

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

**Ref: AHC/2016**

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**Minutes of Active and Healthy Communities Committee Meeting held on  
Monday 18 April 2016 at 6.00pm in the Commedagh Room,  
Downshire Civic Centre, Downpatrick**

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**Chairperson:** Councillor L Kimmins

**In attendance:** **(Councillors)**  
 Councillor S Burns Councillor L Devlin  
 Councillor S Doran Councillor C Enright  
 Councillor G Fitzpatrick Councillor V Harte  
 Councillor H Harvey Councillor K Loughran  
 Councillor B Ó'Muirí Councillor D Taylor  
 Councillor W Walker

**Non-Committee Members:** Councillor T Andrews

**Officials in attendance:** Mr M Lipsett, Director of Active and Healthy Communities  
 Mr E Devlin, Assistant Director of Active and Healthy Communities (Health and Wellbeing)  
 Mrs J Hillen, Assistant Director for Community Engagement  
 Mr R Moore, Assistant Director of Active and Healthy Communities (Leisure and Sport)  
 Miss S Taggart, Democratic Services Officer

**AHC/47/2016: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillors M Carr and G Sharvin.

The Chairperson advised compliments had been paid to Mr Gareth Rice from Down Leisure Centre on his quick reactions in rescuing an individual from the pool.

The Chairperson stated two of the DEA Coordinator positions needed to be filled on a temporary basis as Slieve Gullion's coordinator had secured a 6 month secondment, while Slieve Croob's coordinator was currently on sick leave.

**AHC/48/2016: DECLARATIONS OF INTEREST**

There were no declarations of interest.

**AHC/49/2016: ACTION SHEET OF THE ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 21 MARCH 2016**

**Read:** Action Sheet of the Active and Healthy Communities Committee Meeting held on 21 March 2016. (Copy circulated).

**Agreed:** The Action Sheet was noted.

**COMMUNITY ENGAGEMENT**

**AHC/50/2016 2016-2017 COMMUNITY FACILITIES – AUDIT OF EFFECTIVENESS**

**Read:** Report from Mrs J Hillen, Assistant Director of Community Engagement dated 18 April 2016 regarding 2016-2017 Community Facilities – Audit of Effectiveness (Copy circulated).

Mrs Hillen presented the report which recommended that Council initiate an audit of community facilities (30 in total) in partnership with County Down Rural Community Network (supported by Confederation of Community Groups) at an approximate cost of £8,225.

Councillor Enright questioned whether unofficial community facilities would be included within the audit.

Mr Lipsett stated the audit would be the first stage in a lengthy process to investigate the effectiveness of Council-funded facilities, other funded and non-funded facilities would then be examined.

**Agreed:** It was agreed on the proposal of Councillor Harvey, seconded by Councillor Enright that an audit of community facilities (30 in total), in partnership with County Down Rural Community Network (supported by Confederation of Community Groups), be initiated at an approximate cost of £8,225 (funding already secured and ring-fenced).

**AHC/51/2016 MINUTES OF PCSP MEETING & POLICING COMMITTEE MEETING HELD ON 15 DECEMBER 2015**

**Read:** Minutes of PCSP Meeting & Policing Committee Meeting held on 15 December 2015 (copy circulated)

**Noted:** The minutes were noted.

## **LEISURE AND SPORTS**

### **AHC/53/2016      DFP CONSULTATION – ENHANCED SPORT & RECREATION RATE RELIEF UNLICENSED COMMUNITY AMATEUR SPORTS CLUB**

**Read:** Report from Mr R Moore, Assistant Director of Active and Healthy Communities (Leisure and Sport) dated 18 April 2016 regarding DFP Consultation – Enhanced Sport & Recreation Rate Relief – Unlicensed Community Amateur Sports Clubs (Copy circulated).

**Agreed:**      **It was agreed on the proposal of Councillor Burns, seconded by Councillor Ó'Muirí that Council supports the Department's policy proposals, allowing clubs 100% rate relief where:**

- **The club is registered with HMRC as a community amateur sports club; and**
- **Does not hold a liquor licence.**

### **AHC/54/2016      CONCUSSION & HEAD INJURY MANAGEMENT TRAINING FOR SPORTS CLUBS**

**Read:** Report from Mr P Power, Sports Officer dated 11 April 2016 regarding Concussion and Head Injury Conference for Sports Clubs (Copy circulated).

Mr Lipsett stated the report recommended that SAND, in conjunction with Sport NI and Sports Institute NI, facilitated a conference on sports concussion and head injuries for local sports clubs. HE advised the associated costs and venue would be confirmed by next month's meeting.

Members discussed the issue and questioned whether Council would have an input as to which clubs would be eligible to participate and whether, perhaps, a funding workshop could be tagged onto the conference.

Mr Lipsett stated he hoped that Sport NI would be running the conference and in turn covering the costs associated. He advised officers will be investigating other funding opportunities and which clubs should attend.

**Agreed:**      **It report on Concussion and Head Injury Conference for Sports Clubs was NOTED.**

**AHC/55/2016      LEISURE AND SPORTS FACILITY – PUBLIC HOLIDAY 2016/17**

**Read:** Report from Mr R Moore, Assistant Director of Active and Healthy Communities (Leisure and Sport) dated 18 April 2016 regarding Leisure and Sport Facility Arrangements for 2016/17 Public Holidays (Copy circulated).

Mr Moore advised the table had been circulated for Members' information however the details were subject to change with any future agreements through management and trade unions.

**Agreed:** The report regarding Leisure and Sport Facility Arrangements for 2016/17 Public Holidays was NOTED.

**AHC/56/2016      PLAY AND LEISURE STRATEGY UPDATE**

**Read:** Report from Mr R Moore, Assistant Director of Active and Healthy Communities (Leisure and Sport) dated 18 April 2016 regarding Play and Leisure Strategy (Copy circulated).

Mr Moore advised the details were set out in Appendix B, as circulated, and asked that Members approve the way forward for officers to proceed as detailed.

Councillor Burns questioned whether the strategy would evaluate the facilities as well as map them.

Mr Moore advised a consultant would be employed to evaluate existing facilities and map new ones demographically across the District.

**Noted:** It was agreed to note the report.

**HEALTH AND WELLBEING**

**AHC/57/2016      SMOKING CESSATION PILOT SCHEME**

**Read:** Report from Mr E Devlin, Assistant Director of Active and Healthy Communities (Health and Wellbeing) dated 18 April 2016 regarding Smoking Cessation Pilot Scheme (Copy circulated).

**Agreed:** It was agreed on the proposal of Councillor Taylor, seconded by Councillor Harvey, that the Smoking Cessation Scheme be run as a pilot over a 6 month period and reviewed with a view to extending across the District if successful.

