event/trading date. The District Council however reserves the right to consider applications for temporary trading where this time period cannot be complied with.
- 5.4 Without prejudice to its right, to consider the previous guidance (Section 5.2) the District Council (in consultation with interested parties) may consider applications to permit temporary street trading outside of this broad definition in order to add colour, ambience, novelty and/or tradition in particular locations and during seasonal periods.
- 5.5 An application for temporary street trading will be deemed valid only if it is in the approved application form, fully completed and accompanied by all requested documentation and payment of fees.
- 5.6 The District Council will where possible within time constraints consult with-
  - (a) The Sub-Divisional Commander of the Police Service of Northern Ireland (PSNI) in which the streets are situated;
  - (b) The Department for Regional Development as regards that Department's functions with respect to roads and regulation of road traffic;
  - (c) Criminal Records Office with regard to previous Trading related convictions.
- 5.7 Without prejudice to it's right to take account of any relevant consideration in determining the suitability of each temporary street trading licence, the District Council will take into account:
  - (a) The safety of the public and any risks, which may arise.
  - (b) The appropriateness and suitability of the street or part thereof and commodities in relation to the location.
  - (c) The potential adverse impact that temporary street trading may have upon the character and appearance of the area in question.
  - (d) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
  - (e) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
  - (f) The potential for the proposed said temporary street trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder (for example trading outside licensed premises late at night).
  - (g) Any other Statutory provision which would be appropriate to consider;

- (h) Previous complaints arising from any street trading activities in that street of part thereof.
  - (i) The conditions pertaining to the event e.g. road closures, provision of marshals, off-street activities and venues, number of persons anticipated and age profile.
  - (j) The number of temporary street trading licences already granted for a street or part thereof for a specified period and adequacy in the context of the commodity or service proposed to be offered.
  - (k) Fitness of the applicant in respect of any previous trading offences, including verbal and written warnings.
- 5.9 This policy may be reviewed, amended or replaced at any time without any further requirement to consult other parties.

## **6. General**

- 6.1 A temporary licence shall remain in force for such period, not exceeding seven days, as may be specified in the licence.
- 6.2 A temporary licence will be subject to such conditions as the District Council may specify in the licence and as set out in Temporary Street Trading Licence Criteria.
- 6.3 The District Council will grant no more than five temporary licences to an applicant during any year.
- 6.4 The District Council retains its right to amend or replace this policy at any given time.
- 6.5 Temporary licences cannot be sub-let
- 6.6 Any person engaged in temporary trading must ensure that he/she complies strictly with the provisions of the Highway Code.
- 6.7 Temporary trading will not be permitted outside of the allocated times specified in the licence.
- 6.8 It shall be the policy of the District Council that a trader must obtain a separate licence for each receptacle used as defined in Section 25 of the Act.
- 6.9 In the circumstance that an applicant cannot trade, a refund will only be given if the District Council is informed in writing 7 days before trading is due to commence.

## 7 CRITERIA

- 7.1 The District Council will allocate the number of pitches to be made available for the event.
- 7.2 The District Council will stipulate the type of trading allowed for the event/events. It will also provide a list of items that are banned from sale.
- 7.3 The District Council will stipulate the type of receptacle to be allowed on the pitch.
- 7.4 The District Council retains its right to amend or replace these criteria at any given time.

## 7.5 CRITERIA FOR THE AWARD OF TEMPORARY STREET TRADING LICENCES:

Persons fitting into the first criteria 7.5 (1) will be awarded a Street Trading Licence subject to the number of pitches being available. If no applicants meet the first criteria, then the District Council shall continue down the following list (in order) until an applicant meet one of the criteria: -

- 7.5 (1) Applicant who currently holds a Street Trading Licence for the DEA and has no relevant convictions in relation to that trading or breaches under Section 9 (Parts b – g inclusive) of the 2001 Street Trading Act.
- 7.5 (2) Applicant who has previously traded within the DEA and has no relevant convictions in relation to that trading or breaches under Section 9(Parts b – g inclusive) of the 2001 Street Trading Act.
- 7.5 (3) A new Applicant with or without trading history either inside or outside of the District and has no history of relevant trading convictions or breaches under Section 9(Parts b – g inclusive) of the 2001 Street Trading Act.

Under Section 9 of the Act the District Council have discretion for refusing an application on the following grounds. In addition, the District Council will apply the following criteria as discretionary grounds for refusal. The District Council reserves the right to award a street trading licence where these criteria may apply and subject to any condition to trade that the District Council may deem appropriate.

- 7.5 (4) Applicant who has previously traded within the District Council area and who has been guilty of a breach under Section 9 of the Act (Parts b - g inclusive).
- 7.5 (5) Applicant who has previously traded outside the District Council area and has been guilty of a breach under Section 9 of the Act (parts b - g inclusive).
- 7.5 (6) Applicant who has previously traded within the District (as a Street Trader under the 2001 Act or 1929 Act) and has been convicted of an offence relating to trading.
- 7.5 (7) Applicant who has previously traded anywhere (as a Street Trader under the 2001 Act of 1929 Act) and has been convicted of an offence relating to trading.

In the situation of 2 or more Applicants meeting any of the above criteria then the following scores will be awarded to their application and the highest score will be awarded the Licence.

2 or more verbal or written warnings	- minus	5 Points
Fixed Penalty in previous 12 months (each)	- minus	5 Points
Breaches under Section 9 of the Street Trading Act 2001 (b-g inclusive) (each) –	- minus	5 Points
Appearance and Appropriateness of stall/vehicle by assessment of the following subject matters: <i>Consumer Protection, Food Hygiene, Health &amp; Safety, Aesthetic appearance, Odour, Compatibility of Commodity, Litter control and/or Noise</i>	- plus	0-8 Points



- 7.6 Where two or more applicants meet the same criteria the District Council will allocate the licence to trade at the site/area via a lottery system.

Where necessary a District Council Elected Member (The Mayor or Deputy Mayor) will carry out the Lottery within 2-3 days of the closing date of applications. Applicants will be notified of the results of the lottery within 2 days after the lottery is carried out.

## 8.0 Fees

- 8.1 Section 15 of The Street Trading Act (Northern Ireland) 2001 enables a District Council to charge: -

- (a) for the grant or renewal of a street trading licence;
- (b) for the grant of a temporary licence; or
- (c) for varying under Section 11 (1) (a) the conditions specified in a street trading licence

Such fees as the District Council may determine and as may be sufficient in the aggregate, taking one year with another to cover any reasonable administrative or other costs (excluding the costs mentioned in subsection (2) (c) in connection with its functions under this Act, not otherwise recoverable.

The District Council may determine the time and manner in which fees or charges are to be paid.

- 8.2 The following detailed costing for temporary street trading fees are based on actual costs of administering the District Council's functions in dealing with applications, enforcement of licensed traders and designation (in relation to stationary traders) costs. These costs do not take into account the cost of enforcement and seizure of unlicensed trading.

- 8.3 The temporary street trading fees are:

<u>TYPE OF LICENCE</u>	<u>APPLICATION FEE</u> <u>(Non-refundable)</u> £	<u>LICENCE FEE</u> <u>(Including Application Fee)</u> £
Temporary Licence	£80.00	£80 for first application £50 for each subsequent application (maximum of four per calendar year). Increase the fee for a double pitch to £160 standard pitch size is 5 x 2 m
Variation	£55.00	n/a

(Table 1)

## 9.0 Policy Owner

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism

## 10.0 Contact details in regard of this policy are:

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

## 11.0 Policy Authorisation

Enterprise Regeneration and Tourism committee  
Council Authorised on

10 June 2019  
1 July 2019

## 12.0 Policy Effective Date – 1 August 2019

## 13.0 Policy Review Date – 1 June 2023 (or sooner as required)

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

## 14.0 Procedures

Refer to the Temporary Street Trading Procedure

## 15.0 Equality Impact Assessment

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

## 16.0 This policy has been Rural Impact Assessed.

Version 1.0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

# **Street Trading**

# **Mobile Licence**

# **Policy**

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

ENTERPRISE REGULATION AND TOURISM DEPARTMENT

**Dated: 22 MAY 2019**

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## **1. Purpose**

By virtue of Section 1 of the Street Trading Act (Northern Ireland) 2001 the District Council may grant to a person a mobile licence permitting him/her to go from place to place, stopping for a time for the purpose of trading in its District.

The purpose of this policy document is to provide guidance on matters, which should be considered when deciding whether to grant or refuse an application for a Mobile street trading licence. Its aim is to provide, in so far as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

This policy is to be read in conjunction with Street Trading Enforcement Policy and Stall Design and Trading Policy.

## **2. Scope**

This Policy is intended to ensure that the District Council's Members and Officers are aware of those matters to be taken into consideration when determining whether to grant a mobile street trading licence.

By virtue of Section 6 of the Street Trading Act (Northern Ireland) 2001 the District Council may grant to a person a mobile trader's licence authorising them to engage in trading in an area or areas of the District.

## **3. References**

- 3.1 Street Trading Act (Northern Ireland) 2001
- 3.2 Guide to the Street Trading Act (Northern Ireland) 2001

## **4. Background**

The Street Trading Act (Northern Ireland) 2001 (here after called 'the Act') enables District Council's to regulate street trading through designating licensing and enforcement procedures. The Act received Royal Assent on the 5 April 2001, with a run in period of 6 months and became operative on 1 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished. Section 1 of the Act empowers District Council's to issue mobile street trading licences.

## **5. General Principles**

- 5.1 Under Section 25 of the Act the definition of a 'mobile trader' means a person authorised by a street trading licence to trade from a vehicle which goes from place to place, stopping for a time for the purpose of trading.
- 5.2 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of Newry, Mourne and Down District Council's is to make sure that each mobile street trading application is fairly and objectively assessed and that all relevant factors are considered.
- 5.3 The District Council will consider applications, in writing on the prescribed form, to permit mobile street trading within the boundaries of Newry, Mourne and Down.

## **6. General**

- 6.1 An application for mobile street trading will be deemed valid only if it is in the approved application form, fully completed and accompanied by all requested documentation and payment of fees.
- 6.2 An applicant wishing to trade as a mobile trader must state the area or areas in which trading is to take place.
- 6.3 The District Council retains its right to amend or replace this Policy at any given time.
- 6.4 It shall be the policy of the District Council that a trader must obtain a separate licence for each vehicle used for the purpose of going from place to place, stopping for a time for the purpose of trading.
- 6.5 For the purpose of enforcement procedure a mobile trader will be deemed to be stationary trading if the trader remains at the same location more than 10 minutes after the last sale. (Refer to paragraph 5.1 above)
- 6.6 Mobile trading will not be permitted in such commodities or offer for sale or supply any product which would have a detrimental effect on the surrounding area.
- 6.7 A mobile trader must give notice in writing to the District Council that trading has ceased.
- 6.8 Mobile licences cannot be sub-let, sold on, or transferred.
- 6.9 All mobile traders must adhere strictly to the provisions of the Highway Code.

6.10 All receptacles as defined in Section 25 of the Act, used for mobile trading will be required to be registered by the District Council's Environmental Health Section to trade in such commodities being offered for sale.

6.11 Licences will be issued annually and will permit trading up to seven days per week from 9.00 am until 11.00 pm. These times may be altered subject to approval by the District Council.

## 7. Fees

7.1 Section 15 of The Street Trading Act (Northern Ireland) 2001 enables a District Council to charge: -

- (a) for the grant or renewal of a street trading licence;
- (b) for varying under Section 11 (1) (a) the conditions specified in a street trading licence

Such fees as the District Council may determine and as may be sufficient in the aggregate, taking one year with another to cover any reasonable administrative or other costs (excluding the costs mentioned in subsection (2) (c) in connection with its functions under this Act, not otherwise recoverable.

The District Council may determine the time and manner in which fees or charges are to be paid.

7.2 The following detailed costing for mobile street trading fees are based on actual costs of administering the District Council's functions in dealing with applications, enforcement of licensed traders and designation (in relation to stationary traders) costs. These costs do not take into account the cost of enforcement and seizure of unlicensed trading.

7.3 The mobile licence fees are as follows: -

<b><u>TYPE OF LICENCE</u></b>	<b><u>APPLICATION FEE (Non-refundable)</u></b> <b><u>£</u></b>	<b><u>LICENCE FEE (Including Application Fee)</u></b> <b><u>£</u></b>
Mobile Licence	£80.00	£320
Variation of Licence	£55.00	N/A

(Table 1)

**8. Criteria**

- 8.1 The District Council can limit the number of mobile traders within its District.
- 8.2 The District Council will stipulate the type of trading allowed for mobile street trading licences. It will also provide a list of items that are banned from sale.
- 8.3 The District Council will stipulate the type of receptacle to carry out mobile street trading.
- 8.4 The District Council retains its right to amend or replace these criteria at any given time.
- 8.5 Applicants must provide the following information:
  - All applicants must provide proof of identity via photographic means
  - All applicants must provide a photograph of the receptacle
  - All applicants must provide confirmation of public liability insurance
  - All applicants must submit a completed application form with the correct fee.
  - The applicant's receptacles will be required to be registered with the District Council's Environmental Health Section to trade in such commodities being offered for sale.
  - All applicants must give a description of the articles, things or services in which they propose to trade.

**9. Policy Owner**

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism

**10. Contact details in regard of this policy are:**

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

**11. Policy Authorisation**



Enterprise Regeneration and Tourism committee	10 June 2019
Council Authorised on	1 July 2019

**12. Policy Effective Date – 1 August 2019**

**13. Policy Review Date – 1 June 2023 (or sooner as required)**

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

**14. Procedures**

Refer to the Mobile Licence Trading Procedure

**15. Equality Impact Assessment**

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

**16. This policy has been Rural Impact Assessed.**

Version 1.0



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**Newry, Mourne  
and Down**  
District Council

# Street Trading

## Designation Policy

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

ENTERPRISE REGENERATION AND TOURISM DEPARTMENT

**Dated: 22 May 2019**

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## **1. Purpose**

By virtue of Section 3 of the Street Trading Act (Northern Ireland) 2001 the District Council may pass a Resolution Designating a street in which it may allocate trading pitches to holders of street trading licences.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to designate a street or part thereof for Street Trading. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

## **2. Scope**

This Policy is intended to ensure that the District Council's Members and Officers are aware of those matters to be taken into consideration when determining if a street or part thereof should be designated for the purposes of the Street Trading Act (Northern Ireland) 2001.

Initially the District Council will consider those areas in respect of which applications have been received for, or are already licensed for, street trading (including those areas where applications have previously been refused).

The District Council will consider on an annual basis in October of each year any new areas proposed for designation. The District Council will also take these opportunities to review existing designated sites. In so doing the District Council will consider all representations made to it in respect of said areas.

The District Council will review all annual licences in October of each year prior to renewal using the above criteria, and in accordance with its Stationary Licence Policy.

## **3. References**

3.1 Street Trading Act (Northern Ireland) 2001

3.2 Guide to The Street Trading Act (Northern Ireland) 2001

#### **4. Background**

The Street Trading Act (Northern Ireland) 2001 (here after called 'the Act') enables District Councils to regulate street trading, by preventing undue nuisance, interference or inconvenience to people and traffic. The Act came into force on the 1<sup>st</sup> October 2001. The new Act repealed most of the provisions of the Street Trading (Regulation) Act 1929, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished.

The Act requires the District Council to designate specific areas, streets or part thereof in the District Council as being suitable for street trading. This is designed to be an open system, which allows everyone an opportunity to comment on the proposal to permit street trading in a particular area.

#### **5. General Principles**

Each case must be considered on its own merits, but there are general principles that apply in all cases. The first duty of the District Council is to make sure that each location is fairly, independently, objectively assessed and that all relevant facts are considered.

##### **5.1 Consultees**

The District Council will consult with –

- (a) The Sub-Divisional Commander of the Police Service of Northern Ireland (PSNI) in which the streets are situated;
- (b) The Department for Regional Development as regards that Department's functions with respect to roads and regulation of road traffic.

The District Council may also consult other persons, as it considers appropriate e.g.

- (a) The District Council's Planning Department
- (b) Relevant Chamber of Commerce/Trade
- (c) Town Centre Management Bodies
- (d) Community Groups/Local residents.
- (e) Business and Commercial premises in the vicinity of the site in respect of which the application has been received.

- (f) The District Council may consult other persons, as it deems appropriate

## 5.2 Additional Factors

Without prejudice to the District Council's rights, the District Council shall take account of the following in determining the suitability of each proposed street trading designation:

- (a) The safety of the public and any risks which may arise;
- (b) The future development plans for the location;
- (c) The appropriateness and suitability of the site and commodities in relation to the location and to the potential adverse impact that it would have upon the character and appearance of the area in question.
- (d) The proximity of existing street traders and retail outlets, trading in similar goods in the immediate vicinity
- (e) The amount of interference or inconvenience to persons or vehicles using the street.
- (f) The potential environmental effects arising from the location of the proposed designated site and/or the commodity on sale, such as additional litter, cleansing requirements, noise, odour and the possibility of increasing anti-social activities;
- (g) Any Statutory Provision which would be appropriate to consider;
- (h) Complaints arising from or about the current trading location;
- (i) Any other relevant facts
- (j) Type of trading – Hot Food; Horticultural (Plants, flowers etc); Produce (fish, fruit etc) and open use.
- (k) Hours of trading.
- (l) Period of licence for review.

- 5.3 These issues may also be taken into account should the District Council decide to rescind or vary any Designating Resolution.

## **6 Street Trading Designation**

- 6.1 Where in relation to any street, a request has been received for a Designated Trading area, a report will be taken before council for consideration:
- (a) before a proposal for a Street Designation is considered,
  - (b) before any additional trading areas are Designated.
- 6.2 Where in relation to any street, a District Council proposes to pass a designation resolution, the District Council shall -
- (a) Publish notice of its intention to do so in 2 or more newspapers circulating in its district, the council website and facebook page:
  - (b) Consult with its nominated consultees.
- 6.3 Where a District Council proposes to pass a resolution it shall also consult licence holders who trade from street trading pitches in the street to which the proposed resolution would apply, and any body representative of those traders.
- 6.4 The notice referred to in section 6.1 (a) above –
- (a) shall contain a draft of the proposed resolution; and
  - (b) shall state that representations relating to it may be made in writing to the District Council within such period, being not less than 28 days from the date of first publication of the notice, as may be specified in the notice.
- 6.5 Not less than 28 days after the first publications of the notice in the paper the District Council will consider all written representations from statutory consultees and any other persons in accordance with its Hearing of Representations Procedures.
- 6.6 After the District Council has considered those representations, it may if it thinks fit pass the designating resolutions.
- 6.7 The District Council will specify when the resolution comes into effect, this must be
- No sooner than 28 days after the date of passing the Resolution
  - No sooner than 28 days after the decision was first published in press.



- 6.8 On coming to a determination the District Council will publish its decision, on two consecutive weeks in at least two newspapers circulating in the District.
- 6.9 The District Council may at any time vary or rescind a designating resolution using the above procedures.

## **7. Applications to Trade**

- 7.1 After the designation resolution period has elapsed the District Council will consider all written applications to trade at the designated site/area.
- 7.2 All applications will be considered using the Stationary Licence Policy.
- 7.4 The District Council will not issue a licence under the Act to permit street trading from a stationary position in a street which has not been designated.

## **8. Appeals**

**There is no right of appeal against the decisions to pass, revoke or vary a Designation Resolution.**

**9. Policy Owner**

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism

**10. Contact details in regard of this policy are:**

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

**11. Policy Authorisation**

Development Committee Meeting Authorised on	10 June 2019
Council Authorised on	1 July 2019

**12. Policy Effective Date – 1 August 2019**

**13. Policy Review Date – 1 June 2023 (or sooner as required)**

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

**14. Procedures**

Refer to the Street Trading Designation Procedure

**15. Equality Impact Assessment**

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

**16. This policy has been Rural Impact Assessed.**

Version 1.0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

# **Street Trading Enforcement/Seizure Policy**

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

ENTERPRISE REGENERATION AND TOURISM DEPARTMENT

## Appendix 5

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### 1. Purpose

By virtue of Sections 16 to 22 (inclusive) of the Street Trading Act (Northern Ireland) 2001 the Council may regulate street trading through enforcement powers in a street or part thereof in it's District.

### 2. Scope

This Policy is intended to ensure that Newry Mourne and Down District Council Members and Officers are aware of those matters to be taken into consideration when determining, what if any, enforcement action is to be taken.

### 3. References

- 3.1 Street Trading Act (Northern Ireland) 2001
- 3.2 Guide to the Street Trading Act (Northern Ireland) 2001.
- 3.3 Fixed Penalty

### 4. Background

The Street Trading Act (Northern Ireland) 2001 enables District Councils to regulate Street Trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5 April 2001, with a run-in period of 6 months and became operative on 1 October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 17 of the Act details those street trading activities which would be in contravention of the Street Trading Act (Northern Ireland) 2001 and which would be enforced by means of a fixed penalty, a prosecution or seizure by authorised officers of the District Council.

### 5. General Principles

- 5.1 Each case must be considered by its own merits, but there are general principles that apply in all cases. The duty of Newry Mourne and Down District Council is to make sure that each trading situation is fairly and objectively assessed and that all relevant factors are considered.

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### 6. Contravention of Licensing Conditions

When an authorised officer of the Council or a Constable upon becoming aware of a contravention of conditions of a street trading licence, the licensee may be cautioned in regard to the contravention. A council may at any time revoke a street trading licence. A fixed penalty notice may be issued.

Contraventions:

Any person who:

- (a) without reasonable excuse contravenes any condition of a street trading licence, which is a condition of a kind specified in paragraph (b) (d) (e) (f) or (g) of Section 7 (1) of the Act;
- (b) fails on demand and without reasonable excuse to produce his street trading licence or temporary licence to an authorised officer of a constable;
- (c) fails, on being required to do so under section 16(2) of the Act, to state his name and address or states a name or an address that is incorrect;
- (d) in connection with an application for the grant, renewal or variation of a street trading licence or the grant of a temporary licence makes a statement which he knows to be false in a material particular;
- (e) resists or intentionally obstructs an authorised officer in the execution of his duties under this Act.

### 7. Unlicensed Street Trading

7.1 Section 17(1) of the Street Trading Act (NI) 2001 states that a person who-

- (a) engages in street trading in a district and is not the holder of a street trading licence or a temporary licence granted by the council for the district;
- (b) is the holder of a street trading licence and contravenes a condition of a kind specified in paragraph (a) or (c) of Section 7(1) of the Act; or
- (c) is the holder of a temporary licence and engages in street trading on a day or in a place not specified in that temporary licence; shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 of the standard scale.

7.2 It shall be the policy of the District Council that when an authorised officer of the Council or a constable has reasonable grounds for suspecting that a person is engaged in unlicensed street trading, then the authorised officer or a constable may:

- (a) if the Officer/Constable knows or is satisfied with the identity given by the trader then he/she shall proceed with initiation of legal proceedings against him/her and advise the trader to stop trading immediately. Failure to comply will result in seizure powers being invoked.

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- (b) If the Officer/Constable is not satisfied with the identity given by that trader or cannot verify this identity, then the authorised officer/constable should begin seizure powers immediately. All possible steps shall be taken by the Council to ascertain the identity of alleged offender to initiate legal proceeding against him/her.

### 8. Revocation of a Street Trading Licence

- 8.1 (1)A council may at any time revoke a street trading licence if it is satisfied that-
- (a) owing to circumstances which have arisen since the grant or renewal of the licence -
    - I. the location of the street trading pitch on which the licence holder trades as a stationary trader has become unsuitable, or
    - II. the space in the designated street in which the licence holder trades as a stationary trader has become inadequate for him to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons or vehicles using the street; or
    - III. the area or areas of the district in which the licence holder trades as a mobile trader have become unsuitable for the licence holder to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
  - (b) a designating resolution has been rescinded or varied with respect to the street in which the licence holder trades as a stationary trader;
  - (c) the licence holder has, without reasonable excuse, failed to avail himself to a reasonable extent of his licence;
  - (d) the licence holder has, in connection with an application under section 5 with respect to the licence, made a statement which he knows to be false in a material particular;
  - (e) the licence holder is, on account of misconduct or some other reason relating to trading activities that has come to the attention of the council since the grant or renewal of the licence, unsuitable to hold the licence;
  - (f) the licence holder has, without reasonable explanation, failed to pay any fees or charges due to the council under section 15;
  - (g) the licence holder has persistently failed to remove to a place of storage the receptacles used by him for trading; or
  - (h) the licence holder has persistently failed to comply with any condition of his licence.
- 8.2 (2)A council shall not take any steps to revoke a licence under paragraph
- (g) or (h) of subsection (1) unless –
  - (a) it has notified the licence holder in writing of the conduct on his part that it considers to constitute a failure of a kind mention in either of those paragraphs; and
  - (b) the licence holder has thereafter continued or repeated that conduct.



## Appendix 5

- 8.3 (3) If the council considers that a licence could be revoked on any of the grounds mention in paragraphs (a) to (c) of subsection (1) the council may instead of revoking it, vary its conditions under section 11(1) by-
- (a) reducing the number of days in any week or the period in any one day during which the licence holder is permitted to trade; or
  - (b) specifying –
    - I. in relation to a licence holder who trades as a stationary trader, a different street trading pitch in the designated street in which he trades, or a street trading pitch in another designated street, or
    - II. in relation to a licence holder who trades as a mobile trader, a different area or different areas.
- In which the licence holder may sell articles or things, or supply a service; or
- (c) restricting the description of articles, things or services in which the licence holder is permitted to trade.
- 8.4 The Council may revoke a Temporary Street Trading Licence where the holder of a temporary licence has failed to comply with any of the conditions specified in the licence. The District Council will consider any representation made to the Council by the holder of the temporary licence under its Hearing of Representations Procedures, before deciding to revoke a licence.

## 9. Powers of Seizure

If an authorised officer or constable has reasonable grounds for suspecting that a person has committed an offence under section 17 of the Act, he may seize –

- (a) any article or thing being offered or exposed for sale by that persons.
- (b) Any other article or thing of a similar nature to that being offered or exposed for sale which is in the possession or under the control of that person; and
- (c) Any receptacle or equipment being used by that person.

Which may require to be used as evidence in any proceedings or may be the subject of an application for a forfeiture order under section 19 of the Act.

## 9. Policy Owner

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism



## Appendix 5

**10. Contact details in regard of this policy are:**

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

**11. Policy Authorisation**

Development Committee Meeting Authorised on	10 June 2019
Council Authorised on	1 July 2019

**12. Policy Effective Date – 1 August 2019**

**13. Policy Review Date – 1 June 2023 (or sooner as required)**

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

**14. Procedures**

Refer to the Street Trading Designation Procedure

**15. Equality Impact Assessment**

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

**16. This policy has been Rural Impact Assessed**



Comhairle Ceantair  
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District Council

# **Street Trading**

# **Stall Design and Trading Policy**

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

ENTERPRISE REGENERATION AND TOURISM DEPARTMENT

**Dated: 22 May 2019**



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## 1. Purpose

By virtue of Section 6, 7 and 14 of the Street Trading Act (Northern Ireland) 2001 the District Council may grant to a person a stationary, mobile or a temporary licence authorising him to engage in street trading in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on the minimum standard of stall design, which should be considered when deciding whether to grant to a person a street trading licence. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties.

