



June 20th, 2016

**Notice Of Meeting**

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 22nd June 2016 at 5:00 pm** in **the Boardroom, Monaghan Row, Newry.**

**The Committee Members are:**

**Chair:** Councillor R Mulgrew

**Vice:** Councillor T Andrews

**Members:**

- Councillor S Burns
- Councillor C Casey
- Councillor G Craig
- Councillor D Curran
- Councillor G Fitzpatrick
- Councillor V Harte
- Councillor D Hyland
- Councillor J Macauley
- Councillor P O'Gribin
- Councillor G Stokes
- Councillor D Taylor
- Councillor J Tinnelly
- Councillor J Trainor

# Agenda

1. **Apologies and Chairperson's Remarks.**

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*Committee Business*

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2. **Declarations of conflicts of interest.**
3. **Action Sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 18 May 2016. (Attached).**

*ACTION SHEET - 18 May 2016.pdf*

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4. **Times of future Committee Meetings.**

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*For Consideration and/or Decision - Building Control*

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5. **Report re: Dilapidated/Dangerous Structures and Neglected Sites Legislation. (Attached).**

*Dilapidated Buildings.pdf*

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*For Consideration and/or Decision - Planning*

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6. **Planning Department Performance Indicators - May 2016. (Attached).**

*Planning Performance Report.pdf*

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7. **Record of Meetings between Planning Officers and Public Representatives as requested. (Attached).**

*Record of Mtgs between Planning Officers & Public Reps.pdf*

*Page 18*

**8. Current Appeals - May 2016. (Attached).**

[May 16 Current Appeals.pdf](#)

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**9. Report re: DoE Consultation on Permitted Development Rights. (Attached).**

[DOE Consultation on Permitted Development Rights.pdf](#)

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*For Consideration and/or Decision - Facilities Management and Maintenance*

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**10. Report on bus shelter requests. (Attached).**

[Report on Bus Shelter Requests June 16.pdf](#)

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*For Noting*

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**11. List of buildings of Special Architectural or Historic Interest in the Newry, Mourne and Down District Council. (Attached).**

[Historic Buildings.pdf](#)

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**12. arc21 Joint Committee Members Monthly Bulletin May 2016. (Attached).**

[JC012-19May16-Members' Bulletin.pdf](#)

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**13. arc21 Joint Committee Meeting Minutes Thursday 7 April 2016. (Attached).**

[arc21 Joint Committee Minutes 070416.pdf](#)

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**14. Report re: extension to the file storage and retrieval contract for Planning files. (Attached).**

[Extension of IM Contract for Planning Files.pdf](#)

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**ACTION SHEET – REGULATORY & TECHNICAL SERVICES COMMITTEE – WEDNESDAY 18 MAY 2016**

<b>AGENDA ITEM</b>	<b>SUBJECT</b>	<b>DECISION</b>	<b>FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed</b>
RTS/70/2016	Letter of congratulations	<b>Councillor Andrews extended his congratulations to former Councillors Harold McKee and Colin McGrath on their election as MLAs. He asked that a letter of congratulations be sent to the MLAs from this Council area who had been successful in the recent Stormont elections</b>	Letter sent - completed
RTS/73/2016	RTS Business Plan – purchase of replacement refuse vehicles	<b>Note the Regulatory and Technical Services Business Plan as circulated and also the update from Mr C O'Rourke that 8 No. replacement refuse vehicles would be purchased in the 2016/2017 financial year.</b>	8 RCV's now out to tender
RTS/76/2016	Trees at Kilbroney Municipal Cemetery, Rostrevor	<b>Agreed to refuse with regret a request for the removal of 10 silver birch trees which lie along the boundary line between Kilbroney Old Cemetery and the Council's Municipal Cemetery.</b>	Working Progress
RTS/77/2016	Additional off -road car parking at Kilbroney Municipal Cemetery Rostrevor	<b>Agreed officers undertake a feasibility study into a request to provide additional off street car parking at Kilbroney Municipal Cemetery, Rostrevor, and as part of the study to</b>	Working Progress



		<b>consider the best use of the piece of ground identified for possible parking as opposed to using the greenfield site.</b>	
RTS/78/2016	Council Public Amenity Space near the Council public toilets at Castlewellan	<p><b>Agreed officers investigate options for securing the amenity space near the Council public toilets in Castlewellan and report back to the Committee.</b></p> <p><b>Also agreed officers investigate what happened to the bangor blue slates which had been on the roof of the building recently renovated and report back to the Committee.</b></p>	Working Progress
RTS/79/2016	Arc21 Updated Standing Orders	<b>Agreed to adopt the arc21 updated Standing Orders as circulated.</b>	Completed
RTS/80/2016	Licencing Report - dog kennelling contract; tender process for dog holding facility and street nameplates and the delay in supply of street nameplates.	<b>Agreed to note the above report.</b>	Completed
RTS/83/2016	NMD arc 21 Membership Payments	<b>Agreed to note the above report.</b>	