## **AHC/58/2016    SUNBED TEST PURCHASING**

**Read:**            Report from Mr E Devlin, Assistant Director of Active and Healthy Communities (Health and Wellbeing) dated 18 April 2016 regarding Sunbed Test Purchasing (Copy circulated).

Mr Devlin advised, following test purchasing at fourteen premises across the District during February/March 2016, none of the premises allowed a fifteen year old student to use the sunbeds, therefore all the premises were compliant with the Sunbeds Act (Northern Ireland) 2011.

**Agreed:**        **It was agreed to note the report.**

## **AHC/59/2016    FAIRTRADE STATUS FOR DISTRICT**

**Read:**            Report from Mr E Devlin, Assistant Director of Active and Healthy Communities (Health and Wellbeing) dated 18 April 2016 regarding Fairtrade Status for District (Copy circulated).

Mr Devlin stated the report recommended that the Council support a campaign to achieve Fairtrade District Status for the Newry, Mourne and Down District Council area.

**Agreed:**        **It was agreed on the proposal of Councillor Enright, seconded by Councillor Doran that Council support the campaign to achieve Fairtrade District Status for the Newry, Mourne and Down District Council area.**

There being no further business the meeting ended at 6.30pm.

For consideration at Meeting of Newry, Mourne and Down District Council to be held on Monday 3 May 2016.

**Signed:**            Councillor L Kimmins  
Chairperson

**Signed:**            Mr M Lipsett  
Director of Active and Healthy Communities

## NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

RTS/M

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**Minutes of the Regulatory and Technical Services Committee Meeting held on Wednesday 20 April 2016 at 6.00 pm in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor T Andrews

**Members:**

|                          |                       |
|--------------------------|-----------------------|
| Councillor C Casey       | Councillor S Ennis    |
| Councillor G Fitzpatrick | Councillor G Hanna    |
| Councillor V Harte       | Councillor H McKee    |
| Councillor M Murnin      | Councillor P O Gribin |
| Councillor G Stokes      | Councillor D Taylor   |

**Non Committee Members:** Councillor W Clarke (item on the agenda)

**Officials in Attendance:** Mr C O'Rourke, Director of Regulatory and Technical Services  
 Mr J Parkes, Assistant Director of Waste Management  
 Mr K Scullion, Assistant Director Facilities Management and Maintenance  
 Mr P Rooney, Principal Planning Officer  
 Mrs C McAteer, Democratic Services Officer

**RTS/51/2016: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor P Byrne.

**RTS/52/2016: DECLARATIONS OF CONFLICTS OF INTEREST**

There were no declarations of conflicts of interest.

**RTS/53/2016: CONFIRMATION OF HOME COMPOSTER PRICE**

**Read:** Report dated 20 April 2016 from Mr J Parkes seeking approval to agree to a proposed price for Home Composter units during 2016/2017 at £5 per unit, restricted to one per household and collection only. *(Circulated)*.

**Agreed:** **On the proposal of Councillor Murnin, seconded by Councillor Hanna, it was agreed to recommend approval of the proposed price for Home Composter units during 2016/2017 at £5 per unit, restricted to one per household and collection only.**

**Agreed:** It was agreed at the request of Councillor Murnin that officials investigate if incorrect information had been included on a letter distributed to businesses in the Down area regarding bin charges, and if the information was incorrect, that a revised letter be issued.

**Agreed:** It was agreed at the request of Councillor Hanna that Mr L Dinsmore contact him regarding a request for a blue bin to his commercial premises.

**RTS/54/2016:** **ACTION SHEET OF THE REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING – WEDNESDAY 23 MARCH 2016**

**Read:** Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 23 March 2016. ***(Circulated)***.

**Agreed:** It was unanimously agreed to note the Action Sheet.

**RTS/55/2016:** **DUST/RESIDUE NUISANCE AT CARNBANE INDUSTRIAL ESTATE AND SURROUNDING RESIDENTIAL AREAS**

**Noted:** Councillor Casey and Councillor Taylor advised that residents from the Carnbane Area, Newry, had spoken to them regarding a residue which was dropping onto their properties and cars and leaving a stain. The residents were of the view that the residue was a result of recycling at the Regen Premises. There was also issues relating to smoke emissions and residents felt that these very genuine concerns were not being taken seriously by the Statutory Agencies.

**Agreed:** It was agreed that Mr C O'Rourke write to the NIEA regarding the issues raised by Councillors on behalf of local residents, including a request that if an issue was raised on a particular day, for example a recent complaint about smoke emissions, that an inspector investigate the incident on the day it was reported.

It was also agreed that Mr O'Rourke raise the issues of concern with the NIEA Client Manager for the Newry, Mourne and Down area.

Finally it was agreed that the Council's Environmental Health Department be made aware of the complaints made by residents and that they be asked to investigate.

## **PLANNING**

### **RTS/56/2016: PLANNING DEPARTMENT PERFORMANCE INDICATORS – APRIL 2016**

**Read:** Newry, Mourne and Down District Council Planning Department Performance Indicators – April 2016. (Copy circulated).

**Agreed:** **It was unanimously agreed to note the Planning Department Performance Indicators report.**

**Noted:** Mr O'Rourke and Mr Rooney gave an update on progress on the increased performance rate of the Planning Department.

Mr O'Rourke advised that a further update meeting would be held with agents in May 2016 and this would be followed by quarterly meetings.

**Noted:** In response to concerns expressed by Councillor Murnin regarding the increased number of refusals to be determined by the Planning Committee, Mr Rooney acknowledged this would be the case and said it would be important to put systems in place to manage these effectively.

In response to queries from Councillor Hanna and Councillor O'Gribin, Mr O'Rourke confirmed that no staff members had been taken off the enforcement team but the staffing of this section was an issue which would have to be looked at once Development Management was under control.

Mr Rooney said there was a period of 5 years in which the Council could take enforcement action against any alleged breach of planning control which was brought to the attention of the Council. Once a planning notice was served there was no time limit within which the Council had to resolve the matter.

Councillor Ennis left the meeting – 6.15 pm.

### **RTS/57/2016: RECORD OF MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES – MARCH 2016**

**Read:** Record of Meetings between Planning Officers and Public Representatives for March 2016. (*Circulated*).

**Agreed:** It was unanimously agreed to note the Public Representatives report.

### **FACILITIES MANAGEMENT AND MAINTENANCE**

**RTS/58/2016:** **TOILETS AND CASTLEWELLAN MARKET HOUSE LIBRARY**

**Agreed:** It was agreed that as this issue had been requested by Councillor P Clarke and he was not in attendance at the meeting, that the item be withdrawn.