The Policy also includes standards with regards to trading conditions and stalls maintenance.

This Policy is to be read in conjunction with the Stationary, Temporary and Mobile Street Trading Policies.

## 2. Scope

This Policy is intended to ensure that the District Council's Members and Officers as well as licence applicants are aware of those matters in relation to stall design to be taken into consideration when determining whether to grant a street trading licence.

## 3. References

3.1 Street Trading Act (Northern Ireland) 2001

3.2 Guide to the Street Trading Act (Northern Ireland) 2001

## 4. Background

The Street Trading Act (Northern Ireland) 2001 (here after called 'the Act') enables District Council's to regulate street trading through designating, licensing and enforcement procedures. The Act received Royal Assent on the 5<sup>th</sup> April 2001, with a run-in period of 6 months and became operative on the 1<sup>st</sup> October 2001. The new Act repealed most of the provisions of the 1929 Street Trading (Regulation) Act, except Section 10, which contains the provisions whereby Market Rights can be acquired or extinguished.

Section 5 of the Act, contains details on how an application for the grant, renewal or variation of Street Trading Licence should be made.

Section 6 of the Act, contains details on the granting of Street Trading Licences.

Section 7 of the Act, contains details on conditions in relation to street trading licences.

Section 14 of the Act, contains details on temporary street trading licences.

## 5. Design Guidelines and General Principles

- 5.1 Each case must be considered on its own merits, but there are general principles that apply in all cases. The duty of the District Council is to make sure that each street trading licence application is fairly and objectively assessed and that all relevant factors are considered.
- 5.2 Designs, materials, signage and finishes should be appropriate for the context and of the highest quality. The design of any 'stall' must comply with all relevant Health and Safety Legislation.
- 5.3 It should be noted that these Design Guidelines are the **Minimum Standard, which will be accepted**, by the District Council. A high quality contemporary design manufactured from 25 mm (1") square steel tube, or equivalent, with a 2mm wall thickness to give strength which is zinc plated or hot-dip galvanised to overcome corrosion problems will be acceptable. The design of stall must be fitted with canvas or heavy-duty PVC fitted roof cover with scalloped edges. The roof must be pitched or domed to prevent water collection. A matching fitted 'skirt' must be attached to the counter area; this will give a professional looking appearance to the stall. Where walls are required for the stall, they must be of the same high quality material used for the fitted roof and be made to measure to enable a fitted appearance. All materials used must be fire retardant.
- 5.4 In exceptional circumstances the District Council, subject to such consultation as it considers appropriate, may in particular locations consider novel alternative designs of stall, which add to the colour, ambience, vibrancy etc. of the area.
- 5.5 All 'stalls' no matter of what design must be easily moved to facilitate access.
- 5.6 All stalls must be fixed rail design.
- 5.7 For mobile or stationary licences, which require the use of a vehicle or trailer (such as ice-cream vans or catering trailers in Industrial Estates), the following standard will apply. The vehicle or trailer will be designed and constructed using materials, finishes and signage, which are appropriate for the context and of the highest quality. The vehicle or trailer must comply with all relevant Road Safety and Vehicle Legislation.

- 5.8 If, in any individual case and for whatever reasons, the District Council decide to grant a design, which varies from any of these guidelines, such a decision should not be taken to have created any kind of precedent in respect of future applications.

## **6. Licence Conditions**

- 6.1 In exercise of the powers conferred by Section 7(2) of the Street Trading Act (NI) 2001, the District Council may specify conditions to a licence. The following conditions shall apply:
- Any receptacle at which food and beverage products are stored, prepared, handled or sold must comply with the relevant Food Hygiene legislation.
  - Any canopy or awning must not overhang the pitch.
  - No containers, equipment(eg. tables and chairs or similar items), materials, goods or articles to be placed outside the confines of the receptacle.
  - If generators are being used for trading, it is required to be properly guarded, free from fumes and noise limited. Suitable firefighting equipment must be provided. Generators must be kept within the confines of the allocated pitch.
  - Storage of fuel must be in proper containers fit for the purpose.
  - Hot food and ice-cream vans must not produce excessive noise or exhaust fumes.
- 6.2 The District Council retains its right to amend or replace these conditions at any given time.

## **7. Policy Owner**

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism

## **8. Contact details in regard of this policy are:**

Mr Colum Jackson,

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

**9. Policy Authorisation**

Enterprise Regeneration and Tourism Committee	10 June 2019
Council Authorised on	1 July 2019

**10. Policy Effective Date – 1 August 2019**

**11. Policy Review Date – 1 June 2023**

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

**12. Procedures**

Refer to the Stall Design and Trading Procedure

**13. Equality Impact Assessment**

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

**14. This policy has been Rural Impact Assessed.**

Version 1.0





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District Council

## **Street Trading**

# **Policy for Dealing with Changed Circumstances Affecting Licensed Street Trading**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

ENTERPRISE REGENERATION AND TOURISM DEPARTMENT

/var/versions/processing/1559661793\_364536/Appendix g) Dealing with  
Changed Circumstances Policy 2019.doc

**Dated: 22 May 2019**

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## 1. Purpose

The purpose of this Policy is to outline the approach to be taken by the District Council when considering revocation, etc, of a street trading licence.

The Policy covers circumstances of a temporary, nature for example where the unsuitability or lack of space is caused by ongoing construction works or similar, and where the space has become permanently inadequate or the site permanently unsuitable.

Its aim is to provide, insofar as is possible, transparent, well informed and legally sustainable decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's (here after called 'the District Council') performance of its duties under the Street Trading Act (Northern Ireland) 2001.

## 2. Scope

This Policy applies to:

- Stationary and Mobile trading licences.

**This Policy does not apply to Temporary licences.**

## 3. References

- Street Trading Act (Northern Ireland) 2001.
- Guide to the Street Trading Act (Northern Ireland) 2001.

## 4. Background

The Street Trading Act (Northern Ireland) 2001, (here after called 'the Act'), enables the District Council to regulate Street Trading through designation, licensing and enforcement procedures.

Subsequent to the District Council granting or renewing a licence, circumstances may arise which render the street trading pitch unsuitable or the space on the street inadequate for the trading permitted by a licence to continue. Such circumstances may be;

- the location of a street trading pitch on which a licence holder trades as a stationary trader has become unsuitable, or,
- the space in the street has become inadequate to permit trading by a stationary trader without causing undue interference or inconvenience to persons or vehicles.
- The area or areas of the district in which the licence holder trades as a mobile trader have become unsuitable for the licence holder to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas.

Examples of such circumstances may include:

- Construction works or hoardings,
- Road works,
- Changes in vehicle traffic volumes,
- Installation of new street furniture,
- Changes associated with public realm improvement schemes.
- New buildings
- Road re-alignment

By virtue of Sections 10 & 11 of the Street Trading Act (Northern Ireland) 2001, in such circumstances the District Council may revoke a street trading licence or vary its Conditions as appropriate.

Where possible the District Council will attempt to support the trader and his business by varying the licence.

Licences may be varied to the effect of relocating the trader to an alternative designated pitch or where appropriate changing the times or restricting the commodities permitted.

As such, the guidelines and general principles outlined below have been developed.

## 5. Guidelines and General Principles

The District Council shall, insofar as is practicable, try to anticipate such circumstances that would be likely to arise and they may affect the licensed trader's ability to trade. To this end, the District Council shall ensure that the D.R.D Roads Service and other relevant statutory bodies are informed of the location of all designated pitches.

### Voluntary variation of a Street Trading licence

- 5.1 Where the District Council is aware that such circumstances may arise, it shall inform any licensed trader likely to be adversely affected and seek where possible to agree with the trader a variation to the licence that is acceptable to the trader taking into consideration the impact on their ability to trade.
- 5.2 Where the circumstances are likely to result in the displacement of the street trader, then the trader will be offered the choice of any vacant designated pitch allowing for the sale of their commodities. Where the trader agrees to trade from an alternative pitch they will be invited to make an application to vary their licence; no charge will be made for the application.
- 5.3 Where more than one trader is likely to be displaced and this results in competition for a particular vacant designated pitch, the District Council

shall where possible apply the same criteria as set out in the Section 7 of the Stationary Street Trading policy.

- 5.4 Where a licensed trader has been displaced and his/her original pitch becomes available again, the trader will be returned to their original pitch. To this effect, the trader will be invited in writing to make an application to vary their licence within 21 days; no charge will be made for any such application, if the trader fails to make such an application within the 21 days, then the District Council will consider any application made for the original pitch.

#### **Short-term displacement**

- 5.5 When a street trader is likely to be displaced for a short period not exceeding five working days, the District Council may allow the trader to trade as close as possible to the designated pitch for that period. The decision shall be taken following consultation with interested parties such as D.R.D Roads Service together with consideration of Health and Safety implications and any other statutory provisions. The trader shall be notified in writing of any such decision. The District Council will consider issuing a refund or a reduction in Street Trading fees for short-term displacement.

#### **Revocation or imposed variation to a Street Trading Licence**

- 5.6 Where such circumstances arise and the District Council cannot successfully negotiate a licence variation acceptable with the trader or when there is no available vacant pitch or the vacant pitch does not allow for the sale of their commodity, then the District Council may consider revoking the licence or imposing a variation to the licence.
- 5.7 Where the District Council proposes to revoke or impose a licence variation it shall give the street trading licence holder, "notice in writing of its intentions" and invite representations from him/her.
- 5.8 The Notice of Intention referred to in 5.7 shall state- "that representations relating to the proposal may be made in writing to the District Council within such period, being not less than 21 days from the date of the notice, as may be specified in the notice".
- 5.9 Before reaching any such decision, the District Council will consider representation from the street trader in accordance with the council's Hearing of Representations Procedure.
- 5.10 After considering all relevant representations and reaching a decision, the District Council will write to the licensee affected, giving Notice of the grounds on which its final decision is based.

A person aggrieved by a decision of a Council-

- (a) with respect to any condition specified in a street trading licence

- (b) to refuse, other than on any of the grounds specified in section 8 of the Act, an application for a street trading licence;
- (c) to grant an application for a street trading licence subject to any condition of a kind mentioned in subsection (2) of section 9 of the Act
- (d) to revoke a street trading licence under section 10 of the Act;
- (e) to vary under subsection (1)(b) or (2) of section 11 of the Act any conditions specified in a street trading licence; or
- (f) to refuse to vary under subsection (1)(a) of that section the conditions specified in a street trading licence;

may, at any time before the expiration of the period of 21 days from the date on which notice of the decision is given, appeal to a court of summary jurisdiction by notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)".

- 5.11 The final Notice will also detail the right to appeal against the decision; this must be lodged within 21 days of the Notice in the Magistrates Court.

### **Enforcement**

- 5.12 Where a licensed street trader, including a displaced trader, is found to be trading at any location other than that permitted in their licence, then formal action, including prosecution, may be considered by the District Council. Where paragraph 5.5 relating to short term displacement applies then this paragraph shall not have effect.

## **6. Policy Owner**

Mrs Marie Ward, Director of Enterprise Regeneration and Tourism

## **7. Contact details in regard of this policy are:**

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

## **8. Policy Authorisation**

Development Committee Meeting Authorised on  
Council Authorised on

10 June 2019  
1 July 2019

**9. Policy Effective Date – 1 August 2019**

**10. Policy Review Date – 1 June 2023**

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

**11. Procedures**

Refer to the Dealing with Changed Circumstances Procedure

**12. Equality Impact Assessment**

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

**13. This policy has been Rural Impact Assessed  
Version 1.0**



<b>Report to:</b>	Economic Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Mountain Bike Events and Trails
<b>Reporting Officer</b>	Andrew Patterson - Assistant Director Tourism, Culture and Events
<b>Contact Officer</b>	Michelle Boyle - Head of Product Development and Visitor Experience

For decision	X	For noting only	
<b>1.0</b>			<b>Purpose and Background</b>
1.1			<p>This paper sets out the challenges faced by Council in terms of the ongoing management of both authorised and unauthorised/natural Mountain Bike (MTB) trails at Kilbroney and Castlewellan Forest Parks. Officers and local stakeholders from the MTB community have been engaging to consider these challenges and the paper sets out a number of recommendations on the way-forward for consideration by Council.</p>
<b>2.0</b>			<b>Key issues</b>
2.1			<p>Castlewellan and Rostrevor Forest Parks are two of the most important visitor attractions in the district with combined visitors numbers of over 1 million per annum.</p> <p>The Council by virtue of a licence agreement from Forest Service is responsible for the management and maintenance of the authorised mountain bike trail network in both Castlewellan and Rostrevor Forest Parks. Under the terms of a Service Level Agreement with Council, the Mourne Heritage Trust undertakes daily maintenance and upkeep of the MTB trail network.</p> <p>To date, £1.6 million has been invested in creating the trails, and approximately £120k is spent each year on maintaining and marketing the authorised MTB trail network.</p> <p>In addition to the authorised trail network, a network of unofficial or 'natural' trails exists in the Forest Parks, that have been in existence for many years. To date these natural trails tend to be used by more proficient MTB users and for large-scale MTB events that attract international entrants.</p> <p>Challenges arise when these natural trails are adapted and updated or 'new' trails are created by user groups, without consideration to wider environmental impacts, planning permissions, permissions from Council or the land owner (DAERA), and without adequate health and safety considerations or insurance arrangements in place.</p> <p>As per the license agreement between Forest Service and the Council, the Council has a duty of care to all visitors to the Forest Parks, and in</p>

	<p>that regard there has been work ongoing over the last number of months to remove any unauthorised trails in the Forest Parks where there are potential safety risks to Mountain Bike users or if there is deemed to be a potential conflict or safety concerns on trails where different user groups, such as walkers and bikers, may be at risk.</p> <p>Over the past number of months the Council has received requests from a number of MTB event organisers for events at both Castlewellan and Kilbroney Forest Parks which plan on using a combination of authorised trails, forest roads and unauthorised trails.</p> <p>Whilst the respective event organisers are responsible for providing relevant health and safety risk assessments, and insurance cover for use of unauthorised trails within each event; no adequate cover or permissions are in place post-event, and this presents a considerable risk to Council and visitors using these unauthorised/natural MTB trails.</p> <p>In all the major mountain biking centres in Scotland, Rol, and Wales this challenge exists of meeting the needs of local mountain bike user groups that prefer to ride natural MTB trails within a specific area. This is set against the need by the Local Council or land-owners to manage and maintain authorised MTB trail networks, in a cost-effective way, with all relevant planning permissions and insurance-cover in place.</p> <p>To date, key stakeholders and representatives from Cycling Ireland, MTB event organisers, MTB club officials, Forest Service and Council Officers have been actively engaging to consider the challenges outlined and to consider a way forward that would allow a satisfactory resolution for all stakeholders and users of the Forest Parks.</p> <p>In line with arrangements to date, the Council in conjunction with Forest Service has approved a number requests for MTB events to be run on the informal and formal trail MTB trail network in the Forest Parks this summer, upon the following condition being met:</p> <ul style="list-style-type: none"> <li>A. That no works will be carried out on the trails and no built-structures or features will be added to the trails;</li> <li>B. Adequate health and safety risk assessments are completed, and sufficient public liability insurance is in-place;</li> <li>C. An Education Programme/series of training seminars are delivered by the event organisers in partnership with representatives of Cycling Ireland, MHT, Forest Service and Council – to inform young MTB users on the safe, sustainable and responsible approach to trail management and maintenance in the Forest Parks.</li> </ul> <p>To note, the organisers of the RedBull Foxhunt have decided not to host their event in Kilbroney Forest Park this year, with a possible return being considered in subsequent years (appendix 1 refers).</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	1. Establish a working group with key MTB stakeholders and

	<p>representatives of Cycling Ireland to consider the challenges outlined above, and to develop proposals that would enable the responsible and safe management and maintenance of part of the natural trail network, with adequate health and safety considerations in place.</p> <p>2. Undertake a review of the authorised MTB trail network at Castlewellan and Kilbroney Forest Parks in terms of the Council's ongoing management and maintenance of the MTB trails, with consideration given to engagement of local MTB user groups, health and safety considerations and future budgetary/investment requirements in the trails.</p>
<b>4.0</b>	<b>Resource implications</b>
4.1	The resource implications of the above recommendations are available within existing departmental budgets.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated the recommendation will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>
	Appendix 1 - Correspondence from the organisers of the RedBull Foxhunt MTB Event
<b>8.0</b>	<b>Background Documents</b>
	N/A

**Appendix 1 - Correspondence from the organisers of the RedBull Foxhunt MTB Event**

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**From:** [REDACTED] <[REDACTED]@[REDACTED]>  
**Sent:** Tuesday, May 21, 2019 12:27 pm  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RedBull Foxhunt

Hi [REDACTED],

Thanks for the update.

[REDACTED]  
 [REDACTED]  
 [REDACTED]

[REDACTED] we will not be hosting the Red Bull Foxhunt event in October of this year.

The decision was made in consultation with Red Bull International.

The event is a considerable annual investment for the brand & taking a break will allow us the opportunity to activate a different sporting event.

However, it is likely that we will return in 2020.

[REDACTED]  
 [REDACTED]

Happy to discuss at any stage.

Thanks for your continued support.

Kind regards,

[REDACTED]

<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Application to DAERA for Rural Tourism Funding for the development of facilities in Slieve Gullion Forest Park
<b>Reporting Officer</b>	Andrew Patterson - Assistant Director Tourism, Culture and Events
<b>Contact Officer</b>	Michelle Boyle - Head of Product Development and Visitor Experience

For decision	x	For noting only	
<b>1.0</b>		<b>Purpose and Background</b>	
1.1		<p>Council Officers have submitted an Expression of Interest to the DAERA Rural Development Programme for the development of the tourism offering at Slieve Gullion Forest Park, including:</p> <ul style="list-style-type: none"> <li>• The development of an innovative Tourism Event Space within the Walled Garden</li> <li>• Enhancement of the Giants Liar via innovative technology and interpretation</li> <li>• Improvements to visitor servicing, signage and way-finding across Slieve Gullion Forest Park.</li> </ul> <p>DAERA has accepted the EOI and confirmed a full application for the development of the tourism offering at SGFP as outlined above should be made, and that up to £500,000 of DAREA funding would potentially be available, based on a requirement of £250,000 match-funding from Council.</p> <p>The full application is due to be submitted on 31 August 2019.</p>	
<b>2.0</b>		<b>Key issues</b>	
2.1		<p>From engagement with DAREA officials, and from findings of an economic appraisal based on examination of the site, visitor feedback, industry studies and comparison with good practice has confirmed the following aspects of the project should be progressed:</p> <ul style="list-style-type: none"> <li>• <b>Outdoor Event Space within the walled garden</b> – it is envisaged the Outdoor Event Space would incorporate tiered levels of seating, landscaping within the walled garden, access for less-abled users, a stage and purpose-built event area, audio-visual enhancements to stage performances and improved access and connectivity with the car-park, courtyard and Giant's Liar.</li> <li>• <b>Improved signage and interpretation to the entire site, and enhancements to the Giant's Liar via immersive technology</b> – The project will significantly enhance the visitor experience of the Giant's Liar walking trail through the utilisation of interpretation and immersive technology. These improvements will be designed to enhance the sensory and emotional connection of visitors to the beautiful natural environment that Slieve Gullion offers. The project will also significantly improve the overall wayfinding and interpretation throughout the site, and improve the access for less-able visitors.</li> </ul> <p>In addition to the above capital project, Council Officers will continue to seek funding opportunities for the development of Chambre House as outlined to the ERT Committee in February 2019.</p> <p>This investment opportunity is in-line with the Council's overall vision to develop</p>	

	our tourism infrastructure across the district, with particular emphasis on our tourism facilities and outdoor spaces. Proposals for the redevelopment of Delamont Country Park are currently being finalised and will be tabled at committee in the coming months.
<b>3.0</b>	<b>Recommendations</b>
3.1	<ol style="list-style-type: none"> <li>1. To submit a full application to the DAERA Rural Development Programme for 31 August 2019 based on the recommendations of the economic appraisal for the development of an innovative Tourism Event Space within the Walled Garden; enhancement of the Giants Liar via innovative technology and interpretation; and improvements to visitor servicing, signage and way-finding across Slieve Gullion Forest Park.</li> <li>2. To undertake the required procurements exercises to prepare the full project submission for the deadline of 31 August 2019, based on a project cost of £750,000 for Slieve Gullion Forest Park – with £500,000 capital investment from DAERA, and £250,000 match-funding from Council.</li> </ol>
<b>4.0</b>	<b>Resource implications</b>
4.1	Based on the successful application to DAERA for £500,000 capital investment, Council will be required to contribute £250,000 match-funding. This resource allocation is currently profiled within the Council's Capital programme.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated the recommendation will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to a rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>
	N/A
<b>8.0</b>	<b>Background Documents</b>
	N/A



<b>Report to:</b>	Enterprise, Regeneration and Tourism
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Food and Drink Initiatives 19/20
<b>Reporting Officer (Including Job Title):</b>	Andy Patterson – Assistant Director Tourism Arts and Events
<b>Contact Officer (Including Job Title):</b>	Michelle Boyle – Head of Product Development and Visitor Experiences

For decision	x	For noting only	
<b>1.0</b>		<b>Purpose and Background</b>	
1.1		<p>As part of ongoing delivery of the Council Tourism Strategy, the development of high quality and authentic visitor experiences based on the destination's food and drink offering is a key priority. Culinary tourism has seen unprecedented growth in many destinations as visitors seek to connect with local cultures, and the tourism industry responds with a recognition that local foods are a way of portraying the essence of place. Tourism NI designated 2016 as the NI Year of Food and Drink. Following on from the success built in this year a new all-Ireland initiative has been launched - 'Taste the Island' - which will profile food and drink experiences throughout Ireland between September – November, over the next 3 years. This event is designed to provide visitors with access to authentic food and drink, high quality local ingredients and world class experiences. Newry, Mourne and Down is well placed to benefit from this initiative due to the increasing range of authentic local produce and craft beers and gins now produced in the district.</p>	
<b>2.0</b>		<b>Key issues</b>	
2.1		<p>The Council will work in partnership with the food and drink industry to deliver an authentic range of events and initiatives which will help showcase memorable food experiences:</p> <p><b>Food tours &amp; Trails</b> – Working with industry to offer developed guided urban and rural food and drink tours.</p> <p><b>Make it yourself</b> – working with the industry to include events in cookery schools and unique and authentic destinations within the region.</p> <p><b>Meet the maker</b> – working with the industry to offer visits to food producers, breweries and distillers.</p> <p><b>Festivals and events</b> - this will include specific food and drink events throughout the region and the opportunity to link with other activities such as landscape, heritage etc.</p> <p><b>Taste of place</b> - This will include working with the restaurants, cafes and mobile vendors in the area to showcase local produce.</p>	

<b>3.0</b>	<b>Recommendations</b>
3.1	To approve the Council's involvement in the all-Ireland Taste the Island initiative, led by Tourism NI and Failte Ireland, to commence in September 2019.
<b>4.0</b>	<b>Resource implications</b>
4.1	A total budget of £20,000 will be allocated a comprehensive programme of activity over the next 12 months. This budget provision is available within the ERT Directorate Budget.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated the recommendation will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to a rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>
	N/A
<b>8.0</b>	<b>Background Documents</b>
	N/a



<b>Report to:</b>	Economic Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Transfer of Tourism and Heritage Assets
<b>Reporting Officer (Including Job Title):</b>	Andrew Patterson, Assistant Director Tourism, Culture and Events
<b>Contact Officer (Including Job Title):</b>	Aisleain McGill, Head of Culture, Arts, Heritage and Events

For decision	x	For noting only	
<b>1.0</b>		<b>Purpose and Background</b>	
1.1		<p>The Council has been approached with requests by two separate groups enquiring of the possibility of taking ownership of cinema seats in Kilkeel Town Hall and of three Romany-style caravans stored in the Sean Hollywood Arts Centre.</p> <p>This report makes recommendations on the transfer of these assets to the respective groups.</p>	
<b>2.0</b>		<b>Key issues</b>	
2.1		<p><b><u>Caravans</u></b> These have been subject to condition reports by a Carriage Consultant and National Museums Northern Ireland (NMNI) which have established that they are of no monetary value. A request has been made by representatives of the Hanna's Close charity in Kilkeel to take ownership of the caravans. The group wish to restore and utilise these caravans to provide an authentic link to the history and stories of the area.</p> <p><b><u>Cinema Seats</u></b> Newcastle Community Cinema (NCC) has approached council for the removal and reuse of the cinema seats in Kilkeel Town Hall. Council has no plans for the reuse or sale of these seats.</p>	
<b>3.0</b>		<b>Recommendations</b>	
3.1		<p>It is recommended that the council donates these assets to the respective groups, upon condition that:</p> <ul style="list-style-type: none"> <li>• A risk assessment is provided by the groups for the removal and transport of the items;</li> <li>• All necessary insurances are put in place by the groups for removal and transport of items;</li> <li>• Agreements are signed that Council accepts no liability for loss or injury as a result of removal, transportation or reuse of the items by the respective groups.</li> </ul>	

<b>4.0</b>	<b>Resource implications</b>
4.1	None
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated that the recommendation will have an adverse impact upon equality of opportunity and good relations
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>
	Appendix 1: Carriage Consultant report May 2014
<b>8.0</b>	<b>Background Documents</b>
	N/A

**Appendix 1: Carriage Consultant report May 2014****Report on Three Traveller Caravans in Newry Arts Centre**

Visit to Newry Arts Centre on Monday 10<sup>th</sup> February 2014. Inspection by [REDACTED] Head of Collections Care NMNI and [REDACTED] Curator of Road and Rail Transport.

The three traveller caravans are stored in a substantial stone and block building with a corrugated sheet roof, situated in a yard to the rear of the Arts Centre. The caravans have been inaccessible for many years as a result of being hidden behind other stored material that has now been cleared. It is believed that these vehicles were used by Newry and Mourne District Council as promotional vehicles attending outdoor events such as the Kilbroney Old Vehicle Show in the 1990s.

**The Ledge Wagon (No1).**

The wagon has four wheels. The large wheels on the back each have 14 spokes. The smaller wheels on the front also have 14 spokes each. The hub caps which often have the original builder's name engraved on them are missing from all four wheels. The wheels are fitted with solid rubber tyres. The wagon is probably constructed on an older existing wagon under frame. This is a common practise. Most of the superstructure appears to be modern. It is known as a Ledge wagon because the body sides are constructed with a ledge running the full length of the vehicle, above the rear wheel height. The tongue and groove match-boarding is rather heavy and probably from a proprietary source. Original traveller wagons would tend to have used a lighter match-boarding known as penny-boarding, in an attempt to save weight. The wagon is painted in traditional traveller's style with bright colours and lots of painted decoration. Many of the decorations are of horses, horse shoes, whips etc. A modern side window has been fitted.

The front porch brackets are made of plywood and have an ornate curved profile to the front. They have been decorated with circular shapes. The roof edging strip is also shaped and features a pair of pram wheels as decoration. The roof is covered with green canvas. The small wooden cage above the front wheel is to keep a chicken in. The front steps and shafts are stored inside the wagon.

