

November 15th, 2018

Notice Of Meeting

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Tuesday, 20th November 2018 at 6:00 pm** in the **Boardroom, Monaghan Row, Newry.**

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

Chair: Councillor C Casey

Deputy Chair: Councillor J Rice

Members:

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

Agenda

- 1.0 Apologies and Chairperson's remarks.
- 2.0 Declarations of "Conflicts of Interest".
- 3.0 Action sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 17 October 2018. (Attached).

 *RTS Action Sheet.docx*

Page 1

For Consideration and/or Decision

- 4.0 Neighbourhood Services Business Plan update. (Attached).

 *NS Business Plan.pdf*

Page 10

- 5.0 Report on holiday arrangements for Christmas and New Year for Neighbourhood Services. (Attached).

 *HolidayArrangementsChristmasandNewYear.pdf*

Page 17

Building Control and Licensing

- 6.0 Street Trading desingation at Oriel Drive, Downpatrick. (Attached).

 *StreetTradingDesignationOrielDrive.pdf*

Page 21

Planning

- 7.0 Current Appeals - October 2018. (Attached).

 *CurrentAppeals-Oct18.pdf*

Page 29

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

 *RecordofmeetingsNov18.pdf*

Page 73

- 9.0 Planning Committee Performance Report - October 2018. (Attached).

 *October Planning Committee Performance Report.pdf*

Page 74

Facilities Management and Maintenance

10.0 Report on bus shelter at Ballymacarn Road, Spa, Ballynahinch. (Attached).

 *Ballymacarn Bus Shelter relocation.pdf*

Page 80

Waste Management

11.0 Report re: review of operations at household recycling centres. (Attached).

 *Report - Review of Operations at HRCs.pdf*

Page 87

12.0 Financial re-profiling for capital budget. (Attached).

 *Capital reprofiling.pdf*

Page 91

Correspondence Received

13.0 Letter from DFI re: weed-spraying in the Newry, Mourne and Down area dated 30 October 2018. (Attached).

 *Weed spraying.pdf*

Page 93

For Noting

14.0 Historic Action Sheet. (Attached).

 *HistoricActionSheetNov18.pdf*

Page 94

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

15.0 Report to seek approval to extend the lease of Unit 2 Warrenpoint Square, Warrenpoint. (Attached).

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

 *Report Lease agreements.pdf*

Not included

16.0 ARC 21 revenue costs. (Attached).

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person

(including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

📄 *Report - ARC21 Revenue Costs.pdf*

Not included

17.0 Vehicle Procurement Update

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

📄 *NS Committee Report Vehicles Update 14-11-18.pdf*

Not included

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Mr Gerard Byrne	gerard.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Mrs Dorinnia Carville	dorinnia.carville@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Mr Liam Dinsmore	liam.dinsmore@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr Roisin Howell	roisin.howell@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Mr Colum Jackson	colum.jackson@nmandd.org
Miss Veronica Keegan	veronica.keegan@nmandd.org
Mrs Sheila Kieran	sheila.kieran@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Mr Michael Lipsett	michael.lipsett@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
Mrs Regina Mackin	regina.mackin@nmandd.org
Colette McAteer	colette.mcateer@nmandd.org
Cllr Declan McAteer	declan.mcateer@nmandd.org
Marian McIlhone	marian.mcilhone@nmandd.org
Patricia McKeever	patricia.mckeever@nmandd.org
Cllr Oksana McMahan	oksana.mcmahan@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
Eileen McParland	eileen.mcparland@nmandd.org
Mr Roland Moore	roland.moore@nmandd.org

Ms Carmel Morgan	carmel.morgan@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Brian Quinn	brian.quinn@nmandd.org
Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr John Rice	john.rice@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Michael Savage	michael.savage@nmandd.org
Mr Kevin Scullion	kevin.scullion@nmandd.org
Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
Donna Starkey	donna.starkey@nmandd.org
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Central Support Unit	central.support@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mrs Marie Ward	marie.ward@nmandd.org

ACTION SHEET ARISING FROM RTS MEETING HELD ON WEDNESDAY 17 OCTOBER 2018

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/136/2018	Monthly Action Sheet	Action sheet agreed and actions removed as marked	R Moore/RTS-PA		
RTS/137/2018	Neighbourhood Services Project Highlight Report	<p>Approve the progress update in relation to the Neighbourhood Services project, and to agree the report of the Member workshop held on the 25 June 2018 and proposed Terms of Reference for the (Elected Member) Neighbourhood Services Working Group.</p> <p>Also agreed that Councillor Andrews be nominated as the second SDLP representative on the Neighbourhood Services Working Group.</p>	<p>R Moore</p> <p>Democratic Services</p>	<p>In progress</p> <p>Complete</p>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
RTS/138/2018	Memorandum of Understanding - Partnering Arrangements for the removal of snow and ice from town centre footways and pedestrian areas	Approval for officials to review the agreement and schedule with the Department of Infrastructure for the clearance of ice and snow from footways during prolonged periods of wintry weather and, following a satisfactory review, to extend the agreement for a further 12 months in accordance with the "Scope of the Agreement" Clause 3 and Appendix 1 as amended.	R Moore	Update sent to DFI	Y
RTS/140/2018	Car Park Review Update	Agreed to note this report and approve the proposed road	E Newell	Road shows on-going.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		show schedule.			
RTS/148/2018	Ulster Wildlife - culling of grey squirrels on Council owned land	<p>Agreed to approve the request from Ulster Wildlife to permit controlled culling of grey squirrels on Council owned sites subject to proof of licence, Insurance and agreed Method Statement.</p> <p>Noted this decision was taken on the basis of advice from experts and that there was no other option that would protect the native red squirrels.</p>	K Scullion	To be progressed	Y
RTS/149/2018	Proposal to provide local communities with an environmentally	Grant retrospective approval to purchase 7 No. Christmas	K Scullion	To be progressed	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	sustainable option of planting Christmas trees	<p style="text-align: center;">trees of the species Abies Nordmanniana at a height of 4.5 metre (from ground level to tip) for planting at seven agreed locations.</p>			
RTS/150/2018	Structural condition of steps at South Promenade Newcastle	<p style="text-align: center;">Proceed to submit an application for a Construction Marine Licence to DAERA to undertake repairs to concrete steps at South Promenade, Newcastle.</p> <p>Mr Scullion said that whilst the application for the Licence was being submitted, officers would work on identifying the repairs that were needed and would be in a position to issue a tender when the Licence</p>	K Scullion	To be progressed	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>was obtained. He also advised that possible funding resources were being sought and if anything came to fruition he would advise the Committee.</p>			
RTS/151/2018	Bus shelter at Cloughreagh Park, Bessbrook	<p>Agreed, in line with Council Policy on bus shelters, as follows:-</p> <p><u>New bus shelter at John F Kennedy Park, Bessbrook</u></p> <ul style="list-style-type: none"> • A cantilever type bus shelter (no side panels) be erected at this location in accordance with Dfi agreement. <p><u>New bus shelter at Cloughreagh Park, Bessbrook</u></p> <ul style="list-style-type: none"> • A bus shelter should not be 	K Scullion	To be progressed	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		erected at this location as it does not fulfil all the criteria as per Council policy.			
RTS/152/2018	Minutes of Waste Strategy Working Group Meeting - 22 August 2018	Approve Minutes and the recommendations contained therein.	L Dinsmore	Noted	Y
RTS/153/2018	NIEA - illicit dumping/fly tipping	Mr Moore arrange a meeting with representatives from NIEA to discuss how to move forward on this issue. As a Member of the TAG Group he would also raise this issue at their meeting and he further confirmed that reminder letters would be sent to Armagh, Banbridge and Craigavon Council and to Louth County Council.	R Moore	Ongoing	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>Council write to NIEA regarding the issue of dumping of used tyres and asking what procedures were in place in terms of inspections of premises, follow-up of serial numbers etc. to ensure tyres were being properly disposed of, as customers were being charged for their disposal.</p>			
RTS/155/2018	DFI - Clanrye River	<p>Mr Moore said he would raise the issue of upkeep and maintenance of the Clanrye River at the next</p>	R Moore	<p>Meeting arranged with DFI</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		meeting of the TAG Group and would arrange for an internal meeting of Officers prior to meeting the Department in relation to the request for a weir and maintenance of the river.			
RTS/162/2018	Historic Action Sheet	Action sheet agreed and actions removed as marked	R Moore/RTS-PA	Noted	N
RTS/163/201	Charges for collection and disposal of waste at Caravan Sites	Approve the recommendation outlined in Section 3 of the report dated 17 October 2018 that a revised scale of charges be implemented for the refuse collection service to Caravan Sites, as option 4 and detailed in Appendix 1 and also that a fact sheet be produced for use by caravan owners advising of the costs of collection and the	L Dinsmore	To be progressed	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		recycling options available.			
RTS/164/2018	Update on the planned Drumanakelly Wind Turbine	<p>Approve the recommendations outlined in Section 3 of the report dated 17 October 2018 that, based on the consultancy report regarding the viability of the proposed wind turbine at Drumanakelly Landfill Site, the Committee recommend approval to withdraw the planning application for the proposed wind turbine.</p>	L Dinsmore	Actioned	Y

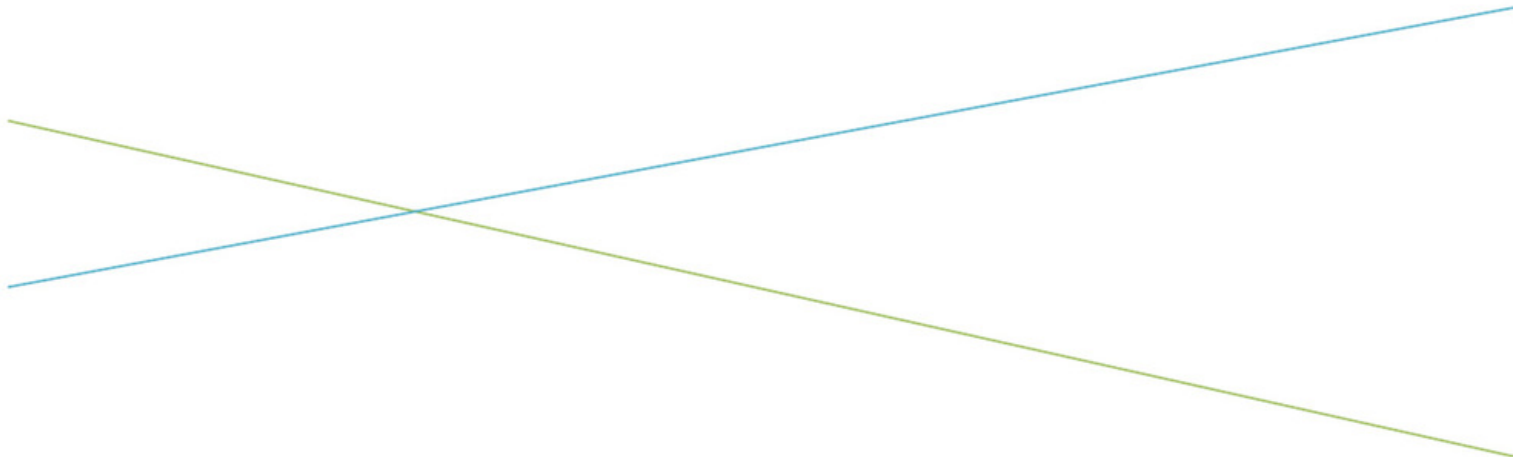
Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 November 2018
Subject:	Mid-Year Assessment of Directorate Business Plans 2018-19
Reporting Officer (Including Job Title):	Roland Moore – Director of Neighbourhood Services
Contact Officer (Including Job Title):	Roland Moore – Director of Neighbourhood Services

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

For decision	x	For noting only	
1.0			Purpose and Background
1.1			Directorate Business Plans are an essential part of the Council's Business Planning and Performance Management Framework, which drives and provides assurance that corporate priorities are being delivered.
1.2			The Business Plans demonstrate how planned activity during 2018-19 will contribute to the achievement of strategic outcomes in relation to the Community Plan, Corporate Plan, Performance Improvement Plan and other key strategies.
2.0			Key issues
2.1			A Mid-Year Assessment of each Business Plan has been undertaken in order to provide an overview of progress between April – September 2018. This exercise is an important part of the Council's statutory obligations to strengthen the way performance is monitored, reviewed and reported across the organisation.
2.2			The Mid Year Assessment of the Neighbourhood Services Business Plan 2018-19 is outlined at Appendix 1.
3.0			Recommendations
3.1			To consider and agree: The Mid Year Assessment of the Neighbourhood Services Business Plan 2018-19
4.0			Resource implications
4.1			There are no resource implications contained within this report.
5.0			Equality and good relations implications
5.1			There are no equality and good relations implications contained within this report.
6.0			Rural Proofing implications
6.1			There are no rural proofing implications contained within this report.
7.0			Appendices
			Appendix 1- Mid Year Assessment of the Neighbourhood Services Business Plan 2018-19
8.0			Background Documents

Neighbourhood Services

Mid-Year Assessment Business Plan 2018-19



Introduction

This report provides an overview of progress in delivering the Neighbourhood Services Business Plan 2018-19, between April-September 2018, across the following service areas:

Waste Management

- Refuse Collection & Disposal
- District Cleansing
- Fleet Management & Maintenance
- Recycling

Facilities Management & Maintenance

- Grounds Maintenance
- Buildings Maintenance
- Cemeteries & Public Conveniences
- Civic Centre Domestic Services (Receptions, Canteens, Caretakers/Security)

The delivery of the Neighbourhood Services Business Plan 2018-19 supports the achievement of the following corporate priorities, and performance has been tracked using the legend below.

Protect our Natural and Built Environment
through our work in managing waste, litter and in maintaining our own estate




Transform and modernise the Council, providing accessible as well as value for money services
as the majority of our services are directly delivered to the rate payers of the district. Over the planning period we will seek to streamline and optimise many of those services

Support improved Health and Wellbeing Outcomes
as a number of our services are directly related to the Health and Wellbeing of the ratepayers of the district

Empower and Improve the Capacity of Our Communities
as a number of our services will directly assist in increasing the empowerment of the communities we serve










Become one of the premier tourism destinations on the island of Ireland
by improving the quality of facilities and environment for those who visit our District.