**RTS/59/2016:** **UPDATE OF INSTALLATION OF BUS SHELTERS**

**Read:** Report dated 20 April 2016 from Mr K Scullion giving an update on the installation of the following bus shelters:-

- Crossgar
- Meigh Village
- Mill Hill, Castlewellan
- Camlough Road, Newry
- Drumaness/Newcastle Road, Drumaness

**Noted:** Mr Scullion advised that two figures in the report for the bus shelters at Camlough Road and Drumaness were incorrect but the approximate total costs for the agreed bus shelters was £25,000.

**Agreed:** It was unanimously agreed to note the above report.

**Agreed:** It was also agreed officials investigate requests from Members to provide side panels in the bus shelter at Drumaness, if the location of the shelter allows for this.

Councillor Casey and Councillor Harte left the meeting – 6.25 pm.

### **WASTE MANAGEMENT**

**RTS/60/2016:** **OPENING AND CLEANSING OF TOILETS IN NEWCASTLE**

Councillor W Clarke said he had asked for this item to be put on the agenda as a result of complaints he had received regarding the closure of Council owned toilets in Newcastle over the Easter weekend. He said two toilet blocks had been closed – one at Islands Park as a result of damage to the floor and the toilet block at Castle Park which had been closed from 1.00 pm.

Councillor Clarke said this was completely unacceptable in a tourist town like Newcastle and if there were any maintenance or repair issues with toilets, particularly during busy tourist periods, that these should be treated as a priority.

Councillor Clarke also said that Council staff were painting the Castle Park toilet block over the Easter holiday period and said this type of maintenance work should be carried out during the winter months.

Councillor Hanna and Councillor O'Gribin supported the concerns raised by Councillor W Clarke.

Mr Parkes outlined the reasons why the toilets had been closed in Newcastle over the Easter holiday period, including major damage to the floors at the toilet block in Islands Park and issues such as vandalism and anti-social behaviour. He also commented on the lack of respect some people had when using the toilet facilities which left them in an unclean condition. He said despite regular cleansing it was difficult at times to keep the toilets in a condition which the public would find acceptable. There were also issues regarding the age of the toilet blocks in Castle Park.

Mr O'Rourke said he accepted the comments made by Councillors. He said maintenance such as painting of toilet blocks had to be carried out in good weather but he agreed that Easter was not a good time for this. He said there was a regular cleansing schedule for the toilets throughout the Council District and noted a request from Members that this cleaning schedule be displayed in the toilets so that members of the public could see it. He further advised that the Council did not have a statutory obligation to provide any toilets and yet there was 7 Council owned facilities in Newcastle.

**Agreed:** It was agreed on the proposal of Councillor Hanna, seconded by Councillor O'Gribin, that an audit/review of all Council owned toilets be carried out looking at issues such as usage; consultation with users; possibility of charging a minimal fee for usage with any money raised to be put back into upgrading toilet facilities; details of cleaning schedules; opening/closing times; extended opening hours during busy periods.

**It was agreed a report be brought back to a subsequent R&TS Meeting on these issues.**

## **FOR NOTING**

### **RTS/61/2016: CONSULTATION ON CLOSURE OF THE NORTHERN IRELAND RENEWABLE OBLIGATION TO NEW SMALL SCALE ONSHORE WIND**

**Noted:** The Department of Enterprise, Trade and Investment has launched a consultation on the above subject with consultation responses by 9 May 2016.

**Agreed:** It was unanimously agreed to note the above information.

### **RTS/62/2016: NOTIFICATION OF CONSULTATION ON ECCLESIASTICAL EXEMPTION**

**Read:** Details of the DoE consultation document outlining policy proposals to remove Ecclesiastical Exemption. (*Circulated*).

**Agreed:** It was unanimously agreed to note the above information.

### **RTS/63/2016: CONFERENCE ON HOUSING POLICY IN NORTHERN IRELAND – WEDNESDAY 14 SEPTEMBER 2016**

**Read:** Conference details – Housing in Northern Ireland: Meeting Market Demand and Reforming the Social Housing Sector – Wednesday 14 September 2016 in Central Belfast – fee £210 plus VAT.

**Agreed:** It was agreed that if any Member was interested in attending the above Conference, that they advise Democratic Services.

### **RTS/64/2016: PROPOSED PLANNING COMMITTEE OPERATING PROTOCOL AND SCHEME OF DELEGATION**

**Read:** Newry, Mourne and Down District Council Draft Planning Committee Operating Protocol and Draft Scheme of Delegation. (*Circulated*).

**Agreed:** It was unanimously agreed to note the above documents.

### **RTS/65/2016: ARC21 MEMBERS MONTHLY BULLETIN – APRIL 2016**

**Read:** arc21 Members Monthly Bulletin – April 2016. (*Circulated*).

**Agreed:** It was unanimously agreed to note the above correspondence.

**RTS/66/2016:      ARC21 STEERING GROUP MEETING – MINUTES OF THE MEETING HELD ON TUESDAY 16 FEBRUARY 2016**

**Read:**                arc21 Minutes of Steering Group Meeting held on Tuesday 16 February 2016. *(Circulated)*.

**Agreed:**            It was unanimously agreed to note the above correspondence.

**RTS/67/2016:      ARC 21JOINT STEERING GROUP MEETING MINUTES OF THE MEETING HELD ON THURSDAY 25 FEBRUARY 2016**

**Read:**                arc21 Minutes of Joint Committee Meeting held on Thursday 25 February 2016. *(Circulated)*.

**Agreed:**            It was unanimously agreed to note the above correspondence.

**ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2016**

**Agreed:**            On the proposal of Councillor McKee, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on the following matters which related to exempt information under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

**RTS/68/2016:      REPORT RE: LEASE OF LAND AT GREENBANK INDUSTRIAL ESTATE**

**Read:**                Report from Mr K Scullion re: lease of land at Greenbank Industrial Estate, Newry. *(Circulated)*.

**RTS/69/2016:      CAPITAL EXPENDITURE PROJECTS**

**Read:**                Report dated 20 April 2016 from Mr K Scullion re: permission to proceed to tender for agreed capital projects 2016/2017. *(Circulated)*.

**Agreed:**            On the proposal of Councillor Hanna, seconded by Councillor Stokes, it was agreed the Committee come out of closed session.

**Agreed:** When the Committee came out of closed session, the Chairman reported it had been agreed:-

**Lease of land at Greenbank Industrial Estate**

It had been agreed on the proposal of Councillor Stokes, seconded by Councillor Hanna, to grant approval for the Council to enter into a Lease Agreement with Southern Group Enterprises for use of 37 car parking spaces at their premises located within the Greenbank Industrial Estate, Newry.