RTS/86/2016	Anti-Litter Meeting – 8 April 2016	<b>Agreed to approve the above Minutes and recommendations.</b>	Completed, next meeting 17/6/16
RTS/87/2016	Tender for final capping at Drumanakelly Landfill Site	<b>Agreed to grant permission to tender for the final capping at Drumanakelly Landfill Site.</b>	Reviewing Tender requirement, which may require two phase operation
RTS/88/2016	Dog fouling bins and street cleansing schedule	<p><b>Agreed officials investigate the provision of additional dog fouling bins at Carlisle Park/Piney Hill Ballynahinch.</b></p> <p><b>Agreed officials investigate increasing the street cleansing at Riverside Walk Ballynahinch to a weekly cleanse, given that anti-social behaviour was taking place at this location, resulting in a lot of broken glass.</b></p> <p><b>It was also agreed officials contact Clanmil Housing Association who were developing housing at this location, to make them aware of the anti-social behaviour which was occurring and to see if they would consider installing CCTV on their premises in an attempt to stop these activities.</b></p>	<p>Assessing dog fouling bin requirements in this area.</p> <p>Monitoring area to address any litter problems.</p> <p>Ongoing.</p>
<b>END</b>			

<b>Report to:</b>	<i>Regulatory and Technical Services Committee</i>
<b>Subject:</b>	<i>Department of Agriculture, Environment and Rural Affairs <b>Policy Consultation</b> on the review of <b>"Dilapidated / dangerous structures &amp; neglected sites legislation"</b></i>
<b>Date:</b>	<i>09 June 2016</i>
<b>Reporting Officer:</b>	<i>Mr Joseph Birt, Specialist Support Officer, Building Control &amp; Licensing</i>
<b>Contact Officer:</b>	<i>Mr Joseph Birt - <a href="mailto:joseph.birt@nmandd.org">joseph.birt@nmandd.org</a></i>

### **Decisions Required**

*That the Committee **Approves the draft response** to the public consultation and **agree** it is returned to the Department of Agriculture, Environment and Rural Affairs on behalf of the Council, prior to the closing date of 30 June 2016.*

## **1.0 Purpose & Background**

- 1.1 Historically, both former Councils have lobbied the responsible Departments, seeking a fundamental review of the legislation pertaining to dangerous and dilapidated buildings.

Members are reminded, some of the legislation currently available to Building Control to deal with dangerous structures dates back to 1847, the time of the Great Famine in Ireland.

## **2.0 Key Issues**

- 2.1 It has been the experience of Councils in the application of the existing legislation, gaps, inconsistencies and weaknesses exist, which can prevent Councils on occasion, from dealing with matters effectively and efficiently.
- 2.2 DoE Officials have been working closely with Council Officers in order to undertake a review of the key issues and weaknesses with the current legislative framework. They have also reviewed the legislation available to Local Authorities in other neighbouring jurisdictions.
- 2.3 This 'Policy Consultation' is intended to capture the views of the key stakeholders, which will in turn, shape the scope of any draft legislation

which the Minister of Agriculture, Environment and Rural Affairs would bring forward in the future.

### 3.0 Policy Proposal

3.1 We are pleased to advise the proposals contained within the Policy proposal paper are broadly in line with the representation made to the former Councils. While the paper does not contain any specific details of the future legislation, we are pleased that the Policy context as set out in the proposal paper does deal with the major issues which currently vex and frustrate Councils. These include:

- 3.1.1 more robust cost recovery provisions for Councils, to recover the cost they incur in dealing with dangerous/ dilapidated buildings;
- 3.1.2 wider powers, similar to those available to local authorities in England and Wales;
- 3.1.3 modernising the antiquated, and streamlining the disparate legislative regimes with enhanced clarity for practitioners and property owners alike;
- 3.1.4 any new or amended legislation should properly address heritage issues and be more proactive, allowing action to be taken at a much earlier stage, thereby preventing avoidable decay in important buildings.

3.2 The above matters are discussed in the Policy proposal paper, and the Council response (attached), is in support of the Minister of Agriculture, Environment and Rural Affairs taking forward these themes in the development of any new legislation.

### 4.0 Officers Recommendation:

The Committee for Regulatory and Technical Services are asked to approve the draft response to the public consultation (at Appendix 1) and agree it is returned to the Department of Agriculture, Environment and Rural Affairs on behalf of the Council.

The response date is 30 June 2016. Full details of the consultation can be accessed on the DOE website at <https://www.doeni.gov.uk/consultations/dilapidated-dangerous-buildings-neglected-sites-policy>

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Mr Joseph Birt  
Specialist Support Officer – Building Control & Licensing  
Regulatory and Technical Services



**APPENDIX 1****Draft Response, on behalf of Newry, Mourne and Down District Council**

**QUESTION 1: Do you agree that Option 4 should be the preferred option? If not, please indicate your preferred option and the reasons for that preference.**

Newry, Mourne and Down District Council agrees that Option 4, a Bill to introduce a new broader regime dealing with dilapidated / dangerous structures, neglected sites and a range of visual amenity issues should be the preferred option. The existing legislation in respect of Dangerous structures is antiquated, piecemeal and cumbersome.