Legend


Status	
	Target or objective achieved / on track to be achieved
	Target or objective partially achieved / likely to be achieved / subject to delay
	Target or objective not achieved / unlikely to be achieved

Progress at a glance

Develop and agree overall approach for NS Transformation	
Develop and agree new operating model for NS	
Identify and secure project governance and resources for NS Implementation	
Commence implementation of new NS Service	
Establish Project Team to progress the Departmental capital projects for 2018 to 2022	
Commence delivery of Key Capital Projects	
Delivery of Key Facility Management Projects at Civic Centres	
Extending Oak leaf System across Council area	
Development of Facility Management contracts across Council Estate	
Implemented recommendations from Waste Management Strategy	
Closure and restoration of Drumanakelly Landfill Site	
Establish Interim Structure for Waste Management	
Establish new Household Amenity Site for Downpatrick	
Commence review of Refuse Collection and other frontline services incorporating Route Optimisation	
Continue to procure most economically advantageous contracts to manage waste streams	
Implementation of single method of collection for blue bins	
Undertake Entrance and Usage Review for Household Amenity Centres	
Publish Vehicle Replacement Strategy to 2021	
Rationalise T and C's across the Refuse and Cleansing Services	
Establish cleansing measurement process to monitor impact of service and campaigns	

Key Neighbourhood Services Actions				
	Supporting action	When	Status	Progress
Neighbourhood Services	Develop and agree overall approach for NS Transformation.	Q1		In June 2018, Elected Members explored a potential model for the future design of the NS transformation initiative.
	Develop and agree new operating model for NS, including timetable and key work packages.	Q1-2		Some delays due to resource issues, expected completion Q3-4.
	Identify and secure project governance and resources for NS implementation.	Q2		The (Officer) NS Project Board has been established and the Terms of Reference for the (Elected Member) NS Working Group was considered by the RTS Committee in October 2018.
	Commence implementation of new NS service.	Q3		Some delay due to resources. Expected commencement Q4.
Facilities Management and Maintenance	Establish Project Team to progress the Departmental capital projects for 2018 to 2022 to be implemented by FM&M Department, including upgrade of Council Public Convenience Provision and extension of Council Municipal Cemeteries and other key projects.	Q1		Project Team not established due to delay in establishing a number of posts through Interim Structure.
	Commence Delivery of Key Capital projects	Q1-4		Key capital projects delayed due to delay in establishing a number of posts through Interim Structure
	Delivery of Key Facility Management Projects at Civic Centres	Q1-4		Delivery of Key Facility Management Projects delayed due to delay in establishing a number of posts through Interim Structure.
	Extending Oakleaf System across Council area and make use of this system to report to Council on reactive and planned building maintenance activities.	Q3		No progress to report on extension to Oakleaf System. Due to delay in establishing a number of posts through Interim Structure.
	Development of Facility Management contracts across Council Estate to achieve economies of scale.	Q1-4		No progress to report on development of Facility Management contracts. Due to delay in establishing a number of posts through Interim Structure.

Waste Management	Implemented recommendations from Waste Management Strategy to work towards achievement of 50% recycling rate by 2020	Q1-4		Ongoing. A communications Project was delivered Q1. Waste Strategy updated by Council Q2. Recycling rate at end – March 2018 published at 46.1%. Target at 50.0% by 2020 considered achievable with additional measures and projects identified and kept under review through quarterly updates to Waste Strategy Group.
	Closure and restoration of Drumanakelly Landfill Site	Q1		Capping has been completed Q1. Closure Plan is currently being finalised in conjunction with Consultant, to be completed Q3.
	Establish Interim Structure for Waste Management	Q1		Some delays in implementing interim structure, anticipated Q3-4.
	Establish new Household Amenity Site for Downpatrick	Q3		The Downpatrick HRC is scheduled to complete during Q4 2018-19.
	Commence review of Refuse Collection and other frontline services incorporating Route Optimisation	Q2		Delays caused by discussion on the scope of the project. Amalgamated into wider NS transformation project. Option remains to prioritise route optimisation within larger project. Assessment of current products in market continues. Preparatory data cleanse of existing refuse data to commence in Q3.
	Continue to procure most economically advantageous contracts to manage waste streams	Q1-4		Contracts are currently being reviewed and retendered. Complete during Q4.
	Implementation of single method of collection for Blue Bins	Q4		Working Group to be established to progress this project in Q3. Service currently being procured by ARC21.
	Undertake Entrance and Usage Review for Household Amenity Centres	Q3		Draft report available Q3, for discussion and approvals. Seek to implement Q4.
	Publish Vehicle Replacement Strategy to 2021	Q1		Vehicle Capital Replacements programme (2017-22): progress updates to NS Committee in April & August. Further update to November RTS.
Rationalise T and C's across the Refuse and Cleansing Services	Q2		Significant effort undertaken between Waste management and TU's. Regular meetings continue to be held. Final outcome more probable in Q4 as part of NS transformation project.	

<p>Establish cleansing measurement process to monitor impact of service and campaigns</p>	<p>Q3</p>		<p>Keep NI Beautiful carried out Cleaner Neighbourhood Surveys in August 2017 and April 2018, during which time the LEAMS score decreased from 72 to 66, and falls below the average regional score of 73. Work being undertaken with APSE on tracking improvement.</p>
-------------------------------------------------------------------------------------------	-----------	-----------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Report to:	RTS Committee
Date of Meeting:	20 November 2018
Subject:	Holiday arrangements Christmas and New Year (1) Refuse Collection and Household Recycling Centres (2) Burial Arrangements
Reporting Officer (Including Job Title):	(1) Liam Dinsmore – Head of Waste Processing (2) Gail Kane – Head of Facilities Management
Contact Officer (Including Job Title):	(1) Liam Dinsmore - Head of Waste Processing (2) Gail Kane - Head of Facilities Management

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

For decision	For noting only	X
1.0	Purpose and Background	
1.1	To inform members as to alternative collection arrangements for (1) Refuse Collection Services and opening times for Household Recycling Centres and (2) Burial Arrangements during the Christmas and New Year Period.	
2.0	Key issues	
2.1	There will be no Refuse Collection Service or availability /access to Household Recycling Centres on certain dates, during the Christmas and New Year period. Alternative Refuse Collection dates apply.	
2.2	A schedule has been communicated to Undertakers and Funeral Homes detailing arrangements for burials to apply over the Christmas and New Year period.	
3.0	Recommendations	
3.1	It is recommended; a. Arrangements as attached to be noted. b. Arrangements to be made to publicise alternative dates eg newspaper, as appropriate, advertisement, web-site and social media. c. Hours of business for Household Recycling Centres to be prominently displayed at sites. d. Details relating to Burials to be communicated to all Undertakers and Funeral Homes, as required, together with relevant call-out numbers for Duty Officer.	
4.0	Resource implications	
4.1	1.Costs of advertisement 2.Costs of 10. Display notices at Household Recycling Centres (1 each per site).	
5.0	Equality and good relations implications	
5.1	None applicable	
6.0	Rural Proofing implications	
6.1	None applicable	
7.0	Appendices	
7.1	Schedule of alternative Refuse Collection arrangements and revised opening hours for Household Recycling Centres.	
7.2	Schedule of Burial details for Christmas and New Year period.	

8.0**Background Documents**

This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:

Background papers which are defined as those documents relating to the subject matter of a report which:

- a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and*
- b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.*

These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.

Appendix No. 1

Operational Hours: Refuse and Household Recycling Centres for Christmas 2018 and New Year 2019

DAY	REFUSE COLLECTION NEWRY PROVIDED ON:	HOUSEHOLD RECYCLING CENTRES	REFUSE COLLECTION DOWN PROVIDED ON:	HOUSEHOLD RECYCLING CENTRES
Sat 22 Dec 18	Collection for 25 Dec 18	Open Normal Hours	Collection for 25 Dec 18	Open Normal Hours
Sun 23 Dec 18	Collection for 26 Dec 18	CLOSED	No Service	Open Normal Hours (12 noon to 4pm)
Mon 24 Dec 18	Normal Collection	Open 9am to 4pm	No Collection	Open 8am to 4pm
Tues 25 Dec 18	No Service (Collection on Sat 22 Dec)	CLOSED	No Service (Collection Sat 22 Dec)	CLOSED
Wed 26 Dec 18	No Service	CLOSED	No Service	CLOSED
Thurs 27 Dec 18	Normal Collection	Open Normal Hours	Normal Collection	Open Normal Hours
Fri 28 Dec 2018	Normal Collection	Open Normal Hours	Normal Collection	Open Normal Hours
Sat 29 Dec 2018	Alternative Col for (1 st Jan)	Open Normal Hours	Alternative Col (26 Dec 18)	Open Normal Hours
Sunday 30 Dec 18	No Collection	CLOSED	No Collection	Open Normal Hours
Monday 31 Dec 18	Normal Collection	Open Normal Hours	Alternative Col (for 1 st Jan 19)	Open Normal Hours
Tuesday 1 st Jan 18	No Service (Collection on Sat Dec 29)	CLOSED	No Service (Col on 31 Dec 2018)	CLOSED

Appendix No.2 – Details in relation to Burials for Christmas and the New Year period

Please note the following, and in the event that arrangements have to be made outside of Council offices opening times, arrangements should be immediately communicated to

**Mr Danny Rice, telephone 07714345291 Re:
Monkshill, Kilbroney and Warrenpoint Cemeteries**

**Mrs Gail Kane, telephone 07855087724 Re:
Struell and Lough Inch Cemeteries**

**Should Danny Rice or Gail Kane be unavailable contact can also be made with Aidan Mallon 07713083021 or Kevin Scullion 07736093388.
Arrangements are as follows: -**

DATE OF DEATH	DATE OF BURIAL
Friday 21st December 2018	Sunday 23rd December 2018
Saturday 22nd December 2018	Monday 24th December 2018
Sunday 23rd December 2018	Wednesday 26th December 2018
Monday 24th December 2018	Thursday 27th December 2018
Tuesday 25th December 2018	Thursday 27th December 2018
Wednesday 26th December 2018	Friday 28th December 2018
Thursday 27th December 2018	Saturday 29th December 2018
Friday 28th December 2018	Sunday 30th December 2018
Saturday 29th December 2018	Monday 31st December 2018
Sunday 30th December 2018	Tuesday 1st January 2019
Monday 31st December 2018	Wednesday 2nd January 2019
Tuesday 1st January 2019	Thursday 3rd January 2019

It is important to note that Order for Burial forms for burials in Monkshill/Kilbroney/Warrenpoint should also be faxed through to 028 3031 3299 or emailed to management.facilities@nmandd.org, or for burials in Struell/Lough Inch emailed to estates.management@nmandd.org for all burials over the Christmas & New Year period.

Please note burials or openings will not be undertaken in Council Cemeteries on Christmas Day. Also please be advised a full 48 hours notice is required for all burials over the Christmas period.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 th November 2018
Subject:	Street Trading Designation at Orieldrive, Downpatrick
Reporting Officer (Including Job Title):	Edwin Newell, Assistant Director (Acting) of Building Control & Regulation
Contact Officer (Including Job Title):	Fintan Quinn, Head of Licensing & Enforcement

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

For decision	<input checked="" type="checkbox"/>	For noting only	<input type="checkbox"/>
---------------------	-------------------------------------	------------------------	--------------------------

1.0	Purpose and Background
1.1	<p>The Council's Licensing Section has received a request to designate a site at Orieldrive, Downpatrick for Street Trading from Sabrina Rodgers. (see Appendix 1) A letter requesting designation was received on 9th July 2018. The proposer wishes to trade in a mobile shop business at the location proposed. (Appendix 2 and 2a). As required, the Council advertised the proposal for designation of a street in Orieldrive (see Appendix 3) The Council also consulted with the DFI(Roads Service) and PSNI (see Appendix 4 & 4a)</p> <p>The DFI responded with no objections. (see Appendix 4) and there were no objections received from the PSNI. (see Appendix 4a)</p>
2.0	Key issues
2.1	<p>Under the Street Trading Act(NI) 2001, the Council may pass a resolution designating a street in its district as a street in which it may allocate street trading pitches for stationary trading. The Council has authority to approve or refuse designation of a street for Street Trading. Currently there are no streets designated for street trading within Orieldrive.</p>
3.0	Recommendations
3.1	<p>Taking into consideration the request and the consultation to date, the recommendation is to approve the designation of Orieldrive, Downpatrick for Street Trading.</p> <p>If the Council agrees to approve this designation, the next step would be to advertise for potential traders and physically mark out the trading bay.</p>

4.0	Resource implications
4.1	Processing the administration of the application and carry out the necessary consultation process. Preparation of reports for the committee. Advertise for potential traders and physically mark out the trading bay.
5.0	Equality and good relations implications
5.1	None
6.0	Rural Proofing implications
6.1	None
7.0	Appendices
	Appendix 1 : Request for designation Appendix 2 : Map identifying sites for consideration Appendix 3 : Public Advertisement of proposal Appendix 4&4a : Consultation letters and responses of same from DFI(Roads Service) & PSNI



Katrina Doran
Licensing
Newry, Mourne & Down Council
Downshire Civic Centre
Ardglass Rd
Downpatrick
BT30 6GQ

Our Ref: CM1814

9 July 2018

Dear Katrina

Re: Request for a Pitch at New Model Farm

I am writing regarding the above matter raised with me recently and further to our telephone call.

I have discussed the matter with my Constituent, Sabrina Rodgers, and she would like to progress with an application for a pitch at the site. I mentioned in error the location in our call – Sabrina would like the lay-by on Oriel Drive to be considered and it is marked on the attached map.

I would appreciate it if you might come back to me with any requirements needed from Sabrina or you can contact her on her mobile on 07936767254 – please note this number might differ from the one on your records.

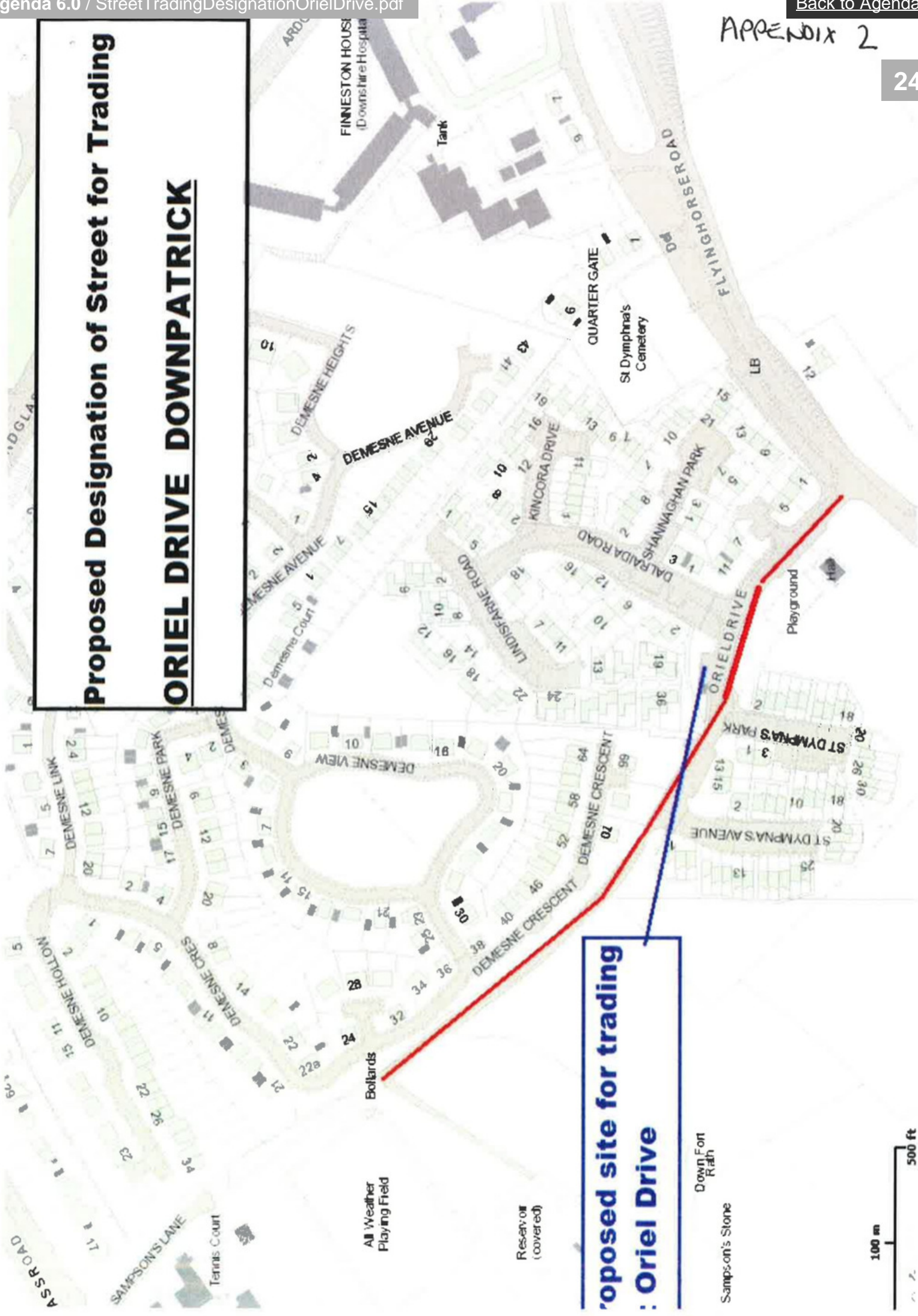
I appreciate your help with this matter and can be contacted on the numbers below if needed.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Colin McGrath".