**Tender for Capital Expenditure Projects**

It had been agreed on the proposal of Councillor Hanna, seconded by Councillor Stokes, to grant approval for Council Officials to initiate steps, including issuing of tenders, to complete capital projects agreed for this financial year:-

- Provision of new central heating system to Bunscoil an Iuir
- Provision of new Christmas illuminations/decorations
- Refurbishment works to Castlewellan Community Centre

There being no further business the meeting ended at 7.05 pm.

For consideration at the Council Meeting to be held on Tuesday 3 May 2016.

**Signed:** Councillor Terry Andrews  
Chairperson of Regulatory & Technical Services Committee

**Signed:** Mr C O Rourke  
Director Regulatory & Technical Services

## **NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

**REPORT** of Elected Member Development Working Group held on Thursday 14 April 2016 at 4:00pm am in the Commedagh Room, Downshire Civic Centre

**In attendance:**                      **(Councillors)**  
                                          Councillor T Andrews              Councillor H Harvey  
                                          Councillor R Mulgrew

**Also in attendance:**              Councillor R Burgess (on behalf of Councillor D Taylor)  
                                          Councillor D Curran (on behalf of Councillor G Fitzpatrick)

**In attendance**                      **(Officials)**  
                                          Mrs C Miskelly, Assistant Director, Human Resources  
                                          Mrs A Magorrian, Learning & Development Manager  
                                          Mrs E McParland, Democratic Services Manager  
                                          Miss S Taggart, Democratic Services Officer

**Apologies:**                      Councillor C Casey

### **ACTION SHEET OF THE ELECTED MEMBER DEVELOPMENT WORKING GROUP – 4 FEBRUARY 2016**

**Read:**                      **Action Sheet from the Elected Member Development Working Group – 4 February 2016 (copy circulated)**

#### **3. E-Learning**

Councillor Mulgrew advised herself and Councillor O'Muiri would be testing the e-Learning site for user friendliness and would report back to Edel Leckey with feedback.

Members discussed the lack of attendance at a recent training event and asked that other ways of delivering training such as perhaps on a weekend and ensuring that dates are entered into diaries as timely as possible be investigated.

**AGREED:**                      **The possibility of weekend training dates and dates being entered into diaries as swiftly as possible to be investigated by officers.**

### **PROPOSAL FOR CHARTER RE-ACCREDITATION**

**Read:**                      **Report dated 14 April 2016 from Aveen Magorrian, Learning and Development Manager regarding Proposal for Charter Re-accreditation (copy circulated).**

Mrs Magorrian advised it had previously been agreed that assessment for re-accreditation should be pursued and to this end,

Newry, Mourne and Down District Council would be due for re-assessment prior to the end of December 2016.

Mrs Magorrian outlined the stages required for re-accreditation with the first being self-assessment against laid down criteria within the Charter. She advised that officers would complete this on behalf of Members in the first instance. An Action Plan would then be drawn up which would identify future planned actions.

Mrs Magorrian stated the third stage that officers would compile an evidence portfolio against the Charter which should include key documents, policies and procedures drawing on evidence on what the Council has achieved as well as what actions are planned in the future. This would be considered by the working group.

Councillor Mulgrew asked whether important documentation regarding the assessment days etc. could be circulated by hard copy rather than on minutepad.

Mrs Miskelly advised officers could investigate the issuing of hard copies of important documentation. She stated it was important that Members on the working group were communicating with other party members at party meetings.

**Agreed:**                    **It was agreed that :**

- **Officers investigate the possibility of issuing hard copies of important documentation.**
- **Members of the working group to continue to communicate with party members about the work of the group and the ambition to retain the Charter.**

### **DRAFT TERMS OF REFERENCE**

**Read:**                    **Report dated 14 April 2016 regarding Draft Terms of Reference for Elected Member Development Working Group (copy circulated)**

Members discussed the Draft Terms of Reference at length with them being agreed with the following additions:

- At each meeting a Chairperson to be appointed.
- Meetings should alternate between Newry and Downpatrick.
- To represent respective party views on all Member learning and development matters discussed at the working group meetings and report on a regular basis to party colleagues on the work of the Group.

- Members appointed to the Working Group may be changed annually, however for consistency purposes, it is preferred that the same Members serve throughout the Council term. As Member attendance is critical to the Working Group meetings, Members may arrange for party colleagues to represent them if they are not available to attend.

**Recommended:** It was recommended on the proposal of Councillor Andrews, seconded by Councillor Mulgrew that the Draft Terms of Reference with the above additions be approved and included with the report of the meeting, for adoption by Council.

### **ELECTED MEMBER CHARTER – INFORMATION SESSION – 10 MAY 2016**

**Read:** Correspondence received from NILGA regarding Elected Member Charter – Information Session to be held on 10 May 2016 in Antrim Civic Centre (copy circulated)

**NOTED:** The correspondence received from NILGA regarding Elected Member Charter – Information Session to be held on 10 May 2016 in Antrim Civic Centre was NOTED.

There being no further business, the meeting closed at 4.50pm.

|                           |                                     |
|---------------------------|-------------------------------------|
| <b>Report to:</b>         | <b>Council – Tuesday 3 May 2016</b> |
| <b>Subject:</b>           | Review of Council's Standing Orders |
| <b>Date:</b>              | 26 April 2016                       |
| <b>Reporting Officer:</b> | Liam Hannaway                       |
| <b>Contact Officer:</b>   | Eileen McParland                    |

### **Decisions Required**

**Members are asked to consider the recommendation that Council carry out a review of its Standing Orders as it approaches the end of year one of operation.**

### **Key issues**

1.1 The Council's Annual Meeting on 31 March 2015 adopted Standing Orders based on the model Standing Orders produced by DoE.

1.2 As Council concludes its first year of operation, it is timely to review the Standing Orders to take account of matters agreed by Council during year one, in particular:

- I. Agreement reached by Council for voting on appointments to external appointments where there is more than one post to be filled and the number of nominations exceeds the number of vacancies.
- II. Reference being inserted in Standing Orders to the Planning Committee Operating Protocol.

1.3 It is also recommended that consideration be given to:

- I. Limiting the number of Notices of Motion to be tabled at any one meeting and the number of Motions that a Member may have on any one agenda.
- II. Inclusion of a standing order in relation to requests from Members for matters to be included on an agenda.