The existing legislation can also result in duplication and has commonality with other pieces of similar legislation. Despite this anomalies exist which can mean in certain cases, the councils are powerless to act. This makes effective and efficient administration very difficult for all officers involved.

In respect of Par. 6.22, Newry, Mourne and Down District Council believe in order for this to be implemented consistently across Northern Ireland option (c) is preferred, providing both additional powers and a duty to take appropriate action.

In response to Para 6.24, Council would advise when considering the issue of funding, consideration be given to the importance of such measures; this is borne out by a fatality in Portstewart connected to a derelict building (despite a proactive approach to dealing with dilapidations by Council). The fact remains that many derelict buildings are illegally entered. Poorly maintained buildings can also put NIFRS staff at risk when attending fires;

In response to Para 6.26, Council agrees, effective implementation would require Councils to allocate resources. However, we would disagree that the economies of scale resulting from the new local government model enhances our capacity to do so from within existing resources. We believe it is important any proposals provide measures to deal effectively to deal with minor problems akin to the "broken window" right up to robust procedures to deal with more extensive problem structures/sites. It is suggested, an agreed procedure/guidance should be issued by the Department (in conjunction with Council officers) to ensure priority assessment in all areas is consistency.

Newry, Mourne and Down District Council would support implementation of the new legislation, with appropriate central government funding.

**QUESTION 2: Do you agree with the Department's approach to consolidating and amending Article 65 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.**

Newry, Mourne and Down District Council sees considerable merit in the introduction of a new single consolidated piece of legislation (similar to the Building Act (England and Wales) 1984) which would provide Councils with modern remedies to dealing effectively with dilapidated / dangerous structures, neglected sites and a range of visual amenity issues. We



believe this could be particularly useful to Councils in relation to regeneration, tourism and reduction of anti-social behaviour. We welcome the additional powers as detailed with Par. 8.8.

In consolidating the provisions, and broadening its scope, it is critical DOE engage with Council Officers to ensure the current use of statutory nuisance provisions contained within the Clean Neighbourhoods and Environment Act (NI) 2011 are in no way hindered.

Due consideration should also be given to powers contained in Chapter 2 of The Housing (NI) Order 1981 which deal with unfitness and where these sit in the future.

**QUESTION 3: Do you agree with the Department's approach to consolidating and amending Article 66 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.**

Again, Newry, Mourne and Down District Council sees considerable merit in the introduction of a new single consolidated piece of legislation (similar to the Building Act (England and Wales) 1984) which would provide Councils with modern remedies to dealing effectively with dilapidated / dangerous structures, neglected sites and a range of visual amenity issues. We believe this could be particularly useful to Councils in relation to regeneration, tourism and reduction of anti-social behaviour.

We would also offer the following comments:-

- In amending the current Article 66, provision for instances when an owner cannot be identified should be included;
- It would be important, that the scope would cover both 'building or structure' rather than limiting it to 'building' only;
- Article 66 currently includes ability to require the removal of rubbish or other material resulting from, or exposed by, the demolition or collapse of a building or structure where it is seriously detrimental to the amenities of the neighbourhood. In many situations fly tipping has also taken place on sites of derelict or abandoned property. This is currently dealt with under section 215 of Clean Neighbourhoods legislation and under Waste and Contaminated Land (NI) Order 1997. Despite welcoming the proposal to include rubbish and other materials which are deposited from sources other than demolition or collapse, care should be exercised to ensure there is not duplication of legislation.
- Any guidance should recognise the relationship between these provisions and define where the Northern Ireland Environment Agency (NIEA) are responsible and where the Council may act. It should not be the result of the proposed Bill to create a legislative power for Councils to address low level fly-tipped waste, nor should discretionary Council action interfere with the NIEA's statutory enforcement responsibilities.



If the proposal is included, cost recovery options open to Councils should be clear, prescribed and specific to cover instances where owner is unknown. The surety that costs are likely to be recovered will encourage Councils to be proactive in using the legislation with limited budgets and resources.

Proposed penalties are also welcomed, particularly higher fines for serious cases. This should have a greater impact than the minimal per diem fines imposed (if any) for each day the offence continues after the conviction. It is our experience this has not been administered well and recommend consideration of other options.

Council recommends provision is included to compel owners to carry out the work, as is incorporated within Town Improvement (Ireland) Act.

With respect to paragraph 8.17 Council believes the legislation should enable Councils to act, taking account of the case at hand, and thereby, require a course of action which deals with the hazard, without threatening our heritage properties.

**QUESTION 4: Do you have any comments regarding the Department's proposed approach to transposing these provisions of the Building Act 1984?**

Newry, Mourne and Down District Council would welcome transposing relevant provisions from the 1984 Act. This would provide Councils with modern remedies to dealing effectively with dilapidated / dangerous structures, neglected sites and a range of visual amenity issues. We believe this could be particularly useful to Councils in relation to regeneration, tourism and reduction of anti-social behaviour.