The Ledge Wagon was designed and built by [REDACTED], Irish Craftsman and received by Councillor James Savage, Chairman of Newry and Mourne District Council on Tuesday 29<sup>th</sup> June 1993.

**Barrel Top Caravan (No2) (without wheels).**

This is a traditional traveller's caravan, of a type common in Ireland between the 1930s and the 1960s. There are no wheels, axles or turntable present for this wagon. This caravan was almost certainly painted by [REDACTED]. The caravan is missing its canvas roof cover. The inside of the roof would have been covered in a patterned fabric, probably a pale or white background and a bold floral pattern. Over this would have been an insulating layer of

blankets. The top surface would have been green canvas. The rear window has been built out. This is probably a modification as it would prevent the sliding shutters from covering the window when required. The shutter on the right hand side is missing. Lying loose inside the barrel top caravan is a wooden 'gate' that would have been attached to the rear of the caravan and hinged at the bottom. This would have been used to carry hay for the horse. When empty, it would be stowed in a vertical position. Also inside is a belly box that would have been bolted under the caravan at the rear to store pots and pans whilst on the move.

### **Ledge Wagon (No3) (without wheels).**

This wagon was almost certainly built, decorated and painted by [REDACTED] at the same time as the other Ledge wagon. Inside this vehicle can be seen at least one of the two doors to hide the space under the bed which is positioned across the rear wall. Two hen cages are sitting loosely on the bed. These would go above the front wheels at either side. There is a kind of hearth to the left of the door which is the traditional place for a stove, although no stove is present. The inside of this van has been covered with wallpaper. There are no wheels or axles present for this wagon. The turntable frame for the front wheels is present outside the van but not fitted. It has been lying on the ground for an extended period and has suffered from wood rot and rust on the springs.

### **Two wheel farm cart (elsewhere in shed).**

The body and shafts two wheeled farm cart are in very poor condition. The shafts have been broken off. The heavy axle and stout wheels appear to have survived rather better than the rest of the vehicle.

In general although there are older sub frames on these vehicles, the superstructure is substantially more modern. It is my impression that the caravans were built as display pieces in the recent past and that they have never been lived in as peoples' homes. The painted decoration on these vehicles represents typically good examples of traveller art, carried out by an experienced craftsman. The standard of finish some of the woodwork appears to have been rather rushed.

### **Condition and Care**

The paint work of the three caravans is in relatively good condition, however they have become soiled. The interiors are in somewhat poorer condition and the textiles both in the interior and on the roof have suffered deterioration.

The priority for care is to maintain a dry interior which would necessitate repair to the roof of the shed particularly in the area above the Ledge Wagon (No 1) where water is penetrating.

The caravans would benefit from cleaning to remove dirt and debris. Suitable protective clothing such as dust masks, gloves and overalls should be worn during cleaning. There are several timbers which are not thought to be integral the structure but which show evidence of woodworm. The painted wood surfaces appear from cursory inspection to be unaffected by woodworm, however, some of the bare wood interior surfaces show signs of woodworm and

should be thoroughly inspected during cleaning. These may benefit from treatment with a suitable industrial woodworm treatment.

The polythene covers on the roof of the two Ledge Wagons have become fragmented and while restoration of the caravans would possibly necessitate replacement of the roof it may be worthwhile to provide a suitable tarpaulin covers to protect from bird droppings while they are stored in a shed where birds can gain access. Alternative fully enclosed accommodation would be beneficial.

Care should be taken if moving the caravan that still has wheels as they may have become loosened or deteriorated during storage.

<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Newry, Mourne and Down Local Development Plan - Appointment of Consultants: <ul style="list-style-type: none"> <li>• Landscape Character Assessment: Review and Update (and associated work)</li> </ul>
<b>Reporting Officer:</b>	Anthony McKay, Chief Planning Officer
<b>Contact Officer:</b>	Andrew Hay, Principal Planning Officer

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

<b>For decision</b>	<b>X</b>	<b>For noting only</b>	
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	To seek members approval to appoint specialist landscape consultants to undertake a review and update of the District's Landscape Character Areas, and associated work, to support the work of the Development Plan Team in the preparation of the Local Development Plan.
1.2	A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the Local Development Plan (LDP) documents (Plan Strategy and Local Policies Plan) and to show how policies and proposals help to achieve the social, economic and environmental objectives for the plan area. The Landscape Character Assessment will form part of the evidence base to underpin the LDP and will be subject to scrutiny at Independent Examination.
1.3	As part of the evidence base for the LDP a review of the existing landscape character areas (LCAs), special countryside areas (SCA) and areas of high scenic value (AoHSV) is required.
1.4	In July 1999, the then Department of the Environment (DoE): Environment and Heritage Service published the Northern Ireland Landscape Character Assessment Series (NICLA Series). The NICLA Series recognised the inherent diversity of the landscape of Northern Ireland and identified 130 LCAs within 26 reports, one for each of the former council areas. Each LCA is based upon local patterns of geology, landform, land use, cultural and ecological features, and contains a list of key characteristics for the area, a landscape description, commentary on the landscape condition, sensitivity to change and principles for landscape management and accommodating new development. Within Newry, Mourne and Down District, 25 distinct LCAs are identified.
1.	The NICLA Series is supported by the Northern Ireland Landscape Assessment 2000 (NICLA 2000), a regional report published the following year which covers the



5	<p>whole of Northern Ireland. The report addresses the diversity of local landscape character, key components and forces for change and included strategic advice on how to tackle the effects of development and land use change in the countryside and in the urban fringe.</p>
1. 6	<p>In providing guidance to Council's in the preparation of their LDPs, the now Department for Infrastructure (DfI) has advised that given the dated publication of the existing NICLA Series the soundness of this information as an evidence base in support of LDPs may be tested at Independent Examination and therefore should not be relied upon. It is considered that there has been a substantial amount of development since the publication of the assessments and aspects of the recommendations and comments may not currently apply.</p>
1. 7	<p>In the years since the publication of the NICLA Series parts of the landscape of Newry, Mourne and Down District may have been subject to change. Therefore, in order for these assessments and associated landscape designations to remain relevant to planning policy and the development management process, an update is required to capture the current landscape character, its sensitivities and provide up to date development management guidance.</p>
1. 8	<p>Historically specialist landscape consultants were appointed by the relevant Central Government Department to support its work in identifying and assessing the visual aspects of the landscape to ensure that it was given appropriate consideration when developing policy and planning decisions. Following on from planning functions being transferred to local councils in April 2015, this area of work now falls within the remit of the Council. It is however acknowledged that the required level of expertise and specialist knowledge is not held within the Council to ensure that a robust review exercise of the existing LCAs is undertaken. It is therefore proposed that the Development Plan Team engage a consultant to undertake a review and update of the District's LCAs (and associated work) to inform the preparation of the LDP.</p>
1. 9	<p>To undertake this specialised piece of work the appointment of a suitably qualified specialised consultancy team is required to complete this comprehensive study.</p>
2. 0	<p><b>Key issues</b></p>
2. 1	<p>It is considered that some of the required studies to inform the LDP in respect of the District's landscape are now significantly out of date and would not provide a reliable evidence base upon which to develop landscape designations for the District.</p>
2. 2	<p>A Landscape Character Assessment is required to provide advice on the following:</p> <ul style="list-style-type: none"> <li>• Undertake a review of the 25 LCAs within the district while also considering them against The Northern Ireland Regional Landscape 2015 (NIRLCA) and The Regional Seascape Character Areas. The review should also identify if any significant change has taken place in the landscape since the original assessment was carried out.</li> <li>• Review whether any changes are required to the three existing SCA's, namely, The Mourne, Ring of Gullion and Slieve Croob and in doing so inform whether any amendments are considered necessary to their boundaries.</li> </ul>

	<ul style="list-style-type: none"> <li>An analysis of Magheraknock Lough AoHSV and whether any other lands are worthy of this designation.</li> </ul>
2.3	<p>Specialist Landscape Consultants are required to undertake this study. The appointed consultant will be required to carry out eight key tasks, these are detailed within Appendix 1 and outlined below:</p> <p>Task 1 – Review and update each of the existing LCAs within the District</p> <p>Task 2 – Develop principles for accommodating new development</p> <p>Task 3 – Identify any development pressures</p> <p>Task 4 – Review and update Sections 3: Forces for Change &amp; Section 4: Key Issues and Recommendations of the NICLA 2000 with specific reference to the Newry, Mourne and Down District Council Area</p> <p>Task 5 – Policy Guidance</p> <p>Task 6 – Review of the existing Special Countryside Area designations</p> <p>Task 7 – Consultation</p> <p>Task 8 – Input for Independent Examination</p>
2.4	<p>The key output from the study will be a report that will inform the draft Plan Strategy and elements of the subsequent Local Policies Plan by highlighting the diverse mix of landscapes within the Newry, Mourne and Down area, their varying degree of capacity to absorb further development and identifying the issues influencing the landscape condition and sensitivity.</p> <p>The review will recognise the differences between areas that are particularly sensitive to change and those with lower sensitivities which could potentially provide opportunities to accommodate sustainable development while also identifying any potential constraints to future development.</p>
2.5	<p>This review process will identify and describe the variations in the character of landscapes by explaining the unique combination of elements and features that make landscapes distinctive. The process will therefore play an important role in developing and adding to a robust evidence base which is required to inform the LDP.</p>
2.6	<p>For the Landscape Character Assessment to remain relevant to planning policy and the development management process it is necessary that the contemporary landscape conditions and sensitivities are properly described, and that development management guidance is relevant to current and likely future pressures for change.</p>
2.7	<p>The timely delivery of this project will support the Development Plan Team in the preparation of the LDP and in meeting its targets as set out in the LDP Timetable.</p>
3.0	<p><b>Recommendations</b></p>
3.1	<p>It is recommended that the Committee note the content of this report, and agrees to the:</p> <ul style="list-style-type: none"> <li>Appointment of Specialist Landscape Consultants to undertake a review and update of the District's Landscape Character Areas, and associated work, to support the work of the Development Plan Team in the preparation of the Local</li> </ul>



	Development Plan.
<b>4.0</b>	<b>Resource implications</b>
4.1	It is estimated that the study will cost between £30,000 and £50,000. This estimate is based on the costs incurred by other Council Development Plan teams who have engaged specialist landscape consultants to undertake similar pieces of work in the support and preparation of their respective LDPs over the last 2 years.
4.2	Monies are available from ERT Budgets
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	N/A
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	N/A
<b>7.0</b>	<b>Appendices</b>
7.1	1. Scope of Works for the review of the existing Landscape Character Assessment. Special Countryside Areas, and Areas of High Scenic Value
<b>8.0</b>	<b>Background Documents</b>
8.1	<ul style="list-style-type: none"> <li>The Northern Ireland Landscape Character Assessment 2000</li> </ul>

## **Appendix 1 - Scope of Works for the review of the existing Landscape Character Assessment, Special Countryside Areas and Areas of High Scenic Value.**

### **1. Scope of the Contract**

One of the key aims of the new LDP is to actively support the growth and regeneration of the Council area. While the value of our natural environment is recognised as a cross cutting theme which impacts on all aspects of the LDP, a number of the Key Issues detailed within Section 5 of the POP refer to supporting a sustainable and rural development while Section 8 of the POP refers to protecting and enhancing the built and natural environment.

One of the key aims of this study is to carry out a comprehensive review of the existing Local Landscape Character Areas within the district, as defined in the Northern Ireland Landscape Character Assessment Series (NILCA Series), together with a review of the existing special countryside areas and areas of high scenic value. The report will form a key supporting document that will underpin the Council's future Local Development Plan and associated planning policies and will form a vital component of the Countryside Assessment Technical Supplement. The report produced must therefore be robust and able to stand up to detailed scrutiny at the independent examination satisfying the 'soundness tests' required of a local development plan.

The key requirement of this review are to:

- To provide a detailed review and update of all the existing LCAs as identified covering the Newry, Mourne & Down District Council area by undertaking desk-top research, surveys and site inspections covering the wider council area and also at locations specific to each individual LCA
- To provide a detailed review of the existing special countryside areas and areas of high scenic value and assess whether these should be modified.
- Assessing the principal forces for change in the district and identify the key issues influencing the landscapes sensitivity.
- Review and update Section 3: Forces for Change & Section 4: Key Issues and Recommendations of the NICLA 2000 with specific reference to the Newry, Mourne and Down District Council Area
- Provide input to and attendance at the Independent Examination of the LDP

### **2. Proposed Scope of the Works**

Following on from the broad scope of the contract outlined above, the proposed scope of works should follow standard methodology to address the following main tasks.<sup>1</sup>

#### **Task 1 - Review and update each of the existing Landscape Character Areas within the District**

This should include the following elements:

- Key characteristics
- Landscape description including scale, the degree of enclosure, the diversity and form of patterns made by fields, woodlands and settlements

<sup>1</sup> This is based on Council's understanding. Any omissions or inaccuracies, together with cost implications, should be identified to Council prior to any contract being made.

together with the balance and proportion of the different landscape elements within typical views

- Landscape condition and sensitivity to change including a review of the existing Landscape Analysis & Settlement Settings Map
- Principles of landscape management detailing suitable actions which will aid with the conservation and management of the distinctive character of each LCA
- Review and update if required the LCA Biodiversity Profiles for each identified LCA
- Review and update if required the Geomorphology for each identified LCA
- Review the names of existing LCAs with particular reference to their geographic location and landscape character type. Suggest amalgamation/sub-division if deemed appropriate

### **Task 2 - Develop principles for accommodating new development**

- This should include guidance on whether development can be successfully integrated into the districts landscapes and seascapes together with consideration as to how development can be accommodated as a positive influence within these landscapes.
- The study should incorporate an assessment of the capacity of the landscape to accommodate further energy proposal and associated development infrastructure.

### **Task 3 - Identify any development pressures**

- These may have arisen over time since the publication of the NICLA reports, such as renewable development or housing in the countryside. The report should therefore include a review of where certain types of development may/should be restricted.

### **Task 4- Review and update Sections 3: Forces for Change & Section 4: Key Issues and Recommendations of the NICLA 2000 with specific reference to the Newry, Mourne and Down District Council Area**

- This should include a summary of key issues and broad landscape guidance for built development focusing on siting, design and materials while also considering the impact infrastructural projects, renewable energy schemes, agriculture, tourism and mineral extraction may have on the landscape.
- An analysis of Magheraknock Loughs, an Area of High Scenic Value which the district shares with Lisburn & Castlereagh City Council and a review of whether any other lands are worthy of this designation.
- Provide an overview of the linkages within the NI regional landscape and seascape assessments (NIRSCA (2014) and NIRLCA (2015) (where relevant) and ensure that the documents are not in conflict with one another.

### **Task 5 - Policy Guidance**

- Taking account of regional planning policy, the POP, and the evidence gathered through this Study, the Consultant will be required to provide policy guidance to inform the emerging LDP and to provide revised landscape management guidelines based on the reassessment of sensitivities and forces for change.

- If considered necessary, the consultant should recommend any changes to the
- existing LCA assessments highlighting potential policy requirements/recommendations. This should include a review of the names of existing LCAs and suggestion of amalgamation or sub-division if deemed appropriate.

#### **Task 6 - Undertake a review of the existing Special Countryside Area designations**

- This review should be used to assess the three existing SCA's within the district namely, Mourne, Ring of Gullion and Slieve Croob and inform whether any amendments are considered necessary including extending, reducing or removal of these boundaries. With regards to the Mourne SCA the existing designation only protects the high Mourne which were located within the legacy Banbridge, Newry and Mourne portion of the District. Consideration should therefore be given to whether it would be appropriate to make any changes to this current designation to ensure all areas worthy of this designation are afforded the same level of protection.

#### **Task 7 - Consultation**

- Undertake stakeholder consultation/workshops in conjunction with the Council's LDP team to elected members and senior management. The main purpose of this consultation is to obtain the views on any of the proposed amendments to the LCA, SCA and AoHSV. Other workshops may also be proposed to obtain the views of other stakeholders to any amendments proposed within the study and the successful candidate should be willing to partake in such events.

#### **Task 8 - Input for Independent Examination**

- The final report emerging from this Study will be used as evidence by the Council when the LDP is tested for 'soundness' at Independent Examination. As previously indicated there will be two separate Independent Examinations, the first one being for the draft Plan Strategy and the second for the draft Local Policies Plan. The Consultant will be required to prepare and present evidence to explain and justify the findings of the Study and the draft policies and proposals that flow from it.

<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Newry, Mourne and Down Local Development Plan - Appointment of Consultants: • Retail and Commercial Leisure Capacity Study
<b>Reporting Officer:</b>	Anthony McKay, Chief Planning Officer
<b>Contact Officer:</b>	Andrew Hay, Principal Planning Officer

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

<b>For decision</b>	<b>X</b>	<b>For noting only</b>	
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	To seek members approval to appoint specialist retail consultants to undertake a Retail and Commercial Leisure Capacity Study, to support the work of the Development Plan Team in the preparation of the Local Development Plan.
1.2	A reliable and comprehensive evidence base is vital to informing and justifying the 'soundness' of the Local Development Plan (LDP) documents (Plan Strategy and Local Policies Plan) and to show how policies and proposals help to achieve the social, economic and environmental objectives for the plan area. A Retail and Commercial Leisure Capacity Study will form part of the evidence base to underpin the LDP and will be subject to scrutiny at Independent Examination.
1.3	A key part of this evidence base is an assessment of our town centres, their catchments, available expenditure and future development pressures. This assessment will provide the evidence base to guide detailed planning policies and proposals for Newry City and the District's town centres and will be subject to scrutiny at the Independent Examination phases of the LDP process.
1.4	The Council's future planning policies and proposals for its city and town centres are guided by the regional planning policy in the form of the Strategic Planning Policy Statement (SPPS). The main thrust of the SPPS, in terms of town centres and retailing, is to secure a town centres first approach for the location of retailing and other main town centre uses. In preparing their LDP documents the SPPS requires councils to undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area as well as preparing town centre health checks. The SPPS states that LDPs should bring forward a strategy for town centres and retailing and contain appropriate policies and proposals that promote the aforementioned town centres first approach.
	Historically, the Department of the Environment: Planning Service appointed specialist retail consultants to carry out this work. It also established a specialist



1.5	<p>retail team in its Planning headquarters in Belfast to advise divisional planning offices in retail impact matters. Following on from planning functions being transferred to local councils in April 2015, no specialist planning staff from the retail team transferred to the Council. It is considered that there is not the expertise within the Council to undertake a robust retail and leisure needs and capacity study. It is therefore proposed that the Development Plan Team engage a consultant to undertake a Retail and Commercial Leisure Capacity Study for the District to inform the preparation of the LDP.</p> <p>To undertake this specialised piece of work the appointment of a suitably qualified specialised consultancy team is required to complete this comprehensive study.</p>
1.6	
2.0	<p><b>Key issues</b></p>
2.1	<p>It is considered that a Retail and Commercial Leisure Capacity Study is required to inform the LDP.</p>
2.2	<p>The Retail and Commercial Leisure Capacity Study will cover Newry City, the seven existing towns and four proposed towns as set out in the LDP Preferred Options Paper.</p> <p>City/town Centres are currently designated in each of our existing city/towns (Newry, Crossmaglen, Kilkeel, Newtownhamilton, Warrenpoint, Downpatrick, Ballynahinch and Newcastle). However, Primary Retail Cores have only been identified for Newry, Downpatrick, Ballynahinch, and Newcastle through the existing Area Plans. There are also no designated district centres in the District, however there are two local centres identified at Fiveways in Newry, and Ballymote in Downpatrick. There is currently no retail hierarchy identified for the District.</p>
2.3	<p>The proposed assessment will provide advice on:</p> <ul style="list-style-type: none"> <li>• Delineation of city/town centres;</li> <li>• Delineation of primary retail cores areas (if appropriate); and</li> <li>• Assessment of potential development opportunity sites.</li> </ul>
2.4	<p>The study will also be required to assess the network of centres across the District and in particular provide advice on:</p> <ul style="list-style-type: none"> <li>• Designation of a hierarchy of centres;</li> <li>• Recommendation for the designation of district and local centres;</li> <li>• Recommendations as to the nature and scale of retail and commercial leisure uses; and</li> <li>• Any implications arising from trading or development patterns outside the Council are, in particular: <ul style="list-style-type: none"> <li>o In adjoining Council areas within Northern Ireland;</li> <li>o In adjoining cross border Councils with the Republic of Ireland (i.e. County Louth and County Monaghan);</li> <li>o Along the Belfast-Dublin Economic Corridor; and</li> <li>o Implications of Brexit.</li> </ul> </li> </ul> <p>Specialist Retail Consultants are required to undertake this study. The appointed consultant will be required to carry out seven key tasks, these are detailed within</p>

2.5	<p>Appendix 1 and outlined below:</p> <p>Task 1 – Review Policy and Market Trends</p> <p>Task 2 – Retail and Leisure Capacity Assessment</p> <p>Task 3 – Assessment of Need for Additional Retail &amp; Leisure Floorspace</p> <p>Task 4 – Undertake Town Centre Health Checks</p> <p>Task 5 – Policy and Proposals Guidance</p> <p>Task 6 – Consultation</p> <p>Task 7 – Input for Independent Examination</p>
2.6	<p>The need for a retail capacity study and comprehensive health check was highlighted in the LDP Preparatory Paper 4: Town Centres and Opportunity Sites presented to Members in November 2015. This paper stated that a number of retail studies had previously been commissioned by the Department for Social Development for the Downpatrick Masterplan (July 2010), Newry City Centre Masterplan (October 2011) South East Coast Masterplan (January 2013) and Ballynahinch Masterplan (October 2014). It is considered that these retail studies are now significantly out of date and would not provide a reliable evidence base upon which to develop a retail strategy for the District.</p>
2.7	<p>The production of a Retail and Commercial Leisure Study has the potential to bring wider benefits to the ERT Directorate through underpinning the production of future masterplan work and formulation of economic development policies.</p>
2.8	<p>The key output from the study will be a report that will inform and underpin the draft Plan Strategy and elements of the subsequent Local Policies Plan.</p>
2.9	<p>The timely delivery of this project will support the Development Plan Team in the preparation of the LDP and in meeting its targets as set out in the LDP Timetable.</p>
3.0	<p><b>Recommendations</b></p>
3.1	<p>It is recommended that the Committee note the content of this report, and agrees to the:</p> <ul style="list-style-type: none"> <li>Appointment of Specialist Retail Consultants to undertake a Retail and Commercial Leisure Capacity Study to support the work of the Development Plan Team in the preparation of the Local Development Plan.</li> </ul>
4.0	<p><b>Resource implications</b></p>
4.1	<p>It is estimated that the study will cost between £30,000 and £50,000. This estimate is based on the costs incurred by other Council Development Plan teams who have engaged specialist retail consultants to undertake similar pieces of work in the support and preparation of their respective LDPs over the last 2 years.</p>

4. 2	Monies are available from ERT Budgets
5. 0	<b>Equality and good relations implications</b>
5. 1	N/A
6. 0	<b>Rural Proofing implications</b>
6. 1	N/A
7. 0	<b>Appendices</b>
7. 1	1. Scope of Works for the Retail and Commercial Leisure Capacity Study
8. 0	<b>Background Documents</b>
8. 1	N/A

## **Appendix 1 - Scope of Works for the Retail and Commercial Leisure Capacity Study.**

### **Proposed Scope of Works**

The proposed scope of works should follow standard methodology to address the following main tasks<sup>1</sup>.

#### **Task 1 - Review Policy and Market Trends**

- Benchmark performance of Newry city, the seven existing towns and four proposed towns against similar towns in Northern Ireland and UK.;
- Review long term market trends, technological changes, the economic outlook (taking account of Brexit), and the potential impact of government policies that could impact on growth and consumer expenditure.

#### **Task 2 - Retail and Leisure Capacity Assessment**

To undertake an assessment of existing retail and leisure floor space and activity within the Plan area. In regard to the retail aspect, this assessment should take in to account the main recognised retail sub-sectors, i.e. comparison shopping,

<sup>1</sup> This is based on Council's understanding. Any omissions or inaccuracies, together with cost implications, should be identified to Council prior to any contract being made



convenience shopping, durables and bulky goods and retail services. Within this task, the following matters will require attention:

- The definition and analysis of a hierarchy of centres and also their existing main catchment and other sub-catchment (population and expenditure available by sector) and the identification of any leakage of expenditure
- Establish the extent to which the current retail and leisure provision satisfies the level and nature of consumer demand within the centre's catchment;
- Analysis of the amount and location of existing retail and commercial leisure floorspace in each of the existing and proposed towns to derive:
  - o Quantitative Capacity for Comparison Floorspace
  - o Quantitative Capacity for Convenience Floorspace
  - o Quantitative Capacity for Bulky Goods Floorspace
  - o Quantitative Capacity for Leisure Space
- Any likely changes in the catchments trading patterns, population, expenditure levels and turnover over the Plan period should be identified and the implications considered for future retail and leisure planning, particularly for the Main Towns.

### **Task 3 - Assessment of Need for Additional Retail & Leisure Floorspace**

Assess the quantitative and qualitative need for additional floorspace within the different retail and leisure sectors (as outlined above). This study should advise on the amount of additional floorspace needed over the Plan period to 2030 and where this should be located (taking account of RDS and SPPS policy context). The study should also advise on whether phasing of additional development is appropriate and how this should be carried out.

This task will involve a focused assessment within the town centres of the Newry and Downpatrick, which represent the main urban hubs in NMD. As well as the six existing and four proposed towns.

In assessing need it is expected that the consultant will:

- Quantify the scale and nature of changes in additional floorspace that could be expected to arise over the Plan period in the light of relevant factors such as existing shortfalls (as assessed in Task 2), demographic changes, forecast trends in retail (distinguishing various sub-sectors) and leisure expenditure;
- Advise on any necessary desirable qualitative improvements relative to current retail and leisure provision;
- Advise on the appropriate balance of the diversity of uses in each centre
- Advise on whether it would be appropriate for the Council to issue a "Call for Sites" consultation within any particular centre, in accordance with paragraph 6.286 of the SPPS and to advise on whether this should be associated with specific sectors.

#### **Task 4 - Undertake Town Centre Health Checks**

Undertake an assessment of the vitality and viability of the District's city and town centres, incorporating Newry city, and the seven existing, and four proposed Towns. In particular, the Consultant will be required to:

- Gather and collate information relating to the standard Town Centre "health check" indicators (as outlined below) and provide an assessment of the vitality and viability of each centre (including any emerging District or Local Centre);
- Advise on the role played by the retail, retail services and leisure sectors in sustaining the vitality and viability of each centre;
- Identify any gaps or issues that may be affecting economic / commercial viability;
- Identify retailer floorspace requirements (involving the gathering and analysis of information from independent commercial property databases where retailers and agents register floorspace requirements for particular towns or on a sub-regional level).
- Examine the commercial property market so as to facilitate understanding of shopping rents and investment yields within the various town centres. In particular to identify locations within centres which have prime rental levels and commercial yields.