Colin McGrath MLA
SDLP South Down

Proposed Designation of Street for Trading
ORIEL DRIVE DOWNPATRICK



Proposed site for trading
: Oriel Drive

All Weather Playing Field

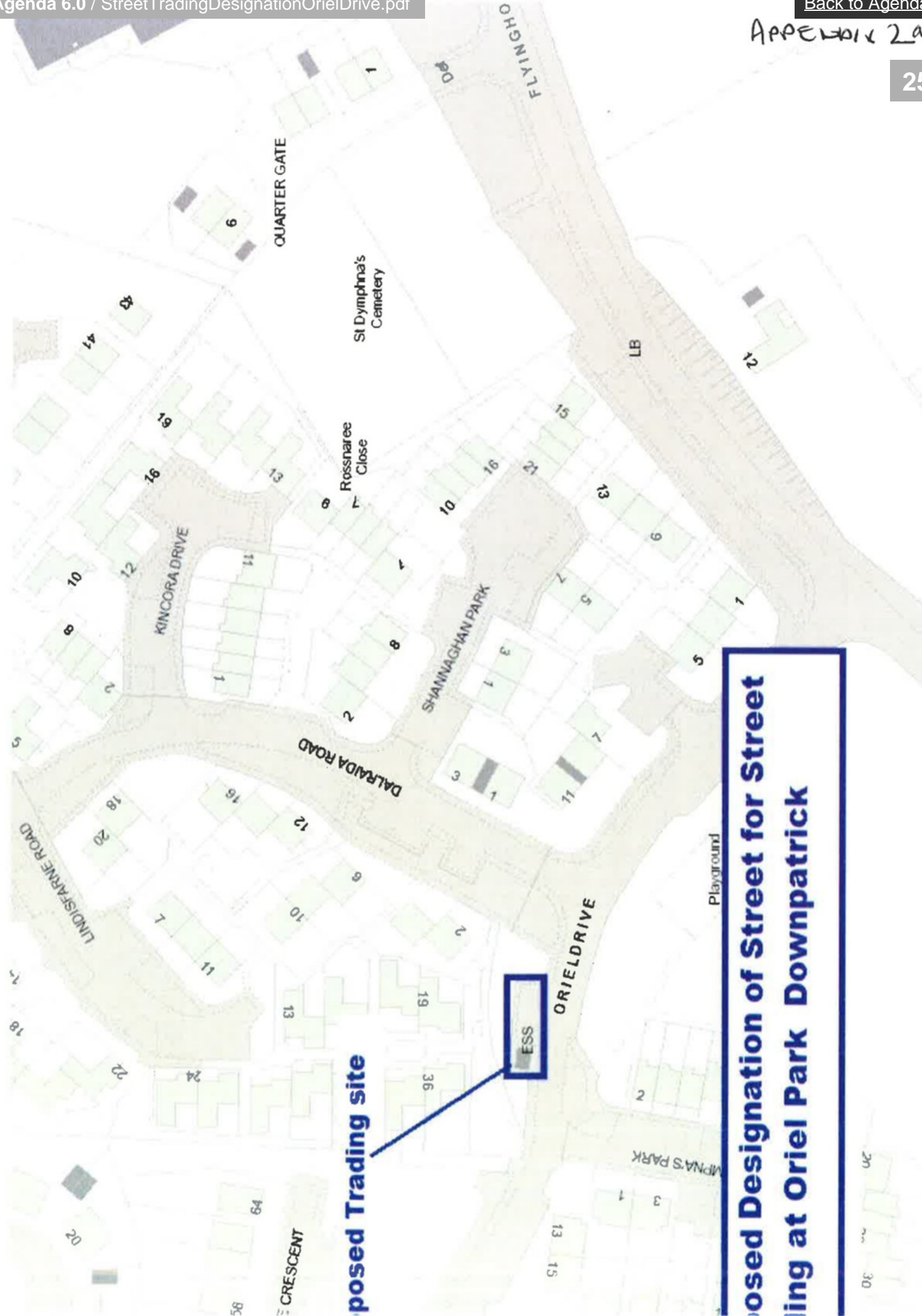
Reservoir (covered)

Down Fort Rath

Sampson's Stone

100 m

500 ft



Proposed Trading site

ESS

Proposed Designation of Street for Street Trading at Orieldrive Downpatrick

20 30

ADPELOIX 3

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

Public Notice

Designation of Street Trading Site

Notice is hereby given that Newry, Mourne and Down District Council, using its powers under The Street Trading (Northern Ireland) Act 2001, proposes to pass a Resolution of Designation for the following location in the District:

- Oriel Drive, Downpatrick

The Street Trading (Northern Ireland) Act 2001 came into operation in October 2001. The Act applies to any person selling, exposing or offering any thing of supplying or offering to supply a service in a street or public place, whether or not in or from a stationary position. "Public place" means any place in the open air, which is within 10 metres of a road or footpath to which the public has access without payment but is not within enclosed premises or the curtilage of a dwelling.

Before the Council can grant an application for a Licensee to trade as a Stationary trader, the street or location in which an applicant wishes to trade will have to be a "Designated Street" determined by a Resolution of the Council. The Council may also specify that:

- only specified articles, things or services or classes of specified articles, things or services which may be sold or supplied from street trading pitches or specified articles, things or services or classes of specified articles, things or services is prohibited in that street.
- the sale of supply from street trading pitches of specified articles, things or services is prohibited in that street.

The Council is required to consult with statutory bodies and other persons on these proposals and that may result in changes to the proposed locations.

Representations relating to the above mentioned location may be made in writing to the Downpatrick Office address or by calling 0300 013 2233 by 5pm on Tuesday 25 September, 2018. Representations received after this date will not be considered. Further information and location maps may be obtained from this address.

Liam Hannaway, Chief Executive
 Oifig an Iúir, 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
www.newrymournedown.org

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

• PROOF 01
 Job No: 75933
 Down Recorder
 21cm x 2col
 15.08.18
 £234.93 + VAT
 Approval Deadline: ASAP

Down Recorder
 21cm x 2col
 22.08.18
 £234.93 + VAT
 Approval Deadline: ASAP

Mourne Observer
 21cm x 2col
 15.08.18
 £172.91 + VAT
 Approval Deadline: ASAP

Mourne Observer
 21cm x 2col
 22.08.18
 £172.91 + VAT
 Approval Deadline: ASAP

APPROVED

YES NO

PLEASE TICK APPROPRIATE BOX

ASG & PARTNERS

COPY APPROVAL

SIGNED _____

POSITION _____

DATE _____

INVOICE TO...

Purchase Order No (if Required)



Model Farm, Downpatrick
Maxwell, Trevor

to:

Katrina.Dornan@nmandd.org

20/06/2018 11:24

Hide Details

From: "Maxwell, Trevor" <Trevor.Maxwell@infrastructure-ni.gov.uk>

To: "Katrina.Dornan@nmandd.org" <Katrina.Dornan@nmandd.org>,

History: This message has been replied to.

Katrina

I can advise that the Department would have no objection to the council issuing a street trading license to this applicant provided that:

- Any vehicle/stall is not positioned in such a way as to compromise road safety or traffic progression;
- Trading is restricted to being conducted on the footway side of the vehicle/stall only;
- The consent holder observes and complies with all relevant Traffic Regulation Orders and the Highway Code (including the rules on waiting and parking); and
- Future renewal is subject to trader/driver/customer behavior and associated issues with this street trading license.
- If any maintenance work is required to be carried out to the area where the trader is parked by the Section Office, full access will be required by the workforce.
- Please advise the applicant that the lay-by is maintained by DFI Roads and is a public lay-by which can be used by any member of the public and therefore no restrictions should be placed to cordon off any part of this lay-by.

On a secondary note although we would have no objections, as this will be a permanent position will Planning Permission be required.

I trust you find this reply helpful.

Regards

Trevor Maxwell

Network Development
Rathkeltair House
Market Street
Downpatrick

From: Katrina.Dornan@nmandd.org [<mailto:Katrina.Dornan@nmandd.org>]

Sent: 19 June 2018 11:27

To: Maxwell, Trevor <Trevor.Maxwell@infrastructure-ni.gov.uk>

Subject: Fw: Land ownership - Model Farm, Downpatrick

Hi Trevor

Just wondering if you have had a chance to consider this one yet? I had the lady in reception today asking about its progress

Thanks

Katrina Dornan
Administrative Officer

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate, Ardglass Road

APPEAL 4a

28

**OFFICIAL [PUBLIC]: RE: Proposed Street Trading Site - Oriel Drive,****Downpatrick**

Paul.Symington to: Katrina.Dornan

06/09/2018 09:34

This e-mail has been marked OFFICIAL [PUBLIC];

Hi Katrina,

I have spoken to Local Police in Downpatrick, Police have no objections to the proposal.

Regards Paul.

From: Katrina.Dornan@nmandd.org [mailto:Katrina.Dornan@nmandd.org]

Sent: 08 August 2018 14:07

To: SYMINGTON Paul

Subject: Proposed Street Trading Site - Oriel Drive, Downpatrick

Hi Paul

I dont think this is yourself but you are the only contact I have within PSNI. Perhaps you could let me know who deal with this so I can contact them directly in future instead of torturing you lol.

Please find attached proposed street trading site at Oriel Drive, Downpatrick (site location marked with 3 crosses).

Can you let me know if you have any objections/concerns on the possibility of this area being made a designated street trading site?

Many thanks

(See attached file: Oriel Drive.pdf)

Katrina Dornan
Administrative Officer

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

Council: 0300 013 2233
Planning: 0300 200 7830
DL: 028 4461 0808

www.newrymournedown.org
www.facebook.com/nmdcouncil
www.twitter.com/nmdcouncil

Save paper - think before you print!

This e-mail, its contents and any attachments are intended only for the above named. As this e-mail

Current Appeals

30

ITEM NO 3

Planning Ref: LA07/2016/0952/ **PAC Ref:** 2017/A0213

APPELLANT D & M Downey **DEA** Newry

LOCATION 113-117 Dublin Road
Newry

PROPOSAL RT35, ROP
Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure Informal Hearing **Date Appeal Lodged** 18/01/2018

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO 4

Planning Ref: LA07/2016/1407/ **PAC Ref:** 2018/A0027

APPELLANT Richard Newell **DEA** The Mournes

LOCATION 75A Glassdrumman Road
Annalong

PROPOSAL Co. Down
Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure Written Reps **Date Appeal Lodged** 30/05/2018

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

31

ITEM NO	5		
Planning Ref:	LA07/2016/1276/	PAC Ref:	2018/A0029
APPELLANT	Mr D Boal	DEA	Rowallane
LOCATION	3 Main Street Ballynahinch		
PROPOSAL	Subdivision of existing retail unit to 2No. Retail Units and Change of Use to 4No apartments with extension to first floor to provide 2No. Apartments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/06/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2017/1192/	PAC Ref:	2018/A0030
APPELLANT	Tranquility Ireland	DEA	Newry
LOCATION	97 Fathom Line Fathom Lower (Main Portion)		
PROPOSAL	Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	01/06/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

32

ITEM NO	7		
Planning Ref:	LA07/2017/0969/	PAC Ref:	2018/A0046
APPELLANT	Mr Peter Clerkin	DEA	Crotlieve
LOCATION	160m South Of 106 Leitrim Road Hilltown		
PROPOSAL	Proposed retention and extension of farm shed (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	11/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2017/0492/	PAC Ref:	2018/A0050
APPELLANT	East Coast Coaches	DEA	Crotlieve
LOCATION	70 Metres East Of 72 Rathfriland Road Newry		
PROPOSAL	Temporary permission for hard standing (area to be used for the parking and turning of coaches associated with existing bus and taxi depot)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	17/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

33

ITEM NO	9		
Planning Ref:	R/2014/0079/F	PAC Ref:	2018/A0054
APPELLANT	Mr Brendan Maginn	DEA	The Mournes
LOCATION	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
PROPOSAL	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2018/0645/	PAC Ref:	2018/A0058
APPELLANT	Mr William McDonnell	DEA	Crotlieve
LOCATION	Opposite 60 Derryleckagh Road On Aughnagun Road Newry		
PROPOSAL	Change of house type and garage from previously approved under planning ref. P/2007/0735/RM		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	02/08/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

34

ITEM NO	11		
Planning Ref:	LA07/2017/1802/	PAC Ref:	2018/A0064
APPELLANT	Mrs Bridget Hasson	DEA	Slieve Gullion
LOCATION	80m North East Of No 50 Malahy Conlon Park Cullaville Road		
PROPOSAL	Cullaville Proposed infill dwelling and domestic garage		

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

ITEM NO	12		
Planning Ref:	LA07/2017/1394/	PAC Ref:	2018/A0066
APPELLANT	Mr B And Mrs A Gibney	DEA	Slieve Croob
LOCATION	80m East Of 89 Demesne Road Edendarriff		
PROPOSAL	Rallynahinch Dwelling and garage on a farm		

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

Current Appeals

ITEM NO 13
Planning Ref: LA07/2018/0747/ **PAC Ref:** 2018/A0079
APPELLANT Joan Henderson **DEA** Crotlieve
LOCATION 200m South East 21 Levallyreagh Road
 Rostrevor
PROPOSAL ^{Newry}
 Proposed replacement dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Written Reps** **Date Appeal Lodged** 05/09/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: LA07/2018/0464/ **PAC Ref:** 2018/A0080
APPELLANT Mary Slane **DEA** Newry
LOCATION Between No. 34 And 38 Seafin Road
 Killeavy
PROPOSAL ^{Meigh}
 Dwelling and garage (amended address)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 05/09/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

36

ITEM NO 15
Planning Ref: LA07/2018/0220/ **PAC Ref:** 2018/A0085
APPELLANT Mr & Mrs H Coulter **DEA** Rowallane
LOCATION 50m SE Of 7 Old Saintfield Road
 Creevycarnonan
PROPOSAL ^{Crossbar}
 Proposed 2 no infill dwellings, detached garages and site works

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 17/09/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 16
Planning Ref: LA07/2017/0701/ **PAC Ref:** 2018/A0086
APPELLANT J&J McKibbin **DEA** The Mournes
LOCATION Land 60m North East Of No. 181 Moyad Road
 Kilkeel
PROPOSAL ^{RT34 4HI}
 Erection of self-catering tourist accommodation, light industrial units
 and associated site works.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 18/09/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

37

ITEM NO 17
Planning Ref: LA07/2018/0865/ **PAC Ref:** 2018/A0100
APPELLANT Mr And Mrs C Parke **DEA** The Mournes
LOCATION 25 Oldtown Lane
 Annalong
 RT34 4XF
PROPOSAL

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 05/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 18
Planning Ref: LA07/2017/0290/ **PAC Ref:** 2018/A0117
APPELLANT Mr & Mrs McMurray **DEA** Rowallane
LOCATION 110 M South Of No 52 Carsonstown Road
 Saintfield
 RT24 7FR
PROPOSAL Single Storey 200sqm house with Outbuilding - garage and stores

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 24/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