With respect to paragraph 8.21, Section 77 relates specifically to 'dangerous buildings'; care should be taken to ensure this does not remove the ability to deal with other 'structures' which are considered ruinous and dilapidated and present a danger.

Section 77 specifically requires the owner to execute such work as to obviate the danger. Clarity is required to ensure this is not simply a temporary repair or securing of the property. Council recommends repair, restore, replace or demolish options should be retained, with the Council having the ability to select the option most appropriate to the case at hand.

Newry, Mourne and Down District Council agree completely with recommendation not to adopt the requirement to apply to court for an order requiring the owner to take steps to obviate the danger. Every delay results in the risk being retained for longer than necessary.

Adoption of Section 78 would also be a very welcome addition and would be beneficial to Council particularly if supported by cost recovery provisions proposed. Council is currently reluctant to carry out immediate action due to costs that can be incurred and the difficulty with recovery. This has resulted in unnecessary unsightliness and extended inconvenience e.g. road closure, etc., where an unsafe property is fenced off as a temporary solution while Council tries to establish ownership.



With respect to paragraph 8.23, Council also welcomes the proposal to incorporate relevant parts of the 1984 Act particularly power of entry and clear instruction relating to serving of notices.

The Department should ensure the additional measures being sought by Councils, (including the benefits of the Belfast Improvement Act 1878) are also incorporated in any new legislation based upon Sections 77 and 78 of The Building Act. It is important stakeholders are engaged with to ensure the new legislation meets the modern day issues.

**QUESTION 5: Do you have any comments regarding the Department's intention to repeal the relevant provisions in location-specific legislation and re-enact necessary provisions in the new legislation?**

Newry, Mourne and Down District Council completely agree with this proposal. There is no benefit to be gained from location specific legislation within Northern Ireland. Failure to address this is likely to maintain the inconsistent application and delivery of services.

Due care must be taken to retain the best of what we have in all existing relevant legislation and other legislation such as Sections 77 and 78 of The Building Act and Derelict Sites Act 1990 (in the Republic of Ireland) and develop legislation which is fit for purpose.

**QUESTION 6: Do you have any comments regarding the Department's intention to introduce provisions in the new Bill that would replicate powers available to local authorities in England and Wales under the Town and Country Planning Act 1990?**

We acknowledge the comments made in Par. 8.36 and do not see the benefit in replicating powers already existing in the Planning Act (NI) 2011.

It is noted:-

- Section 215 of the 1990 Act only includes 'amenity' of the area, or adjoining area to be adversely affected. The test is not extended to 'Seriously detrimental', and,
- This legislation has been well received and productively used in England and Wales to good effect.

Newry, Mourne and Down District Council would also welcome the replication of Section 330 of the 1990 Act, in so far as it could provide a very useful power to require information as to interests in land, which in turn could assist in addressing the problems currently faced with the identification of owners and others responsible for relevant premises/lands.

A tiered approach could also provide Council with clearer parameters to implement the proposed legislation based on the specific circumstances of each individual case.

It is essential clear guidance is provided to accompany this approach and ensure consistency of application.



**QUESTION 7: Do you agree with the Department's view that a combination of existing planning powers (transferred to the councils under Local Government Reform) and proposed new provisions in respect of dangerous buildings and visual amenity are sufficient to deal with unfinished or abandoned sites?**

The Council considers that the proposed legislation whilst assisting with unfinished or abandoned sites may still be insufficient to deal with all cases. There are examples of partly constructed buildings throughout Northern Ireland which are blighting areas e.g. 4 storey steel and concrete superstructure north of Newry. The consultation indicates that Councils have powers under the Planning Act 2011 to order the removal or alteration of any building or works in the interests of proper planning, but does not advise what these are. It is assumed this may be a reference to powers available to Councils to revoke planning permission or serve a discontinuance notice. However in both cases the Council would be liable to pay compensation which in many instances is likely to be costly. In cases such as the example highlighted above which has a significant impact on visual amenity it is considered necessary that Councils should have powers to seek alteration or removal of structures without a compensation liability. To maintain the status quo simply suggests that Councils will in essence have to pay for the removal of unsightly structures.

**QUESTION 8: Do you agree with the Department's proposed approach to issues of ownership and, in particular, do you have any comments regarding the scenario outlined in paragraphs 8.42 – 8.44?**

A major challenge and drain on available resources in enforcing existing legislation is due to difficulties establishing, identifying and locating owners. Often, properties are under the control of persons other than the owner.

Provision of a definition of 'reasonable efforts' is welcomed. However, accompanying guidance to clarify what reasonable efforts will be in terms of identification of relevant owners is also required to support this.

As stated in Paragraph 8.41, the existing framework is unfair, when, the Council and the rate payers (where Council are obliged to do work in default where the property is under the control of a financial institution) have to cover the expense of necessary works, particularly as the owner or financial institution can subsequently benefit from a the increased property value/condition.

Provisions must be included to enable priority by way of a charge or statutory charge with automatic postponement of the financial institutions or other charges, in favour of the Council.