1.4 It is proposed that a draft revised copy of Standing Orders, with all changes tracked for ease of reference, be presented to Party Representatives Meeting on 23 May 2016, with amended Standing Orders then being presented to a subsequent Meeting of Council for consideration.

|     |                                     |
|-----|-------------------------------------|
| 3.0 | <b><u>Resource Implications</u></b> |
|     | none                                |
| 4.0 | <b><u>Appendices</u></b> none       |
|     | none                                |



Department of the  
**Environment**

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65

To:

All Council Chief Executives  
Local Government Staff Commission  
NILGOSC

Permanent Secretary's Office  
Goodwood House  
44 - 58 May Street  
Town Parks  
BELFAST  
BT1 4NN

Telephone: 028 90256020

Email: [Leo.oreilly@doeni.gov.uk](mailto:Leo.oreilly@doeni.gov.uk)

Your reference:

Our reference: PSE 50.16

7 April 2016

Dear Chief Executive,

## **IMPLEMENTING A FRESH START – CLAUSE 65, ENGAGEMENT AND CONSULTATION**

You may be aware that Clause 65 of “A Fresh Start” contains an agreement to reduce policy consultations from 12 weeks to a maximum of eight weeks. This change will take effect immediately following the forthcoming Assembly election, following which Local Government Policy Division will become part of the new Department for Communities. The change will apply to consultations issued by all public authorities, including district councils and Non Departmental Public Bodies.

The rationale for the move is predicated on a desire to see policies implemented more quickly, but also to ensure that consultation is seen in the context of improved engagement. The aim of the change is to ensure that engagement should begin early in the policy process, be meaningful and continuous; and therefore more likely to result in policy outcomes which stakeholders understand and over which there is a sense of shared ownership. This move to a shorter formal consultation period is also a recognition that methods of digital communication mean that we can now communicate faster and more effectively with stakeholders.

The implications of the impending change upon your organisation is likely to be twofold, and should be noted in respect of:

- a. any scheduled consultations which your organisation plans to issue after the election; and
- b. any impact on the resources required by your organisation to respond to consultations issued by Departments and other public authorities within the new eight week timescale.

As stated above, there will be a focus on pre-consultation. As such, pre-engagement will take place in relation to both new and proposed alterations to policies. Advance notice of forthcoming consultations will also be given where possible, through the Department for Communities website and as a standing item on the agenda at Partnership Panel meetings.

The Equality Commission for Northern Ireland is currently consulting on changes to its guidance on consultation, in the context of Clause 65. The consultation period closes on 9 May 2016. Following this, the Equality Commission will provide revised advice to all public authorities by end May. Equality Schemes will need to be amended to reflect the change to the maximum consultation period.

The text of "A Fresh Start" can be viewed at <http://www.northernireland.gov.uk/a-fresh-start-stormont-agreement.pdf>. The new arrangements for public consultation can be found at Clause 65 itself as well as at Annex F6, "Draft Guidelines on Good Practice in Public Consultation and Engagement".

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Leo O'Reilly', with a stylized flourish underneath.

**LEO O'REILLY**  
**Permanent Secretary**

cc  
NILGA  
SOLACE (NI)



# **Call for Evidence: Strategic planning policy for Development in the Countryside**

**Launch date: 7 March 2016**

**Respond by: 6 May 2016**

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Strategic Planning Policy Statement for Northern Ireland ..... 5

## Introduction

The Department of the Environment (DoE) will be undertaking a review of strategic planning policy for development in the countryside as set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS). This Call for Evidence will help to inform the scope of this review.

## How to Respond

You are invited to submit your views in response to this Call for Evidence **by 6 May 2016**. Comments after this deadline will not be accepted.

**All responses must be marked 'Development in the Countryside' and should be emailed to the Department at the following address:**

[sppsteam@doeni.gov.uk](mailto:sppsteam@doeni.gov.uk)

Please note that your response may be made public by DoE. For example, information people provide in response to this call for evidence, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

## Background

1. DoE published the SPPS 'Planning for Sustainable Development' in September 2015. The SPPS consolidates some twenty separate policy publications into one document, setting out strategic planning policy in relation to a wide range of subject policies, including regional policy for Development in the Countryside. A copy of the SPPS Subject Policy 'Development in the Countryside' is attached at Annex A.
2. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the Regional Development Strategy 2035. The policy objectives are to:
  - manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
  - conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
  - facilitate development which contributes to a sustainable rural economy; and
  - promote high standards in the design, siting and landscaping of development.
3. The current strategic policy approach is to cluster, consolidate and group new development with existing established buildings and promote the re-use of previously used buildings. The SPPS identifies a range of development types (both residential and non-residential) which in principle are considered to be acceptable in the countryside and provides that other types of development will be considered as part of the development plan process in line with the other policies set out within the SPPS.

## Why undertake a review?

4. During the consultation on the SPPS, DoE received a significant number of representations on planning policy for development in the countryside. Taking into account issues raised through the consultation on the SPPS and other representations from the public and elected representatives, the Minister of the Environment, Mark H Durkan, committed to undertake a review of regional strategic planning policy for development in the countryside following publication of the SPPS in final form.

## Purpose and scope

5. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of strategic planning policy. The evidence received will improve DoE's understanding of the operation and impact of the existing strategic policy and provide up-to-date evidence on the social, environmental and economic impacts of development in the countryside.
6. It should be noted that this Call for Evidence relates to the regional strategic policy for development in the countryside rather than local policy which will be brought forward through Local Development Plan (LDP) policies. Councils are responsible for preparing their LDP and in doing so they must take account of the strategic policy set out in the SPPS.
7. Whilst DoE welcomes comments on all aspects of strategic planning policy for development in the countryside (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key question.
  - How should strategic planning policy assist with achieving sustainable development to support a vibrant rural community, without compromising our natural and built environment, and other assets of acknowledged importance?

## Next steps

8. The information gathered as a result of the Call for Evidence will be considered by DoE and will help inform the upcoming review of strategic planning policy for development in the countryside.
9. Depending, in part, upon the evidence received, the scope of the review will be refined to focus on the key issues where further research should be undertaken. Any necessary revisions to strategic planning policy will follow the normal policy development process. This will entail preparation of a consultation draft policy document which would be subject to full public consultation.