38

ITEM NO 19
Planning Ref: LA07/2018/0554/ **PAC Ref:** 2018/A0123
APPELLANT Mr Craig Baxter **DEA** Crotlieve
LOCATION No. 5 Ringbane Road
 Ringbane
PROPOSAL ^{Newrv}
 Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 25/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 20
Planning Ref: LA07/2017/0691/ **PAC Ref:** 2018/A0124
APPELLANT Mr & Mrs G Cunningham **DEA** The Mournes
LOCATION Lands Adjacent To And North East Of 346 Newry Road
 Kilkeel
PROPOSAL ^{RT34 4SF}
 Proposed detached retirement dwelling and garage (additional plans)

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

Current Appeals

39

ITEM NO 21
Planning Ref: LA07/2018/0166/ **PAC Ref:** 2018/AO021
APPELLANT Sean Nugent **DEA** Slieve Gullion
LOCATION 60m East Of 66 Slatequarry Road
 Cullyhanna
PROPOSAL Retention of existing farm shed

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 15/05/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 22
Planning Ref: LA07/2018/0363/ **PAC Ref:** 2018/E0017
APPELLANT Mr And Mrs S Thompson **DEA** Rowallane
LOCATION 19A Rathcunningham Road
 Toye
 Downpatrick
PROPOSAL Use of 19A as a dwelling separate from 19

APPEAL TYPE DC- Refusal of CLUD
Appeal Procedure **Date Appeal Lodged** 28/06/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

ITEM NO	23		
Planning Ref:	LA07/2018/0373/	PAC Ref:	2018/E0022
APPELLANT	James Purdy	DEA	Crotlieve
LOCATION	78b Upper Dromore Road Warrenpoint		
PROPOSAL	Car bodywork repairs and construction sealants distribution.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	11/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2018/0467/	PAC Ref:	2018/E0027
APPELLANT	Mr James And Kevin Donnelly	DEA	Newry
LOCATION	Lands Approximately 110 Meters West Of No. 240 Dublin Road Killeen		
PROPOSAL	Newry New agricultural building which complies with the Planning (General Permitted Development) Order (Northern Ireland) 2015 in particular respect to Part 7 - Agricultural Buildings and Operations - Class A - Permitted Development and is development that does not require		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/06/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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

Appeal Reference:	2018/A0026
Appeal by:	John Mackin
Appeal against:	The conditional grant of outline planning permission.
Proposed Development:	Replacement Dwelling
Location:	72 Ballyvalley Road, Mayobridge
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0461/O
Procedure:	Written Representations with Accompanied Site Visit on 6 September 2018
Decision by:	Commissioner Mandy Jones, dated 18 October 2018.

Decision

The appeal in connection with the off – site replacement is dismissed. Conditions 4 and 5 are amended in so far as: the area for the siting of the dwelling shaded blue on the approved plan is extended and the area for the curtilage shaded orange is extended.

Reasoning

1. The main issues in this appeal are whether the proposal for an off – site replacement dwelling would have a detrimental impact on visual amenity and rural character of the area.
2. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan, so far as material to the application, and to any other material considerations. The appeal site is located within the rural area as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is also located within the Mournes Area of Outstanding Natural Beauty (AONB) There are no policies in the Plan of relevance to the appeal proposal.
3. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole 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 or when the SPPS is silent or less prescriptive on certain policies. There is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) regarding

replacement dwellings. Therefore, PPS 21 provides the policy context for this appeal.

4. Outline planning permission (LA07/2015/0461/O) for a replacement dwelling was granted on 26th February 2018 subject to a number of conditions. The planning appeal form indicated that the appeal is against conditions 3, 4 and 5.

Condition 3: The proposed dwelling shall have a ridge height of less than 5 metres above finished floor level.

Reason: To ensure that the development is not prominent in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and the Strategic Planning Policy Statement.

Condition 4: The proposed dwelling shall be sited in the area shaded blue on the approved plan date stamped 11th June 2015.

Reason: To ensure that the development is not prominent in & satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and the Strategic Planning Policy Statement.

Condition 5 : The curtilage of the proposed dwelling shall be as indicated in orange on the approved plan date stamped 11th June 2015

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

5. Within PPS 21, Policy CTY 3 – Replacement Dwellings and paragraph 6.73 of the SPPS requires that replacement dwellings are sited within the established curtilage of the existing dwelling, 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.
6. There were no arguments regarding the principal of the replacement dwelling. I was told by the Council that as part of the application the appellant identified an alternative site for the new dwelling some 110m south east of the dwelling to be replaced. This was on the basis that the building to be replaced is located within a working farmyard and would not be suitable for a dwelling.
7. The Council considered this site to be unacceptable as a dwelling would have a visual impact considerably greater than the existing building which is nestled within an existing farm complex and was therefore contrary to Policy CTY3. It was also considered by the Council that a dwelling on this site would be prominent and would lead to ribbon development which would be contrary to CTY 13 and CTY 8 of PPS 21 and Policy NH 6 of PPS 2 which deals with development within Areas of Outstanding Natural Beauty.

8. In assessing the application the Council accepted that the established curtilage of the existing dwelling was too restricted to accommodate a modest sized dwelling. It was considered that a suitable site in accordance with PPS 21 and the SPPS could be achieved within the red line in an area immediately north of the building to be replaced. It was contended by the Council that the site could accommodate a dwelling appropriately sited and designed without detriment to the landscape, heritage or amenity. This would provide a larger curtilage while minimising the impact of the new dwelling. Accordingly, the Council identified a suitable site and conditioned the replacement to be located within this area to the north of the existing building to be replaced.
9. The farm complex comprises of a linear grouping of farm buildings including the existing building to be replaced. The grouping is sited close to the Ballyvalley Road. The conditioned replacement site abuts the complex and is directly to the north. Within this site the ground levels rise steadily from the road across to the east. There is substantial roadside vegetation and the northern and eastern boundaries are undefined. The appellant's drawings show a dwelling set back 10 m from the road where the ground begins to rise more steeply, cutting into the slope with a 3m retaining wall to the rear of the dwelling. The RSI form requires visibility splays of 2.4 x 70m via the existing entrance point in the farm complex which will require the removal of the roadside hedging and trees across the site frontage.
10. The appellant's preferred off site replacement is south of the farm complex and is approximately 50m from the most southern gable of the complex and approximately 110m from the dwelling to be replaced. A laneway sits to the north of this site. It is contended by the appellant that this site is preferable as it has a line of mature trees to its northern boundary and a number of mature trees along the roads which would remain even with providing the required visibility splays. Drawings submitted indicate a site measuring 45m x 50m and the possible siting for a dwelling 21.33 m back from the road and the ffl 4.38m above the road. The ground levels rise steadily from the road to the east.
11. I would consider that when viewed from the Ballyvalley Road, given the removal of the roadside vegetation to create an access, a dwelling sited as proposed within the preferred site on elevated ground would appear particularly prominent, notwithstanding that some trees will remain along the site frontage. It would have a visual impact considerably greater than the existing building to be replaced which is on lower ground and nestled within the exiting farm complex. Travelling the road in either direction, a dwelling on this site would also be visually separated from the farm complex unlike the conditioned siting to the north in which a dwelling would visually relate and cluster with the complex of farm buildings. I do not agree with the appellant that a dwelling on the preferred off site location would be better integrated than the conditioned siting.
12. In terms of the conditioned siting, I would agree with the Council that a dwelling could be sited closer to the road on lower ground which would not require a 3m high retaining wall to the rear as indicated on the appellant's sections. Even if, retaining wall structures were required they would be screened by the dwelling and the visual impact mitigated. Although, frontage vegetation will have to be removed to facilitate visibility splays, I note condition 8 requires all new boundaries to be defined by a timber post and wire fence with new planting of native species hedgerows and trees.

13. As a dwelling on the preferred siting would have a visual impact significantly greater than the existing building to be replaced, it is contrary to Policy CTY 3. As I have concluded that it would be a prominent feature in the landscape it is also contrary to CTY 13.
14. Policy CTY 8 – Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development has consistently been opposed and will continue to be unacceptable. I consider that a dwelling on the preferred site would lead to ribbon development by extending road frontage development to the south, which is detrimental to the character, appearance and amenity of the countryside and contrary to PPS 8. The impact on rural character given the context is unacceptable within the AONB and is also contrary to Policy NH6 of PPS 2. Accordingly, the Council's objections are sustained.
15. The Environmental Health Consultation recommended that the proposed dwelling is situated 75m from farm buildings and that the applicant should be made aware that the occupants of the proposed dwelling may experience noise, odour and pests from the nearby farm. I note that this distance is only a recommendation. The conditioned siting, in fact, removes the proposed dwelling from the farm complex. As the proposed dwelling is for farmer / family member I would attach less weight to this guidance as they would be well aware of the farming operations of the holding.
16. The appellant requested that in the event that the off site replacement is not permitted that ' the visibility requirements are reduced to 65m with a 2.4m setback along the entire frontage to allow for access to the site without passing through the farmyard '. Condition 9 of the approval requires a scale plan at 1:500 to be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached RSI form. This requires splays of 2.4m x 70m. Development Control Advice Note 15 : Vehicular Access Standards at Table B, sets out the y – distance requirements. The 70m y- distance required is based on speeds on the priority road of up to 37 mph. The Ballyvalley Road is straight and narrow and travelling the road at my site visit and observing motorists, I would concur with this analysis. I consider the required splays to be necessary and justified in the interests of road safety and convenience of road users. No justification was given by the appellant of why the required splays should be relaxed. I am unclear of how he intends to achieve access to the site without passing through the farmyard – this arrangement was not illustrated on any drawings.
17. The appellant argues that the presence of a slurry pit within one of the buildings in the complex and taking the access through a working farm yard will present health and safety issues. Although the new access is through the farm yard I would agree with the Council that these issues can be managed and mitigated through working practices. I consider that neither of these arguments override the visual objections of the dwelling on the preferred siting.
18. The curtilage identified in orange measures 38m (width) x 24m (depth). The area for the siting of the dwelling measures 28m (width) x 18m (depth). The appellant requested that, if the alternative siting was dismissed, the curtilage area depth to be increased from 24m to 35 m and the siting area depth increased from 18m to 27m. At the site visit the Council had no objections to this amendment and I consider this to be acceptable.

19. Condition 3 requires a ridge height of less than 5 metres above finished floor level. Although an appeal against this condition was identified in the appeal forms, the appellant provided no further evidence in connection with this. Given the massing and scale of the adjacent farm complex, the sloping nature of the site and the levels relative to the road, I consider that this condition is well founded and necessary to ensure that a dwelling is not prominent in and is satisfactorily integrated into the landscape. Disputes regarding communications with the Council during the application stage are outside the remit of this appeal.
20. In conclusion, as I have found the Council's objections to be sustained in relation to the preferred off site replacement the appeal must fail.

Conditions 4 and 5 are varied to read:

4.The proposed dwelling shall be sited in the area shaded blue (and hatched) on the approved plan date stamped 11th June 2015.(PAC 1)

5.The curtilage of the proposed dwelling shall be as indicated in orange (and cross hatched) on the approved plan date stamped 11th June 2015' (PAC 1)

This decision relates to the following:

- PAC 1; Site Location Plan, scale 1:2500 date stamped granted 26.02.2018.

COMMISSIONER MANDY JONES

2018/A0026

List of Documents

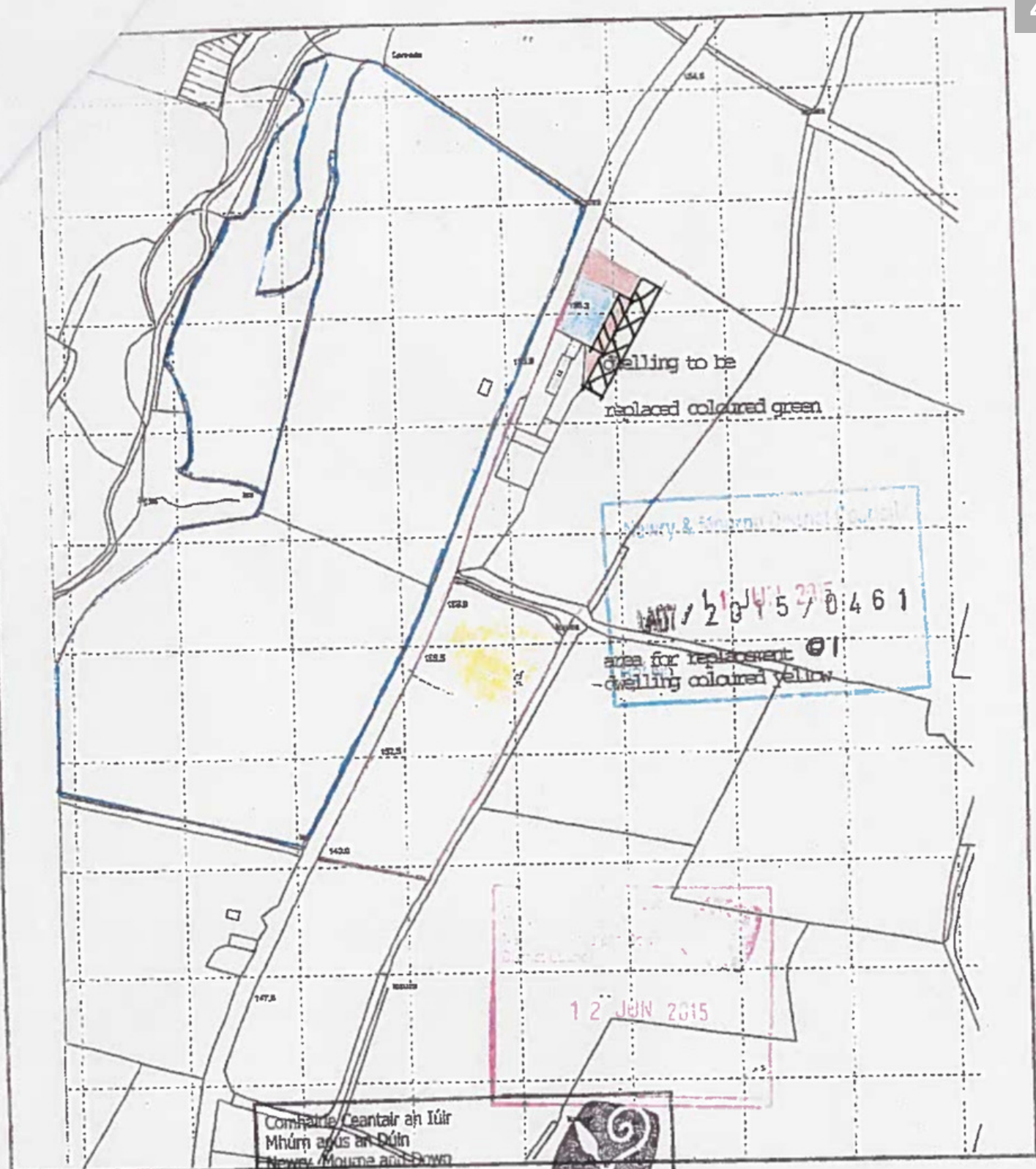
- | | |
|----------------------------|-------------------------------------------|
| Planning Authority: | 'A' Statement of Case |
| | 'B' Rebuttal |
| Appellant: | 'C' Statement of Case including drawings. |
| | 'D' Rebuttal |

2018/A0026

Appearances at the Accompanied Site Visit

Newry, Mourne and Down District Council
Planning Authority: Gareth Murtagh

Appellant: Aiden Cole (agent)
J Cole
J Mackin



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

District Council
 Planning Act (NI) 2011

Ref: Proposed replacement
 No.72 Ballyvalley Road, Maynabridge, for, Mr J. Mackin.