Town centre health checks should contain information on a range of indicators, including:

- Diversity of uses
- Vacancy rates
- Environmental quality
- Physical structure and constraints
- Footfall
- Retailer representation
- Perceptions of crime and safety
- Accessibility

With regard to

- edge of centre and out of centre retailing,

The Council will map and record existing and approved retail floorspace. The Consultant will assess the implications of this on the town centre and use this to make recommendations as covered by Task 5 below.

#### **Task 5 - Policy & Proposals Guidance**

Taking account of regional planning policy, the POP, and the evidence gathered through this Study, the Consultant will be required to provide guidance to inform the emerging LDP on the following matters:

- Review the role played by the retail, retail services, and leisure sectors in sustaining the vitality and viability of town centres and to make recommendations on appropriate development management policies;

- Provide guidance on the potential designation of District and / or Local Centres within the Plan area, along with recommendations on appropriate development management policies;
- For Newry city, the seven existing towns and four proposed towns if considered appropriate, define a Primary Retail Core / Primary and Secondary Retail Frontages, and make recommendations on appropriate development management policies regarding their protection;
- Review city/town centre boundaries for Newry city, the seven existing towns and four proposed towns;
- Provide guidance on the definition of City/Town Centre boundaries and make recommendations on appropriate development management policies to protect and enhance the vitality and viability of City/Town Centres;
- Assess potential Development Opportunity Sites within or adjoining City/Town Centres that arise from any 'call for sites' exercise, and make recommendations as to the appropriate mix of uses and scale of development, taking account of deliverability, feasibility and economic viability;
- Assess the relationships between existing / proposed out of town developments (including centres outside the Plan area), and recommend actions considered necessary to protect or enhance the role of NMD Town Centres;
- Advise and make recommendations on appropriate development management policies.

### **Task 6 - Consultation**

Undertake stakeholder consultations / workshops in conjunction with the Council's Local Development Plan team. It is envisaged that two workshops will be held in Newry City, along with one in each of the seven existing towns and four proposed towns. The main purpose of this consultation is to obtain views on current levels of retail and leisure provision and identify issues that can be addressed in the Local Development Plan. Such consultations /workshops may also be used to gather information relevant to the town centre health checks.

A Councillor workshop will also to be held to canvas the views of Elected Members.

### **Task 7 - Input for Independent Examination**

The final Report emerging from this Study will be used as evidence by the Council when the LDP is tested for 'soundness'<sup>2</sup> at Independent Examination. As previously indicated there will be two separate Independent Examinations – the first for the draft Plan Strategy, and the second for the draft Local Policies Plan. For both of these events, the Consultant will be required to prepare and present

<sup>2</sup> Refer to Development Plan Practice Note 6 (version 2) published by Department for Infrastructure, May 2017

evidence to explain and justify the findings of the Study and the draft policies and proposals that flow from it.



<b>Report to:</b>	Economic Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Notice of Motion - Donard Demesne
<b>Reporting Officer (Including Job Title):</b>	Andrew Patterson, Assistant Director Tourism, Culture and Events
<b>Contact Officer (Including Job Title):</b>	Michelle Boyle - Head of Product Development and Visitor Experience

For decision	x	For noting only	
<b>1.0</b>			<b>Purpose and Background</b>
1.1			<p>The following the notice of motion was proposed and approved at the meeting of Council in April 2019:</p> <p>"Newry, Mourne and Down council enters into discussions with the Annesley Estate proposing that council leases the woodland known as Donard Demesne, Newcastle, in order that this woodland area can be properly maintained and made an attractive area to complement the amenities already existing in Donard Park, with the view to improving the recreational, health and well-being and tourism potential, this area is an important habitat that requires adequate management."</p> <p>This paper highlights the key issues that are currently being progressed in relation to this notice of motion.</p>
<b>2.0</b>			<b>Key issues</b>
2.1			<p>ERT Officers are currently considering the proposal in terms of the tourism-value of the site and the potential resource, insurance, staff and budget considerations that will be required if Council were to manage Donard Demesne at a future date.</p> <p>A paper detailing these considerations will be tabled at ERT Committee once the appropriate appraisals and options have been fully considered.</p>
<b>3.0</b>			<b>Recommendations</b>
3.1			Paper for noting.
<b>4.0</b>			<b>Resource implications</b>
4.1			None
<b>5.0</b>			<b>Equality and good relations implications</b>
5.1			It is not anticipated that the recommendation will have an adverse impact upon equality of opportunity and good relations
<b>6.0</b>			<b>Rural Proofing implications</b>
6.1			The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to rural needs impact assessment.
<b>7.0</b>			<b>Appendices</b>

	N/a
8.0	<b>Background Documents</b> N/A



**Appendix 1: Carriage Consultant report May 2014****Report on Three Traveller Caravans in Newry Arts Centre**

Visit to Newry Arts Centre on Monday 10<sup>th</sup> February 2014. Inspection by [REDACTED] Head of Collections Care NMNI and [REDACTED] Curator of Road and Rail Transport.

The three traveller caravans are stored in a substantial stone and block building with a corrugated sheet roof, situated in a yard to the rear of the Arts Centre. The caravans have been inaccessible for many years as a result of being hidden behind other stored material that has now been cleared. It is believed that these vehicles were used by Newry and Mourne District Council as promotional vehicles attending outdoor events such as the Kilbroney Old Vehicle Show in the 1990s.

**The Ledge Wagon (No1).**

The wagon has four wheels. The large wheels on the back each have 14 spokes. The smaller wheels on the front also have 14 spokes each. The hub caps which often have the original builder's name engraved on them are missing from all four wheels. The wheels are fitted with solid rubber tyres. The wagon is probably constructed on an older existing wagon under frame. This is a common practise. Most of the superstructure appears to be modern. It is known as a Ledge wagon because the body sides are constructed with a ledge running the full length of the vehicle, above the rear wheel height. The tongue and groove match-boarding is rather heavy and probably from a proprietary source. Original traveller wagons would tend to have used a lighter match-boarding known as penny-boarding, in an attempt to save weight. The wagon is painted in traditional traveller's style with bright colours and lots of painted decoration. Many of the decorations are of horses, horse shoes, whips etc. A modern side window has been fitted.

The front porch brackets are made of plywood and have an ornate curved profile to the front. They have been decorated with circular shapes. The roof edging strip is also shaped and features a pair of pram wheels as decoration. The roof is covered with green canvas. The small wooden cage above the front wheel is to keep a chicken in. The front steps and shafts are stored inside the wagon.

The Ledge Wagon was designed and built by [REDACTED], Irish Craftsman and received by Councillor James Savage, Chairman of Newry and Mourne District Council on Tuesday 29<sup>th</sup> June 1993.

**Barrel Top Caravan (No2) (without wheels).**

This is a traditional traveller's caravan, of a type common in Ireland between the 1930s and the 1960s. There are no wheels, axles or turntable present for this wagon. This caravan was almost certainly painted by [REDACTED]. The caravan is missing its canvas roof cover. The inside of the roof would have been covered in a patterned fabric, probably a pale or white background and a bold floral pattern. Over this would have been an insulating layer of



blankets. The top surface would have been green canvas. The rear window has been built out. This is probably a modification as it would prevent the sliding shutters from covering the window when required. The shutter on the right hand side is missing. Lying loose inside the barrel top caravan is a wooden 'gate' that would have been attached to the rear of the caravan and hinged at the bottom. This would have been used to carry hay for the horse. When empty, it would be stowed in a vertical position. Also inside is a belly box that would have been bolted under the caravan at the rear to store pots and pans whilst on the move.

### **Ledge Wagon (No3) (without wheels).**

This wagon was almost certainly built, decorated and painted by [REDACTED] at the same time as the other Ledge wagon. Inside this vehicle can be seen at least one of the two doors to hide the space under the bed which is positioned across the rear wall. Two hen cages are sitting loosely on the bed. These would go above the front wheels at either side. There is a kind of hearth to the left of the door which is the traditional place for a stove, although no stove is present. The inside of this van has been covered with wallpaper. There are no wheels or axles present for this wagon. The turntable frame for the front wheels is present outside the van but not fitted. It has been lying on the ground for an extended period and has suffered from wood rot and rust on the springs.

### **Two wheel farm cart (elsewhere in shed).**

The body and shafts two wheeled farm cart are in very poor condition. The shafts have been broken off. The heavy axle and stout wheels appear to have survived rather better than the rest of the vehicle.

In general although there are older sub frames on these vehicles, the superstructure is substantially more modern. It is my impression that the caravans were built as display pieces in the recent past and that they have never been lived in as peoples' homes. The painted decoration on these vehicles represents typically good examples of traveller art, carried out by an experienced craftsman. The standard of finish some of the woodwork appears to have been rather rushed.

### **Condition and Care**

The paint work of the three caravans is in relatively good condition, however they have become soiled. The interiors are in somewhat poorer condition and the textiles both in the interior and on the roof have suffered deterioration.

The priority for care is to maintain a dry interior which would necessitate repair to the roof of the shed particularly in the area above the Ledge Wagon (No 1) where water is penetrating.

The caravans would benefit from cleaning to remove dirt and debris. Suitable protective clothing such as dust masks, gloves and overalls should be worn during cleaning. There are several timbers which are not thought to be integral the structure but which show evidence of woodworm. The painted wood surfaces appear from cursory inspection to be unaffected by woodworm, however, some of the bare wood interior surfaces show signs of woodworm and

should be thoroughly inspected during cleaning. These may benefit from treatment with a suitable industrial woodworm treatment.

The polythene covers on the roof of the two Ledge Wagons have become fragmented and while restoration of the caravans would possibly necessitate replacement of the roof it may be worthwhile to provide a suitable tarpaulin covers to protect from bird droppings while they are stored in a shed where birds can gain access. Alternative fully enclosed accommodation would be beneficial.

Care should be taken if moving the caravan that still has wheels as they may have become loosened or deteriorated during storage.

<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	NI Business Start Up Programme: Update
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director for Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Amanda Smyth Head of Regeneration and Business Development

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

For decision	For noting only	X
<b>1.0</b>	<b>Purpose and Background</b>	
1.1	<p>Newry, Mourne and Down District Council are participating within the 11 Council collaborative programme for delivery of Business Start activity across NI. This is a 3.5 year programme that represents an investment of £6.173 million across the 11 Council region up until 31<sup>st</sup> March 2021.</p> <p>Northern Ireland Business Start Programme (NIBSUP) is recognised as the key strategic business start programme for Northern Ireland (NI), charged with delivering volume, locally focused jobs. Through the "Go for it" Programme, delivered by the Councils since 2015, entrepreneurs can develop their business plan for starting a business with help from their local Council and their delivery agents.</p> <p>The features of the Programme include a business enquiry service, underpinned by a centralised marketing campaign, one to one support by a Business advisor referrals to Invest NI for export-focused business start-ups that meet Invest NI's client company criteria, and the production of a quality assured business plan.</p> <p>NIBSUP's key outputs are completed and approved business plans (BPAs). The programme is funded by Invest NI and the European Regional Development Fund (ERDF) as part of the EU Programme for Growth &amp; Jobs 2014-2020, currently with a planned delivery period of three years from 2017 - 2020.</p> <p>The Programme Delivery Commenced 4<sup>th</sup> September 2017 with the following Regional targets for the programme life time:</p> <ul style="list-style-type: none"> <li>• Quality Business Plans - 9,729</li> <li>• Business Start Ups - 6,616</li> <li>• New Jobs - 5,981</li> </ul>	
<b>2.0</b>	<b>Key issues</b>	
2.1	Delivery under the NI Business Start Programme generates Job Promotion outputs,	

	<p>which delivers against targets outlined within Councils Performance Improvement Plan, and under the terms and conditions agreed by Department for Economy.</p> <p>NMDDC has exceeded its targets for the years as demonstrated in the table below:</p> <p><u>NI Business Start Up Performance (April 18 – March 2019)</u></p> <table><tr><th>2018/2019</th><th>Target</th><th>Actual (2018 / 2019)</th><th>% achieved against target</th></tr><tr><td>Total Business Plans Approved</td><td>285</td><td>300</td><td>105%</td></tr><tr><td>Business Starts (EDP Rate)</td><td>194</td><td>204</td><td>105%</td></tr><tr><td>DFE Jobs promoted target</td><td>155</td><td>184</td><td>119%</td></tr></table>	2018/2019	Target	Actual (2018 / 2019)	% achieved against target	Total Business Plans Approved	285	300	105%	Business Starts (EDP Rate)	194	204	105%	DFE Jobs promoted target	155	184	119%
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Business Starts (EDP Rate)	194	204	105%														
DFE Jobs promoted target	155	184	119%														
<b>3.0</b>	<b>Recommendations</b>																
3.1	To note above update on delivery and performance of Business Startup activity for 2018/2019 period																
<b>4.0</b>	<b>Resource implications</b>																
4.1	<p>Budget for the NI Business Start Up programme is in place through the 'transfer of functions' budget. Cost are summarised below:</p> <p>Programme timeframe: 3.5 years</p> <p>Total NI Programme Cost: £6,173,904</p> <p>100% Cost to NMD for 3.5 year programme: £634,643 Grant to NMD against above cost: £379,981 Balance cost to NMD: £254,662</p> <p>Cost to NMD over 3.5 year programme is as set out below</p> <ul style="list-style-type: none"><li>• Year 1: £81,132</li><li>• Year 2: £69,689</li><li>• Year 3: £67,333</li><li>• Year 4: £36,507</li></ul>																
<b>5.0</b>	<b>Equality and good relations implications</b>																
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.																
<b>6.0</b>	<b>Rural Proofing implications</b>																
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<b>7.0</b>	<b>Appendices</b>																
	None																
<b>8.0</b>	<b>Background Documents</b> None																

<b>Report to:</b>	Enterprise, Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Completed - A Sustainable Outdoor Recreation Plan for Strangford and Lecale Area of Outstanding Natural Beauty and Strangford Lough Marine Protected Area
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Darren Rice, Ring of Gullion and Strangford Lough & Lecale Manager

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

<b>For decision</b>	<b>For noting only</b>	<b>x</b>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	<p>Strangford Lough &amp; Lecale Partnership (SLLP) on behalf of Newry Mourne and Down DC and Ards and North Down BC commissioned a report by Outdoor Recreation NI to complete an Outdoor Recreation Plan for the AONB.</p> <p>The aim of this Plan is: 'To develop a Sustainable Outdoor Recreation Plan for the Strangford and Lecale Area of Outstanding Natural Beauty and Strangford Lough Marine Protected Area.'</p>
<b>2.0</b>	<b>Key issues</b>
2.1	<p>This report is now completed and available at the below link  <a href="https://www.ringofgullion.org/wp-content/uploads/2019/05/190405-Outdoor-Recreation-Plan-for-the-Strangford-and-Lecale-AONB-and-Strangford-Lough-MPA_FINAL-compressed.pdf">https://www.ringofgullion.org/wp-content/uploads/2019/05/190405-Outdoor-Recreation-Plan-for-the-Strangford-and-Lecale-AONB-and-Strangford-Lough-MPA_FINAL-compressed.pdf</a></p> <p>Officers from the AONB will now progress actions and initiatives listed within the Recreational Plan, which are at a no cost, or for which budgets are secured. For other initiatives that may require significant funding, feasibility or scoping studies for these will be completed when funding and potential delivery partners have been identified.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	To note that there is now in place an Outdoor Recreation Plan for the Strangford and Lecale Area of Outstanding Natural Beauty and Strangford Lough Marine Protected Area
<b>4.0</b>	<b>Resource implications</b>
4.1	Further reports will be brought back to Council regarding initiatives for which additional resources are required
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	None

<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	None
<b>7.0</b>	<b>Appendices</b>
	none
<b>8.0</b>	<b>Background Documents</b>  A Sustainable Outdoor Recreation Plan for Strangford and Lecale Area of Outstanding Natural Beauty and Strangford Lough Marine Protected Area; Prepared by Outdoor Recreation NI May 2018  Link to full document:- <a href="https://www.ringofgullion.org/wp-content/uploads/2019/05/190405-Outdoor-Recreation-Plan-for-the-Strangford-and-Lecale-AONB-and-Strangford-Lough-MPA_FINAL-compressed.pdf">https://www.ringofgullion.org/wp-content/uploads/2019/05/190405-Outdoor-Recreation-Plan-for-the-Strangford-and-Lecale-AONB-and-Strangford-Lough-MPA_FINAL-compressed.pdf</a>



<b>Report to:</b>	Enterprise Regeneration & Tourism Committee
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Environment Fund Letter of Offer for Ring of Gullion AONB and Strangford Lough & Lecale AONB
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Darren Rice Ring of Gullion Landscape Partnership Scheme and Strangford Lough & Lecale AONB Manager

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

<b>For decision</b>	<b>For noting only</b>	<b>x</b>
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<b>1.0</b>	<p><b>Purpose and Background</b></p> <p>Application has been successful to Department of Agriculture, Environment and Rural Affairs for Environment Fund for period of 1 years from 1 April 2019 to 31 March 2020 for delivery of actions in Ring of Gullion AONB and Strangford Lough &amp; Lecale AONB (RGSLL) Action Plans.</p> <p>This is a four-year project, however, NMDDC will only be issued with a letter of offer for each year in quarter three of the preceding year. The LoO will be determined by the departmental budgets available.</p> <p>In-year funding may also become available to deliver against additional projects listed within the application form but not included in the Letter of Offer. If additional funding becomes available these additional projects will be funded at the same level of funding as the main project - i.e. 50%</p>
<b>1.1</b>	<p>RGSLL will implement measurable key environmental outcomes identified in the various designated sites Management Action Plans (MAPs) developed during the previous Environment Fund delivery phase (1 April 2016 -31 March 2019)</p> <p>RGSLL is needed in order to ensure key recommendations and actions from the MAPs will be implemented to deliver against key access, community and environmental outcomes.</p> <p>RGSLL will help to improve wellbeing for all, by providing healthy landscapes for communities to enjoy and creating places where people want to work live and visit.</p> <p>RGSLL will contribute to reversing habitat and species decline; improving river and marine water quality; and obtain favourable management in the AONBs' designated sites.</p> <p>RGSLL will have positive environmental impacts at a sub-regional scale that will be measured and monitored.</p> <p>Conservation volunteers will help in delivery of the project.</p>

	<p>RGSLL is a key component of several council pillars, most notably the proposed Geopark application and the Green Tourism Accreditation; as well as delivering on many of the actions from the community plan.</p>
<b>2.0</b>	<b>Key issues</b>
2.1	<p>The environment fund Letter of Offer is essential to ensure continued funding for staff resources and project activity for the Ring of Gullion and Strangford Lough in the 2019 / 2020 period. Officers will be in close contact with funders during this period to secure funding for future years.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	<p>To note that a Letter of Offer has been accepted from the Environment Fund for the Ring of Gullion and Strangford Lough AONBs for the 2019/20 period (year 1 of a four-year application). The value of the Letter of Offer for this period is £147,430 at a 50% grant rate. Match funding is secured in Council revenue budgets.</p> <p>The AONB teams will work with the NI Environment Agency (NIEA) to implement and progress the delivery of additional projects for which funding is secured via In-Year funding (if and when budget becomes available)</p> <p>The AONB teams will work with the NIEA to secure funding for years 2, 3 and 4 as set out in the application to NIEA</p>
<b>4.0</b>	<b>Resource implications</b>
4.1	<p><b>Over the four-year Life of The Project</b></p> <p>A Letter of Offer for 2019/20 has been secured for £147,430 at a 50% grant rate. Council match funding of £147,430 has been secured through revenue budget.</p> <p>AONB staff will be drawing on funding from other sources not being drawn against for the above application, including but not limited to Volunteers Time (approx) £40,000, EU: NPA Ascent £46,000, EU AA AtlanticCultureScape £1,900,000.</p>
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	<p>There is no negative impact to equality and good relations. Recruitment of volunteers for various projects under this funding will be via various different media, will be open and transparent and open to all.</p>
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	<p>The implementation of this funding will have a positive impact on the area the constitutes the RGSLL AONBs</p>
<b>7.0</b>	<b>Appendices</b>
	<p>None</p>
<b>8.0</b>	<b>Background Documents</b>
	<p>None</p>



<b>Report to:</b>	Enterprise Regeneration and Tourism
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Belfast Region City Deal: Update
<b>Reporting Officer (Including Job Title):</b>	Liam Hannaway, Chief Executive
<b>Contact Officer (Including Job Title):</b>	Liam Hannaway, Chief Executive

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

For decision	For noting only	X
<b>1.0</b>	<b>Purpose and Background</b>	
1.1	<p>In November 2018 Chancellor Philip Hammond announced in the 2018 Autumn Budget an investment of £350 million from Treasury. As part of the City Deal, this investment will be matched by a further £350 million from the NI Executive with City Deal Councils and partners contributing over £100 million.</p> <p>Securing a City Deal for the Belfast Region in November 2018, followed a period of engagement with key stakeholders, and development of key strategic initiatives that would deliver against the City Deal vision of accelerating inclusive economic growth for the whole region and delivering up to 20,000 new and better jobs with a positive spread of benefits across the region.</p> <p>In March 2019, the City Deal Partners with the UK and NI Government departments signed a Heads of Terms agreement in order to commence the next phase of the City Deal process. The Heads of Terms is a tripartite agreement between the UK Government, the NI Government and the BRCD Partners, which outlines both the broad financial commitments being made by all the partners to the BRCD and the collective commitment to work in partnership to ensure delivery of the BRCD programme.</p> <p>The investment programme has been developed on the key pillars of Innovation and Digital, Infrastructure, Regeneration, Tourism and Employability and Skills. The key initiatives for Council are the following projects:</p> <ul style="list-style-type: none"> <li>• Newry City Regeneration (Theatre &amp; Conference + Public realm)</li> <li>• Mournes Gateway</li> <li>• Southern Relief Road (Led by DFI)</li> </ul> <p>The below are other BRCD initiatives that will also have an impact on our area</p> <ul style="list-style-type: none"> <li>• Employability and Skills programme</li> <li>• Regional Innovators Network</li> <li>• Infrastructure Enabling Fund</li> <li>• Smart District &amp; Test bed</li> <li>• Digital Innovation Platform</li> </ul>	

<b>2.0</b>	<b>Key issues</b>
2.1	<p>Now in the in the next stage of the City Deal development, the Belfast Region City Deal Programme Board continue to work in partnership with key stakeholders and partners from our Universities, Colleges, Permanent Secretaries, the NIO and key Department Officials.</p> <p>Council are progressing the completion of Outline Business Cases (OBCs) for the Newry Regeneration project, and the Newcastle Gateway to the Mournes. Council will also input where required to the OBC for the Southern Relief Road which is being led through the Department for Infrastructure. Content for the OBCs for the Digital and Innovation projects are currently being developed regionally which NMD officials and relevant stakeholders are engaging in. The estimated completion time for OBC development is Spring 2020.</p> <p>The Programme Board are establishing new Governance arrangements for the next phase of development. This includes the establishment of Advisory Boards for each of the Pillars: Infrastructure, Regeneration and Tourism, Skills and Employability, Digital and Innovation. Chief Executives and senior Council officers from the City Deal region are represented on all advisory boards, which will oversee the development of OBC's. Advisory boards will also be supported by a Finance Directors Steering Group and a Communications Officer Steering Group.</p> <p>Key to this Structure is a Joint Members Forum which will ensure member engagement in the strategic direction of the City Deal process. Development of Council led projects will remain as the responsibility of Council, guided by the City Deal principles. Through the Joint Members Forum the Programme Board, and the Advisory Boards, Council will also have an input into the development of projects that will have an impact on our area. It is anticipated to that a Joint Members Engagement Forum will be held for members shortly to update members and outline the next stage of the City Deal process.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	To note the update provided on the Belfast Region City Deal, including update on completion of Outline Business Cases, government and financial arrangements for next phase of delivery
<b>4.0</b>	<b>Resource implications</b>
4.1	<p>A budget has been included for City Deal revenue costs in 2019/20. This will include a contribution towards the cost associated with regional projects, and programme board work streams. Further detail will be brought to members as the process develops, and costs are confirmed following a procurement / appointment process. It is expected that NMD contributions will be based on share of EPP. Contributions will be sought for the following regional costs:</p> <ul style="list-style-type: none"> <li>• Programme support and Development</li> <li>• Development of Digital and Innovation Pillar</li> <li>• Policy Development</li> <li>• Governance and assurance</li> <li>• Programme assurance</li> <li>• Communication and Engagement</li> </ul>

	In addition, also during this period Council will be responsible for the development of Council led projects through the OBC process. Project specific budgets are in place for this work.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.
<b>7.0</b>	<b>Appendices</b>
<b>8.0</b>	<b>Background Documents</b>

<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	Monday 10 <sup>th</sup> June 2019
<b>Subject:</b>	Enterprise, Employment & Regeneration financial assistance applications 2019/20
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson, Assistant Director, Enterprise, Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Martin Patterson, Enterprise Development Officer

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

<b>For decision</b>	<b>For noting only</b>	<b>x</b>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	At the March 2019 ERT Committee meeting, a report listing service level agreements between the Council and several economic development organisations were approved for 2019/20 financial year. This report was approved to prepare us in advance of the Council receiving applications from these organisations for the delivery of our various economic programmes. For the 2019/20 financial year, economic programme delivery organisations have submitted financial assistance applications for the Councils consideration. These organisations are seeking match funding contributions and all programmes are to be implemented by March 2020. The applications will assist in the delivery of key economic projects and programmes across the entire District.
<b>2.0</b>	<b>Key issues</b>
2.1	<p>Applications for funding have been received and have been assessed against agreed criteria and have an added benefit to our District. In addition they all lever in considerable amounts of match funding to assist in the delivery of these programmes which our Council cannot avail of directly.</p> <p>All applications are employment programmes delivered across the district and include; pre-enterprise, employment, social enterprise, cross border, youth, disability, education and mentoring accredited programmes. They also complement the Councils current delivery of the 'Go for It' business start-up programme and meet with the key objectives within our Councils Economic, Regeneration and Investment Strategy.</p> <p>The recommendation is that each of the programmes listed below are awarded a financial contribution in this current financial year 2019/20 in line with our budget profiling for economic projects. They are as follows;</p> <ul style="list-style-type: none"> <li>• Young Enterprise – Quick Start Programme - £10,000</li> <li>• Youth Action – Get Started Programme - £10,000</li> <li>• Enterprise NI – Exploring Enterprise Programme - £10,000</li> <li>• Plato EBR – Plato cross border business programme - £8,000</li> <li>• Clanrye Group – Positive Directions Programme - £10,000</li> <li>• Stepping Stones – Stepping Stones to Employment Programme - £10,000</li> </ul>

	<ul style="list-style-type: none"> <li>Southern Regional College – Colleges Connected Programme - £5,000</li> </ul> <p>The programme delivery organisations will be issued detailed service level agreements for the implementation of the above programmes with inclusion of clear and measurable outputs.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	It is recommended that Newry, Mourne and Down District Council issue service level agreements to the above-mentioned organisations for the delivery of economic programmes in the 2019/20 financial year.
<b>4.0</b>	<b>Resource implications</b>
4.1	<ul style="list-style-type: none"> <li>Young Enterprise – Quick Start Programme - £10,000</li> <li>Youth Action – Get Started Programme - £10,000</li> <li>Enterprise NI – Exploring Enterprise Programme - £10,000</li> <li>Plato EBR – Plato cross border business programme - £8,000</li> <li>Clanrye Group – Positive Directions Programme - £10,000</li> <li>Stepping Stones – Stepping Stones to Employment Programme - £10,000</li> <li>Southern Regional College – Connected Programme - £5,000</li> </ul> <p>This finance is available in the 2019/2020 economic development budget.</p>
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	These programmes will be advertised and marketed through all mediums and is accessible, inclusive and open to all businesses within the District.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Recipients will include rural businesses and the programme will have a positive impact on rural enterprise throughout the District.
<b>7.0</b>	<b>Appendices</b>
	N/A
<b>8.0</b>	<b>Background Documents</b>
	Previous programme outputs and current application forms detailing new programme activity.