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## Annex A

### Development in the Countryside

- 6.61** The countryside is recognised as one of our greatest assets, with its highly valued landscapes, an outstanding coastline, a complex variety of wildlife, rich built and cultural heritage, for the ecosystem services it provides, and for its sense of place and history. In addition to its role and function as a recreational and tourist asset the countryside also supports our important agricultural industry, offers potential opportunities for sustainable growth in new sectors, and is home to a considerable rural population. For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in Local Development Plans (LDPs).
- 6.62** To maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with the Regional Development Strategy 2035 (RDS).
- 6.63** The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.
- 6.64** Government policy also recognises that there are wide variations across Northern Ireland in terms of the economic, social and environmental characteristics of rural areas. Policy approaches to new development should therefore reflect differences within the region, be sensitive to local needs and be sensitive to environmental issues including the ability of settlements and landscapes to absorb development. This may involve recognising areas that are particularly sensitive to change and areas which have lower sensitivities and thus provide opportunities to accommodate sustainable development. It is also important to take into account the role and function of rural settlements and accessibility to existing services and infrastructure. Such approaches should also reflect and complement the SPPS.
- 6.65** The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

### Regional Strategic Objectives

- 6.66** The policy objectives for development in the countryside are to:
- manage growth to achieve appropriate and sustainable patterns of development which supports a vibrant rural community;
  - conserve the landscape and natural resources of the rural area and to protect

- it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- facilitate development which contributes to a sustainable rural economy; and
- promote high standards in the design, siting and landscaping of development.

**6.67** Planning and other environmental policies must therefore play their part in facilitating sustainable development in the countryside but not at the expense of the region's rich natural assets and not at the expense of the natural and built environment.

### Regional Strategic Policy

**6.68** In preparing LDPs councils shall bring forward a strategy for sustainable development in the countryside, together with appropriate policies and proposals that must reflect the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

**6.69** The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. This sustainable approach facilitates essential new development, which can benefit from the utilisation of existing services such as access and drainage, whilst simultaneously mitigating the potential adverse impacts upon rural amenity and scenic landscapes arising from the cumulative effect of one-off, sporadic development upon rural amenity and landscape character.

**6.70** All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

**6.71** Development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.

**6.72** The policy approach for development in the countryside will also reflect and complement the overall approach to housing growth across a plan area.

**6.73** The following strategic policy for residential and non-residential development in the countryside should also be taken into account in the preparation of LDPs and determination of planning applications.

### Residential Development

- **New dwellings in existing clusters:** provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

- **Replacement dwellings:** provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;
- **Dwellings on farms:** provision should be made for a dwelling house on an active<sup>26</sup> and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;
- **Dwellings for non-agricultural business enterprises:** provision should be made for a new dwelling in connection with an established non-agricultural business enterprise. A site specific need must exist that makes it essential for an employee of the business to live at the site of their work;
- **Infill/ribbon development:** provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development;
- **The conversion and re-use of existing buildings for residential use:** provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy;
- **A dwelling where there are personal and domestic circumstances:** provision should be made for a dwelling to meet the long terms needs of a

<sup>26</sup> For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013

person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case;

- **A temporary caravan:** provision should be made for a residential caravan or mobile home for a temporary period in exceptional circumstances. These may include the provision of temporary residential accommodation pending the development of a permanent dwelling, or where there are compelling and site specific reasons related to personal or domestic circumstances; and,
- **Social and affordable housing development:** where a need has been identified by the Northern Ireland Housing Executive, or the relevant housing authority, plan policies should support the development of a small group of dwellings adjacent to or near a small settlement. The appropriate number of social/affordable dwellings permissible will depend upon the identified need and the requirement to ensure the development is sited and designed to integrate sympathetically with its surroundings.

### Non-residential Development

- **Farm diversification:** provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum 6 years) and, the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances;
- **Agriculture and forestry development:** provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances; and,
- **The conversion and re-use of existing buildings for non-residential use:** provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

**6.74** Other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS.

**6.75** Some areas of the countryside exhibit exceptional landscapes, such as mountains, stretches of the coast or lough shores, and certain views or vistas, wherein the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances. Where

appropriate these areas should be designated as **Special Countryside Areas** in LDPs, and appropriate policies brought forward to ensure their protection from unnecessary and inappropriate development. Local policies may also be brought forward to maintain the landscape quality and character of Areas of High Scenic Value.

## Implementation

- 6.76 The LDP process will play an important role for councils in identifying key features and assets of the countryside and balancing the needs of rural areas and communities with the protection of the environment. This should include an environmental assets appraisal and landscape assessment which will provide the evidence base for the purposes of bringing forward an appropriate policy approach to development in the countryside. This should take into account Landscape Character Assessments.
- 6.77 In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.<sup>27</sup>
- 6.78 Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

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<sup>27</sup> Development Control Advice Note 15 'Vehicular Access Standards' (Second Edition) August 1999



# **Call for Evidence:**

# **Permitted Development Rights for Mineral Exploration**

**Launch date: 14 March 2016**

**Respond by: 13 May 2016**

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## Introduction

The Department of the Environment will be undertaking a review of permitted development rights for mineral exploration as set out in Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. This Call for Evidence will help inform the scope of this review.

## How to Respond

You are invited to submit your views in response to this Call for Evidence **by 5.00pm on 13 May 2016**. Comments after this deadline will not be accepted.

**All responses must be marked 'Mineral Exploration' and should be emailed to the Department at the following address:**

[ppdlegteam@doeni.gov.uk](mailto:ppdlegteam@doeni.gov.uk)

Please note that your response may be made public by the Department. For example, information people provide in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

## Background

1. In Northern Ireland, the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out what type of development can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor development that is non-contentious and has minimal impact to amenity and the environment. A summary of the permitted development rights set out in the GPDO in relation to Mineral Exploration is included in Annex A.
2. Mineral exploration for all purposes is granted permission by virtue of Class A of Part 16 to the Schedule to the GPDO (see Annex B). It consists of development on any land **for a period not exceeding four months** of the drilling of boreholes, the carrying out of seismic surveys, or the making of other excavations for the purpose of mineral exploration.
3. It also includes for the purpose of mineral exploration the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations. There is a requirement to pre-notify the relevant district council of the proposed exploration and the council may, should it wish, issue a direction restricting permitted development rights ( known as an Article 7 direction) thus requiring the submission of an application for planning permission.
4. Minerals are an important natural resource and their exploitation makes an essential contribution to Northern Ireland's prosperity and well-being. The minerals extraction industry provides employment, often in rural areas, and produces a wide range of products for a variety of purposes in construction, agriculture and industry. The Department wishes to facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment.

5. It should not be presumed that successful future exploration will guarantee planning permission to exploit any proven reserves. Future extraction proposals must to be subject to the full rigours of the planning process and consideration of the environmental effects of specific proposals as well as all other material planning considerations.