Newry, Mourne and Down District Council would also welcome the proposal in Paragraph 8.43 to explore the possibility of extending liability to persons other than the owner and provision for cost recovery in instances, where there is a direct beneficiary of the work carried out by Council.



**QUESTION 9: Do you have any comments on the Departments proposed approach to cost recovery?**

Although we acknowledge the limitations, with reference to Paragraph 8.44, Council would strongly support ability to recover all costs associated with investigation and administration associated with bringing cases to a resolution. Significant resource, time and effort are expended in bringing cases to court, only for them to be resolved at the 11<sup>th</sup> hour; resulting in significant expense to be borne by the ratepayer.

It is right and proper that the burden of preventing and addressing dilapidation should fall to those who have a beneficial interest in the property concerned.

Further comments:-

- Recommend automatic priority of Council costs and charges over others;
- The new legislation should provide a way of giving a prospective purchaser secure title of a property where a Council utilises an enforced power of sale;
- In cases of abandonment, if costs to carry out work in default exceed a property site value and the property is unused, could provision be incorporated to declare the property as abandoned and have it vested in that Council?
- Council would also welcome power of sale over such abandoned property;
- Consideration could also be given to bona vacantia property. Where a property is deemed to fall into the rules of bona vacantia and costs are owed to Council, subject to discretion, a property should revert to Council before reverting to the crown, with Council having the right to disclaim also.

**QUESTION 10: Do you think guidance for a new regime should be statutory or non-statutory?**

Newry, Mourne and Down District Council is of the opinion any new regime and associated guidance should be statutory. This is critical to ensure consistency of application throughout Northern Ireland, but should only be imposed upon Councils where it is supported with appropriate long term central government funding. The Council is of the view this funding would be a significant catalyst in reducing dereliction, promoting regeneration, while at the same time reducing antisocial behaviour and further degeneration of neighbourhoods.

Council agrees guidance produced by the DOE should be developed collaboratively with relevant local government officers and other stakeholders to ensure technical and operational issues are adequately reflected.

**QUESTION 11: Do you have any specific comments regarding potential provisions to enhance the protection of heritage buildings?**

Newry, Mourne and Down District Council agree a proactive approach is required. We would advocate this in respect of all heritage property, not just listed buildings, to include vernacular and those within conservation areas. Given adequate resources, a programme of intervention could be implemented as part of the new legislative regime whereby proactive



communication and enforcement is possible prior to property deteriorating to a dangerous or dilapidated state.

A mechanism should be found which will ensure, both the protection of people and the protection of buildings or structures of architectural or historic interest.

Urgent works notices provided for in Section 161 of the Planning Act (NI) 2011 are useful; however this is a discretionary power, and Councils face the same challenge with these, in that it can be slow and difficult to recover any Council expenditure. It should be noted, UWN's can only require 'temporary support or measures' which can become semi-permanent eyesores, and render the Councils powerless to require permanent solutions. Again it is essential provisions are made to ensure effective cost recovery in any new regime.

Provisions in any new legislation could incorporate ability to draft notice which does not include an option of demolition in certain specific circumstances, and which requires any works to heritage buildings to be done with due regard to his heritage status, in Consultation with the Local Conservation Officer.

**QUESTION 12: Do you have any further comments on any of the issues raised in this document or are there any other important issues that you feel have not been covered?**

Newry, Mourne and Down District Council welcomes this legislation which has the potential to protect and benefit the health, safety, welfare and convenience of people living in, visiting or commuting through the District.

In the current financial climate, it is critical provisions to enable cost recovery are adequate, sufficient and clear and that those responsible for the detriment, pay for its removal. This will assist to ensure fairness for rate payers who should not have to pay for the improvement of private properties.

The Department must take cognisance, in the transfer or granting of additional powers to Councils, of the size and scope of the issue to be addressed, as Councils budgets currently contain no provision for such powers to be exercised. Failure to allocate Central Government funding or the requisite ability to recover all costs incurred in the exercise of such powers will only result in Councils becoming reluctant to implement these powers; were this to happen, the intended benefit would become increasingly nullified especially if cost recovery options are seen as ineffective.

We would welcome the Department's views on whether on whether such a provision could be used to address invasive plant species where their spread may be adversely affecting the amenity of neighbours. The NI Assembly's October 2015 research paper on Japanese Knotweed recognised the limited legislation to address this particular problem.

In summary, the Council welcomes this long overdue review, and would wish to see the new consolidated legislation resolve the following issues:

- Route of Appeal where property owner is aggrieved upon receipt of Notice (may be internal within the Council)
- Powers of Entry for inspection or to undertake works (similar to HSE)
- Clearer definitions and procedural guidance developed with stakeholders
- Powers to immediately close roads in an emergency
- Powers that compliment Heritage / Listed Buildings protection
- Powers to identify owners in an emergency (NIE, LPS, Electoral register, etc.)
- Powers to deal with agents and to require information
- Powers to deal with estates in Bankruptcy / Administration, etc.
- Powers to enable immediate action when there is imminent danger
- Link with Sustainable Development / material reuse
- Clarity where owners are Unknown/ Absent Owners
- Cost Recovery – Explicit powers to enable Councils to speedily recover monies
- Power to undertake ‘fast-track’ demolition (other than heritage buildings)