<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	
<b>Subject:</b>	Applications to Live Here, Love Here (AONB Projects)
<b>Reporting Officer (Including Job Title):</b>	Martin Robinson Assistant Director Enterprise Employment and Regeneration
<b>Contact Officer (Including Job Title):</b>	Darren Rice (Landscape Partnership and AONB Manager)

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

<b>For decision</b>	<b>For noting only</b>	<b>x</b>
<b>1.0</b>	<b>Purpose and Background</b>	
1.1	<p>Newry, Mourne and Down Council through the Strangford Lough &amp; Lecale Partnership (SLLP) and the Ring of Gullion Partnership, develop annual proposals for the Live Here, Love Here grant and have submitted an application ahead of the May 2019 application deadline.</p> <p>Proposals will deliver actions against litter and fly-tipping outlined in the Strangford and Lecale and Ring of Gullion AONB Action Plans 2017 - 22</p> <p>It will also feed into the strategic framework of the council and contribute to the anti-litter strategy.</p>	
<b>2.0</b>	<b>Key issues</b>	
2.1	<p>Live Here Love Here is a positive, people powered campaign focused on improving our local environment and building a sense of pride in our local communities.</p> <p>Live Here Love Here is about creating pride. About loving where you live. About caring for your surroundings, feeling responsible for the landscape around you and creating a better environment for our communities.</p>	
<b>3.0</b>	<b>Recommendations</b>	
3.1	<p>To note that SLLP and the Ring of Gullion Partnerships have submitted applications to Live Here, Love Here for a project to be delivered in 2019/20</p> <p>If successful, to approve the acceptance of grant and implementation of the project as laid out in a Letter of Offer.</p>	
<b>4.0</b>	<b>Resource implications</b>	
4.1	<p>This project is 100% funded therefore there is no financial requirement from Council and the grant will cover all project costs.</p> <p>NMDDC/SLLP staff will co-ordinate, manage and promote this project.</p>	



<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	<p>Having considered the proposal, it is not anticipated the proposal will have an adverse impact upon rural proofing.</p> <p>The implementation of this project will have a positive impact on this rural area of our district</p>
<b>7.0</b>	<b>Appendices</b>
	None
<b>8.0</b>	<b>Background Documents</b>
	None

<b>Report to:</b>	Enterprise, Regeneration and Tourism Committee
<b>Date of Meeting:</b>	10 <sup>th</sup> June 2019
<b>Subject:</b>	Newcastle & Warrenpoint Beaches
<b>Reporting Officer</b>	Andrew Patterson - Assistant Director Tourism, Culture and Events
<b>Contact Officer</b>	Michelle Boyle - Head of Product Development and Visitor Experience

For decision	For noting only	x
<b>1.0</b>	<b>Purpose and Background</b>	
1.1	<p>In March 2019 Council approved the following recommendations:</p> <ol style="list-style-type: none"> <li>1. The development of the beach front area in Warrenpoint to be included in the development brief for the Environmental Improvement scheme and that the Council enters into a period of Water Quality Testing to establish water quality and the potential for a bathing water designation in three year's time.</li> <li>2. To host a workshop with officials of the Marine Strategy and Licensing Branch of DAERA to discuss proposals for the beach front at Warrenpoint and to discuss obtaining a Marine Licence for the necessary works required at Newcastle Beach.</li> <li>3. Refer a request to the Neighbourhood Services Directorate to improve the provision of litter bins and cleansing on Newcastle Beach and surrounding area.</li> </ol> <p>This paper provides an update of actions undertaken by officers to progress these recommendations.</p>	
<b>2.0</b>	<b>Key issues</b>	
2.1	<ul style="list-style-type: none"> <li>• Council Officers have appointed a suitably experienced contractor to undertake three-years of water-quality testing at Warrenpoint Beach, in line with NIEA requirements for monitoring of bathing water designations.</li> <li>• The Council has written to representatives of Marine Strategy and Licensing Branch of DAERA to invite officers to a workshop with all Councillors to discuss matters raised.</li> <li>• Officers in ERT and Neighbourhood Service Directorates are currently considering the provision of additional litter bins and cleansing on the beach and surrounding area.</li> <li>• ERT Officers have commissioned an economic appraisal to assess the opportunities to improve the beach area in Newcastle, and to appraise the creation of a 'pop-up beach' as per the notice of motion tabled at ERT Committee in February 2019.</li> </ul>	



<b>3.0</b>	<b>Recommendations</b>
3.1	Paper for noting.
<b>4.0</b>	<b>Resource implications</b>
4.1	Resource requirements are currently available within ERT budget allocations. Any recommendations arising from the above action points will be tabled at ERT Committee for approval.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated the recommendation will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The recommendation has been considered within the scope of the Rural Needs Act and the proposal has not been subject to a rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>
	N/a
<b>8.0</b>	<b>Background Documents</b>
	N/a

<b>Report to:</b>	Enterprise, Regeneration and Tourism
<b>Date of Meeting:</b>	10 June 2019
<b>Subject:</b>	Update on Golf initiatives
<b>Reporting Officer (Including Job Title):</b>	Andy Patterson - Assistant Director Tourism Arts and Events
<b>Contact Officer (Including Job Title):</b>	Michelle Boyle - Head of Product Development and Visitor Experiences

For decision	For noting only	X
<b>1.0</b>	<b>Purpose and Background</b>	
1.1	As part of the Councils Tourism Strategy, the growth of Golf Tourism is a key priority. In partnership with local Golf Clubs, TNI and other partners, Council has delivered a range of initiatives to raise the profile of the product offering in Newry, Mourne and Down.	
<b>2.0</b>	<b>Key issues</b>	
2.1	<p>The following key initiatives are included in the 2019 Golfing activity schedule:</p> <p><b>Marketing tool kit devised:</b> A marketing tool kit has been devised for all local golf clubs throughout the district this will distributed to all the clubs within the region. This tool kit gives a range of marketing devices which can be used to attract golfers to the region.</p> <p><b>Heart of Down Parkland Golf Pass:</b> A parkland pass has been developed within the region which will be promoted through the clubs and at trade shows that council attend to attract golfing societies and international golfers who are interested in parkland golf and in particular at The 148<sup>th</sup> Open in Royal Portrush.</p> <p><b>Heart of Down Coastal Golf Pass:</b> A coastal golf pass has been developed with Ardglass golf club and incorporating two parkland passes. This golf pass will be promoted through the clubs and at shows that council attend to attract golfing societies and international golfers who are interested in Coastal and parkland golf and in particular at The 148th Open in Royal Portrush.</p> <p><b>NI Golf Tourism convention:</b> Newry, Mourne and Down played host for three days to the Tourism NI Northern Ireland Golf Tourism Convention. 80 golf tour operators from USA, Canada, UK, Germany, Sweden and Denmark stayed in the district and played Ardglass Golf club and Royal County Down. This proved to be a valuable opportunity to showcase our links golf and for tourism industry to engage with operators from across the world.</p> <p><b>WorldHost training tailored to golf:</b></p>	

	<p>To get businesses ready for The 148<sup>th</sup> Open Tourism NI rolled out Worldhost customer service training tailored to golf visitors, we had six sessions throughout the district for the industry with each session at capacity.</p> <p><b>Epic Journey to The 148<sup>th</sup> Open:</b> On Thursday 6<sup>th</sup> June 'The Epic Journey to the 148<sup>th</sup> Open' event will take place on the grounds of the Slieve Donard Resort and Spa from 11am - 1pm. Council has been working closely with TNI and local stakeholders to organise this event. Local Schools, golf clubs, sporting personalities, stakeholders and the community are invited to celebrate all that NI has to offer and show their support for the return of the Championship to Royal Portrush in July.</p> <p><b>Attendance at The 148<sup>th</sup> Open</b> The destination will have a presence within the Tourism NI stand at 148<sup>th</sup> Open in Royal Portrush. This will be an opportunity to showcase our fantastic golf in the region along with promoting our parkland and coastal passes.</p> <p><b>NZ Par tour operator</b> Whilst Council attending the North American Convention in 2018 a group of 38 golfers from Zealand who are attending The 148<sup>th</sup> Open in July 2019, were secured to play Royal County Down &amp; Ardglass Golf Club and stay in the Slieve Donard Resort and Spa for three nights.</p> <p><b>Newry, Mourne and Down Summer Trophy</b> This competition will be taking place from 14 - 16 August and will be played at Spa, Ardglass and Royal County Down golf courses. This event is fully booked. Bookings for this event were secured when council attended a golf event called International Golf Travel Market where tour operators from France, UK and Germany all booked tee times.</p> <p><b>Newry, Mourne and Down Junior Summer Trophy</b> This competition will be taking place 14-16 August and qualifying rounds will be played at Kilkeel, Warrenpoint golf clubs with the top 20 qualifying to play Royal County Down.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	Paper for noting.
<b>4.0</b>	<b>Resource implications</b>
4.1	All golf initiatives are budgeted for in annual revenue budgets
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated the initiatives will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	The initiatives has been considered within the scope of the Rural Needs Act and the proposal has not been subject to a rural needs impact assessment.
<b>7.0</b>	<b>Appendices</b>

	N/A
8.0	<b>Background Documents</b> N/A

# Newry, Mourne & Down District Council – April 2019

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## 1. Live Applications

MONTH 2019/20	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	177	1,173	269

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

Month 2019/20	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	701	203	89	60	120	1,173

## 3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78

## 4. Decisions issued per month

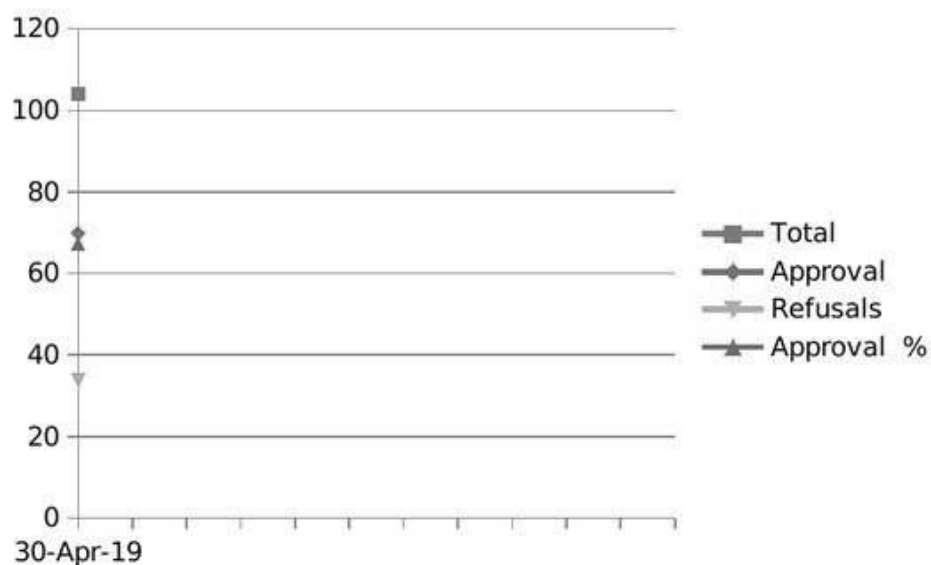
Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95

## 5. Decisions Issued YTD

Month 2019/20	Number of Decisions Issued	Breakdown of Decisions	
April	104	Approvals (70)	67 %
		Refusals (34)	33 %

# Newry, Mourne & Down District Council - April 2019

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## 6. Enforcement Live cases

Month 2019/20	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	329	230	183	79	63	179	1,063

## 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
10 April 2019	17	11	6
<b>Totals</b>	<b>17</b>	<b>11</b>	<b>6</b>

## 8. Appeals

### Planning Appeal Commission Decisions issued during April 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	23	5	0	5	0
Down	15	0	0	0	0

Newry, Mourne & Down District Council – April 2019

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TOTAL	38	5	0	5	0
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## Newry, Mourne & Down District Council – April 2019

Statutory targets monthly update – April 2018 to March 2019 (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 <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks		
April	0	2	110.4	0.0%	100	109	14.0	52.3%	48	6	170.2	66.7%		
May	0	2	67.3	0.0%	115	118	16.9	43.2%	49	14	48.3	64.3%		
June	1	1	20.2	100.0%	133	132	15.1	50.0%	49	25	49.2	60.0%		
July	0	-	0.0	0.0%	107	81	15.2	49.4%	38	6	61.9	66.7%		
August	0	-	0.0	0.0%	110	136	15.6	47.8%	38	5	34.6	80.0%		
September	1	-	0.0	0.0%	117	82	14.9	50.0%	34	5	129.7	20.0%		
October	2	-	0.0	0.0%	145	138	16.3	44.9%	50	30	45.5	70.0%		
November	0	-	0.0	0.0%	143	123	16.4	44.7%	35	14	58.4	50.0%		
December	0	-	0.0	0.0%	115	32	19.9	37.5%	19	34	52.8	52.9%		
January	1	-	0.0	0.0%	138	151	22.8	26.5%	37	18	85.5	44.4%		
February	0	1	76.6	0.0%	134	99	21.8	25.3%	27	8	116.3	25.0%		
March	1	1	215.4	0.0%	118	115	22.4	28.7%	26	40	134.6	37.5%		
Year to date	6	7	76.6	14.3%	1,475	1,316	18.0	41.6%	450	205	54.6	52.7%		

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 the application is deemed valid to the date on which the decision is issued, or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".
3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

# Record of meetings between Planning Officers and Public Representatives 2019-2020

165

DATE OF MEETING	PLANNING OFFICER'S NAME/ S	PUBLIC REPRESENTATIVE'S NAME
05/04/2019	A McAlarney	Cllr Curran

## Current Appeals

166

**AUTHORITY** Newry, Mourne and Down

<b>ITEM NO</b>	<b>1</b>	<b>PAC Ref:</b>	2017/A0168
<b>Planning Ref:</b>	LA07/2017/0687/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Steven And Diane Campbell		
<b>LOCATION</b>	30m North Of 94 Greencastle Road Kilkeel		
<b>PROPOSAL</b>	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**

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<b>ITEM NO</b>	<b>2</b>	<b>PAC Ref:</b>	2017/A0213
<b>Planning Ref:</b>	LA07/2016/0952/	<b>DEA</b>	Newry
<b>APPELLANT</b>	D & M Downey		
<b>LOCATION</b>	113-117 Dublin Road Newry		
<b>PROPOSAL</b>	RT35.8OP 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		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	18/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

167

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

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

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## Current Appeals

168

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	LA07/2018/0747/	<b>PAC Ref:</b>	2018/A0079
<b>APPELLANT</b>	Joan Henderson	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	200m South East 21 Levallyreagh Road Rostrevor		
<b>PROPOSAL</b>	<sup>Newrv</sup> Proposed replacement dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	05/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	LA07/2018/0554/	<b>PAC Ref:</b>	2018/A0123
<b>APPELLANT</b>	Mr Craig Baxter	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	No. 5 Ringbane Road Ringbane		
<b>PROPOSAL</b>	<sup>Newrv</sup> Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	25/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

169

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	P/2015/0200/F	<b>PAC Ref:</b>	2018/A0130
<b>APPELLANT</b>	Mr Nail Black	<b>DEA</b>	Newry
<b>LOCATION</b>	Approx 150m South East Of No 28 Ferryhill Road Killeen		
<b>PROPOSAL</b>	Newry Erection of a farm dwelling and garage.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	30/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	LA07/2018/0331/	<b>PAC Ref:</b>	2018/A0131
<b>APPELLANT</b>	David Gordon	<b>DEA</b>	The Mournes
<b>LOCATION</b>	34 Dougans Road Kilkeel		
<b>PROPOSAL</b>	RT34 4HN Retention of dwelling and integrated garage, in substitution of Planning Ref: P/2009/1284/F		

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

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## Current Appeals

170

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2017/1316/	<b>PAC Ref:</b>	2018/A0132
<b>APPELLANT</b>	O'Hagan Construction Ltd	<b>DEA</b>	Newry
<b>LOCATION</b>	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		
<b>PROPOSAL</b>	Retention of retaining wall and raised land and erection of dwelling (Amended Proposal)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2017/1151/	<b>PAC Ref:</b>	2018/A0134
<b>APPELLANT</b>	Clark McCourt	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Lands 70 Metres North-East Of 32 Cullentragh Road Jerretspass		
<b>PROPOSAL</b>	Erection of farm building and associated site works to include vehicular access, access lane and hard-standing area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	31/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

171

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	LA07/2018/1074/	<b>PAC Ref:</b>	2018/A0142
<b>APPELLANT</b>	EDB Construction Ltd	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Opposite No 1 Ashgrove Avenue Newry		
<b>PROPOSAL</b>	Housing Development comprising of 2 No. 4 bedroom Houses and 26 No. 2 Bedroom Apartments (amended proposal)		
<b>APPEAL TYPE</b>	DC - Non Determination of a Planning Application		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	04/12/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2018/0457/	<b>PAC Ref:</b>	2018/A0143
<b>APPELLANT</b>	D Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road Newry		
<b>PROPOSAL</b>	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.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	15/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

172

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2018/1261/	<b>PAC Ref:</b>	2018/A0151
<b>APPELLANT</b>	Ebony Hughes	<b>DEA</b>	Newry
<b>LOCATION</b>	Premises At Corner Of Upper Edward Street Railway Avenue Newry		
<b>PROPOSAL</b>	Retention of mechanics garage, office store and boundary fencing		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	26/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2018/0903/	<b>PAC Ref:</b>	2018/A0168
<b>APPELLANT</b>	Mr Glyn Mitchell	<b>DEA</b>	The Mournes
<b>LOCATION</b>	19 The Square Kilkeel		
<b>PROPOSAL</b>	Change of use from a travel agency to professional services office and new external finishes		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	21/12/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

173

<b>ITEM NO</b>	<b>15</b>		
<b>Planning Ref:</b>	LA07/2018/0709/	<b>PAC Ref:</b>	2018/A0171
<b>APPELLANT</b>	Mr Michael Mariner	<b>DEA</b>	Downpatrick
<b>LOCATION</b>	111 Loughinisland Road Annacloy Downpatrick		
<b>PROPOSAL</b>	Demolition of portion of existing vehicle repair building and construction of new extension(Retrospective)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	03/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>		
<b>Planning Ref:</b>	LA07/2018/0921/	<b>PAC Ref:</b>	2018/A0172
<b>APPELLANT</b>	Leah Chambers	<b>DEA</b>	The Mournes
<b>LOCATION</b>	14a Stewarts Road Annalong BT34 4JF		
<b>PROPOSAL</b>	Replacement dwelling		

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

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## Current Appeals

174

<b>ITEM NO</b>	<b>17</b>	<b>PAC Ref:</b>	2018/A0178
<b>Planning Ref:</b>	LA07/2017/1624/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Thomas Stevenson		
<b>LOCATION</b>	Site 50m NW Of 18 Turloughs Hill Annalong		
<b>PROPOSAL</b>	BT34 4XD And 80m NW Of The Dwelling Which Is To Be Replaced Replacement Dwelling		

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

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<b>ITEM NO</b>	<b>18</b>	<b>PAC Ref:</b>	2018/A0191
<b>Planning Ref:</b>	LA07/2018/0862/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr And Mrs McIlwrath		
<b>LOCATION</b>	North And Adjacent To 41 Old Park Road Tievendarragh		
<b>PROPOSAL</b>	Drumaness Erection of a dwelling		

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

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## Current Appeals

175

<b>ITEM NO</b>	<b>19</b>		
<b>Planning Ref:</b>	LA07/2018/0403/	<b>PAC Ref:</b>	2018/A0198
<b>APPELLANT</b>	Joseph Walls	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Existing Farm Buildings Located 140m South East Of 26 Sandbank Road Hilltown		
<b>PROPOSAL</b>	2 No. farm buildings (Retrospective)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	28/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>		
<b>Planning Ref:</b>	LA07/2018/0410/	<b>PAC Ref:</b>	2018/A0201
<b>APPELLANT</b>	Mr And Mrs Stevenson	<b>DEA</b>	Rowallane
<b>LOCATION</b>	80m South East Of 2 School Road Saintfield BT24 7JH		
<b>PROPOSAL</b>	Proposed dwelling and garage (Change of design from that previously approved under R/2015/0060/F)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

176

<b>ITEM NO</b>	<b>21</b>	<b>PAC Ref:</b>	2018/A0209
<b>Planning Ref:</b>	LA07/2018/1393/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	John Rush		
<b>LOCATION</b>	Lands Adjacent To And 29m East Of 15 Altnadua Road Castlewellan		
<b>PROPOSAL</b>	Construction of 1no dwelling house on a gap infill site		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>	<b>PAC Ref:</b>	2018/A0222
<b>Planning Ref:</b>	LA07/2018/1207/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr And Mrs Byrne		
<b>LOCATION</b>	Lands Adjoining Farm Buildings At 28 Ballyclander Road Downpatrick BT30 7DZ		
<b>PROPOSAL</b>	Farm dwelling and garage/farm outbuilding		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

177

<b>ITEM NO</b>	<b>23</b>		
<b>Planning Ref:</b>	LA07/2017/1252/	<b>PAC Ref:</b>	2018/A0223
<b>APPELLANT</b>	Ms Naiomh Morgan	<b>DEA</b>	Newry
<b>LOCATION</b>	Adjacent To And Immediately West Of 13 Crieve Road Newry BT34 2JT		
<b>PROPOSAL</b>	Dwelling house (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	25/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>		
<b>Planning Ref:</b>	LA07/2018/0270/	<b>PAC Ref:</b>	2018/A0231
<b>APPELLANT</b>	Conquer Fitness	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Unit 7 Ballyardle Business Park Dunnaval Road Kilkeel		
<b>PROPOSAL</b>			

<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	05/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

178

<b>ITEM NO</b>	<b>25</b>		
<b>Planning Ref:</b>	LA07/2018/1215/	<b>PAC Ref:</b>	2018/A0233
<b>APPELLANT</b>	Jacqueline Ross	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Adjacent And Immediately East Of 16a Killybawn Road Saintfield		
<b>PROPOSAL</b>	Part demolition of existing shed to accommodate site for proposed new dwelling.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	07/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>		
<b>Planning Ref:</b>	LA07/2018/0963/	<b>PAC Ref:</b>	2018/A0238
<b>APPELLANT</b>	Miss L Patterson	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	Lands Adjacent To And West Of 83 Dunmore Road Ballynahinch		
<b>PROPOSAL</b>	Erection of Proposed Dwelling and Garage and Associated Site Works as per CTY 2A		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

179

<b>ITEM NO</b>	<b>27</b>	<b>PAC Ref:</b>	2018/A0239
<b>Planning Ref:</b>	LA07/2018/0532/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Ryan Rogan		
<b>LOCATION</b>	Between 11 And 13 Seavaghan Road Ballynahinch		
<b>PROPOSAL</b>	Proposed dwelling and garage		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>28</b>	<b>PAC Ref:</b>	2018/A0243
<b>Planning Ref:</b>	LA07/2017/1485/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr J McCabe		
<b>LOCATION</b>	Site Approx. 250m South East Of No 60 Killyleagh Road Downpatrick		
<b>PROPOSAL</b>	Conversion & extension of barn previously approved under R/ 2014/0654/F with additional extension to form new domestic dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

180

<b>ITEM NO</b>	<b>29</b>		
<b>Planning Ref:</b>	LA07/2018/1558/	<b>PAC Ref:</b>	2018/E0054
<b>APPELLANT</b>	Glyn Mitchell	<b>DEA</b>	The Mournes
<b>LOCATION</b>	19 The Square Kilkeel BT34 4AA		
<b>PROPOSAL</b>	Removing existing timber cladding and painting the ground floor façade of the building with a timber effect finish		
<b>APPEAL TYPE</b>	DC - Non Determination of a Planning Application		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	20/12/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>		
<b>Planning Ref:</b>	LA07/2018/1844/	<b>PAC Ref:</b>	2018/E0060
<b>APPELLANT</b>	Forest Park Developments	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Immediately North West Of 4 Sawmill Road Castlewellan		
<b>PROPOSAL</b>	Retention of builders storage yard		

<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

181

<b>ITEM NO</b>	<b>31</b>		
<b>Planning Ref:</b>	LA07/2018/1756/	<b>PAC Ref:</b>	2019/A0007
<b>APPELLANT</b>	Mr & Mrs Wilson	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	150m SE Of 59A Drumsnade Road Ballynahinch		
<b>PROPOSAL</b>	Proposed off site replacement dwelling with retention of existing for ancillary use of dwelling at no.59		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>		
<b>Planning Ref:</b>	LA07/2018/0340/	<b>PAC Ref:</b>	2019/A0008
<b>APPELLANT</b>	Mr Rea	<b>DEA</b>	Downpatrick
<b>LOCATION</b>	100m SE Of 71 Killyleagh Road Downpatrick		
<b>PROPOSAL</b>	RT30 9RN Farm dwelling with associated hard and soft landscaping and alterations to existing vehicular access onto public road		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

182

<b>ITEM NO</b>	<b>33</b>	<b>PAC Ref:</b>	2019/A0009
<b>Planning Ref:</b>	P/2014/0107/F	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Paul McAlinden		
<b>LOCATION</b>	53 Rostrevor Road Hilltown Newry BT34 5TZ		

**PROPOSAL**                      Erection of dwelling (change of house type on site where works have commenced)

**APPEAL TYPE**                      DC- Refusal of Planning Permission

**Appeal Procedure**                      **Date Appeal Lodged**

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

<b>ITEM NO</b>	<b>34</b>	<b>PAC Ref:</b>	2019/A0011
<b>Planning Ref:</b>	LA07/2018/1417/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Ellen Brennan		
<b>LOCATION</b>	Between 84 Cumber Road And 80 Drumnaconagher Road Crossgar Downpatrick		

**PROPOSAL**                      Proposed 2 No Dwellings on an infill site under Policy CTY8 of PPS21

**APPEAL TYPE**                      DC- Refusal of Planning Permission

**Appeal Procedure**                      **Date Appeal Lodged**                      17/04/2019

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

## Current Appeals

183

<b>ITEM NO</b>	<b>35</b>	<b>PAC Ref:</b>	2019/A0016
<b>Planning Ref:</b>	LA07/2018/0185/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Michael Doran		
<b>LOCATION</b>	Opposite 37 Carricknab Road Downpatrick		
<b>PROPOSAL</b>	Proposed new dwelling on a farm		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	30/04/2019
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>36</b>	<b>PAC Ref:</b>	2019/E0001
<b>Planning Ref:</b>	LA07/2019/0210/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Chris Kennedy		
<b>LOCATION</b>	9a Moneymore Road Newry		
<b>PROPOSAL</b>	Private Dwelling and Garage		

<b>APPEAL TYPE</b>	DC- Refusal of CLUD	<b>Date Appeal Lodged</b>	02/04/2019
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

184

<b>ITEM NO</b>	<b>37</b>	<b>PAC Ref:</b>	2019/E0002
<b>Planning Ref:</b>	LA07/2018/1792/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Mr William McDonnell		
<b>LOCATION</b>	Aughnagon Road Opposite To 60 Derryleckagh Road Mavohridge		
<b>PROPOSAL</b>			
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>38</b>	<b>PAC Ref:</b>	2019/E0004
<b>Planning Ref:</b>	LA07/2018/1381/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Copart Uk LTD		
<b>LOCATION</b>	39 Junction Road Saintfield Co Down		
<b>PROPOSAL</b>	Vehicle storage, dismantling and sales operation		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# 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

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<b>Appeal Reference:</b>	2018/A0134.
<b>Appeal by:</b>	Mr Clark McCourt.
<b>Appeal against:</b>	The refusal of full planning permission.
<b>Proposed Development:</b>	Erection of farm building and associated site works to include vehicular access, access lane and hardstanding area.
<b>Location:</b>	Land 70m NE of 32 Cullentragh Road, Jerrettspass.
<b>Planning Authority:</b>	Newry Mourne & Down District Council.
<b>Application Reference:</b>	LA07/2017/1151/F
<b>Procedure:</b>	Hearing on 14 February 2019.
<b>Decision by:</b>	Commissioner Mark Watson, dated 17 April 2019.