## Why undertake a review?

6. Permitted development rights for mineral exploration have remained constant for over 2 decades. The existing provisions were designed to deal with onshore oil and gas exploration involving the conventional techniques that were used at that time. The industry has progressed since then with modern exploration and excavation techniques. In addition, the recent emergence of unconventional hydrocarbon extraction techniques means this is a timely opportunity for the views of all stakeholders to be considered.
7. The Minister for the Environment, Mark H Durkan, is aware of the concerns raised by members of the public and colleagues in the Assembly on the potential environmental impacts of exploratory drilling and wishes to provide an opportunity for all interested parties to express their views on key matters that they consider pertinent. The Minister wishes to ensure an appropriate balance between the regulatory burden on the minerals and extractive industries and protecting the environment, amenity and public safety.

## Purpose and scope

8. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of permitted development rights for mineral exploration. It is intended to provide further information on the operation and impact of the permitted development rights which currently exist and provide up-to-date evidence on the social, environmental and economic impacts of exploratory development for minerals going forward.

9. Whilst the Department welcomes comments on all aspects of permitted development rights for mineral exploration (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key question.

- **Do you believe that the existing provisions on permitted development rights for mineral exploration (as set out in Annex A and B) provide a suitable balance between supporting operational business activity and environmental protection?**

**If not, please provide information to support your answer.**

## Next steps

10. Responses to this Call for Evidence should be made to the Department by 5:00 p.m. on Friday 13 May 2016.
11. The information gathered as a result of this Call for Evidence will be considered by the Department and will help inform the future approach to permitted development rights for mineral exploration.
12. Any necessary revisions to permitted development rights under the GPDO would follow the normal policy development process including public consultation on any draft proposals and the normal process of Assembly scrutiny.

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## Annex A - Permitted development rights for Minerals Exploration

### Background - Minerals Development and PDRs for minerals exploration in Northern Ireland

1. Class A of Part 16 of the Schedule to the GPDO provides permitted development for mineral exploration consisting of development on any land **for a period not exceeding four months** of the drilling of boreholes, the carrying out of seismic surveys, or the making of other excavations for the purpose of minerals exploration. It also includes for that purpose the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.
2. Apart from the four month limit there are also specific exclusions that prevent the exercise of the permitted development where:-
  - a. It is within an area of special scientific interest or site of archaeological interest
  - b. Any explosive charge of more than 1 kilogram is used, or
  - c. Any structure assembled or provided would exceed 3 metres in height where such a structure would be within 3 kilometres of an airport.
3. Development permitted by this Class is also subject to a number of conditions to protect trees, to deal with excavated material, and to ensure that the land is adequately restored (including sealing boreholes and having excavations filled).
4. **Importantly the developer must also notify the district council in writing** giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescales. This allows the

district council, should it wish, to make a direction within 21 days of receipt of the notification that the permitted development right should not apply and that the development should not be carried out unless permission for it is granted on a planning application.

5. Such a direction can be issued for a number of reasons including:-
  - a. That the development is to be carried out on land which is within or affects a sensitive area such as a conservation area, a National Park, a nature reserve , an AONB, an ASSI or a site of archaeological interest;
  - b. That the development either taken by itself or in conjunction with other development would cause serious detriment to the amenity of an area in which it is to be carried out or would adversely affect the setting of a listed building;
  - c. That the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
  - d. That the development would endanger aircraft using a nearby airport.
  
6. Permitted development rights are automatically excluded if the proposed works constitute EIA development and all permitted development rights are subject to the relevant provisions of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995.

# Annex B - Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015

## PART 16

### MINERAL EXPLORATION

#### Class A

#### Permitted development A.

**Development on any land during a period not exceeding 4 months consisting of—**

- (a) **the drilling of boreholes;**
- (b) **the carrying out of seismic surveys; or**
- (c) **the making of other excavations;**

**for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.**

#### Development not permitted

#### A.1

Development is not permitted by Class A if—

- (a) the developer has not previously notified the council in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale;
- (b) any operation is within an area of special scientific interest or site of archaeological interest;
- (c) any explosive charge of more than 1 kilogram is used;
- (d) any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an airport.

#### Conditions

#### A.2

Development is permitted by Class A subject to the following conditions—

- (a) the development shall be carried out in accordance with the details contained in the developer's written notification to the council referred to in paragraph A.1(a), unless the council otherwise agrees in writing;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the council so agrees in writing;
- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be separately removed from the land to be

excavated and stored separately from other excavated material and from each other;

- (d) within a period of 28 days from the cessation of operations unless the council, in a particular case, agrees otherwise in writing—
  - (i) any borehole shall be adequately sealed;
  - (ii) any excavation shall be filled from material from the site;
  - (iii) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land;
  - (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer; and
  - (v) the land shall, so far as is practicable, be restored to its condition before the development took place.

Interpretation of Part 16     A.3

For the purposes of Part 16—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.



# **Call for Evidence: Strategic planning policy for Renewable Energy development**

**Launch date: 7 March 2016**

**Respond by: 6 May 2016**

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## Introduction

The Department of the Environment (DoE) will be undertaking a review of strategic planning policy for onshore renewable energy development as set out within the Strategic Planning Policy Statement for Northern Ireland (SPPS). This Call for Evidence will help inform the scope of this review.

## How to Respond

You are invited to submit your views in response to this Call for Evidence **by 5.00pm on 6 May 2016**. Comments after this deadline will not be accepted.

**All responses must be marked 'Renewable Energy' and should be emailed to the Department at the following address:**

[sppsteam@doeni.gov.uk](mailto:sppsteam@doeni.gov.uk)

Please note that your response may be made public by DoE. For example, information people provide in response to this call for evidence, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

## Background

1. DoE published the SPPS 'Planning for Sustainable Development' in September 2015. The SPPS consolidates some twenty separate policy publications into one document, setting out strategic planning policy in relation to a wide range of subject policies, including regional policy for Renewable Energy development. A copy of the SPPS Subject Policy 'Renewable Energy' is attached at Annex A.
2. The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.
3. The regional strategic objectives for renewable energy are to:
  - ensure that the environmental, landscape, visual and amenity - impacts associated with or arising from renewable energy development are adequately addressed;
  - ensure adequate protection of the Region's built and natural, and cultural heritage features; and
  - facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

## Why undertake a review?

4. During the consultation on the SPPS, DoE received a significant number of representations on renewable energy planning policy. Taking into account issues raised through the consultation, other representations from the public and elected representatives and as a result of the Environment Committee's Wind Energy Inquiry, the Minister for the Environment, Mark H Durkan, committed to undertake a review of the regional strategic planning policy for renewable energy following publication of the SPPS in final form.