**End of response.**



## Newry, Mourne & Down District Council – May 2016

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### 1. Live Applications

MONTH 2016	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
January	112	1,596	387
February	134	1,545	387
March	120	1,431	426
April	138	1,389	436
May	121	1,335	455

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

Month 2016	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
January	656	553	182	64	141	<b>1,596</b>
February	660	498	181	58	148	<b>1,545</b>
March	604	401	218	61	147	<b>1,431</b>
April	583	370	222	66	148	<b>1,389</b>
May	549	331	222	86	147	<b>1,335</b>

## Newry, Mourne & Down District Council – May 2016

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### 3. Live applications per Case Officer

Month 2016	Average number of Applications per Case Officer
January	84
February	81
March	71
April	58
May	56

### 4. Decisions issued per month

#### Decisions Issued

Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
January	89	86
February	171	159
March	229	226
April	168	163
May	174	169

### 5. Decisions Issued YTD

Month 2016	Number of Decisions Issued	Average processing Time	Breakdown of Decisions	
January	827	41.37 weeks	Approvals (753)	91%
			Refusals (74)	9%
February	998	41.38 weeks	Approvals (899)	90%
			Refusals (99)	10%
March	1,227	41.36 weeks	Approvals (1102)	90%
			Refusals (125)	10%
April	168	35.52 weeks	Approvals (156)	93%
			Refusals (12)	7%
May	174	33.03	Approvals (168)	97%
			Refusals (6)	3%

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### 6. Enforcement

#### Live cases

Month 2016	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ysrs	Total
January	187	117	93	40	24	74	535
February	182	111	93	45	23	74	528
March	191	114	98	49	24	74	550
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Deferred for future meeting
15 April 2015	5	5	0
13 May 2015	5	4	1
10 June 2015	6	4	2
8 July 2015	5	5	0
5 August 2015	4	3	1
2 September 2015	2	2	0
30 September 2015	4	4	0
28 October 2015	2	2	0
25 November 2015	6	4	2
16 December 2015	2	2	0
20 January 2016	12	9	3
4 February 2016	4	4	0
17 February 2016	8	7	1
16 March 2016	8	6	2
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
<b>Totals</b>	<b>129</b>	<b>102</b>	<b>27</b>



## Newry, Mourne & Down District Council – May 2016

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### 8. Performance against PSA targets

	Major applications (target of 30 weeks)		Local applications (target of 15 weeks)		Cases concluded (target of 39 weeks)	
	Number decided/ withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	Number decided/ withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>
April	0	-	20	24.8	36	64.1
May	3	53.4	67	30.6	5	115.8
June	5	61.2	60	26.0	21	30.6
July	1	102.0	80	32.9	13	79.3
August	0	-	74	33.6	17	65.9
September	4	35.9	116	35.4	12	177.2
October	4	56.1	124	32.1	18	29.6
November	2	40.7	90	36.2	26	73.9
December	4	171.7	75	36.4	14	111.7
January	2	122.9	85	43.4	23	98.3
February	5	46.4	155	38.4	30	50.7
March	1	98.0	217	36.4	2	-
<b>Year to date</b>	<b>31</b>	<b>54</b>	<b>1,166</b>	<b>34.7</b>	<b>218</b>	<b>64.8</b>

#### Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

### 9. Appeals

Area	Number of current appeals
Newry & Mourne	9
Down	3
<b>TOTAL</b>	<b>12</b>



## Record of meetings between Planning Officers and Public Representatives

18

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns
14/01/16	A McKay	Margaret Ritchie MLA
20/01/2016	P Rooney	Cllr Cadogan Enright
25/01/2016	D Watson	Margaret Ritchie MLA
27/01/16	M Keane	Seán Rogers MLA
17/02/16	Jacqui McParland	Declan McAteer
19/02/16	Jacqui McParland	Jarlath Tinnelly
22/02/16	Jacqui McParland	Michael Ruane
22/02/16	Jacqui McParland	Gillian Fitzpatrick
24/02/16	David Watson	Seán Rogers MLA
25/02/16	Andrew Hay, James King	Seán Rogers MLA
25/02/2016	Annette McAlarney	Seán Rogers MLA
25/02/16	Anthony McKay	Margaret Ritchie MLA
26/02/16	M Keane	Cllr McGrath
15/03/16	J McParland	Cllr M Ruane
16/03/2016	J McParland	Sean Rogers
25/03/16	A Davidson	Cllr Taylor
30/03/16	J McParland	Seán Rogers MLA
5/4/16	A McKay	Seán Rogers MLA
8/4/16	A McKay	Margaret Ritchie MLA
12/04/2016	Annette McAlarney	Cllr Curran
14/04/2016	J McParland	Cllr Declan McAteer
25/04/2016	J McParland	Cllr Tinnelly
27/04/2016	J McParland	Cllr Tinnelly
28/04/2016	Annette McAlarney	Cllr Burgess
29/04/2016	Annette McAlarney	Cllr McGrath
18/05/2016	Annette McAlarney	Cllr Curran
23/05/2016	A McKay	Cllr Ó Gribín