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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. At the hearing the Appellant's representative confirmed that the unauthorised structure presently on the appeal site and marked on drawing 02 as being retained, did not form part of the appeal proposal. He indicated that it should be disregarded from the drawing and my consideration shall not include it.
3. The Appellant's representative raised issue with the Council's processing and consideration of the application against prevailing regional policy and its weighing of the evidence. He considered the Council's decision to refuse permission as both irrational and Wednesbury unreasonable, whilst also referring to case law in *Tesco v Dundee City Council* (2012) and *Seddon Properties Ltd v Secretary of State for the Environment* (1978). These issues relating to the processing and consideration of the application are matters between the Appellant and Council. In any event jurisdiction has since passed to the Commission, with both parties having had opportunity to make their cases in respect of appeal development.
4. At the hearing discussion took place relating to an alternative access point onto Drumbanagher Wall Road, which it was suggested could result in less visual impact than the access arrangements shown on the submitted plans. The submitted plans show the appeal building taking its access onto the Cullentragh Road. Both parties considered that no third party prejudice would arise from consideration of such an amendment to the appeal development. The application subject of this appeal seeks full planning permission and was advertised as such in the local press. The alteration of the point of access from Cullentragh Road onto the Drumbanagher Wall Road instead would represent a substantial amendment to the appeal development. Irrespective that the Appellant owns the land required for the alternative access, the

lack of third party objection at both application and appeal stage and notwithstanding any comparative environmental advantages the alternative access position might have, third parties would be unaware of this potential amendment and would be prejudiced if it was to be considered. Such an amendment is inadmissible and I will confine my assessment to the arrangements as shown in the submitted drawings.

## Reasons

5. The main issues in this appeal are whether or not the proposed development would:
  - be acceptable in principle;
  - create ribbon development;
  - appear visually prominent; and
  - harm rural character.
6. The Banbridge Newry and Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan (LDP) for the proposal. In it, the site lies in the countryside and is not affected by any LDP designations. BNMAP is not material to the appeal development.
7. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). PPS21 remains the applicable policy context to consider the proposed development under.
8. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development, including agricultural development in accordance with Policy CTY12 of PPS21. Policy CTY12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria. It follows that if the development satisfies Policy CTY12 it will also satisfy Policy CTY1 of PPS21.
9. The appeal site comprises a broadly rectangular agricultural field situated immediately west of the junction between the Drumbanagher Wall Road and Cullentragh Road. The site slopes gently upwards to the north and is bounded on the north-western and south-western sides by mature hedge. The north-eastern boundary is partly comprised of mature hedge, with the remainder comprised of a post and wire fence. The Cullentragh Road frontage is partly defined by post and wire fencing with the remainder mature hedgerow. A field gate and fencing is located mid-frontage along that boundary. There is a small flat roofed metal shed structure in the north-eastern part of the site. A one-and-a-half storey dwelling, No. 32 Cullentragh Road, lies in the adjacent plot to the west. Further to the south-west on the opposite side of Cullentragh Road lies No. 29 Cullentragh Road, a dwelling with several large associated farm buildings. Some distance north-west of the appeal site lies No. 30 Drumbanagher Wall Road. The site lies in a rural area generally characterised by one-off dwellings and some farm groupings either set along the roadside or set back on laneways.
10. The proposed building is a rectangular, pitched roof shed measuring approximately 12.3m long by approximately 8.3m wide with a height of approximately 5.6m to the



tip of the parapet wall along the gable edges which sits slightly above the ridge line. The lower half of the longitudinal walls and entirety of the gables are to be finished in smooth render. The upper part of the longitudinal walls and the roof are to be finished in green coloured Kingspan sheeting. A pair of sliding doors would be located mid frontage, with a pedestrian sized door located on the gable of the building. It would be set within the north-western portion of the appeal site with a concrete yard area and driveway to the roadside.

11. Paragraph 5.56 of PPS21 states that for the purposes of CTY12 the determining criteria for an active and established business will be that set out in CTY10, i.e. that the farm business is currently active and has been established for at least 6 years. Under Policy CTY10 applicants will also be expected to provide the farm's business ID number and other evidence to prove active farming over the required period. The Department of Agriculture, Environment & Rural Affairs (DAERA) consultation response confirmed that the Appellant's farm business (ID number 653300) had been established for 6 years or more and stated that it was a Category 3 business. The Appellant also has a flock number (782928). A letter to the Appellant from DAERA stated that the business is listed as having been formed on 23 February 2010, stating that there is no farm map due to DAERA only keeping records of land for which SFP is claimed. I note from the Council's evidence that a farm map for the Appellant's father's business formed part of the Appellant's submission in a separate application for a dwelling on the appeal site, which the Council considered concurrently with the appeal development. The appeal site which is owned by the Appellant and the lands leased by him as identified on that map correspond to the information provided in this appeal.
12. The Council objected in principle under Policy CTY12 and considered that insufficient evidence had been provided to demonstrate that the Appellant's business was active and established for the requisite period of time. It also pointed to the fact the Appellant does not claim Single Farm Payment (SFP) as his business is Category 3, which is not eligible for that particular payment. There is no reference within Policy CTY10 to the requirement for the farm business to claim SFP, but that evidence be supplied to demonstrate that the business be active and established for the required period. Thus I do not accept that the lack of SFP claimed is demonstrative of the Appellant not meeting the requirement for active and established farming for the purposes of the policy.
13. The Appellant stated that the appeal building would provide dry storage for equipment, as well as shelter for livestock when being treated. This shelter also would allow the safe breeding of lambs. A letter of support from a veterinary practitioner was provided to this effect. The Appellant also has aspirations to potentially farm cattle in due course as the business grows. The Appellant provided various evidence pertaining to herd records and flock movements, with updated information provided at the hearing. The submitted records show that in November 2014 the Appellant owned 10 sheep, but that in November 2017 he purchased 350. 58 sheep have recently been sold on, with records provided to that effect. The Appellant stated that he keeps his sheep on the appeal site and leased land at Tunnell Road, Drumbanagher Wall Road and on leased land at his father's farm on Tandragee Road. I did observe a number of sheep on land next to his father's farm on the day of my site visit. The records indicate that for a large portion of the required period the Appellant has kept sheep as part of this farming business. The fact that this has not taken place throughout the entire 6 year period and that the



appeal site has at times been used to graze ponies belonging to the Appellant's cousin are not in themselves fatal as the Appellant's farming activities must be considered as a whole.

14. Two sworn affidavits dated January 2018 were submitted, one from the Appellant himself and another from the owner of a contracting business. The Appellant's affidavit stated that he has been involved in agricultural activity on the land he owns and leased between 2009 and 2017. It stated that he undertook hedge cutting, mowing, bailing of silage, slurry spreading, sowing of fertiliser and crop haulage from the lands throughout that period. Whilst the Appellant's own affidavit is self-serving it cannot simply be discounted on that basis. The contractor's affidavit stated that his business was engaged by the Appellant to undertake mowing, silage bailing, slurry spreading, sowing of fertiliser and crop haulage from the Appellant's lands between 2012 and 2017. It also stated that the Appellant leased farming equipment from the company between 2012 and 2017.
15. A letter from HMRC to the Appellant stated that the Appellant's unique taxpayer reference was set up in 2009, as the Appellant had informed HMRC he had started farming on 20 November 2009. Financial profit and loss account summaries were provided, dating from the year ending March 2012 through to the year ending March 2017. These specifically mention farming income, though are not locationally specific. Invoices for contracting work were provided dating from June 2012 through to June 2017. Whilst the address given for the account is the Appellant's home address and do not specifically reference the holding, invoices from many businesses state the address of the account holder, rather than the location of the place those services or materials might be employed at. I do however note that the invoices correspond with the affidavit provided by that contractor in terms of the activities undertaken for the Appellant's business and the time period. Receipts for the purchase of ewe nuts and occasional purchases of equipment and tools were provided, dating from between September 2015 and May 2017. They did not include an address and are of limited assistance. The statement that the Appellant stores food for his sheep at his home is plausible given he has no buildings on the holding to store such items.
16. Much of the submitted evidence does not specify an address relating to the holding itself, but rather the Appellant's dwelling, including the red diesel deliveries. However, the totality of the evidence, including the affidavits, when taken together and notwithstanding fluctuations in the number of animals the Appellant has kept over the years, is indicative of agricultural activity having taken place on the Appellant's holding from around at least 2012 through to the present. The Council referred to the Appellant as being a hobby farmer, but the policy does not distinguish between full time or part-time farming. Taken as a whole the submitted evidence is sufficiently persuasive that there has been a part-time, small scale farm business operating at the appeal site, but one that nevertheless has been active and established for the requisite period of time. This element of the Council's first reason for refusal and the Council's second reason for refusal are therefore not sustained.
17. The Council based its first reason for refusal on criterion (a) of Policy CTY12; that the development is necessary for the efficient use of the agricultural holding. However, the Appellant did not dispute that notwithstanding the unauthorised structure on the appeal site, which he did not seek to claim was a building for consideration under the appeal, there were no other buildings on his holding. This

was evident from my inspection of the other lands the Appellant leases. The third additional requirement of CTY12 states that the proposal is sited beside existing farm buildings, which the Appellant accepted he could not meet. There was no dispute that the appeal development would not be sited beside an existing building on the farm given it would be the first building on the holding. Therefore this additional requirement of CTY12 is not met and the exceptional test of CTY12 is engaged.

18. Policy CTY12 states that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons. There are no other sites available at another group of buildings given the appeal site field is the solely owned piece of land and again I noted no available buildings at or in the vicinity of the rented land the Appellant could avail of, or site a new building beside. No specific health and safety reasons were advanced under that branch of the exceptional test as to justify the specific location of the appeal development, but the matter of animal welfare was raised, which I will consider elsewhere in this decision.
19. The Appellant has clearly been involved in part-time agricultural activity for some time. However, I am not persuaded that the appeal building is essential for the efficient functioning of the business given that the Appellant has been engaged in his farming activities for that period of time, even if he has been unable to breed lambs during that period. Whilst the building would provide a safe shelter for lambing, that intent relates to an aspiration for future growth of the business and this along with the purposes of dry storage and shelter to treat animals are not demonstrative of the building being essential for the efficient functioning of the business. The letter of support from a veterinary practitioner would not persuade me otherwise. Whilst the Appellant's representative considered that the land could not be efficiently farmed without the appeal building, it is only the case that without the building the land could not be farmed in the manner the Appellant wishes in order to grow the business. For the reasons given above the appeal building is not essential for the efficient functioning of the business. I find that exceptional test within Policy CTY12 is not met. I will address the environmental aspects of Policy CTY12 raised by the Council elsewhere in this decision.
20. The Appellant cited several applications for farm sheds that were granted permission, considering that the Council failed to properly consider these 'precedent' cases when reaching its decision to refuse planning permission. I do not have all the pertinent information as to the consideration given to the need for the respective buildings in those applications, or the specific circumstances of those farm businesses. Whilst those applications may all have involved greenfield sites and holdings that had no other buildings on them, the need for the buildings was accepted by the relevant planning authorities. In respect of appeal decision 2015/A0157 Leeke Road, Portrush the then planning authority accepted the need for a building on the holding, with its objections to the development based solely on environmental grounds, unlike the appeal case presently under consideration where the principle of development is still in dispute between the parties. In any event each application must still be considered on its own merits and the quoted decisions would not justify the appeal development.

21. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Travelling east along Cullentragh Road there would be a transient and sequential awareness of the garage belonging to No. 33 Cullentragh Road, that dwelling itself and then the appeal building. That sequential awareness would be exacerbated by the proposed access and laneway arrangement and the buildings would read as a ribbon of development. Travelling along Drumbanagher Wall Road however, I am not persuaded that the appeal building would present as ribbon development given the lack of visual linkages with the existing built development along that road. Whilst a long distance view was raised on Tunnell Road, I am not persuaded that it is critical given the distance involved and the peripheral nature of the view in relation to the direction of travel along that part of the road network. However, as the appeal development would create ribbon development on Cullentragh Road, it is contrary to Policy CTY8 of PPS21. The Council's third reason for refusal is sustained to the extent specified.
22. Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The design of the appeal building itself is not untypical of an agricultural shed. Whilst I note the Appellant's rationale for the siting of the building in the northern-most part of the site, including it being the closest location to his own dwelling, the site would lack adequate enclosure to satisfactorily integrate the development from the view travelling along Drumbanagher Wall Road, despite the backdrop from the rising land and forest to the north and the ability to retain the existing boundary vegetation. Despite the existing boundary vegetation being long established, the field itself reads as an open and exposed landform given its topography and position within the wider landscape setting. Even though the access would not require the removal of existing vegetation for visibility splays, the appeal development would still be reliant primarily on the use of new landscaping for integration. From the critical view on Cullentragh Road travelling eastwards to the site the backdrop afforded by the forest area on the opposite side of Drumbanagher Wall Road would not assist to any meaningful degree given the openness of the site from this view. The Appellant submitted a long distance photograph taken from the Tunnell Road, but again as per my consideration in the paragraph above, I do not find the views of the appeal building critical from this long distance and peripheral view.
23. The proposed access arrangement entails a curving, sweeping driveway with a width of approximately 4.2m. I agree that its horizontal alignment is more akin to a suburban style dwelling driveway than a means of access to agricultural development, even if it allows for creation of two smaller paddocks within the site. Whilst the Appellant stated that a straight driveway could be substituted or conditioned in place of the driveway as proposed, this would not overcome the broader concerns pertaining to the overall visual impact of the building which, irrespective of its relatively modest size and scale, would present as visually prominent within the landscape given the exposed, sloping landform it would sit within and the lack of enclosure afforded to it by the existing boundary vegetation and topography. Whilst I note the large agricultural sheds situated on the opposite side of Cullentragh Road some distance to the south-west of the appeal site, which are large and visually prominent, they are longstanding and would not justify the appeal development. I find that Policy CTY13 of PPS21 is not met read as a whole and that criterion (c) of Policy CTY12 is also not met. The Council's fourth reason for refusal is sustained to the extent specified.



24. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. Although I am not persuaded that the development would necessarily be at odds per se with the traditional pattern of settlement exhibited in the area and I note the farm complex at No. 29 Cullentragh Road, nevertheless the appeal development would result in suburban style build-up arising from the visual impact of its means of access and the creation of ribbon development. This as well as my assessment of visual prominence leads me to conclude that the appeal development would not meet Policy CTY14 of PPS21 read as a whole. The Council's fifth reason for refusal is sustained to the extent specified.
25. As I have found that the appeal development does not meet Policy CTY12 of PPS21, it also fails to meet Policy CTY1 of PPS21. There are no overriding reasons why the development is essential and the lack of third party objections or objections from statutory consultees would not justify the appeal development. Whilst reference was made to the July 2013 Ministerial Statement relating to the ongoing review of PPS21, the identified need for flexibility within that Statement does not in itself amount to a change in policy, or lead me to a different conclusion in respect of the merits of the appeal development. Whilst the Appellant grew up in this area, is heavily involved in the local community and wishes to continue to farm in it and grow his business, these aspirations would not outweigh the various sustained policy and environmental objections to the appeal development. The Council's first reason for refusal is sustained to the extent specified.
26. Whilst the second reason for refusal has not been sustained, the Council's remaining reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

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

DRAWING NUMBER	TITLE	SCALE	DATE
01	Site Location Map	1:2500	27/07/17
02	Site Layout Plan	1:500	27/07/17
03	Floor Plan & Elevations 01 & 02	1:100	27/07/17
04	Elevations 03, 04, Section A-A & 3D View 01	1:100	27/07/17

**COMMISSIONER MARK WATSON**



### **List of Appearances**

Planning Authority:- Mrs P Manley (Newry Mourne & Down District Council)  
Mr G Murtagh (Newry Mourne & Down District Council)

Appellant:- Mr R Woods (Genesis Planning)  
Mr C McCourt (Appellant)

### **List of Documents**

Planning Authority:- 'A' Statement of Case & Appendix (NM& D DC)

Appellant:- 'B' Statement of Case & Appendices (Genesis Planning)  
'C' Long distance photograph of site (submitted at hearing)  
'D' Copies of updated animal lists and movement records (submitted at hearing)



# 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](mailto:info@pacni.gov.uk)

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<b>Appeal Reference:</b>	2018/A0132
<b>Appeal by:</b>	O'Hagan Construction Ltd
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Retention of retaining wall and raised land and erection of dwelling
<b>Location:</b>	Site adjacent and north of 8 Heslips Court adjacent and west of 9 Heslips Court and opposite and 25 metres east of 16 Chancellors Hall, Newry, BT35 8WJ
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/1316/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 25 April 2019
<b>Decision by:</b>	Commissioner Rosemary Daly, dated 29 April 2019

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal relate to :
  - a. the layout, scale, proportions, massing and appearance of the development and associated structures on the settlement pattern and character of the surrounding area; and
  - b. the effect of the development on the amenity of adjoining residents.
3. The proposed development relates to the erection of one dwelling; the retention of a retaining wall; and retention of raised land in an established residential area in Newry. The relevant extant plan for the area is the Banbridge Newry and Mourne Area Plan 2015. (BNMAP). The appeal site is located within the settlement limit of Newry, straddling two housing zonings (NY24 Chancellors Road and NY26 Heslips Lane West). Both are committed housing zonings in the plan. The plan does not stipulate key site requirements for committed sites because future development will be subject to conditions attached to the planning permission. It continues to state that in the event that such permissions lapse, existing conditions may be altered or new conditions attached to any subsequent approval to take account of prevailing regional policy and plan proposals. The plan makes no specific policy provision for the assessment of individual residential units within the city limits.

4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. In respect of the appeal development no conflict arises between the SPPS and the operational regional policy set out by Planning Policy Statement 7 Quality Residential Developments (PPS7) and the addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas (aPPS7).
5. PPS7 and the aPPS7 provide policy on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. Policy QD1 of PPS7 states planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. In respect of proposals in established residential areas the policy states they should not result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.
6. The policy also states that all proposals for residential development will be expected to conform to nine specified criteria (a - i). In addition to these nine criteria Policy LC1 of the aPPS7 sets out three further criteria (a - c) that should also be met. The Council's concerns relate to the failure of the development to meet the requirements of criteria (a) and (h) of Policy QD1 and criterion (b) of Policy LC1. No other objections were raised in respect of the remaining criteria.
7. Criterion (a) of Policy QD1 requires that development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped areas. Criterion (b) of Policy LC1 requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
8. In the surrounding area the established residential character is defined by a mix of house types, designs, scales and layouts. Chancellors Hall comprises a mix of apartments, town houses and semi detached properties with small garden and parking areas to the front and rear of the properties. Whereas the established residential environment at Heslips Court is more uniformly defined by mainly semi-detached dwellings on individual plots with individual private garden and parking areas to the front and gardens to the rear. The residential development at Chancellors Hall is positioned on higher ground than Heslips Court. The distinction between the ground levels of the two areas of housing is defined by a constructed Acheson and Glover block retaining wall topped with wooden and metal fence structures.
9. In the established residential context the appeal site is an area of vacant land beside and level to the housing development at Chancellors Hall. The site is flanked by two (separate) semi detached, two storey, three bedroom dwellings at 8



and 9 Heslips Court. These properties are located on lower ground than the appeal site. The Acheson and Glover block retaining wall continues to run along the boundary of the appeal site and the development at Heslips Court. A black metal fence, some 2 metres high, also runs along the top of the retaining wall.

10. The appeal development relates to the retention of the boundary retaining walls, some 2.1 metres high. The appellant stated that if the retaining was reduced by 10 cm it would be permitted development. Irrespective of this view the wall as built is not permitted development. The fixture of the fence to the top of the retaining wall also adds to the height of the enclosure around the site. Nonetheless it is not within the remit of this appeal to adjudicate whether or not the retaining wall is permitted development. Many factors have to be considered in determining whether the wall is permitted development. Such matters should be properly determined by means of a certificate of lawfulness. In this instance the wall as built is development and requires planning permission. It is this which I must consider in this appeal.
11. The ground level of the appeal site appears to run in line with the first floor level of the neighbouring properties at 8 and 9 Heslips Court. The appeal development relates to the retention of the increase in the ground levels and the continuation of the retaining wall along the share boundary between the appeal site and the side boundaries of 8 and 9 Heslips Court. A wooden fence, approximately 2 metres high, defines and backs onto the appeal site's northern boundary. The appearance of the retaining wall and boundary fences are not uncharacteristic in the surrounding area. I do not find the appearance of this element of the appeal development to be unacceptable in this context.
12. Planning permission (P/2014/0099/F) was granted on 24 October 2014 for 2 detached dwellings and 28 semi detached dwellings at Heslips Court. The permission includes the land relating to the appeal site. The land formed part of the amenity space and landscaping for the overall layout of this approved development as well as the rear amenity and garden areas for both 8 and 9 Heslips Court. I note that condition 15 of that permission requires the retention of existing planting and proposed planting to be carried out in accordance with the approved drawing (03/02 dated 20 Oct 2014), and that this planting shall be permanently retained. The appeal proposal effectively removes this portion of land from the approved development at Heslips Court.
13. The proposal is for a detached storey and half dwelling, some 7 metres in height and positioned some 4 metres from the side boundary with 8 Heslips Court and 5 metres from the boundary with 9 Heslips Court. The introduction and appearance of a detached property, of itself, is appropriate in the surrounding area given the variety and mix of house types in the area. Nonetheless the provision of this detached dwelling will be at the loss of the landscape amenity planting and additional amenity space for the properties at 8 and 9 Heslips Court. Accordingly a new dwelling on this proportion of land conflicts with the existing layout of development in the area and fails to respect the pattern of development established at Heslips Court. Furthermore in this area the proposed dwelling on the appeal site would be the only property at the level of the road and fronting onto road way into the residential development at Chancellors Hall. The proposal would appear incoherent within the surrounding pattern of residential development. This is all further compounded by the inability to deliver the proposed and approved

landscaping associated with the Heslips Court development which is necessary to screen the rear elevations of the properties backing onto the access road into Chancellors Hall.

14. The introduction of a new dwelling may improve the existing appearance of the site within its surrounding residential area. However I have not been persuaded that this of itself amounts to a 'planning gain'. If the approved landscaping and rear back gardens had been provided in accordance with the approved layout (P/2014/0099/F) for the development at Heslips Court this would add significantly to the 'greening' of the area and would raise the quality of the residential development in this area. I note the appellant has stated that there is no realistic prospect of this land ever being transferred to become part of the gardens at Heslips Court. The issue relating to landownership does not justify setting aside planning policy which seeks to ensure that proposals will not give rise to unacceptable damage to the local character and environmental quality of the area.
15. The appeal proposal is an attempt to shoe-horn development into an inadequate space which has been over engineered through the infilling of land, changing the site levels and the provision of additional retaining features. The third parties lack of objection and willingness to purchase the properties, as built, at 8 and 9 Heslips Court does not provide justification for setting aside the requirements of policy in order to prevent unacceptable damage to the local character of the area. The loss of the landscape and garden space to provide another dwelling on the appeal site represents a case of garden grabbing giving rise to town cramming which is an inappropriate layout and form of development. The appeal development fails to respect the surrounding context and pattern of development. It gives rise to an inappropriate form of development by reason of the proposed layout; the loss of landscaping areas and over use of retaining and boundary structures. On this basis the appeal development fails to meet the requirements of criteria (a) of Policy QD1 of PPS7 and Criteria (b) of Policy LC1 of the aPPS7. The Council's objections are sustained in this regard.
16. Criterion (h) of Policy QD1 requires that design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The Council's raised concern in respect of the retention of the retaining wall and its effect onto the rear gardens of the properties at 8 and 9 Heslips Court. The Council considered it creates an unattractive residential environment, due to its scale, massing and appearance giving rise to a dominant wall.
17. As noted above and in accordance with planning permission (P/2014/0099/F) the appeal site comprised the amenity space and rear gardens at 8 and 9 Heslips Court. The development as built has resulted in the loss of this area giving rise to a significant reduction in the size and quality of the rear amenity space for these properties. Notwithstanding that amenity space provision may still meet with the minimum requirements of around 40 sq metres for private amenity space even the smallest back gardens and patios should be well designed and should not be dominated by the oppressive use of vertical structures including walls and fences. The creation of a retaining wall along the two of the shared boundaries, at both 8 and 9 Heslips Court, topped with a 2 metre high metal fence gives rise to an enclosed area dominated with vertical hard landscaping and boundary features.

Whilst the retaining wall feature is common to all of the other properties which abut the development at Chancellors Hall, these properties only have the presence of the retaining feature along one boundary.

18. The appearance, scale and design of the boundary treatment and increase in ground levels gives rise to hemmed in private amenity space which has been significantly reduced in size from what was approved. Whilst on site I noted that I could look directly from the rear part of the appeal site down and into the private space relating to 8 Heslips Court. Views into the property at 9 Heslips Court were restricted by the introduction of an outbuilding in the garden area. Due to the increase in ground levels the proposed dwelling would be directly in line with the first floor of both dwellings at 8 and 9 Heslips Court. The proposed dwelling would have a limited separation distance of 5 metres from the rear of the proposed dwelling to the boundary of 9 Heslips Court with a drop in ground levels of around 2 metres. The rear back garden areas are already overshadowed given the existing surrounding residential development and variation in ground levels. Any additional screening, which would be necessary, to minimise over looking from the proposed dwelling would further add to the overshadowing and dominance effects of the boundary treatment. Furthermore the introduction of the dwelling and the proposed 1.8 metre fence on the appeal site would further compound the effects of dominance and overshadowing of the built development in this area particularly on the both the corner sites at 8 and 9 Heslips Court. The appeal development, including the infilling of ground and retaining wall, would give rise to the creation of an unacceptable adverse effect on these existing properties in terms of overshadowing and dominance. The Council's objections in respect of Criterion (h) are well founded.
19. All in all, the appeal proposal would result in the unacceptable damage to the local character, environmental quality and residential amenity of the surrounding area. The appellant has referred to the fall back position in respect of leaving the site in its current state. However I have not been persuaded that this is the only fallback position in respect of the appeal site, as planning permission exists and includes conditions relating to the implementation and retention of landscape proposals in this area. Accordingly the appeal proposal fails to meet the requirements of Policy QD1 of PPS7 and Policy LC1 of the aPPS7. The Council's reasons for refusal are sustained.