Granted

Subject to conditions (if any) as set out on

Decision form No. CA2015/0461

Date 26/02/2018

PAC 1

Scale 1 : 2500
 Date 14-05-2015
 Drg 2802LP
 O.S. Plan 267-14SE
 C.C.R. Licence No. 45

Cole Partnership.
 Architecture &
 Project Management
 12A Duke Street,
 Warrenpoint,
 028 417 53679





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

49

Appeal Reference:	2018/A0029.
Appeal by:	Mr Daryl Boal.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Subdivision of existing retail unit to 2 no. retail units and change of use to 4 no. apartments with extension to first floor to provide 2 no. apartments.
Location:	3 Main Street, Ballynahinch.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	LA07/2016/1276/F.
Procedure:	Written Representations with Commissioner's Site Visit on 18 September 2018.
Decision by:	Commissioner Mark Watson, dated 25 October 2018.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Appellant submitted an amended design with his Statement of Case in response to the Council's concerns in respect of lack of private amenity space. The amendment comprised the addition of 3 balconies. One of these is for a first floor apartment on the eastern elevation, whilst the other two balconies would be added onto the rear of the two ground floor apartments, though given the sloping nature of the site, those balconies still be elevated above street level at the rear of the site. The addition of the balconies would not represent a matter that had not been before the Council given the issue of amenity space had already been raised. No issue has been raised in respect to Section 59 of the Planning Act (NI) 2011. However, the admissibility of the amended plans in respect to potential third party prejudice must now be considered. Irrespective of what particular views would be available from these additional balconies, they would nevertheless represent a change to the appeal development that potential third parties would be unaware of and would be unable to comment on. I consider that third parties unaware of the amended design would be prejudiced if it was to be accepted. The amended design is inadmissible and I shall confine my assessment to the scheme as was originally submitted to the Council.

Reasons

3. The main issues in this appeal are whether or not the appeal development would:
 - provide sufficient private amenity space; and
 - provide an acceptable level of on-site parking.

4. The appeal site comprises No. 3 Main Street, a large two storey, double fronted building situated along the southern side of Main Street. It is presently used for furniture sales. The building has an extension that runs south-eastwards towards the rear of the plot. There is a walled yard area to the rear of the building. It is bounded to the eastern side by a narrow pedestrian entry that allow access to the rear of the terrace of properties on that side. A gated, vehicular width entry to the western side of No. 3 affords access to a private car park at the rear of the adjacent bank building. Adjacent and south-east of the appeal site is a large public car park, accessed off Windmill Street. There are also a number of on-street parking bays on both sides of Main Street. The site lies in a predominantly commercial part of Ballynahinch town centre, with a mix of retail and service uses.
5. The appeal development seeks to subdivide part of the ground floor of No. 3 into two retail units, whilst converting the remainder of the existing building into 4 apartments. A new extension to the rear of the building at first floor level would provide 2 further apartment units. Each of the 6 apartments would be 2 bedroomed. 4 unassigned car parking spaces within the site curtilage are proposed. The Appellant also proposes a series of measures to encourage the use of public transport and cycling. The submitted Travel Plan states that residents of the appeal development will be provided with a 6 month Smartlink Travel card to promote the use of public transport. A voucher of equivalent value to assist with purchase of a bicycle is also to be offered to all residents in place of the Smartlink card should they wish, with the appeal development including secure cycle storage facilities within it. A promotional pack of information pertaining to public transport information and cycling information will also be provided, along with the appointment of a Travel Plan Co-ordinator.

Policy Context

6. Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP). In it the appeal site lies within the settlement limit and town centre of Ballynahinch. Part of the site lies within the Primary Retail Core (PRC) and its entirety within an Area of Archaeological Potential. The appeal development would not be at odds with the PRC or any other policies or designations within the ADAP. The Council raised no objections to the principle of development, but rather to its lack of private amenity space and the level of on-site parking provision.
7. In regard to 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*' (SPPS) and those of Planning Policy Statement 7 – Quality Residential Environments (PPS7), Planning Policy Statement 12 – Housing In Settlements (PPS12) and Planning Policy Statement 3 – Access, Movement and Parking (PPS3). The policy provisions of PPS7, PPS12 and PPS3 remain applicable to the appeal development.

Private amenity space

8. Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. The provision of amenity space within a proposed new development is a design consideration that falls within the ambit of this section of the SPPS. Specific policy relating to the provision of private open space in residential development can be found in Policy QD1 of PPS7. It states that planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to a series of criteria. Criterion (c) is that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Guidance in *Creating Places* recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space.
9. The appeal development includes amenity space for two of the six proposed apartments in the form of patio areas to the rear of the relevant units. These areas are acceptable in both quantitative and qualitative aspects. However, the other four apartments will have no private amenity space. Regardless of the appeal site's location in the town centre, I am not persuaded that it is acceptable that these other apartments have no private amenity provision at all. I am not persuaded that this would allow for a quality residential environment which adequately provides for open space and landscaped areas as an integral part of the development. The Design Concept Statement and other supporting evidence submitted with the application would not persuade me otherwise.
10. The Appellant made reference to another decision made by the Council (ref. R/2013/0532/F) which granted permission in November 2015 for 16 apartments and 1 townhouse on High Street, Ballynahinch. Whilst that development was granted permission without any private amenity space and I note it also occupied a town centre location, I am not persuaded that it would be in the public interest to perpetuate poor decision making by permitting further development without adequate private amenity space. That decision would not justify the setting aside of the objection in this case. I find that criterion (c) of Policy QD1 of PPS7 is not met and given the critical nature of this deficiency, the policy read as a whole. For the same reasons it would not meet the related element of the SPPS. The Council's first reason for refusal is sustained.

Parking provision

11. The Council considered that the appeal development did not provide sufficient in-curtilage parking provision. The Appellant considered that the submitted Travel Plan and measures contained therein along with the site's town centre location justified the reduction, with only 4 in-curtilage, unassigned spaces being provided by the appeal development. The Appellant also pointed to the existing on-street parking

capacity and that in the nearby public car park. The Appellant considered that these factors taken together justified the proposed reduced parking provision within the appeal development. Reference was made by both parties to Policy HS1 of PPS12 – Living Over The Shop. It states that planning permission will be granted for residential use above shops and other premises subject to the provision of a suitable living environment and adequate refuse storage space. It goes on to state that a flexible approach will be applied to car parking provision having regard to the circumstances of each case. Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking. Criterion (f) of Policy QD1 of PPS7 also requires that adequate and appropriate provision is made for parking.

12. The appeal site does not lie in an area of parking restraint. The presence of two bus stops in close proximity to the appeal site, as well as another within a walking distance of several minutes, is demonstrative that regular public transport services would be available for occupants of the appeal development. The appeal site's town centre location is highly accessible and well served by public transport. The measures contained in the Travel Plan seek to encourage use of public transport and cycling and would do so effectively through its implementation, which could be secured by planning condition in the event of permission being granted. The availability of reasonable levels of on-street and public car park capacity in close proximity to the appeal site is such that it would benefit from spare capacity available in those parking locations. I note that DFI Roads raised no objections to the appeal development, subject to the Council's Planning Department being satisfied with the reduction. Whilst I note the level of reduced parking provision for the development approved under application R/2013/0532/F, it is not determining in this case as each application must be assessed on its own merits. However, taking all these other factors together, I am persuaded that the proposed reduced level of on-site parking provision would be justified in this case.
13. For the reasons given above the appeal development would comply with criterion (f) of Policy QD1 of PPS7 and the related provisions of the SPPS. It would also meet Policy AMP7 of PPS3. The Council's second reason for refusal is not sustained.

Conclusions

14. For the reasons given above I find that the appeal development would not comply with Policy QD1 of PPS7 read as a whole, as well as the relevant element of the SPPS. Whilst reference to Planning Control Principles 1 and 3 of PPS12 were referred to by the Appellant, these are not operational policies for the consideration of development proposals, but rather reiteration of housing principles in the Regional Development Strategy. Whilst they are material to decisions on individual planning applications and although the appeal development may comply with the principle and thrust of PCP1 and PCP3, these matters would not in themselves justify the appeal development. Whilst the appeal development may provide increased housing stock for Ballynahinch which would be available to young people and

represent a more efficient use of the site, these matters would not outweigh the objection to the development. The Council's first reason for refusal is sustained and is determining. The appeal must fail.

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

DRAWING NUMBER	TITLE	SCALE	DATE
LA07/2016/1276/1	Location Map	1:1250	Apr 16
LA07/2016/1276/2	Site Analysis & Parking Availability	1:1000	Apr 16
LA07/2016/1276/3	Existing Floor Plans, Section & Elevations	1:100	Apr 16
LA07/2016/1276/4	Proposed Elevations	1:100	Apr 16
LA07/2016/1276/5	Floor Plans & Site Layout	1:100 & 1:250	Apr 16

COMMISSIONER MARK WATSON

List of Documents

- | | | |
|----------------------|-----|--------------------------------------------------|
| Planning Authority:- | 'A' | Statement of Case & Appendix (N, M & D DC) |
| Appellant:- | 'B' | Statement of Case & Appendices (Headland Design) |
| | 'C' | Rebuttal Statement (Headland Design) |



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

Appeal Reference:	2018/A0027
Appeal by:	Mr Richard Newell
Appeal against:	Refusal of Full Planning Permission
Proposed Development:	Proposed extension of curtilage of existing dwelling house and retention of existing domestic boat house and yard.
Location:	75A Glasdrumman Road, Annalong.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/1407/F
Procedure:	Written Representations with Commissioner's Site Visit on 4 th October 2018
Decision by:	Commissioner Helen Fitzsimons on 5 th October 2018.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development would :-
 - Conflict with the provisions of a Local Development Plan (LDP);
 - Be sympathetic to the built form and appearance of the existing dwelling;
 - Detract from the appearance and character of the surrounding area; and
 - Compromise the use of a right of way.
3. The appeal site is located within the settlement limits of Annalong as designated by Policy AN01 of the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the LDP plan which operates in the area. BNMAP offers no specific policy or guidance pertinent to the appeal site. However, it is located adjacent an area zoned for housing under Policy AN02 of the LDP.
4. The extension of curtilage proposed is 15m deep x 31m wide an additional area of some 465m which represents in excess of 27% of the existing curtilage. The Council argued that such a proposal could prejudice the ability of plan designation AN 02 to deliver the objectives of BNMAP. Policy SETT 2 of the plan strategy is clear that 'where land is proposed for a specific use, then any proposals should be primarily composed of that use but may be accompanied by a complementary use'. It adds that 'development proposals on zoned land will be considered in the context of all prevailing regional planning policy and with any relevant Plan Policies and Proposals, including, where specified, key site requirements. In general this means that where land is proposed for a specific use, then any proposals should be primarily composed of that use but may be accompanied by a

complementary use. For example, housing developments be accompanied by education, health, community and cultural uses, open space/recreation use, and in some cases, a local convenience shop. Key site requirements have been used where appropriate to specify such uses and identify unacceptable land uses.

5. There are no KSRs in Policy AN02 that specify such uses and identify unacceptable land uses. Whilst this is so, policy SETT 2 does give an indication of what the plan considers to be a complementary use however, the list is not exhaustive, and there is nothing to indicate that a boat house and yard associated with an adjoining residential use is not a complementary use.
6. At the time of the preparation of BNMAP the land subject to designation AN02 had extant planning permissions (P/2005/0219/O and a subsequent 'renewal' of same P/2008/1180/O) which were considered to be 'committed housing' that is 'includes dwellings which have either been completed since 1 August 2003, are under construction or have yet to be implemented' and the designation which was predicated on the basis of this would have envisaged the delivery of ten houses to meet the overall objectives of housing delivery in Annalong. The planning permissions have now expired and there is no other planning permission in their place. The appellant submitted a site layout to indicate how the land zoned under Policy AN 02 could be developed to provide ten houses, with the boathouse and yard in situ. However, this is indicative only and has not been endorsed by the Council with a grant of planning permission and there is no guarantee that 10 dwellings could be accommodated on the designated land. Notwithstanding this, the Council have not given me any evidence as to how a shortfall in housing numbers on this land would significantly compromise the delivery of adequate housing provision and as a consequence undermine the ability of BNMAP to meet its objectives. The Council has not sustained its objection based on BNMAP and its second reason for refusal is not upheld.
7. I see no reason why a domestic curtilage within an existing urban area cannot be extended and objections by the Council regarding the extension of the curtilage of the host property are not determining. Given this I do not need to consider the appellant's arguments regarding siting of the boathouse.
8. The first addendum to Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) entitled 'Residential Extensions and Alterations' is material in this appeal. Policy EXT 1 'Residential Extensions and Alterations' of the Addendum to PPS 7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of four stated criteria are met. The Council raised objections under criterion (a) that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.
9. Paragraph A11 'Garages and other associated buildings' of Annex A of the Addendum says that they should be subordinate in scale and similar in style to the existing property taking account of materials, the local character and the level of visibility of the building from surrounding views.'
10. The appeal site is accessed via a laneway that serves 7 dwellings of varying heights and design. It protrudes into a swathe of agricultural land to its west, which

contains a large earth bund, and is owned by the appellant. No 75A Glasdrumman Road is a two storey smooth rendered dwelling painted cream and of modern design. To the rear of the dwelling is a concrete yard some 298sq.m in size. The boathouse, which is in situ, measures some 9.9m x 6.9m and is 4.2m high. It is constructed of corrugated metal with a roller shutter door on its front elevation, and has the appearance of an industrial building.

11. Views of the boathouse its relationship to and impact on the appearance of the existing property and surrounding area are from a public car park south of the appeal site; Glasdrummond Road; and Mullartown Park.
12. Views of the boathouse from Mullartown Road are limited by the earth bund and vegetation and are not significant. The boathouse can be seen from the drive way of No 75 Glasdrumman Road and the driveway of the host property. It appears as an incongruous feature due to its scale massing and design; and resultant appearance of an industrial buildings and it is out of keeping with the host property.
13. No. 75 Glasdrumman Road, also a two storey dwelling, rendered in cream and modern in design, has a substantial rear extension, which abuts the boundary of its curtilage. This extended dwelling sits comfortably within its surroundings and reinforces the residential nature of this part of the settlement, particularly when seen from the public car park. From a significant area within the public car park a large portion of the boathouse is visible, it appears, at times, to almost abut the extension to No 75 Glasdrumman Road and because of design and materials; and resultant industrial appearance, it appears as a discordant feature and detracts from the appearance and character the surrounding area.
14. None of the significant views of the appeal proposal are limited to the extent that it could be considered acceptable within its surroundings. The boathouse is not sympathetic with the built form and appearance of the existing property and it detracts from the appearance and character of the surrounding area. Criterion (a) of Policy EXT 1 of the Addendum to PPS 7 is not met.
15. This appeal is distinguishable from planning permission LA07/2017/0864/F at 72 Strangford Road, Chapeltown for proposed extension of 'site curtilage and construction of new garage, boat house and garden store' as the Council considered views of that proposal to be so limited as not to cause unacceptable harm.
16. I note that the appellant has offered to insert a gate within the proposed boundary fencing and this would facilitate the continued use of the existing right of way referred to by the objectors. The objectors concerns are not determining is this appeal.
17. As the appeal proposal offends criterion (a) of Policy EXT 1 of the Addendum to PPS 7 the appeal must fail and the Council has sustained its first reason for refusal.

This decision is based on the 1:2500 scale site location plan; 1:500 scale site plan; 1:100 scale floor plan and elevations; and 1:500 scale proposed site plan.