## Purpose and scope

5. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of strategic planning policy. The evidence received will improve DoE's understanding of the operation and impact of the existing strategic policy and provide up-to-date evidence on the social, environmental and economic impacts of renewable energy development.
6. It should be noted that this Call for Evidence relates to the regional strategic policy for renewable energy rather than local policy which will be brought forward through Local Development Plan (LDP) policies. Councils are responsible for preparing their LDP and in doing so they must take account of the strategic policy set out in the SPPS.
7. Whilst DoE welcomes comments on all aspects of strategic planning policy for renewable energy (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key questions.
  - How should the Northern Ireland planning system best facilitate sustainable renewable energy development in appropriate locations without compromising our natural and built environment, and other assets of acknowledged importance?

- How can strategic planning policy best assist with addressing potential amenity issues that may arise as a result of facilitating all types of renewable energy development (e.g. wind, solar, water (hydropower), geothermal energy, biomass)?

## Next steps

8. The information gathered as a result of this Call for Evidence will be considered by DoE and will help inform the upcoming review of strategic planning policy for renewable energy.
9. Depending, in part, upon the evidence received, the scope of the review will be refined to focus on the key issues where further research should be undertaken. Any necessary revisions to strategic planning policy will follow the normal policy development process. This will entail preparation of a consultation draft policy proposal which would be subject to full public consultation.

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## Annex A

### Renewable Energy

- 6.214** Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.
- 6.215** Making appropriate use of renewable energy sources is supported by wider government policy, including the Regional Development Strategy 2035 (RDS) which emphasises the need to increase the contribution that renewable energy can make to overall energy mix. This commitment is affirmed by the Department of Enterprise, Trade and Investment's (DETI) strategic aim for a more secure and sustainable energy system, as contained within the Strategic Energy Framework for Northern Ireland 2010.
- 6.216** Renewable energy reduces our dependence on imported fossil fuels and brings diversity and security of supply to our energy infrastructure. It also helps Northern Ireland achieve its targets for reducing carbon emissions<sup>50</sup> and reduces environmental damage such as that caused by acid rain. Renewable energy technologies support the wider Northern Ireland economy and also offer new opportunities for additional investment and employment, as well as benefitting our health and well being, and our quality of life.
- 6.217** The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digester).
- 6.218** The aim of the SPPS in relation to renewable energy is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.

### Regional Strategic Objectives

- 6.219** The regional strategic objectives for renewable energy are to:
- ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed;
  - ensure adequate protection of the region's built, natural, and cultural heritage features; and

<sup>50</sup> The PfG contains a target for a reduction in greenhouse gas emissions by at least 35% on 1990 levels by 2025.

- facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design.

**6.220** Renewable energy development proposals in the marine environment are managed under a separate consenting regime within the framework of the UK Marine Policy Statement. It is important for both terrestrial and marine environments to work together.

## Regional Strategic Policy

**6.221** Councils should set out policies and proposals in their Local Development Plans (LDPs) that support a diverse range of renewable energy development, including the integration of micro-generation and passive solar design. LDPs must take into account the above-mentioned aim and regional strategic objectives, local circumstances, and the wider environmental, economic and social benefits of renewable energy development. Moratoria on applications for renewable energy development whilst LDPs are being prepared or updated are not appropriate.

**6.222** Particular care should be taken when considering the potential impact of all renewable proposals on the landscape. For example, some landscapes may be able to accommodate wind farms<sup>51</sup> or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.

**6.223** A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets.

**6.224** Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations:

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside.

**6.225** The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

**6.226** Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding

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<sup>51</sup> Defined as development comprising more than 2 turbines.

public interest as defined under The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended.

- 6.227** For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.

## Implementation

- 6.228** In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive building design measures. Consideration of all renewable energy proposals will take account of their contribution to the wider environmental benefits arising from a clean, secure energy supply; reductions in greenhouse gases and other polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources.
- 6.229** The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and, the inter-relationship between these considerations.
- 6.230** It will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.
- 6.231** Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the creation of a new habitat. These matters will be agreed before planning permission is granted.
- 6.232** Some proposals for renewable energy development may require a connection to the National Grid. The grant of planning permission does not guarantee grid connection. Connection to the grid falls within the remit of Northern Ireland Electricity (NIE) and therefore liaison with NIE at an early stage of any renewable development but particularly a wind turbine / farm development is considered to be paramount in relation to the viability of such a scheme.
- 6.233** In relation to developments such as wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases planning conditions (or a legal agreement where appropriate) should be used.

- 6.234** The supplementary planning guidance '*Wind Energy Development in Northern Ireland's Landscapes*' and other relevant practice notes should be



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21 March 2016

*Dear Mark,*

As you may be aware, the Northern Ireland Office is working with the Chief Electoral Officer to consider a range of options, which would be the subject of a public consultation, for reforming the Electoral Office for Northern Ireland. There are three main drivers for this:

- Our wish to **capitalise on new technology**, in particular on-line registration. Voters in England, Scotland and Wales are all now benefitting from the highly successful introduction in 2014 of on-line registration in Great Britain. While retaining safeguards in Northern Ireland, we are keen to follow suit, both to improve services for voters and to make more efficient use of public funds. I hope we will be in a position to introduce on-line registration by the final quarter of 2016.
- The potential to **introduce more resilience and efficiency** into the delivery of elections in Northern Ireland. In particular we are keen to explore with you the opportunities for working more closely with Local Councils on managing the count for elections (as is currently the case for local elections) and some counter service and other functions. This would better align us with the way elections are delivered in Great Britain and elsewhere, contributing to normalisation, and in places improve local accessibility to services;
- The requirement to put the Electoral Office for Northern Ireland onto a **sustainable financial footing** for future years, allowing us to deliver our share of public sector savings in a way that safeguards the effective delivery of elections in Northern Ireland.

The Chief Electoral Officer, Graham Shields, has had preliminary meetings with Local Council Chief Executives, who were positive in principle about the possibility of greater Local Council involvement. Many noted potential to build and retain useful expertise in Council staff but also that they would want to understand funding arrangements.

We are continuing to develop our thinking on how the split of functions and associated management, funding and legislative framework would work but we need to understand more from the Local Councils to make progress.

I wanted to take this opportunity to let you know that we now intend to hold further discussions with Chief Executives, SOLACE and NILGA during the next few months, with a view to being able to discuss more developed options with the NI Executive after the Assembly elections. After these discussions, we would expect to put those more developed proposals to public consultation.

I would of course be happy to discuss this with you, if useful, at this stage.

I am copying this letter to the Chief Electoral Officer; Local Council Chief Executives; the chair of the Society of Local Authority Chief Executives (SOLACE NI); the president of the Northern Ireland Local Government Association (NILGA); and the Association of Electoral Administrators NI.



**BEN WALLACE MP**  
**PARLIAMENTARY UNDER-SECRETARY OF STATE FOR NORTHERN IRELAND**