This decision relates to:

- Drawing 01 Site Location Map, Scale 1:1250 dated Newry, Mourne and Down District Council 24 Aug 2017
- Drawing 02 Rev 01 Site Layout, Scale 1:1500, Fence and Retaining Wall 1:50 dated Newry, Mourne and Down District Council 24 Aug 2017
- Drawing 03 Proposed dwelling floor plan, Scale 1:100 dated Newry, Mourne and Down District Council 24 Aug 2017
- Drawing 04 Proposed dwelling elevations, Scale 1:100 dated Newry, Mourne and Down District Council 24 Aug 2017

**COMMISSIONER ROSEMARY DALY**





# 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](mailto:info@pacni.gov.uk)

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**Appeal Reference:** 2018/A0178  
**Appeal by:** Thomas Stevenson  
**Appeal against:** Refusal of Outline Planning Permission  
**Proposed Development:** Replacement Dwelling.  
**Location:** 50m NW of 18 Turloughs Hill Annalong.  
**Planning Authority:** Newry Mourne and Down District Council  
**Application Reference:** LA07/2017/1624/O  
**Procedure:** Written Representations  
**Decision by:** Commissioner Helen Fitzsimons on 15<sup>th</sup> April 2019

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and whether it would harm visual amenities of the countryside and its Area of Outstanding Natural Beauty location.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. BNMAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'. The appeal site lies in the Mournes Area of Outstanding Beauty (AONB).
4. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' It continues 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 settlement'. One of these is a replacement dwelling in accordance with Policy CTY 3 of PPS 21. Policy CTY 3 states that planning permission will be granted for a dwelling house on a farm where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Bullet point one of the policy requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless (a) the curtilage is so restricted that it could not reasonably accommodate a modest

- sized dwelling. Bullet point two requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact greater than the existing building.
5. There was no dispute between the parties that the existing building meets the physical requirements to qualify for a replacement dwelling as set out in Policy CTY 3. As the Council consider that the curtilage of the existing dwelling is too restrictive to reasonably accommodate a modest sized dwelling I do not need to consider the appellant's health and safety arguments to justify this off-site replacement dwelling. The Council's objections to the proposed development are therefore grounded in bullet point two of Policy CTY 3.
  6. The appeal site comprises a field fronting Turloughs Hill. Land within the field rises towards a crest and then falls to the west. Boundaries are defined by stone walls. The appellant has suggested a siting in the western portion of the host field and this is what I will consider. The modest dwelling to be replaced is barely discernible in the landscape. The Council referred me to viewpoints on Stewarts Road and Grove Road from which to assess the visual impact of the proposed development on the surrounding countryside. A dwelling sited as proposed and designed with a low ridge height would be barely perceptible from Grove Road and I set that viewpoint aside.
  7. Policy NH 6 'Areas of Outstanding Natural Beauty' of Planning Policy Statement 2 'Natural Heritage' (PPS 2) says planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where all of three stated criteria are met. One of these is a) the siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality and it is this criterion that the Council has based its objection upon.
  8. This part of the Mourne AONB is typified by houses of varying sizes, heights and designs. Nos 45 and 47 Stewarts Road are substantial two storey dwellings on large plots. From the appeal site a number of other houses are highly visible in the landscape. A modest dwelling on the appeal would not be unsympathetic to the character of this part of the AONB and Policy NH 6 of PPS 21 would not be offended. The Council has not sustained its second reason for refusal.
  9. Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable in seven stated circumstances. The Council raised objections in its third reason for refusal under (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
  10. The western portion of the appeal site is on lower grower ground which falls away from the crest. Landform within the appeal site would afford a backdrop against which a dwelling sited in this location would be viewed and it would not be a prominent feature in the landscape. Dry stone walls typify boundary treatment of both fields and curtilages in this area and the proposed boundary treatments would be in keeping with this. I am satisfied that an access laneway laid out

parallel to the north western boundary of the appeal site would not be seen as a suburban feature in the landscape. The proposal would integrate and Policy CTY 13 of PPS 1 would be met. The Council has not sustained its third reason for refusal.

11. Policy CTY 8 'Ribbon Development' of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of the policy says that a ribbon 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. The siting of the proposed dwelling in the western portion of the host field would be seen in conjunction with the two dwellings at Nos 45 and 47 Stewarts Road. It would not be seen to elongate the cluster of buildings at Nos 18 and 28 Turloughs Hill and it would not create a ribbon of development. It would not fail Policy CTY 8 of PPS 21 and the Council has not sustained its fifth reason for refusal
12. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable five stated circumstances. The Council's fourth reason for refusal relied upon (b) it results in a suburban style build up of development when viewed with existing and approved building and (d) it creates or adds to a ribbon of development (see Policy CTY 8) which I have dealt with in paragraph 11 above.
13. On approach from both directions along Stewarts Road there is a strong awareness of a significant loss of rural quality in the area due to the large number of buildings which contribute to an overall impression of build up. From the Council's viewpoint a dwelling on the appeal site would be seen with the existing buildings at Nos 45 and 47 and Nos 38 and 38A which already have a built up appearance. The addition of a dwelling sited as proposed would further add to this built up appearance. In addition due its siting behind Nos 45 and 47 the proposed dwelling would extend development further into the open countryside. All of this would be detrimental to rural quality. Criterion b) of Policy CTY 14 of PPS 21 would not be met. Because of this even a modest sized dwelling with a ridge height restriction would have visual impact greater than the existing dwelling on the landscape and this unacceptably harm the visual amenities of the countryside and the proposed development would also fail Policy CTY 3 of PPS 21. It would not be acceptable in principle in the countryside and Policy CTY 1 of PPS 21 would also be offended.
14. Policy CTY 6 'Personal and Domestic Circumstances' of PPS 21 says planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided that two stated criteria are met. The Council's objections are based on criterion (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The appellant requires assistance from his son with his dairy farming business due to a disability. I note that Council have identified an alternative site for a dwelling which it considers to

be acceptable at field seven as shown on the appellant's farm maps. The appellant gave me no reason why his son could not reside at this location, some seven minutes away by car, and assist in the running of the farm. Given that the Council has identified a nearby alternative site for the replacement dwelling the appellants personal circumstances are not sufficiently compelling to set aside the visual harm that would be caused by the proposed development. The proposal fails Policy CTY 6 of PPS 21.

15. The appellant referred to other planning permission granted in the area. Those decisions were taken under a different jurisdiction with different planning policy and for those reasons are distinguishable from this appeal.
16. As none of the appellant's other arguments are persuasive in this appeal and I have found that the proposal fails the requirements of Policies CTY 1, CTY 3, CTY 6 and CTY 14 of PPS 21 the Council has also sustained its first, fourth reason and sixth reasons for refusal and the appeal must fail.

This decision is based on the 1:2500 scale site location plan.

**COMMISSIONER HELEN FITZSIMONS**

2018/A0178

List of Documents

Planning Authority: -

C1 Written Statement and appendices

Appellant: -

A1 Written Statement and appendices

Planning Authority:-

C2 Comments

Appellant:-

A2 Comments





# 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

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<b>Appeal Reference:</b>	2018/A0131
<b>Appeal by:</b>	Mr D Gordon
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Retention of dwelling & integrated garage, in substitution of planning ref. P/2009/1284/F
<b>Location:</b>	34 Dougans Road, Kilkeel
<b>Planning Authority:</b>	Newry & Mourne District Council
<b>Application Reference:</b>	LA07/2018/0331/F
<b>Procedure:</b>	Written Representations with Commissioner's site visit on 2 <sup>nd</sup> April 2019
<b>Decision by:</b>	Commissioner Julie de-Courcey, dated 3 <sup>rd</sup> April 2019

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues arising from this appeal are whether:
  - The development is acceptable in principle in the countryside;
  - It can be satisfactorily integrated into the surrounding landscape; and
  - It is sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty (AONB).
3. Planning permission was granted in October 2011 ((P/2009/1284/F) for the erection of a farm dwelling and garage on a more extensive plot that includes the appeal site. The appellant said that development was commenced on foot of that permission, approximately 6 years ago, to construct the garage in what he described as being in a slightly different location and to a slightly different design.
4. Sections 169 and 170 of the Planning Act (Northern Ireland) 2011 [the Act] respectively make provision for applications for a Certificate of lawfulness of existing use or development (CLEUD) and a Certificate of lawfulness of proposed use or development (CLOPUD). If the appellant wants to establish that the work carried out on foot of the 2011 permission is lawful, he could apply for a CLEUD. If he wants to ascertain whether the approved development could be carried out and/or completed on the basis of that earlier permission, he could apply for a CLOPUD. There is no evidence that either has been sought or obtained. On this basis, there is no persuasive evidence of any extant planning permission for a dwelling and garage on a larger site that included the appeal site.

5. The Banbridge, Newry & Mourne Area Plan 2015 (BNMAP) operates as the local development plan for the area where the appeal site is located. For information purposes only, BNMAP identifies the site as being located within the Mourne AONB. It is located outside any settlement development limit in BNMAP and is within the countryside. Save for the aspiration to secure a high quality of design, layout and landscaping, matters that it considers as important of the suitability of the site in deciding whether to grant planning permission, there is no specific policy that is material to consideration of this appeal.
6. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPSS retains certain existing planning policy statements including Planning Policy Statement 2: "*Natural Heritage*" (PPS 2); and Planning Policy Statement 21: "*Sustainable Development in the Countryside*" (PPS21). In respect of the appeal development there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21. The latter remains the applicable policy context to consider the principle of development against.
7. Policy CTY 1 of PPS 21 identifies types of development which are in principle acceptable in the countryside. The second paragraph of the policy states that other types of development will be permitted only where there are overriding reasons why that development is essential and could not be located in a settlement. Paragraph 5.0 of PPS 21 says that the provisions of its policies will prevail unless here are other overriding policy or material considerations that outweigh them and justify a contrary decision.
8. When the appellant made his application for planning permission he completed Form P1. Question 20 thereof asks if the application relates to a proposal for a dwelling on a farm and he ticked "No". This is at odds with his statement in his written evidence submitted to the Commission that the development subject of this appeal seeks the retention of a "farm (*my emphasis*) dwelling and garage...." As the previous consent (P/2009/1284/F) was approved as a dwelling on a farm, in order to assess the application subject of this appeal on that basis, the Council contacted the applicant contacted on 25 May 2018; and afforded him the opportunity to submit a P1C form (planning application for a dwelling on a farm) and accompanying farm maps prior to 18 June 2018. This information was not provided to the Council.
9. With his statement of case the appellant submitted Department of Agriculture, Environment and Rural Affairs 2018 Scheme Maps showing 3.18ha of land, in three parcels, registered to Business ID 633375 in the name of Mr David and Mrs Jean Gordon of 57 Mill Road, Kilkeel. The lands include the appeal site. The maps and accompanying cover sheet were printed on 27 February 2018. He also set out his evidence on why he considers there to be support for the principle of this development on the basis of Policy CTY 10 of PPS 21.
10. Section 59 (1) of the Act states that a party to the proceedings is not to raise any matter which was not before the council at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the Commission: (a) that the matter could not have been raised before that time: and (b) that its not being raised before that time was a consequence of exceptional

circumstances. In its statement of case the Council referred to Section 59 of the Act and voiced its strong objection to the Commission considering any further information submitted during the appeal process. The appellant did not engage with this statutory provision in his statement of case or address the Council's submission on this point.

11. Whilst the permission granted in 2011 related to a farm dwelling and the Council afforded the appellant the opportunity to make his case on that basis in respect of the development under consideration, the matter of a perceived justification for the development on foot of Policy CTY 10 of PPS 21 was not in front of it at the time it made the decision subject of this appeal. Section 59 (2) of the Act states that nothing in subsection (1) thereof affects any requirement or entitlement to have regard to: (a) the provisions of the local development plan; and (b) any other material consideration. Mindful the decision in *Belfast City Council v the Planning Appeals Commission [2018] NIQB 17*, the evidence relating to the development being acceptable in principle on the basis of Policy CTY 10 of PPS 21 is a "new matter" that does not have the status of a material planning or land use consideration. As it has not been satisfactorily demonstrated that the matters contained within the appellant's statement of case could not have been raised before that time or that there were exceptional circumstances, this evidence should not form part of the appeal considerations.
12. It was the appellant's prerogative not to act on the opportunity that the Council afforded him to submit further information in respect of the principle of development. Without that information, it had sufficient evidence to determine the planning application subject of this appeal and that is what it proceeded to do. On this basis, its fourth reason for refusal is not sustained.
13. Policy CTY 13 of PPS 21 says that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It lists 7 instances where a new building will be unacceptable. The Council considered criteria (b), (c) and (e) to apply in this instance. The building subject of this appeal has two garages at ground floor level with a "front door" giving access to an entrance hall, utility room and shower room that are associated with the dwelling's main living area and 3 bedrooms on the first floor. The Council said that the dwelling is very urban in form and inappropriate and incongruous for its locality. However, as criterion (e) of Policy CTY 10 is concerned with the design of the building, that the dwelling is in the form what the Council describes as an apartment, does not weigh against it.
14. That the appeal site has been cut out of a much larger field is not evident from the public views due to topography and intervening stone walls. Therefore, whilst the site lacks long established natural boundaries and relies primarily on the use of new landscaping for enclosure, this does not weigh against the development. Without prejudice as to whether that 2011 permission is extant, those buildings were considered acceptable in the context of PPS 21 and the reliance on new planting to define their curtilage relative to the host field was deemed satisfactory. The footprints of the approved and subject dwellings partially overlap. That their design differs does not persuasively distinguish them in this respect.
15. The Council did not identify the extent of critical views from which it considered the development's lack of integration, in terms of design, to the apparent. From the



approach from the north-east on Dougans Road, views of the subject building are prevented by the combination of buildings, the roadside stone wall, vegetation and topography. It comes into view at the junction of its access lane with the public road. From the opposite approach it is seen from approximately 200m away as the crow flies. The building is approximately 52m to the south-east of No. 32 Dougans Road and 25m south-west of No. 28 Dougans Road. The former is a large two-storey dwelling that is approximately 25m deep and 14m wide. Foundations have been laid for an associated detached building some 7.5m from the house with a footprint of approximately 8m x 15m. The Council said that this is apparently the stable that could be completed on foot of the 2011 permission (P/2009/1864/F). The Council referred to this dwelling having an integral garage to the rear but this is not evident from public view. The subject building mirrors No. 32 Dougans Road in terms of finishes, including quoins. From the longest available view from the west, it is seen in the context of both neighbouring dwellings albeit that it is relatively comparable in scale and size to No. 28 Dougans Road.

16. Account has been taken that: the subject building is outwith the curtilage of No. 32; foundations have been laid for a sizeable detached building within its curtilage; and the separation distance between it and the building subject of this appeal. However, given the size, scale and massing of No. 32, albeit that the subject building has a footprint of 12.5 x 8.5m and is 7.7m high, from public view its design and finishes suggest that it is functionally associated with it much larger neighbour. No.35 Dougans Road has two associated, detached buildings within its curtilage. Both seemingly have accommodation at first floor level. All three are seen together in a static view from Dougans Road. Whilst there is no suggestion that either is occupied as dwelling independent on No. 35, they are relatively sizeable detached buildings, with first floor accommodation, that are visually associated with it.
17. In this particular context, whilst the subject dwelling has the appearance of detached, double garage with accommodation above, I am not persuaded that it is contrary to Policy CTY 13 of PPS 21 for the reasons relied on by the Council. Accordingly, its second reason for refusal is not sustained.
18. Policy NH 6 of PPS 2 says that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three listed criteria are met. The Council's evidence relates to the first bullet point of criterion (c), which requires that the development respect local architectural styles and patterns. However, the wording of its associated reason for refusal said that the development is unsympathetic to the special character of the AONB, which is the bailiwick of criterion (a). It provided no evidence on what it considers to be the special character of the AONB in general and of the particular locality. In this evidential void, I am not persuaded as to how the development offends criterion (a).
19. The appellant's map 2 shows the variety of form, scale, design and appearance of dwellings in the vicinity of the appeal site. The photographic insert relating to the development subject of this appeal shows the dwelling's rear elevation, which is not seen from a public vantage point. There are no apparent prevailing local architectural styles and patterns. The Council has not identified any as the appropriate baseline for assessing the development's impact on the AONB.

20. For both these reasons, coupled with my conclusions on the building's design in this particular locational and evidential context, the Council has not sustained its third reason for refusal.
21. The appellant referred to the development as part of a cluster. However, this apparently related to his analysis of its argued compliance with Policy CTY 13; not that he is pursuing a case on foot of Policy CTY 2a of PPS 21, which relates to new dwellings in existing clusters. The appellant referred to a change in his personal circumstances following the alleged commencement of development on foot of the 2011 planning permission. However, there is no explicit suggestion that he is seeking to rely on Policy CTY 6 of PPS 21, which relates a dwelling based on special personal or domestic circumstances. The development does not qualify for approval under Policy CTY 10 and it was not explicitly argued that it falls into any other category of development that is acceptable in principle under Policy CTY 1. No overriding reasons were presented as to why it is essential and could not be located in a settlement. The development is not acceptable in principle in the countryside and the Council's first reason for refusal is sustained.
22. Whilst three of the Council's four reasons for refusal are not sustained, as there is no policy support for the principle of this development in the countryside, determining weight attaches to the first reason for refusal and the appeal is dismissed.

This decision is based on the following drawings:

- Site Location Map;
- Drawing No. 01 – Floor Plans & Elevations; and
- Drawing No. 02 – Site Plan

**COMMISSIONER JULIE DE-COURCEY**

**List of Documents**

Planning Authority:	"LPA 1" "LPA 2"	Statement of Case with 2 appendices Rebuttal
Appellant:	"APP 1" "APP 2"	Statement of Case from O'Toole & Starkey Planning Consultants with 8 appendices Rebuttal from O'Toole & Starkey Planning Consultants



# 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](mailto:info@pacni.gov.uk)

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**Appeal Reference:** 2018/A0172  
**Appeal by:** Leah Chambers  
**Appeal against:** Refusal of full Planning Permission  
**Proposed Development:** Replacement Dwelling.  
**Location:** 14a Stewarts Road Annalong  
**Planning Authority:** Newry Mourne and Down District Council  
**Application Reference:** LA07/2018/0921/F  
**Procedure:** Written Representations  
**Decision by:** Commissioner Helen Fitzsimons on 29<sup>th</sup> April 2019

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## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside, and whether it would have adverse impact on the on the visual amenities of the countryside and its Area of Outstanding Natural Beauty (AONB) location.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. The BNMAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'. The appeal site lies in the Mourne Area of Outstanding Beauty (AONB).
4. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' It continues 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 settlement'. One of these is a replacement dwelling in accordance with Policy CTY 3 of the PPS.
5. Policy CTY 3 of PPS 21 says that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. It adds that buildings designed and used for agricultural



purposes, such as sheds or stores and buildings of a temporary construction will not however be eligible for replacement under this policy. There was no dispute that the structure to be replaced is currently used as a dwelling. The Council's objections are grounded in the policy requirement that the dwelling to be replaced should not be of temporary construction.

6. The subject building is a modest single storey prefabricated dwelling located behind No 14 Stewarts Road. Due to its siting views of it are limited to just across the frontage of No 14 Stewarts Road and for a short distance when travelling from the north west. The appellant told me that it was framed together on site with in situ block work, render, electricity, plumbing, heating and drainage. Internally it provides a kitchen, living room bathroom, utility room and two bedrooms. It is accessed from the driveway of No 14 Stewarts Road. Although it sits within the grounds of No 14 Stewarts Road it has its own small curtilage with a front garden area separated from No 14 Stewarts Road by fencing.
7. The word 'buildings' in Policy CTY 3 indicates to me that the paragraph is meant to apply to operational development as well as portable structures such as caravans, portacabins or mobile homes. I accept that in this case operational development was required to erect the building. It was created by connecting prefabricated sections. A platform on which to anchor it was constructed. However this platform does not appear as an integral part of the building. The thinly rendered external walls, roof covering and general appearance of the structure are similar to those of temporary buildings. It was purchased some 17-18 years ago and I assume that it was constructed on site around the same time. At my site visit I noted some deterioration on the lower part of the front elevation that I would not expect to see on a permanent building of a similar age. Taking all of these factors into account I consider that the building is temporary in nature and it is not eligible for replacement under Policy CTY3. The Council's objections to the proposal on that requirement of Policy CTY 3 of PPS 21 are sustained.
8. Policy CTY 3 of PPS 21 also says that a replacement dwelling will only be permitted where all of five stated criteria are met. The Council raised objections to the proposal under the first criteria that the proposed replacement dwelling should be sited within the curtilage of the existing building unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits and criterion two that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact greater than the existing building.
9. The site of the proposed new dwelling is within the curtilage of No 14 Stewarts and has full frontage to the road. I was given no arguments that the existing curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling. The first criterion of this part of Policy CTY 3 of PPS 21 is not met.
10. Although the size of the new building would allow it to integrate into the surrounding landscape, given its roadside location, there would be more extensive views of it when travelling along Stewarts Road in both directions and it would

have a greater visual impact on the landscape than the building to be replaced. The creation of an independent driveway to the new dwelling which would increase safety for children playing behind No 14 Stewarts Road is not an access benefit that is persuasive in this appeal. I have no evidence of loss of amenity to the residents of No 14 Stewarts Road as a result of the current living arrangements between them and the occupier of No 14a. Arguments that it would screen the existing stables to the west are not persuasive as there is nothing in policy to allow such a 'trade off'. In any event the Council's evidence suggests that the stables are under enforcement action and in the absence of a Certificate of Lawfulness I cannot take them into account. It has not been demonstrated that that the proposed site for the new dwelling would result in landscape, heritage, access or amenity benefits. The second criterion of Policy CTY 3 would not be met. As the proposed development fails three stated elements of Policy CTY 3 of PPS 21 it is not acceptable in principle in the countryside and the Council has sustained its first reason for refusal.

11. Policy CTY 8 'Ribbon Development' of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of the policy says that a ribbon 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. A dwelling on the appeal site would be seen with No 14 Stewarts Road and the dwelling immediately to the south east. Notwithstanding that there would be a gap between them the buildings would be viewed as a ribbon of development. This would be detrimental to the amenities of the countryside and contrary to policy. The Council has sustained its second reason for refusal based on Policy CTY 8 of PPS 21.
12. Policy CTY 13 'Integration and design of buildings in the Countryside' states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable in seven stated circumstances. The Council raised objections its third reason for refusal under (a) it is a prominent feature in the landscape (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and (c) it relies primarily on the use of new landscaping for integration. I do not consider that the modest new dwelling would be a prominent feature in the landscape. Dry stone walls typify boundary treatment of both fields and curtilages in this area and the proposed boundary treatments would be in keeping with this. A condition requiring a new dry stone wall to define the curtilage of the new building would allow it to integrate in a similar fashion to other dwellings in the area. Criteria (a) (b) and (c) of Policy CTY 13 of PPS 21 would be met. The Council has not sustained its third reason for refusal based on Policy CTY 13 of PPS 21.
13. Policy CTY 14 of PPS 21 'Rural Character' also says that a new building will be unacceptable where amongst other circumstances (a) it is unduly prominent in the landscape and (d) it creates or adds to a ribbon of development (see Policy CTY 8). I have already concluded under Policy CTY 13 that the proposed development would not be an unduly prominent feature in the landscape it would not offend this

requirement of Policy CTY 14. However, as I have also concluded that the proposed new dwelling would create a ribbon of development criterion (d) of Policy CTY 14 would be offended, and the Council has sustained its fourth reason for refusal based on Policy CTY 14 for that reason.

14. Policy NH 6 'Areas of Outstanding Natural Beauty' of Planning Policy Statement 2 'Natural Heritage' (PPS 2) says planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where all of three stated criteria are met. One of these is a) the siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality and it is this criterion that the Council has based its objection upon. This part of the Mourne AONB is typified by houses of varying sizes, heights and designs. From the appeal site a number of other houses are highly visible in the landscape. A modest dwelling on the appeal would not be unsympathetic to the character of this part of the AONB and Policy NH 6 of PPS 21 would not be offended. The Council has not sustained its second reason for refusal.
15. The appellant referred me to other dwellings in the area which she considers comparable to and justification for her proposal. Those decisions were taken under a different jurisdiction with different planning policy in place and for those reasons are distinguishable from this appeal.