## Current Appeals

19

**AUTHORITY** Newry, Mourne and Down

<b>ITEM NO</b>	<b>1</b>		
<b>Planning Ref:</b>	P/2014/0217/F	<b>PAC Ref:</b>	2015/A0115
<b>APPELLANT</b>	Mr Paul McAteer		
<b>LOCATION</b>	77m South West Of No. 56 Chapel Road Ballyholland Co. Down		
<b>PROPOSAL</b>	Erection of agricultural building and four silo tanks to provide feedstock for existing farm business. (additional information and Layout received.)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>27/08/2015</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>2</b>		
<b>Planning Ref:</b>	P/2013/0459/F	<b>PAC Ref:</b>	2015/A0117
<b>APPELLANT</b>	Mr Michael Matthews		
<b>LOCATION</b>	37m South-east Of No.69 Upper Fathom Road Kileen		
<b>PROPOSAL</b>	Erection of Farm Dwelling and Garage		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>27/08/2015</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

20

<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	R/2015/0089/F	<b>PAC Ref:</b>	2015/A0150
<b>APPELLANT</b>	Rob Jennings		
<b>LOCATION</b>	Land 200m North Of 97 Crossgar Road Saintfield		
<b>PROPOSAL</b>	Restoration and extension dwelling (Amended access details received).		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>03/11/2015</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	P/2014/0578/F	<b>PAC Ref:</b>	2015/A0178
<b>APPELLANT</b>	Mr Shane Quinn		
<b>LOCATION</b>	Adjacent And South West Of No.56 Drumalt Road Dorsey Cullyhanna		
<b>PROPOSAL</b>	Erection of domestic shed and associated hardstanding, access provision and site works with associated change of use of agricultural lands to domestic purposes (and access via existing laneway immediately north of No. 56 Drumalt Road. with extended section)		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>16/12/2015</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

21

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	P/2014/0054/O	<b>PAC Ref:</b>	2015/A0188
<b>APPELLANT</b>	Mr Michael McCarthy		
<b>LOCATION</b>	40m North East And Adjoining 11 Rock Road Newry		
<b>PROPOSAL</b>	RT34 1PI		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/01/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	P/2015/0002/F	<b>PAC Ref:</b>	2015/A0193
<b>APPELLANT</b>	Mr J Perry		
<b>LOCATION</b>	Council Road (450m West Of Ballykeel House 8 Anthony Road \ Ballykeel Td		
<b>PROPOSAL</b>	Erection of dwelling and garage (Proposed change of house type from that previously approved under P/2008/0825/RM)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/01/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

22

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	R/2014/0678/F	<b>PAC Ref:</b>	2015/A0233
<b>APPELLANT</b>	Mr And Mrs G Stewart		
<b>LOCATION</b>	39 Killybawn Road Clontaghmaglar Saintfield		
<b>PROPOSAL</b>	Demolition of existing dwelling and erection of replacement dwelling		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>01/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	LA07/2016/0048/F	<b>PAC Ref:</b>	2015/A0247
<b>APPELLANT</b>	Mr James & Mr John McKibbin		
<b>LOCATION</b>	85m Northeast Of 181 Moyad Road Kilkeel RT34 4HI		
<b>PROPOSAL</b>	Infill dwelling and associated domestic garage		

<b>APPEAL TYPE</b>	Non Determination: Plg Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>24/03/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

23

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	P/2014/0303/O	<b>PAC Ref:</b>	2016/A0005
<b>APPELLANT</b>	Michael Horner		
<b>LOCATION</b>	Adjacent To And North Of 36 Belmont Road Kilkeel		
<b>PROPOSAL</b>	<sup>Newrv</sup> Erection of Infill Dwelling and Detached Garage		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>05/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	P/2014/0798/O	<b>PAC Ref:</b>	2016/A0009
<b>APPELLANT</b>	Mr And Mrs McParland		
<b>LOCATION</b>	Adjacent To No. 63 Ballycoshane Road Rathfriland		
<b>PROPOSAL</b>	<sup>Newrv</sup> Site for farm dwelling and garage (Farm Maps and supporting information date received 20 October 2014 and 27 October 2014)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>07/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

24

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	R/2013/0347/F	<b>PAC Ref:</b>	2016/A0010
<b>APPELLANT</b>	Mr & Mrs Peter O'Hare		
<b>LOCATION</b>	Adjacent 15 Blacks Lane Glassdrumman Ballynahinch (Amended Address)		
<b>PROPOSAL</b>	Proposed general purpose agricultural/forestry shed and part retrospective access arrangements, foundation and hard standing area.		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>07/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	P/2015/0097/F	<b>PAC Ref:</b>	2016/A0011
<b>APPELLANT</b>	Carlingford Lough Pilots Ltd		
<b>LOCATION</b>	Adjacent To 92 Greencastle Pier Road Greencastle Kilkeel		
<b>PROPOSAL</b>	Retention of existing office		

<b>APPEAL TYPE</b>	Plg Conditions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>08/04/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>Agenda Item:</b>	
<b>Report to:</b>	<b>Regulatory and Technical Services Committee</b>
<b>Subject:</b>	<b>DOE CONSULTATION ON PERMITTED DEVELOPMENT RIGHTS.</b>
<b>Date:</b>	<b>15 JUNE 2016</b>
<b>Reporting Officer:</b>	<b>Canice O'Rourke</b>
<b>Contact Officer:</b>	<b>Anthony McKay</b>

### Decisions Required

To agree a response to DOE.