COMMISSIONER HELEN FITZSIMONS

2018/A0027

List of Documents

Planning Authority: - C1 Written Statement and Appendices

Appellant: - A 1 Written Statement and Appendices
A 2 Comments and Appendices



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

60

Appeal Reference:	2018/A0050
Appeal by:	East Coast Coaches
Appeal against:	The refusal of full planning permission
Proposed Development:	Temporary permission for hard standing (area to be used for the parking and turning of coaches associated with existing bus and taxi depot)
Location:	70m east of No.72 Rathfriland Road, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2017/0492/F
Procedure:	Hearing on 17 th October 2018
Decision by:	Commissioner Diane O'Neill, dated 1 st November 2018

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal would:
 - be acceptable in principle
 - result in a detrimental change to the rural character of the countryside
 - integrate into the surrounding landscape
 - adversely affect the intrinsic character and environmental value of the special features of the LLPA
 - prejudice road safety
3. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) operates as the local development plan for the area where the appeal site is located. The site is located within the countryside outside the development limit of Newry and within a local landscape policy area (Designation NY 122-LLPA Rathfriland Road/Hilltown Road); BNMAP Policy CNV 3: Local Landscape Policy Areas is therefore applicable. No specific guidance is given in the plan in relation to economic development in the countryside. The proposal therefore must also satisfy prevailing regional policy requirements.
4. 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 SPPS retains certain existing planning policy statements and guidance; amongst these are Planning Policy

Statement 3: Access, Movement and Parking (PPS 3), Planning Policy Statement 4: Planning and Economic Development (PPS 4), Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and Development Control Advice Note 15: Vehicular Access Standards (DCAN 15) which provide the relevant regional policy context for the appeal proposal.

5. The appeal site is located along the roadside of the Rathfriland Road on the outskirts of Newry. It is opposite the appellant's residence at No.72 Rathfriland Road which is also located outside the development limit. The appellant has a coach and taxi business which operates out of No.72 Rathfriland Road. At the time of my site visit there were eleven operational coaches, two cars, three mini-buses, two un-roadworthy coaches, one low-loader lorry trailer containing straw bales, one lorry cab and numerous black bales of silage located on the appeal site. A concurrent planning application (LA07/17/0493) was submitted with the current appeal development for a residential and taxi/coach hire depot at No.72 Rathfriland Road. To date, the planning authority has not issued any decision or formulated any recommendation on that proposal. Concern in relation to the processing of the concurrent planning application is beyond the remit of the current appeal and is a matter for the appellant to address directly with the planning authority. The Clanrye River and the Crown Mound Motte and Bailey are located to the east of the appeal site.
6. Policy PED 2 of PPS 4, which is the basis of the second reason for refusal, deals with economic development in the countryside and states that such proposals will be permitted in accordance with the provisions of a number of policies including Policy PED 3 which relates to the expansion of an established economic development use. Policy PED 2 states that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances.
7. There has previously been an enforcement notice appeal (2015/E0055) relating to land opposite No.72 Rathfriland Road, which includes the current appeal site, in reference to the unauthorised change of use of lands from agriculture to the parking of vehicles; creation of hardstanding to form a yard; creation of an access; creation of an earthen bank; change of use of agricultural land for the storage of inert material; change of use of agricultural land for the storage of building materials; and change of use of agricultural land for the storage of end of life vehicles. That appeal decision was issued on 10th October 2016. Appeal 2015/E0055 concluded that on the balance of probabilities it is more likely than not that the appellant's business was established at No.72 Rathfriland Road prior to 1st September 2010. However, at the current appeal hearing the planning authority disputed that conclusion as they considered that it had not been demonstrated that all of the buildings at No.72 Rathfriland Road had been in use for five consecutive years and no Certificate of Lawfulness of Existing Use or Development (CLUD) had been granted in order to establish the extent of the established area. Irrespective that the conclusion in 2015/E0055 was not substantially contested by the planning authority and the planning authority's reference to Policy PED 3: expansion of an established economic development use in the countryside within its third reason for refusal, given: that the previous case was an enforcement appeal; that whether there is an established economic development is contested by the planning authority; and in the absence of a CLUD which could have been sought during the two year period since that decision, it is not appropriate for me

to conclude either way as to whether there is an established economic use at No.72 Rathfriland Road.

8. The appeal development is for a temporary hard surfaced parking area in order to accommodate 14 commercial buses. Whilst the hard standing area is already in place and is being used for such purposes, it is proposed to close up the existing access at the southern point of the site and create a new access opening further north. The planning authority, supported by DfI Roads, stated that visibility splays of 4.5m x 80m are required in both directions in order to provide a safe access arrangement.
9. DfI Roads stated that the average speed along the road was 40 mph. Within the written evidence the appellant stated that the speed was 37mph. At hearing whilst the appellant accepted that the average speed was 40mph when travelling southerly along the road towards Newry it was argued that traffic on the other side of the road would be slower. The DfI Roads' calculation that there were greater than 3000 vpd on the priority road was not disputed by the appellant. The appellant however disputed the necessity of the 4.5m x 80m visibility splays standard. Whilst 4.5m x 80m could be achieved to the right of the access towards Rathfriland, only 4.5m x 55m or 2.4m x 63m could be achieved to the left hand side towards Newry as the appellant does not control the adjacent southern field. It was however argued that 2.4m x 80m could however be achieved to the left hand side if the measurement was taken 0.8m from the road edge or 4.5m x 80m could be achieved if taken 1m from the road edge.
10. Although DCAN 15 is guidance, PPS 3 states that DCAN 15 sets out the current standards for sightlines, radii, gradient etc. that will be applied to a new access onto an existing public road. As acknowledged in paragraph 5.17 of PPS 3, it may not always be practicable to comply fully with the appropriate visibility standards with such standards, like all material considerations, needing to be assessed in light of the particular circumstances of the individual case. It adds that exceptionally a relaxation in standards may be acceptable in order to secure other important planning objectives. Visibility standards, however, are not to be reduced to such a level that danger is likely to be caused.
11. As highlighted by paragraph 2.1 of DCAN 15, good visibility is essential to enable drivers emerging from a minor road to see and be seen by drivers proceeding along the priority road. In order to do this, visibility is required within the visibility splayed area. The appellant argued that the sight lines could be measured from a point 0.8m from the edge of the carriageway in order to achieve a y-distance 80m visibility splay to the left hand side of the access. They considered this to be a less important side given that traffic would normally be approaching from the right. However, irrespective of the fact that it is a temporary proposal, paragraph 2.1 of DCAN 15 states that the x-distance is measured along the centre-line of the minor road from the edge of the running carriageway of the priority road. Given the dimensions of a bus and the fact that it would be slower to emerge from the access than a car, the argument that a bus driver would have greater visibility due to the flat front of the bus would not justify setting aside the well established practice of measuring from the edge of the carriageway. The measurement from the edge of the carriageway is also necessary in both directions given the possibility of someone overtaking another vehicle and hence travelling on the wrong side of the carriageway.

12. In terms of whether the x-distance should be 2.4m or 4.5m, it was considered by DfI Roads that the proposed access traffic flow would be at the lower end of between the 60 & 1000 vpd category thus requiring the minimum x-distance to normally be 4.5m. Table A in DCAN 15 states that it may be reduced to 2.4m but only if traffic speeds on the priority road are below 37mph and danger is unlikely to be caused. Given that 14 buses would be located on site and the varied nature of the appellant's business' clients including school services, I find it more likely that the traffic flow from the proposed access would be over rather than under 60 vpd. Although traffic coming out of Newry would be leaving an urban setting with reduced speed limits, at this location, which is outside the 40mph speed limit, vehicles would be starting to build up speed and could be looking to pass a slower vehicle on this relatively straight stretch of road. Coming from the northern Rathfriland direction, traffic would be permitted to be travelling at the national speed limit before reaching the 40mph city speed limit. I therefore consider the claim that the average traffic speed in both directions is 40mph to be reasonable as opposed to the unsubstantiated suggestion of 37mph. This speed is therefore above the 37mph specified in DCAN 15 in relation to calculating the required x-distance. Given the slower moving nature of the vehicles that would be using the access, I am not persuaded that a danger would be unlikely to be caused by reducing the x-distance to 2.4m. The normal standard of 4.5m should therefore be applied. Given the access flow, speed and volume of traffic on the priority road, the y-distance of 80m sought by the planning authority is therefore appropriate.
13. Whilst the appellant suggested that a negative condition could be attached requiring that the required visibility spays of 4.5m x 80m in both directions be put in place, this would not be appropriate given that the development is already operating from the site and the usage of a substandard access by commercial vehicles, even for a temporary period, could be prejudicial to road safety. The evidence in relation to the breaking distance of an average family car does not persuade me that the proposed access would not prejudice the safety or convenience of road users as other factors would come into play such as the reaction time of drivers which DfI Roads stated is accounted for in DCAN 15. Given that the access, even if for a temporary period, cannot achieve the required visibility spays of 4.5m x 80m in both directions, the fifth reason for refusal has been sustained.
14. Policy PED 9, which is the basis for the fourth reason for refusal, states that a proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all of thirteen criteria. The planning authority raised objection to six of the criteria in that the development would have an adverse impact on the environment by virtue of (a) being incompatible with the surround land use; (c) adversely affecting features of built heritage; (h) being unable to provide adequate access arrangements; (j) unsatisfactory site layout and landscaping arrangements; (k) being unable to provide appropriate boundary treatment and means of enclosure and; (m) unsatisfactory measures to assist integration into the landscape.
15. Given that the proposed access would be unsatisfactory, the development would fail to meet criterion (h) of Policy PED 9. The appellant estimated that providing the required visibility spays of 4.5m x 80m would require the removal of all the

vegetation to the south of the access point including 22m of the neighbour's roadside vegetation. On the northern side of the access, it was estimated that 25-28m of roadside vegetation would have to be removed. Irrespective of the fact that the relatively recent planting behind the roadside ditch could remain, the removal of this considerable amount of vegetation would significantly open up views of the appeal development when travelling along this stretch of the Rathfriland Road. Irrespective of whether the appeal site lacked enclosure by vegetation prior to the development occurring and despite the earthen banks and existing planting that has been carried out by the appellant on the boundaries, the buses are already visible and dominant on the appeal site. Given the significant amount of vegetation required to be removed to facilitate a safe access arrangement and irrespective of the offer to do additional planting including in an adjacent field, it would be unable to provide appropriate boundary treatment, means of enclosure and would not be satisfactorily integrated into the landscape. The development would appear prominent and have a dominant adverse impact in the landscape. Any new planting would take a significant amount of time to mature and there would be no certainty that planting more mature vegetation would successfully establish. The proposal would therefore also fail to meet criteria (j), (k) and (m) of Policy PED 9.

16. As it is unknown whether any future area plan would include this area within the development limit of Newry, it has to be judged against the Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) which presently operates as the local development plan for the area. The appeal site is located within BNMAP Designation LLPA NY 122: LLPA Rathfriland Road/Hilltown Road. BNMAP Policy CVN 3, which relates to LLPAs, states that within such areas planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character. It is stated that LLPAs are designated by the plan to help protect the environmental assets within or adjoining settlements. They include: archaeological sites and monuments and their surroundings; listed and other locally important buildings and their surroundings; river banks and shore lines and associated public access; attractive vistas, localised hills and other areas of local amenity importance; and areas of local nature conservation importance, including areas of woodland and important tree groups. In terms of Designation NY 122, the plan states that the features or combination of features that contribute to the environmental quality, integrity or character of the area are: the Crown Mound Motte and Bailey, its setting and views; area of nature conservation interest, including river corridor and associated vegetation.
17. When travelling in a southerly direction along the Rathfriland Road towards Newry, there is an appreciation of the Crown Mound Motte and Bailey and its setting. Whilst not everyone may appreciate what the feature is, it contributes to the environmental quality, integrity and character of this edge of settlement area. Although the appellant's brother may own the neighbouring land and thus control and prevent public views from the Motte and Bailey, views towards it are still possible from this section of the Rathfriland Road for those driving, walking or residing in this area. Whilst the appellant argued that there was no objection from DfC Historic Environment Division, their consultation response however stated that they were unable to provide comment as the proposed hard standing had already been constructed. It was argued by the appellant that there are earth banks and vegetation on the appeal site boundaries, that the feature is elevated and that no

buildings are proposed. However, despite these arguments, the commercial and dominant nature of the appeal development, whose access would require the removal of a significant portion of its roadside screening, would interrupt and interfere with this relatively unspoilt view and setting of the Crown Mound Motte and Bailey from the Rathfriland Road. The other commercial premises referred to by the appellant are located on the opposite side of the road, are within the development limit and are not located or viewed within the same context. Whilst it was argued that a LLPA designation does not preclude development, the policy states that planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character. Accordingly, the sixth reason which relates to Policy CNV 3 and the objection in relation to criterion (c) of Policy PED 9 have been sustained.

18. The appellant argued that there were a number of exceptional circumstances which would justify the granting of the temporary proposal. It was stated that the business contributes to the local economy for example in terms of turnover, salaries and bringing people to the area; that there is a need for such a service for instance by Translink, NI Railways, local schools, clubs and other organisations; that they require time in order to find alternative premises; that Invest NI control the majority of the employment land within Newry; that there is a need to be in proximity to the business' administrative and maintenance premises at No.72 Rathfriland Road.
19. In terms of Invest NI's control of employment land, this was highlighted in the Preferred Options Paper (POP) (June 2018) for the area which states that they control 52ha out of the 96ha of employment land located in Newry. However, the POP identifies the quantity and distribution of employment land as key issues within the District. It suggests a range of options available to address these issues together with defining the Council's Preferred Options including uplifting the overall amount of land zoned for employment use by 20%. The POP is however only the first formal stage in the preparation of the new Local Development Plan for the area and therefore is of little weight when considering the appeal development. Whilst the appellant may not be eligible to occupy Invest NI land and although there may be an overarching issue in terms of employment land provision within the area to be addressed by the forthcoming development planning process, in this case only unsubstantiated references were made to the appellant carrying out searches for alternative sites.
20. Although the appellant's fleet is registered to No.72 Rathfriland Road, the enforcement notice required the permanent cessation of the parking of buses, mini-buses, coaches and any vehicles associated with the appellant's business on the site within 60 days from when the notice took effect. He was therefore aware for a considerable period of time of the necessity to make alternative arrangements for the business. Whether this relocation would result in a down-sizing of the business, reduction in staff and the level of service that it could provide to its customers are financial matters for the business and do not outweigh the objections to the development. It is also noted that there is no decision on the proposal at No.72 and at any rate, even if granted, it is not viewed by the appellant as a permanent solution as it would not accommodate all of the existing business needs therefore making an alternative site necessary if the business is to remain at its current size or expand. Although it was argued that the appeal site is only disconnected from the premises at No.72 by a public road, it is still located in a

countryside location outside the development limit, with no development located to the north, east or south of the site. Whilst the current physical infrastructure and associated investment made on the appeal site is not transferrable, this was a risk that was taken by the appellant when it was decided to carry out development without the necessary planning permission being in place. It is matter of preference should the appellant consider that the relocation of the business would necessitate them moving from their place of residence.