This decision is based on the 1:2500 scale site location plan and the following drawings numbered by the Council Drawing No 02; Drawing No 03; Drawing No 04; and Drawing No 05 (Rev 1)

**COMMISSIONER HELEN FITZSIMONS**

2018/A0172

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**List of Documents**

Planning Authority: -

C1 Written Statement  
C2 Comments

Appellant: -

A1 Written Statement and appendices  
A2 Comments

Category 6

**Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.**

Info on event	Date of agreement/approval	Decision made by Director	Costs/requirements
Request to use Kilbroney Park Rostrevor for Kilbroney Vintage Show on Saturday 15 <sup>th</sup> June 2019	14.08.18	Approved	Insurance, Risk Assessments, Health & Safety, Plan of Area to be used etc.
Request to use Newry Canal Towpath for Newry Hospice Sponsored Walk on Sunday 14 <sup>th</sup> April 2019	01.04.19	Approved	Insurance, Risk Assessments, Health & Safety Plan etc.
Request to commence legal proceedings.	17.04.19	Approved	Failure to pay Penalty Charge Notice for breach of Energy Performance of Building Regulations
Request to commence legal proceedings.	19.04.19	Approved	Failure to pay Penalty Charge Notice for breach of Energy Performance of Building Regulations
Request to commence legal proceedings.	19.04.19	Approved	Failure to pay Penalty Charge Notice for breach of Energy Performance of Building Regulations
Request to use Albert Basin 30 <sup>th</sup> May - 2 <sup>nd</sup> June or Fri 7 <sup>th</sup> June - Sun 9 <sup>th</sup> June (date tbc)	29.04.19	Approved	Insurance, Risk Assessments, Health & Safety Plan etc
Request to use Albert Basin / Middle Bank 15 <sup>th</sup> Aug – 17 <sup>th</sup> August 2019 for 2019 Ulster Rally	09.05.19	Approved	Insurance, Risk Assessments, Health & Safety Plan etc

**HISTORIC****ACTION TRACKER SHEET****ENTERPRISE REGENERATION AND TOURISM COMMITTEE**

<b>ITEM</b>	<b>SUBJECT</b>	<b>DECISION</b>	<b>REFERRED TO</b>	<b>ACTION TAKEN</b>	<b>REMOVE FROM ACTION SHEET Y/N</b>
<b>ERT/178/2016</b>	Caravan and Campsite Management	<p><b>NOVEMBER 2016</b></p> <p>(a) To agree a join process between Council and Forest Service to appoint external expertise to prepare the Business Rationale and Specification to seek competent providers for the management of Tollymore, Castlewella and Kilbroney Park Caravan/ Camping provision with the option to consider some additional tourism recreational services which would enhance the tourism offering.</p> <p>(b) To revert to Council with the completed Business Rationale and Specification prior to progressing to seek Expression of Interest.</p>	Andy Patterson	Under consideration.	N
<b>ERT/118/2017</b>	<ul style="list-style-type: none"> <li>Lease - Tennis Pavilion - Rostrevor Tennis Club</li> </ul>	<p><b>JUNE 2017</b></p> <p>It was agreed to agree to a proposed 20 year lease from 1 March 2017 of the pavilion building to Rostrevor Tennis Club at peppercorn rent, as per report dated 12 June 2017 from Ms B Magill,</p>	Andy Patterson	Improvement works completed to Tennis Courts. Discussions on lease ongoing.	N



ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		Administration Officer.			
ERT/191/2017	CAMLOUGH LAKE - LAND RELATED MATTERS	<p><b>OCTOBER 2017</b></p> <p><b>Closed Session Item</b></p> <p><b>(a)</b> To enter into negotiations with Richardson Estate to settle any outstanding mortgage they hold pertaining to Camlough Lake</p> <p>To complete detail design and submit planning associated with multi purpose building at Camlough Lake to assist in informing land acquisition requirements</p>	Andy Patterson	Ongoing	N
		<b>DECEMBER 2017</b>			



ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
ERT/218/2017	ARDGLASS HARBOUR DEVELOPMENT	<p>(a) To contribute £25k (25%) to Local Harbour Development Group to complete a business case for Harbour Development and wider regeneration projects.</p> <p>(b) That the Group contribute 10% overall costs.</p> <p>(c) That the Group secure remaining (65%) budget from external source i.e. FLAG.</p> <p>(d) That a Newry, Mourne and Down District Council Officer support the Group in their work.</p>	Jonathan McGilly	<p>Work in progress. Meeting has been held with Permanent Secretary. DAERA's proposed way forward has been communicated to Council via November 2018 ERT Committee. Chief Executive has communicated concerns to DAERA seeking an urgent meeting.</p>	N
ERT/044/2018	FORKHILL FORMER BARRACKS SITE	<p><b>MARCH 2018</b></p> <p>1. Council Officials continue to work closely with DFC to ensure that Councils interest in the site is maintained and any follow up Business Cases are completed and submitted to the Department for Communities.</p> <p>2. Council Officials and DEA reps on the Forkhill Site Development Steering Group to liaise closely</p>	J McGilly	<p>Ongoing/Work in Progress</p> <p>Planning application in for playarea approved in Jan 2019. Onsite works to commence in Feb 19.</p> <p>Working with NIHE re next steps.</p>	N

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		with DFC and any other registered government departments to ensure that a balanced mixed use development of the site takes place.			
		<b>APRIL 2018</b>			
ERT/060/2018	CHAMBRE HOUSE	<ol style="list-style-type: none"> <li>1. Procure an Interpretation Consultant.</li> <li>2. Meet all mandatory requirements for 'Northern Ireland Rural Development Programme 2014-2020 Rural Tourism Scheme' application.</li> <li>3. Submit a full application to DAERA based on Option 3b.</li> <li>4. If successful, deliver project as set out in the application and the Letter of Offer</li> </ol>	J McGilly	Superseded by ERT report to May 2019 Committee	Y
ERT/061/2018	SKILLS FORUM UPDATE AND NEXT STEPS	<ol style="list-style-type: none"> <li>1. Council adopt the report</li> <li>2. Officials work with Social Research Centre to develop an online survey to capture the views of a wider cross section of industry and education and complete this exercise by end May 2018</li> <li>3. Further meeting of the Forum be convened mid-June before school term ends to consider the combined response and agree next steps</li> </ol>	J McGilly	Research completed. Report compiled. Skills Forum meeting held in June. Further meeting scheduled for early 2019.	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		4. Council include as part of the Innovation Event in September an engagement/skill fair whereby students from across the region can learn more of the job career opportunities that exist in the District through the range of employers across Sectors			
ERT/064/2018	DEVELOPING THE BELFAST - DUBLIN ECONOMIC CORRIDOR	Newry, Mourne and Down District Council approve the request by Translink for them to undertake a detailed Technical & Feasibility study of all proposed options for the development of the Dublin & Belfast Enterprise service.	M Ward	Complete	Y
		<b>MAY 2018</b>			
ERT/087/2018	ATLANTIC AREA PROGRAMME	<ol style="list-style-type: none"> <li>1. Submit application to Atlantic Area, NMDDC as Lead Partner.</li> <li>2. Forward for consideration for rates estimate subject to satisfactory submission</li> </ol>	J McGilly	Project underway.	Y
ERT/088/2018	INTERNATIONAL RELATIONS	<ol style="list-style-type: none"> <li>1. Approve the facilitation through St Paul's High School of a host visit from School No 7 to Newry, Mourne and Down District and to develop a wider connection across the area. Any future visits should give consideration to the school calendar.</li> <li>2. Approve further development of potential links with Post Primary</li> </ol>	J McGilly	Ongoing.	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>Schools in relation to International Relations considered through the skills forum and recognition of the opportunities that exist through music.</p> <p>3. Development of links with SERC and SRC in International Relations with consideration of participation in the upcoming Changchung visit.</p> <p>4. To develop our Junior Competitions as part of the USA Kids Golf</p> <p>5. To consider alternative accommodation exchanges to promote and encourage visits from both areas to visit from both areas to visit reciprocally.</p> <p>6. To target golfing societies attached to our Golf Clubs to visit each other's areas as part of exchange (Ryder Cup approach).</p> <p>7. To audit, inform and promote craft and niche products in each other's Council areas, Visit Centres etc.</p> <p>8. To make Chamber connections and assist in encouraging ideas for collaboration.</p> <p>9. To consider the possibility of an international link with Newry City Football Club</p>			
ERT/105/2018	ERDF FUTURE	<p><b>JUNE 2018</b></p> <p>1. Submit funding applications to</p>	J McGilly	3 applications	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
	APPLICATIONS	<p>INI ERDF Investment for Growth and Jobs for future business development programmes, by current deadline of June 2018</p> <p>2. To allocate 20% match funding against eligible programme costs. (Estimate match funding requirement is £130,000 over 3 financial years (approx £45,000 per year). Estimate total grant drawdown is £520,000 over same period.)</p>		<p>Submitted 2 x applications approved.</p> <p>Awaiting outcome of remainder March 2019.</p>	
ERT/110/2018	IRISH STREET PUBLIC REALM	Agreed to note that the Irish Street Public Realm Scheme will commence in Autumn 2018 and that Council will, upon receipt of the letter of offer from DFC, procure the granite.	J McGilly	Contract managed by DFI works to complete June 2019	Y
		<b>AUGUST 2018</b>			
ERT/120/2018	CASTLEWELLAN FOREST PARK	<ul style="list-style-type: none"> <li>Note the contents of the Castlewellan Forest Park Task and Finish Action Sheet dated 13.06.18</li> </ul>	J McGilly	Ongoing - application Approved.	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<ul style="list-style-type: none"> <li>To proceed with procurement of consultant to carry out an Economic Appraisal at Castlewella Forest Park</li> <li>To approve and adopt contents of the Castlewella Forest Park Task and Finish Action Sheet dated 06.07.18</li> <li>Proceed with submission HLF and DAERA applications based on the costs that have been provided by Consultants reports.</li> <li>NMDDC to proceed with procuring a Multi-Disciplinary Team for DAERA and HLF works in Walled Garden and Bothy Yard in Castlewella.</li> <li>NMDDC to identify and explore element of HLF Development works that can be undertaken prior to December 2018.</li> </ul>			
ERT/122/2018	DOWNPATRICK REGENERATION PROJECT	<ul style="list-style-type: none"> <li>Council offices continue to progress land purchase to include the additional property at No.39 Irish Street which is</li> </ul>	J McGilly	Ongoing	N

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>adjacent to Former Police Station.</p> <ul style="list-style-type: none"> <li>Officers explore with relevant government departments any issues that may arise due to Heritage Merit of the site</li> <li>As the site was purchased on the basis that the link road not being included in the brief. DEA Cllrs request via DEA officers a meeting with Transport NI</li> <li>Officers bring back to council via ERT suitable governance structures for the project</li> </ul>			
ERT/124/2018	DFI Letters Of Offer for further Greenway Project development work.	<ul style="list-style-type: none"> <li>Agreed that Council accept both DFI Letters of Offer for the Downpatrick to Newcastle and Downpatrick to Comber proposed Greenways.</li> <li>Council proceed to appoint Consultants, via Scape Framework to assist in Project Bid/Detail Design stages.</li> <li>Council work in Partnership with Ards &amp; North Down Borough</li> </ul>	J McGilly	Work in progress - Consultants appointed and working through relevant maps to see if there are any viable sections of the route that could be consulted on.	Y



ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<ul style="list-style-type: none"> <li>• Council to establish a steering committee to oversee this next stage of the projects to ensure that all interests particularly those of local landowners are being considered.</li> <li>• Councillor Burgess to be sent updated list on the Rights of Ways in the Down area.</li> </ul>			
ERT/126/2018	C8 Eastern Economic Corridor Conference	<p>1. Agreed that a Study on the Eastern Corridor to be completed by Ulster University and Dublin City University that will analysis the real economic opportunities along the corridor and potential projects of economic merit that can be delivered in collaboration</p> <ul style="list-style-type: none"> <li>• Completion of the study is 5 months (draft: Early October, Final Dec 18)</li> <li>• The overall aim for the research is to profile the Eastern Economic Corridor on the island of Ireland and establish an evidence base for</li> </ul>	M Ward	<p>Draft research report received Jan 2019.</p> <p>Conference scheduled for Feb 2019 has been postponed.</p> <p>Meetings between Council officials ongoing</p>	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>potential local government-led collaboration along the corridor.</p> <ul style="list-style-type: none"> <li>The specific objectives for the research project include:                             <ul style="list-style-type: none"> <li>To provide an evidence base for an economic corridor on the Eastern seaboard of the island of Ireland;</li> <li>To identify the basis for collaboration and potential interventions and actions that might assist in the development of an Eastern Economic Corridor.</li> </ul> </li> </ul> <p>(2) Early in 2019, a Conference will be held to look at the combined strengths of the 8 Council regions, and how the Dublin-Belfast economic corridor is the primary region on the island of Ireland with the potential to compete with the world's largest cities and metropolitan zones. The</p>			

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>objective of this Conference is to highlight and explore in greater depth the significant economic potential and benefits of a cohesive Eastern Economic Corridor achieved through greater connectivity</p> <ul style="list-style-type: none"> <li>• The event will bring together an influential group of leaders, thinkers and investors from around the world, to show what the corridor can offer through investment in vastly improved connectivity and partnership growth.</li> <li>• It will also see key figures from the private, public and third sectors from both sides of the border discuss how best to pool the resources of the corridor to compete on a global basis and address the diverse opportunities from across the investment community.</li> <li>• It will explore how and where</li> </ul>			

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>complementary skills can be combined along the Eastern Economic Corridor, where economies of scale can be found and where the joint efforts of both cities can produce a global force which is even more powerful than the sum of its parts. Critical to success is connectivity along the corridor and between the cities, both physical and digital</p> <ul style="list-style-type: none"> <li>Workshops Themes might include: (opportunity to each Council to lead on a Theme) <ul style="list-style-type: none"> <li>Infrastructure and accessibility</li> <li>Social innovation</li> <li>Sectoral cluster growth</li> <li>Employability, skills and talent</li> <li>The developing position on Brexit</li> <li>Global competitiveness</li> <li>Attracting investment</li> </ul> </li> </ul>			

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
ERT/130/2018	DELAMONT COUNTRY PARK MASTERPLAN	Approval be granted to begin a comprehensive engagement process on the development of this Masterplan with local residents, user groups, stakeholders, and businesses, etc on the development of Delamont Country Park.	A Patterson	Report to ERT Committee - August	Y
ERT/139/2018	AONBs UPDATE - RING OF GULLION, STRANGFORD LOUGH & LECALE	<p><b>September 2018</b></p> <ul style="list-style-type: none"> <li>Carry out an independent review of the management of the Ring of Gullion and Strangford Lough &amp; Lecale AONBs, and the relationship between NMDDC and ANDBC in managing Strangford Lough &amp; Lecale AONB.</li> <li>Review the management of the relationship between NMDDC and Mourne Heritage Trust in managing the Mourne AONB.</li> <li>Assess the relationship of the aspiring Geopark and the AONBs. Through the AONBs much of the Geopark requirements are being delivered.</li> <li>Remove any references to changes to staffing and major projects contained in the AONBs Update</li> </ul>	J McGilly	Ongoing. consultants appointed January 2019. Work to be completed April 2019.	N

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		Report dated 10 September 2018.			
		<b>October 2018</b>			
ERT/160/2018	NOTICE OF MOTION COMMUNITY LED FESTIVALS	<ul style="list-style-type: none"> <li>Council Officers continue to undertake the review of the Financial Assistance programme in relation to the funding support provided via the Tourism Events Fund - including the timing on the provision of potential funding, with the view that all festival and event organisers require as much lead-in time and assurity of funding support as possible.</li> <li>A workshop to be scheduled to look at events generally in the district.</li> <li>The definition of Council events and community led events to be circulated to all Councillors.</li> </ul>	M Ward	Ongoing	N
		<b>November 2018</b>			
ERT/175/2018	DFC SMALL SCALE CAPITAL SCHEMES UNDERSPEND	1. Council submit the Attached List of small scale projects to DFC for consideration over the next 3-4 years.	J McGilly	Work in progress. Council officials working closely with DfC to obtain relevant funding and	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>2. Council approve the prioritising of the list into ranking bands:</p> <p>Priority 1 - Overarching Schemes</p> <p>Priority 2 - Ballynahinch / Kilkeel</p> <p>Priority 3 - Warrenpoint / Newcastle</p> <p>Priority 4 - Newry / Downpatrick</p> <p>3. If DFC funds are received, progress is then made to carrying out the necessary procurement to have the agreed number of projects completed.</p> <p>4. Officials bring back a report later in the financial year to confirm what monies have been provided and what projects were undertaken.</p> <p>5. DFC funding criteria to be brought to December ERT Committee Meeting.</p> <p>6. The cleaning of tourist signage in the area to be referred to the</p>		<p>action projects before End March 2019. List of successfully completed projects will be brought back to future ERT meeting.</p>	



ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		Neighbourhood Services Directorate 7. Clarify with Neighbourhood Services if a second 'scrubber sweeper' has already been procured and advise Councillor McAteer.			
ERT/176/2018	BREXIT FORUM	1. Council compile a list of Brexit technical notice and issue Council website. 2. These notices to be tabled at future meetings of Brexit Forum. 3. Council signpost Businesses accordingly to relevant agencies that can support Businesses work through technical notice detail and implications for their business. 4. UU present at the next forum meeting on the various scenarios and implications. 5. Council continue to liaise with INI regulatory potential of lands at Carnbane.	J McGilly	Ongoing.	N
ERT/178/2018	MASTERPLANS	1. With reference to the 4 Master	M Ward	Work in progress.	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
	UPDATE	<p>plan updates, to note the comments provided in relation to progress to date and next steps</p> <p>2. Over the coming months to engage with members at a DEA level to consider the Masterplans, existing priority action plans, and to reprioritise projects within the Action Plans as required.</p>		Review to commence early 2019.	
ERT/179/2018	WARRENPOINT MUNICIPAL PARK	<ol style="list-style-type: none"> <li>1. Approve the attached Warrenpoint Municipal Park Action Sheet dated 2.10.18</li> <li>2. Obtain a total cost for cleaning and painting of perimeter railings as part of refurbishment works. If HLF are content with price, council proceed with carrying out these additional works as part of contract.</li> <li>3. Establish cost for Wi-Fi hotspot in Warrenpoint Park and proceed with this on the basis of being within budget.</li> </ol>	J McGilly	Work in progress	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
ERT/181/2018	MIPIM 2019	Council contribution to partner as Belfast Region £10,000 plus £6000 for travel and accommodation for Council delegation of Chair and Chief Executive and one officer.	M Ward	Complete	Y
ERT/183/2018	MOURNES GATEWAY PROJECT	Approval to appoint a suitably qualified Integrated Consultancy Team to: progress the Mournes Gateway Project in line with BRCD requirements; to develop a comprehensive outline business case; and to develop exemplar concept design to a point where Council can apply for all statutory approvals required with a project of this scale and size. This will also include the development of a detailed programme to achieve project delivery within timescales allocated.	A Patterson	In progress	Y
ERT/200/2018	CASTLEWELLAN ON-STREET CAR PARKING	<p><b>December 2018</b></p> <p>1. Council supports the enforcement of parking restrictions in Castlewella, subject to a permitting system being put in place for residents in</p>	J McGilly	Report to be brought to DEA Forum – Colum Jackson AD	Y

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		<p>affected areas and exploring if Bann Road Council facilities could be used for car parking by staff working in town centre businesses etc.</p> <p>2. Council using existing car park in Square to understand that is the reason for all day parking at this location and consider similar restrictions as those to be imposed on street.</p>			
ERT/205/2018	DAERA SMALL BUSINESS GRANTS SCHEME	<p>1. To further engage with DAERA to secure the delivery of a Rural Business Small Grant scheme in the District</p> <p>2. In order to resource the administration and delivery of the grant scheme, to utilise the allowance of 15% contribution (£7,500) towards administration costs which would be taken from each Council's £50,000 allocation</p>	J McGilly	Officers to develop structure to deliver in Partnership with DAERA and report back to Committee.	Y
ERT/208/2018	TOURISM EVENTS PROGRAMME 2019/20	<p>To approve proposals for:</p> <p>1. Provision of £60,000 budget within this 18/19 Financial Year to Newry Rainbow Community by way of a Service Level Agreement and contractual</p>	A. Patterson	Ongoing	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>documents for any bookings made, in order to support the planning and delivery of the UK and Ireland Pride Festival in Newry in 2019.</p> <p>2. Commitment of Council Officer's time to be part of a multi-agency team of relevant stakeholders to support Newry Rainbow Community in the preparation for the UK and Ireland Pride festival.</p> <p>3. The provision an additional level of funding from the Tourism Events Programme budget in the 19/20 Financial Year, to be agreed, once the final cost breakdown and budget of the Festival has been set and agreed.</p> <p>4. All members to be invited to a meeting early in January 2019 with the event promoters to appraise the full details and cost breakdown of two event funding bids.</p>			

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>5. Approval of the draft Tourism Events Programme, with final budgets to be tabled with members in line with the rates setting process in January 2019.</p> <p>6. The Financial Assistance Call for Tourism Events to be open as possible in 2019.</p>			
		<b>JANUARY 2019</b>			
	VILLAGE RENEWAL APPLICATION TO RDP	<p>Using the Council's Framework for Integrated Consultancy Services to appoint an Integrated Consultancy Team to manage full design and statutory requirements for all schemes. The cost of this is anticipated to £200,000, up to RIBA Stage 4 and this is available within current budgets.</p> <p>Council will also undertake procurement for the identification of a preferred contractor(s) for implementation of capital works of approximately £3.2 m. 75% of these costs will be applied for in an application to RDP. 25% balance is available within the Capital budget. Procurement of a contractor is a pre application eligibility requirement. No appointment will be made until a Letter</p>	M Ward	<p>Consultancy Team appointed in January 2019 to undertake design works for EI and Gateway Schemes.</p> <p>Funding application to be submitted July 2019</p>	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>of Offer is secured.</p> <p>To make applications to the Mourne Gullion Lecale Village Renewal measure for implementation of capital works</p> <p>If a Letter of Offer is secured:</p> <p>To sign and accept the Letter of Offer</p> <p>To formally appoint the contractor(s)</p> <p>To further engage the Integrate consultancy Team to manage the project through RIBA stages 5 and 6 at an estimated cost of £80,000. It would be expected that 75% of this cost will be included in the LoO to be secured through RDP and 25% of cost will be paid by Council from available budgets.</p>			
ERT/006/2019	CASTLEWELLAN FOREST PARK HLF AND DAERA APPLICATION	<p>Accept and sign off on Economic Appraisal</p> <p>Accept Letter of Offer of Round One funding by HLF</p> <p>Council to continue working towards submitting DAERA application before 31<sup>st</sup> January 2019.</p> <p>Proceed with issuing ITT for Integrated Supply Team for Walled Garden, Bothy Yard and Rhododendron Wood. The tendered prices to inform DAERA application.</p>	M Ward	Ongoing	Y



ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>Explore the option of an additional DAERA application for Grange.</p> <p>Proceed with finalising Job Description of Project Development Officer for Castlewellan Project</p> <p>Begin preparing tender documentation for Integrated Design Team for Grange/Traffic as part of HLF Development Phase</p> <p>Begin preparing tender documentation for Horticulturalist works as part of HLF Development Phase</p> <p>Issue Press Release and have a Photocall before Christmas Holiday with appropriate approval from HLF and NMDDC Marketing team.</p> <p>Continue to keep both HLF and DAERA appraised of progress. Establish timetable for HLF Round 2 submission.</p> <p>Council Inter-Departmental team to be established to inform HLF Development Phase.</p> <p>NMDDC and FS to liaise on Agreement to Lease.</p>			

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ERT/007/2019	ULSTER UNIVERSITY PARTNERSHIP AGREEMENT	To renew Council's Partnership Agreement with the Ulster University for a 2 year period between February 2019 and January 2021 at a cost of £25,390.	M Ward	Ongoing	Y
ERT/008/2019	YOUNG ENTERPRISE NI - SUPPORT FOR STUDENT SKILLS DEVELOPMENT WORKSHOPS	To provide an SLA of £10,000 to Young Enterprise for delivery of Digital and Tourism Masterclass / Quick start Programme within NMD Secondary Schools.	M Ward	Ongoing	Y
ERT/010/2019	MINOR WORKS AT TYRELLA BEACH	To progress a works contact through the Council's CPD framework to implement capital improvement works at Tyrella Beach.	A Patterson	Ongoing	Y
ERT/011/2019:	ROSTREVOR DOWNHILL TRAILS	Through the CPD Framework undertake a design and build contract to facilitate the trail enhancements which will improve the trail flow and encourage a greater number of visitors to the trails.	A Patterson	Ongoing	N
ERT/014/2019	TRADING PITCH -	To proceed with the tendering of a	A Patterson	Ongoing	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
	SLIEVE GULLION PARK	trading pitch for the provision of one mobile ice cream vendor at the Upper car park of Slieve Gullion Forest Park for a period of up to three years, with the lease to be reviewed annually.			
ERT/015/2019	IMMERSIVE TECHNOLOGY FUND NARNIA PROJECT KILBRONEY PARK	To proceed to undertake necessary procurement exercises to deliver the Narnia AV/VR project subject to funding of £150,000 from TNI and £150,000 from Council. Council contribution agreed at November ERT Committee.	A Patterson	Ongoing	N
		<b>FEBRUARY 2019</b>			
ERT/019/2019	FORKHILL PLAY AREA	(a) To proceed to put in place the relevant Licence Agreements with the Department of Communities (DFC) to enable the proposed Forkhill Play Area to be both constructed and maintained thereafter by the Council.  (b) The Council to maintain its interest in the site as part of the ongoing D1	M Ward	Playpark to commence on site in March 2019.	Y

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		site disposal process to ensure those elements that the Council are maintaining are transferred into Council ownership.		Council working with FADDA, DFC, DAERA on the long term future for the site.	
ERT/020/2019	PUBLIC REALM SCHEME - WARRENPOINT FRONT SHORE	<p>(a) Approve the Warrenpoint Front Shore Public Realm Scheme, and to proceed to procurement of an integrated Consultancy Team (ICT). If within budget, proceed to appointment.</p> <p>(b) Council establish a relevant Task and Finish Working Group for the Design and Delivery (subject to DFC funding) of the Warrenpoint Front Shore Public Realm Scheme.</p> <p>(c) Officers to look at the possible renaming of the Public Realm Scheme to include Cole's Corner, Dock Street and the Baths.</p>	M Ward	Council officials now discussing consultant procurement.	Y
ERT/022/2019	RING OF GULLION	The Council enter into a partnership agreement with Translink for a refurbished tram carriage to be hosted on their site at Newry Train	M Ward	In progress	N

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		Station as a Ring of Gullion welcome feature, for a minimum of 10 years, to be maintained by Ring of Gullion Landscape Partnership (RoGLPS) or AONB volunteers.			
ERT/023/2019	ENVIRONMENT FUND APPLICATION RING OF GULLION AONB STRANGFORD & LECALE AONB	(a) To submit an application to DAERA for Environment Fund funding for a period of 4 years from 1 April 2019 to 31 March 2023 for the delivery of actions in Ring of Gullion AONB and Strangford Lough & Lecale AONB (RGSLL). Continue to provide support for RGSLL and the work to deliver the AONB Action Plans and Marine Site MPA Scheme in support of the Councils role in heritage based projects and activity based tourism and the conserving of landscape as a resource, rural economic development, outdoor recreation, biodiversity, environmental sustainability legislation and	M Ward	Grant awarded	Y

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		healthy and active communities.			
ERT/024/2019	LOCAL FULL FIBRE NETWORK (LFFN)	<p>(a) To finalise the Consortium Agreement in conjunction with NMDDC legal department and Belfast Legal Services.</p> <p>(b) Following notification of the successful application to DCMS on behalf of FFNI, it is recommended to enter into a Consortium Agreement with NMDDC acting as lead Council.</p> <p>(c) Ms M Ward Director ERT, to provide details to Councillor D McAteer regarding the issues raised in relation to how FFNI will benefit the creation of network connections in rural areas.</p>	A Smyth	<p>In progress</p> <p>In progress</p> <p>Update report to March 2019 ERT.</p>	<p>Y</p> <p>Y</p>
ERT/025/2019	NEWCASTLE AND WARRENPOINT BEACHES	(a) The development of the beach front area in Warrenpoint to be included in the development brief for the Environmental	A Patterson		N

ITEM	SUBJECT	DECISION	REFERRED TO	ACTION TAKEN	REMOVE FROM ACTION SHEET Y/N
		<p>Improvement scheme and that the Council enters into a period of Water Quality Testing to establish water quality and the potential for a bathing water designation in three years time.</p> <p>(b) To host a workshop with officials of the Marine Strategy and Licensing Branch of DAERA to discuss proposals for the beach front at Warrenpoint and to discuss obtaining a Marine Licence for the necessary works required at Newcastle Beach.</p> <p>(c) To refer to the Neighbourhood Services Directorate to improve the provision of litter bins and cleansing on Newcastle Beach and surrounding area.</p>			
		<b>MARCH 2019 to follow</b>			
		END			