21. An argument was presented that temporary consent was granted for an electronic sign adjacent to Newry Cathedral. Whilst comprehensive details of this case were not provided, it is noted that this decision was originally by a different decision maker (the former Department of the Environment). The planning authority, who are entitled to reach their own decision on a development, now state that they honoured the remaining duration of the consent following its quashing by the courts given that Belfast City Hall are said to have had a temporary screen in place for approximately 10 years. The sign has since been removed. I therefore do not consider this to be a comparable case to the appeal development.
22. Therefore, despite the various arguments presented including that the development is of a smaller scale than that considered under 2015/E0055, the wish to operate a legitimate expanding business with approximately 10 employees, the requirements of the operator's licence, duration of the temporary permission, lack of general bus provision and parking in Newry, it has not been demonstrated that there are exceptional circumstances which outweigh the fact that the development would be unable to provide a safe access arrangement, would have an adverse impact on the countryside environment due to its unacceptable impact on the Crown Mound Motte and Bailey and lack of integration into the local landscape. Accordingly, as the development is contrary to Policy PED 2 of PPS 4, the second reason for refusal is sustained.
23. Even if it were accepted that the development would be an expansion of an established economic development use at No.72 Rathfriland Road, irrespective of the space requirements of the commercial vehicles, the increase by approximately 100% would be a major increase in the site area of the enterprise. It has already been concluded that the development would be of a scale and nature that would harm the rural character and appearance of the local area. There is no persuasive evidence that the enterprise could not be relocated or that the development would make a significant contribution to the local economy which would outweigh the adverse impact on the rural environment and road safety. There would therefore be no policy support for the development under Policy PED 3 of PPS 4.
24. The appeal is therefore not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. Policy CTY 1 also states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. The arguments presented, individually or cumulatively, do not amount to overriding reasons why the development is essential and needs to be located at this rural location. I conclude that the proposal is unacceptable in principle and contrary to Policy CTY 1 of PPS 21. Accordingly, the first reason for refusal and the objection to criterion (a) of Policy PED 9 is sustained.

25. It was argued that it defeats the purpose of a temporary proposal if it is required to meet the policy requirements for a permanent development. However, it has been judged that the appellant's circumstances do not warrant the granting of the development even on a temporary basis. As the first, second, fourth, fifth and sixth reasons for refusal are sustained, the appeal must fail.

This decision is based on the following drawings:-

Drawing 01 1:2500 site location plan dated received by the planning authority on 24th March 2017

Drawing 02 Rev 1 1:500 site layout dated received by the planning authority on 23rd August 2017

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority
(Newry, Mourne and Down District Council):-

DfI Roads

Appellant (East Coast Coaches):-

Ms Jacqueline McParland
Ms Lisa Grant
Mr Ronan Loughlin

Mr Patrick Connolly
Mr Sean Connolly
Mr Colin O'Callaghan
(O'Callaghan Planning-
Agent)

List of Documents

Planning Authority
(Newry, Mourne and Down District Council):-

Appellant (O'Callaghan Planning-Agent):-

Statement of Case (PA 1)

Statement of Case (A 1)



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

69

Appeal Reference:	2017/A0178
Appeal by:	Mr Walter Watson.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of a replacement dwelling and detached garage.
Location:	4 Drumnaquoile Road, Castlewellan.
Planning Authority:	Comhairle Ceantair an Lúir, Mhúrn agus an Dúin - Newry, Mourne and Down District Council.
Application Reference:	LA07/2017/0786/F
Procedure:	Written representations and Commissioner's site visit on 27 th September 2018.
Decision by:	Commissioner Damien Hannon, dated 5 th November 2018.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether it would have an adverse impact on the setting of a listed building.
3. The appeal site lies within the open countryside, outside any settlement development limit, as designated in the Ards and Down Area Plan 2015 (ADAP), which operates as the relevant Local Development Plan (LDP). The LDP however, contains no provisions specific to proposals for replacement dwellings in the countryside.
4. The relevant policy context is provided by Planning Policy Statement 21- Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage (PPS 6) and the Strategic Planning Policy Statement for Northern Ireland (SPPS). No conflict arises between the provisions of PPS 21 and the SPPS in respect of issues raised by this appeal.
5. 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 would contribute to the aims of sustainable development. The appellant

argued that the proposal was acceptable as replacement dwelling in accordance with Policy CTY 3.

6. The appeal site encompasses a group of buildings, set within an agricultural field and located some 50m to the east of Drumnaquoile Road. The group, set in an 'L' shaped formation, comprises a cottage, a two storey stone barn and a more recently constructed lean to, corner structure, linking the other two buildings.
7. Policy CTY3 sets out the circumstances whereby permission will be granted for the replacement of an existing dwelling in the countryside. It states that the retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside, will be encouraged in preference to their replacement. The policy however, also states that permission for a new dwelling will be granted if the existing dwelling does not make an important contribution to the heritage, appearance or character of the locality.
8. Although currently vacant, the existing structures represent a good example of a small scale farm group dating in part back to 1860's. The cottage is of more recent construction (Post 1925). Nonetheless, with its linear form, simple design, modest dimensions, pitched roof and chimney along the ridge line, this cottage, while not listed, is nonetheless of vernacular design. However, with picture windows in its front elevation, rendered walls and a corrugated iron roof, the existing dwelling has an unremarkable appearance, is of limited architectural merit and in my view does not make an important contribution to the heritage, appearance or character of the locality.
9. Policy CTY3 states that in such cases, the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme. The proposal however, does not seek retention of any of the buildings on the site. Providing the existing buildings are removed and an appropriate landscaping scheme secured by condition, no objection was raised in respect of the design of the proposed dwelling which incorporates the use of natural slate roofing and a combination of white render and stone clad walls. In these circumstances therefore, I conclude that the proposal constitutes the acceptable replacement of a non-listed vernacular dwelling in the countryside in accordance with Policy CTY 3 and therefore Policy CTY 1 of PPS 21. The council's objection to the proposal in principle and its first reason for refusal, based on policies CTY 1 and CTY 3 of PPS 21 and the SPPS is not sustained.
10. The council raised objection on the grounds that the proposal would adversely affect the setting of a nearby listed building, namely No. 2 Drumnaquoile Road 'Kinelarty'. Policy BH 11 of PPS 6 states that development which would adversely affect the setting of a listed building will not normally be permitted.
11. Kinelarty is a 1½-storey, two bay, water attendants dwelling incorporating the use of contrasting yellow bricks in its detailing. It is located fronting the Drumnaquoile Road at a point some 90m south east of the appeal site. Kinelarty is a dwelling situated within its defined curtilage and separated from

the appeal site by a field. Although both Kinelarty and the appeal group are intervisible from the road, I do not regard the appeal group as in any way essential to character, design or function of the listed building. In these circumstances I do not consider the appeal site and its buildings to form part of the settling of Kinelarty. The Council's objection on the grounds that the development would adversely affect the setting of a listed building is not well founded and its second reason for refusal based on Policy BH 11 of PPS 6 is not sustained.

12. In the absence of sustained objection the appeal succeeds and planning permission is granted.

Conditions

- (1) The development shall be begun before the expiration of five years from the date of this permission.
- (2) The landscaping scheme involving retention of existing hawthorn hedging along the laneway and roadside boundary together with new planting as indicated on the 1:500 scale Site Plan received by the council on 30th August 2017 and numbered 02 by them, shall be implemented prior to occupation of the dwelling and shall be permanently retained. Trees or shrubs dying, removed or becoming seriously damaged shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.
- (3) The dwelling and outbuildings, indicated for removal on the 1:500 scale Site Plan received by the council on 30th August 2017 and numbered 02 by them shall be demolished and all resultant rubble removed from the site prior to the commencement of any development.

This decision approves the following drawings:-

1:250 Scale Location Map received by the council on 23 May 2017 and numbered 01 by them.

1:500 scale Site Plan received by the council on 30th August 2017 and numbered 02 by them.

1:50 scale Elevations received by the council on 30th August 2017 and numbered 03 by them.

1:50 scale Floor Plans received by the council on 30th August 2017 and numbered 04 by them.

1:50 scale Garage Plans received by the council on 30th August 2017 and numbered 06 by them.

COMMISSIONER DAMIEN HANNON

2017/A0178

List of Documents

Planning Authority:-	COU 1	Statement of Case
Appellant:-	APP 1 APP 2	Statement of Case Comments

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

73

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

Newry, Mourne & Down District Council – October 2018

1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231
August	114	913	244
September	141	958	263
October	168	971	272

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	914
May	506	193	78	33	106	916
June	483	201	84	33	108	909
July	540	189	90	34	107	960
August	482	187	99	34	111	913
September	511	184	108	45	110	958
October	529	170	114	46	112	971

Newry, Mourne & Down District Council – October 2018

75

3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51
August	48
September	56
October	61

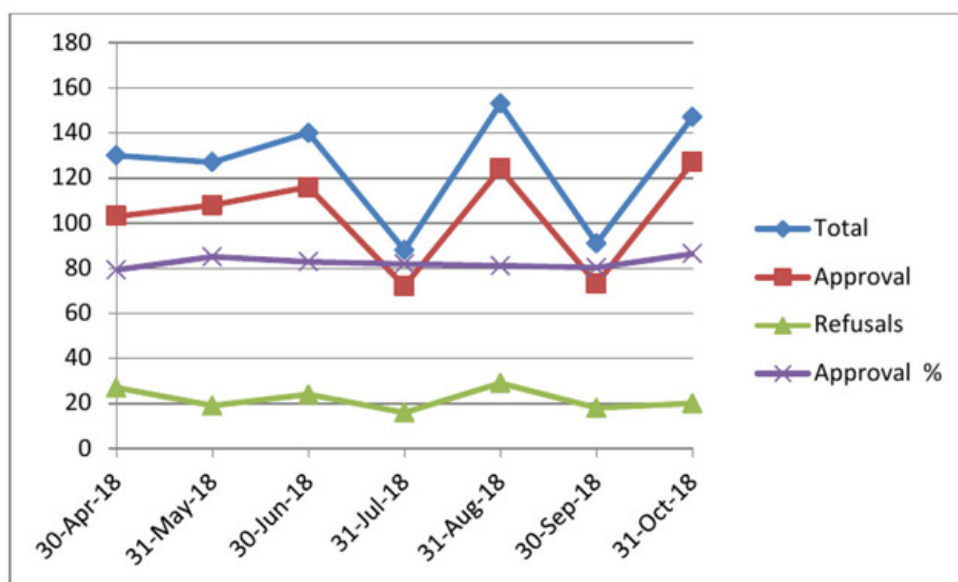
4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83
October	147	141

Newry, Mourne & Down District Council – October 2018

5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%
September	729	Approvals (596)	82%
		Refusals (133)	18%
October	876	Approvals (723)	83%
		Refusals (153)	17%



Newry, Mourne & Down District Council – October 2018

77

6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970
August	365	246	110	85	73	150	1,029
September	373	250	125	81	76	156	1,061
October	389	239	142	77	80	160	1,087

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
24 October 2018	13	4	9
Totals	121	65	56

8. Appeals

Planning Appeal Commission Decisions issued during September 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	17	5	0	3	2
Down	7	3	1	1	1
TOTAL	24	8	1	4	3

Newry, Mourne & Down District Council – October 2018

78

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

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	50	6	170.2	66.7%
May	0	2	67.3	0.0%	115	118	16.9	43.2%	51	14	48.3	64.3%
June	1	1	20.2	100.0%	135	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	109	81	15.2	49.4%	39	6	61.9	66.7%
August	0	-	0.0	0.0%	111	136	15.6	47.8%	39	5	34.6	80.0%
September	0	-	0.0	0.0%	117	82	14.9	50.0%	34	3	105.8	33.3%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	1	5	48.6	20.0%	687	658	15.4	48.6%	262	59	52.0	62.7%

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 an application is deemed valid to the date on which the decision is issued or the application is withdrawn that may not be considered as "typical".

Newry, Mourne & Down District Council – October 2018

79

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 values and then taking the data point at the 70th percentile of the sequence.*

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	20 th November 2018
Subject:	Bus Shelter Ballymacarn Road, Spa, Ballynahinch
Reporting Officer (Including Job Title):	Kevin Scullion, Assistant Director Facilities Management & Maintenance
Contact Officer (Including Job Title):	Gail Kane, Head of Facilities Management

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

For decision	<input checked="" type="checkbox"/>	For noting only	<input type="checkbox"/>
---------------------	-------------------------------------	------------------------	--------------------------

1.0	Purpose and Background
1.1	Members are asked to note the contents of the report, and consider and agree to: - Give authority for the Bus Shelter at Ballymacarn Road, Spa, Ballynahinch to be relocated should Planning conditions request same.
1.2	Request has been received from James Rice & Co Solicitors on behalf of their Client Alan McCoubrey, to relocate the Bus Shelter located at Ballymacarn Road, Spa, Ballynahinch, in order to comply with planning conditions as part of his proposed application to erect new dwellings and garages.
2.0	Key issues
2.1	An application was received by council's Planning Department for the erection of new dwellings and garages east of No. 71 Dunmore Road, Spa, Ballynahinch.
2.2	In order to comply with planning permission conditions as part of this application, Planning Service have advised "The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted." The applicant has advised that in order to comply with the above condition the Bus Shelter is required to be removed.
2.3	The current Bus Shelter at this location is a block built shelter and therefore is unable to be relocated. Relocation of this Bus Shelter would entail knocking down of the old Bus Shelter and erection of a new Bus Shelter. Information has been obtained from Translink, who have advised that this Bus Shelter is not on a designated bus route. Translink have however confirmed it is used by Newcastle and Ballynahinch school bus services. Contact has been made with the Education Authority to confirm this. However, no reply has been received

	<p>to date.</p> <p>Contact has also been made with DFI in order to seek advice on this proposed relocation. A reply has not yet been received from DFI.</p>
3.0	Recommendations
3.1	In principle Council agree to the removal of this Bus Shelter to allow this development to proceed subject to satisfactory proof that this is indeed a planning requirement. Should the Bus Shelter be removed then its replacement will be subject to the new site meeting the requirements of Council Bus Shelter Policy.
4.0	Resource implications
4.1	Budget – Approximately £4000 to erect a new Bus Shelter. However replacement will depend on continuing need.
5.0	Equality and good relations implications
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
6.0	Rural Proofing implications
6.1	Due regard to rural needs has been considered.
7.0	Appendices
	Bus Shelter Policy

Newry, Mourne and Down District Council *Bus Shelter Policy* Bus Shelter Policy 2015 Version 1.3

1. Title

Bus Shelter Policy

2. Statement

Newry, Mourne and Down District Council ("the Council") is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department of Regional Development to erect and maintain on any road within the District, shelters for the protection from the weather of persons waiting to enter public service vehicles.

Council will erect a bus shelter following local representations where there is shown to be a "**need**", providing the location does not present a safety or nuisance problem and adequate funding is available.

Bus shelters are provided, particularly for those who have to use public services who may have to stand out in inclement weather.

Relocation of bus shelter should only take place as a result of either road realignment or the bus companies relocating their bus stops. However, it is recognised that from time to time individual requests may arise for relocation of bus shelters and these will be considered by Council on a case by case basis.

3. Aim

The aim of this policy is to ensure the Council is consistent in the application of processes to consider the provision of Bus Shelters.

4. Scope.

This Policy applies to the erection or removal of bus shelters by Newry, Mourne and Down District Council.

The Policy applies to all those who are involved in the erection and removal of bus shelters by Newry, Mourne and Down District Council (including but not limited to employees, agency staff, elected members, other public representatives, contractors, agents, consultants, servants of the Council.) All parties referred to above are responsible for complying with the Council's Bus Shelter Policy and Procedures. Non-compliance with the Council's policy and procedures may result in the Council breaching its' legal obligations.

5. Related Policies/Legislation

The Local Government Miscellaneous Provisions (NI) Order 1985

6. Definitions

“Need” will be defined as the usage being a minimum of 20 passengers over the period of a day in urban areas and 10 passengers over the period of a day in rural areas.

This information must be confirmed by Translink or other recognised service provider such as the relevant Education Board (e.g. SELB).

7. Policy Owner

Facilities Management and Maintenance Department

8. Contact details in regard of this policy are:

Kevin Scullion, Assistant Director: Facilities Management and Maintenance

9. Policy Authorisation

MT Authorised on - Not applicable

Development Committee Authorised on 19th August 2015

Council Authorised on 7th September 2015

10. Policy Effective Date 7th September 2015

11. Policy Review Date

The policy will be revised together with any wider strategic review of assets but not more 4 years from adoption.

12. Procedures

Procedures for must be adhered to in the delivery of this Policy.

13. Equality Impact Assessment

While the Council will equality screen the Bus Shelter Policy, at this stage of development it is not envisaged it will be required to be subject to an equality impact assessment.

Bus Shelter Installation and Removal Procedures January 2015 Page 1

**Newry, Mourne and Down District Council
Procedures for Erection/Removal of Bus Shelters
MUST be read in conjunction with Policy for Bus Shelters**

Bus Shelter Installation and Removal Procedures January 2015 Page 2

1.0 Background

Bus shelters are provided particularly for those who have to use public services and may have to stand out in inclement weather.

Council will provide a bus shelter where there is shown to be a need, providing the location does not present a safety or nuisance problem and adequate funding is available.

Relocation of bus shelter should only take place as a result of either road realignment or the bus companies relocating their bus stops. However, it is recognised that from time to time individual requests may arise for relocation of bus shelters and these will be considered by Council on a case by case basis.

2.0 Procedures for approval/rejection of application to install a bus shelter

Council will not actively seek to install Bus Shelters.

Consideration will be given to the provision of Bus Shelters on the basis of local representations.

All requests for Bus Shelters will be recorded and dated on receipt and provision will be on a first come basis (subject to budget availability).

Need will be established through liaison with Translink or other recognised service provider, such as the relevant Education Board (e.g. SELB), and written confirmation of usage numbers. Usage must be a minimum of 20 passengers over the period of a day in urban locations and 10 passengers over the period of a day in rural locations.

DRD Roads Service and PSNI traffic branch will be consulted on traffic matters associated with the proposed location. There **MUST** be no objections from DRD Roads Service or PSNI traffic branch.

Owners of property within a 50metre radius to the bus stop will be consulted on the installation of the shelter, including the type of shelter. (This will be determined via mapping on the Council Geographic Information System.)

A bus shelter will not be erected if one third or more of home owners/tenants in the vicinity (50 meters radius) confirm in writing that they object to the shelter being located as proposed . Once refused a request may not be reconsidered for a further 12 month period from the original decision.

3.0 Installation and purchase of bus shelters

The Council will endeavour to provide good quality, comfortable bus shelters, purchased in accordance with Public Sector procurement guidance. Where appropriate, they will endeavour to have bus shelters erected free of charge, other than services by Adshel. Council will consider, in Conservation Areas, the erection of shelters in keeping with the area but the cost of such shelters excluding erection and servicing costs shall not exceed £5,000.

4.0 Demolition or relocation

This will be referred to the relevant Committee for a decision.

Where a bus shelter has ceased to be used as indicated by returns from Translink or other service provider such as the relevant Education Board (e.g.SELB), this will give rise to the possibility of removing the shelter.

Where a shelter is removed the Council will leave the site in a tidy and safe manner.

“The Council reserves the right to remove any bus shelter and in reaching such a decision will take into account all relevant information and may consult with such bodies/groups/individuals, as it considers necessary”.

Report to:	RTS Committee
Date of Meeting:	20 November 2018
Subject:	Review of Operations at Household Recycling Centres
Reporting Officer (Including Job Title):	Liam Dinsmore Head of Waste Processing
Contact Officer (Including Job Title):	Liam Dinsmore Head of Waste Processing

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

For decision	<input checked="" type="checkbox"/>	For noting only	<input type="checkbox"/>
---------------------	-------------------------------------	------------------------	--------------------------

1.0	Purpose and Background				
1.1	Purpose of the Report is to inform Members as to progress relating to Review for operations and receipting of wastes at Household Recycling Centres (HRC) and to seek Members approval to the main aspects relating to the implementation of the Review.				
2.0	Key issues				
2.1	<p>The Council currently operates 10 no. HRC's throughout the Council District, 7 no at Newry Legacy and 3 no at Downpatrick Legacy. Council is currently upgrading its centre at Downpatrick, to provide a modern flagship facility.</p> <p>Different entrance and receipting policies apply at centres within the two Legacy areas.</p> <p>Throughput of waste for disposal at the centres is as detailed ;</p> <table border="1"> <tr> <td>Newry Legacy</td> <td>2730 tonnes p.a.</td> </tr> <tr> <td>Downpatrick Legacy</td> <td>4390 tonnes p.a.</td> </tr> </table> <p>The Waste and Contaminated Land (Northern Ireland) Order 1997 prescribes that:</p> <p>The District Council shall make arrangements for the provision of places at which persons may deposit their household waste at all reasonable times free of charge and for the disposal of wastes so deposited.</p> <p>Subsequent Legislation , The Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013,defined wastes as Household , Commercial and Industrial Waste classifications.</p> <p>The HRC sites provide an important outlet for the receipting of household wastes and as approximately 25% of wastes collected by the Council are received at these centres, their management forms an important aspect of the Councils Strategy</p>	Newry Legacy	2730 tonnes p.a.	Downpatrick Legacy	4390 tonnes p.a.
Newry Legacy	2730 tonnes p.a.				
Downpatrick Legacy	4390 tonnes p.a.				

	<p>with respect to Waste Management.</p> <p>Officers have identified a key number of issues to be addressed within a Review for the centres, including:</p> <ul style="list-style-type: none"> *Entrance policies and restrictions *Restriction/Ban on unsorted black bag wastes *Restriction/Ban on access for large vans *daily restriction on waste received *Type/ number materials to be received *location for Commercial Centres/rationale for Commercial Centres *policy regarding receipting of Commercial wastes and charges *locations and numbers of centres *Centre opening times *Costs associated with the servicing of centres *staffing levels at centres *protocols to apply at centres e.g. meet and greet *communications: centre signage /leaflets /web-site and social media etc. *CCTV policies at centres *safe-guarding for centre staff *re-use systems to apply at centres *scavenging policy * staff training *access by charitable organisations *receipting of garden wastes from householders and garden contractors. <p>Council Officers have liaised with WRAP and Eunomia as part of a NI HRC review for centres, to seek to agree common practices for all centres .This review is on-going. DAERA are also releasing a small communications grant for HRC communications in December 2018.</p> <p>Misuse for the centres has potential cost considerations to the Council and as such Review will undertake to provide detailed guidelines and systems for the proper operation of the centres, with a single operational protocol to apply for all centres, widely communicated and consistently applied.</p> <p>A perception currently exists that centres are 'dumps', the intent is that the centres are established as household recycling centres to which only household wastes may be brought for recycling.</p> <p>Overall issue is that waste received at the Councils HRC's is being placed into the general waste stream. It is considered that by improving entrance and receipting policies and procedures at the centres, there will be benefit to the Council, both financially and in achieving the statutory 2020 50% recycling rate.</p>
<p>3.0</p>	<p>Recommendations</p>
<p>3.1</p>	<p>1. It is recommended that Officers do finalise a Review for HRC's to meet the Key Issues, above. Target for completion by end Q3.</p> <p>2.In anticipation that savings will be achieved through a better distribution of wastes at the centres and better control of wastes as received , that appropriate</p>

	<p>target reduction be made to Rates Estimates.</p> <p>3. Recommendations: To facilitate the completion and scope of the Report , It is recommended that Council do consider and approve the principles :</p> <p>(a) Council to continue to accept Commercial Wastes (at a limited number of sites), details to be provided at centres to be proposed in the Review Report, with appropriate controls to be identified.</p> <p>(b)Report to make recommendations relating to opening hours and staffing levels to be achieved at no additional cost.</p> <p>(c)Recommendations to ensure that waste receipting protocols are harmonised across the Council District.</p> <p>(d)Appropriate safeguarding practices be adopted to ensure the principle of a 'safe place of work' for centre staff, including the consideration of a 'barring policy' for centre users who do not adhere to centre protocols relating to conduct and the receipt of waste.</p> <p>(e) Consideration to be made to amend Centre Licence to accept rubble to amount at 25 kgs in accordance with definition of Household Waste.</p> <p>(f) Proposals to be brought forward to provide clarity in respect of wastes received from charities and other groups.</p> <p>(g)In recognition as to significant Communications Strategy required, Officers to work with WRAP, to seek to secure funding for costs of such campaign.</p> <p>Consideration to also be given to better communicate and to rebrand the centres as 'Household recycling centres.'</p>
4.0	Resource implications
4.1	<p>It is considered that no additional costs will apply other than Capital Provision at £100,000 proposed to Rates Estimates , for necessary site infrastructure.</p> <p>A small communications budget will be proposed to Rates Estimates with bid from Central Government for match funding.</p> <p>Staff adjustments and gradings to be achieved at nil additional cost, with any costs to be self-financing.</p>
5.0	Equality and good relations implications
5.1	None anticipate but will be addressed at Final Report
6.0	Rural Proofing implications
6.1	None anticipated but will be addressed at Final Report
7.0	Appendices
	Appendix 1: Report on Waste from Household Recycling Centres
8.0	<p>Background Documents</p> <p>1. Strategy Waste Strategy, Newry Mourne and Down District Council; August 2018.</p> <p>2.WRAP Guide: Household Waste Recycling Centre(HWRC Guide)</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p>

Background papers which are defined as those documents relating to the subject matter of a report which:

- a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and*
- b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.*

These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.

Report to:	Regulatory and Technical Services Committee
Date of Meeting:	20 November 2018
Subject:	Re-profiling of Capital Budget(2018/19): Waste Management Budget
Reporting Officer (Including Job Title):	Liam Dinsmore: Head of Waste Processing
Contact Officer (Including Job Title):	Roland Moore: Director of Neighbourhood Services

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

For decision	x	For noting only	

1.0	Purpose and Background																		
1.1	<p>Officers have reviewed the Capital Provision relating to the current Rates Estimates, with some re-profiling necessary to reflect changes as are necessary to meet current requirements and to better describe where costs have been assigned.</p> <p>Provision as has been made includes the following :</p> <table border="1"> <thead> <tr> <th>Project Description</th> <th>Amount (£) provided</th> </tr> </thead> <tbody> <tr> <td>Drumanakelly Transfer Station and Drumanakelly Restoration Works</td> <td>678,000</td> </tr> </tbody> </table>	Project Description	Amount (£) provided	Drumanakelly Transfer Station and Drumanakelly Restoration Works	678,000														
Project Description	Amount (£) provided																		
Drumanakelly Transfer Station and Drumanakelly Restoration Works	678,000																		
2.0	Key issues																		
2.1	<p>Anticipated actual spend requirements for additional projects is as detailed below with rationale and anticipated cost (£). Works are estimated amounts.</p> <table border="1"> <thead> <tr> <th>Project Description</th> <th>Rationale</th> <th>Spend (£)</th> </tr> </thead> <tbody> <tr> <td>Complete Capping at Drumanakelly</td> <td>Final Capping now complete .Specific Capping budget at £278,000 had been assigned with balance to be re-profiled</td> <td>421,000</td> </tr> <tr> <td>Automate Weighbridge at Drumanakelly</td> <td>Release staff to undertake additional duties at Aughnagun closed landfill.</td> <td>25,000</td> </tr> <tr> <td>Install new drainage at Warrenpoint HRC, to meet Consent for Discharge requirements.</td> <td>Drainage silting up and to eliminate any potential for discharger from site to storm drain.</td> <td>20,000</td> </tr> <tr> <td>Upgrade Compactors at HRC'S</td> <td>Replacement of stock and shot-blast and refurbish as required</td> <td>100,000</td> </tr> <tr> <td>Various works at HRCs to</td> <td>Revised entrance and</td> <td>75,000</td> </tr> </tbody> </table>	Project Description	Rationale	Spend (£)	Complete Capping at Drumanakelly	Final Capping now complete .Specific Capping budget at £278,000 had been assigned with balance to be re-profiled	421,000	Automate Weighbridge at Drumanakelly	Release staff to undertake additional duties at Aughnagun closed landfill.	25,000	Install new drainage at Warrenpoint HRC, to meet Consent for Discharge requirements.	Drainage silting up and to eliminate any potential for discharger from site to storm drain.	20,000	Upgrade Compactors at HRC'S	Replacement of stock and shot-blast and refurbish as required	100,000	Various works at HRCs to	Revised entrance and	75,000
Project Description	Rationale	Spend (£)																	
Complete Capping at Drumanakelly	Final Capping now complete .Specific Capping budget at £278,000 had been assigned with balance to be re-profiled	421,000																	
Automate Weighbridge at Drumanakelly	Release staff to undertake additional duties at Aughnagun closed landfill.	25,000																	
Install new drainage at Warrenpoint HRC, to meet Consent for Discharge requirements.	Drainage silting up and to eliminate any potential for discharger from site to storm drain.	20,000																	
Upgrade Compactors at HRC'S	Replacement of stock and shot-blast and refurbish as required	100,000																	
Various works at HRCs to	Revised entrance and	75,000																	

	address anticipated implementation of a new HRC Policy e.g. cctv, barriers ,walkways, etc.	usage policy and Health and Safety upgrades	
	Purchase of Fleet Software	Fleet Management System	20000
	Purchase of HRC software	Weighbridge Management and site management	20000
		Total	681,000
3.0	Recommendations		
3.1	It is recommended that budget be re-profiled to accommodate the Projects as detailed above, within the current Rates Capital Project Budget.		
4.0	Resource implications		
4.1	Final costs are not available for projects as detailed but is anticipated that re-profiling will be cost neutral.		
5.0	Equality and good relations implications		
5.1	None anticipated		
6.0	Rural Proofing implications		
6.1	None anticipated		
7.0	Appendices		
	None		
8.0	<p>Background Documents</p> <p>Capital Rates Programme Planning 2017-2020.</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i> <i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>		

Southern Division

Mr. R Moore
Director of Neighbourhood Services(Acting)
Newry, Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Marlborough House
Central Way
Craigavon
BT64 1AD

Tel: 0300 200 7892
E-mail:
DFIRoads.Southern@infrastructure-
ni.gov.uk

Your Ref:
Our Ref: MT 87810-18

Date : 30 October 2018

Dear Mr. Moore,

Thank you for your letter dated 10 October 2018 regarding weed spraying in the Newry, Mourne and Down area.

You will be aware from earlier correspondence that weed spraying in the Newry, Mourne and Down area took place during June and August, however, contractual difficulties and unfavourable weather conditions delayed this work and progress was slower than expected. Following discussions with our contractor weed spraying recommenced on 22 October 2018 with additional resources being provided to speed up completion.

Work is expected to be completed by the end of October/early November, however, this will be dependent on weather conditions as dry, calm conditions are required for spraying to be fully effective.

Areas sprayed will be reviewed for effectiveness a short time after completion and any additional spraying required will be carried out at that time.

I hope you find this reply helpful

Yours sincerely



J A HAMILTON
Network Maintenance Manager

HISTORIC**ACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING****20 November 2018**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		RTS MEETING – 18 MAY 2016			
RTS/78/2016	Council Public Amenity Space near the Council public toilets at Castlewellan		K Scullion	It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated.	N
		RTS MEETING – 9 DECEMBER 2015			
RTS/142/2015	Old Furniture at Council Recycling Sites	Council adopt a policy that people leaving old furniture at Council amenity sites be given the opportunity to donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.	J Parkes/L Dinsmore	Expressions of Interest, Phase 1 has been completed with 9 returns received. Phase 2 of process will now commence with returns to be received by end of December 2018	N