#### **1.0 Purpose & Background**

- 1.1** DOE is engaged in a continuing review of permitted development rights. The proposed new permitted development rights would include limitations and constraints but seeks to strike a balance in providing flexibility for those undertaking minor development while protecting amenity and the environment.

#### **2.0 Key Issues**

- 2.1** The consultation deals with four specific areas of development and contains a mix of amendments and new provisions for developments which could be carried out without the requirement for planning permission.
- The four areas are Development by Electronic Communications Code Operators, Non domestic Roof Mounted Solar Photovoltaic Panels, Shops Financial and Professional Services Establishments and Electric Vehicle Charging Points.
- Development by Electronic Communications Code Operators.**  
DOE proposes permitted development rights for masts and equipment on masts providing :
- An increase in the overall height of an existing mast up to 5 metres where the overall size is 50 metres or less in height or up to 15% of the original height where the overall size is more than 50 metres in height.
- Increase in the overall width of the structure of 1 metre or one third of the original width, whichever is the greatest. A limitation which requires a replacement mast to be sited within 4 metres of the existing mast.
- Permitted rights for up to 2 small antenna on or within the curtilage of a dwelling house and a maximum of 8 small antenna on a building which is not a dwellinghouse.



A limitation that such small antenna must not face on to a road in a conservation area.

Use the definition for small antenna that applies in Scotland.

Permitted development rights(except in sensitive area) for up to 4 antenna systems on a building located less than 15 metres above ground level , or up to 5 antenna systems when located more than 15 metres above ground level.

Emergency use of land or siting of apparatus. The proposal is to amend the current 6 month period to 12 months. This is considered more appropriate to current working practice.

A limitation that in the case of a listed building permitted development rights can only be exercised where listed building consent for the development has previously been granted.

Retaining the current limitation that development is not permitted if the land is within a site of archaeological interest unless it involves the installation of new overhead lines supported by existing poles.

Introducing a limitation that development is not permitted in a World Heritage Site unless it involves the installation of new overhead lines supported by existing poles.

Extending permitted development rights for the installation of new or replacement telegraph poles and the installation of new overhead lines on such poles to include conservation areas, areas of outstanding natural beauty or areas of special scientific interest.

#### **Non-Domestic Roof Mounted Solar Photovoltaic (PV) Panels.**

DOE is proposing a new class of permitted development for solar PV panels extending from the existing 50kw microgeneration limit up to 1mw. The proposals related to rooftop non-domestic solar PV installations only.

To address any potential issues in relation to airports DOE proposes the introduction of a prior notification system for solar PV panels within a set distance of an airport. Limitations will be applied.

#### **Shops, Financial and Professional Services Establishments.**

DOE proposes to increase the existing permitted development rights for extensions to 50% of the original floorspace or 100 square metres. The proposal would give some additional latitude to businesses that wish to extend their premises without the need to apply for planning permission.

DOE proposes to introduce a new permitted development right for the modification of shop loading bays where the size of the original loading bay would not be increased by more than 20%.

#### **Electric Vehicle Charging Points.**

DOE proposes to remove the requirement to apply for planning permission for the installation of an electric vehicle charging point in a lawful off street car parking area subject to various limitations and conditions. The purpose of limitations and conditions is to balance the extension of permitted development rights against the need to protect the character and appearance of the local area and public safety.

<b>3.0</b>	<b><u>Resource Implications</u></b>
<b>3.1</b>	None.
<b>4.0</b>	<b><u>Summary</u></b>
<b>4.1</b>	<p>The changes proposed by DOE are intended to lighten the regulatory burden on businesses and individuals while still protecting the environment, amenity and public safety.</p> <p>It is considered that the proposals strike a reasonable balance.</p> <p>Members are invited to indicate their general support for the proposals.</p>





**Planning Policy Division**  
Department of the  
Environment  
Level 4 Causeway Exchange  
1-7 Bedford Street  
Town Parks  
Belfast  
BT2 7EG

Tel: (028) 9082 3497

6 May 2016

Dear Sir/Madam

## **CONSULTATION ON PERMITTED DEVELOPMENT RIGHTS**

I am writing to inform you that the Department of the Environment has issued a consultation paper on proposals to amend permitted development rights.

The purpose of the consultation is to obtain views on a range of proposals in relation to permitted development rights for:

- Development by Electronic Communications Code Operators;
- Non-Domestic Roof Mounted Solar Photovoltaic Panels;
- Shops, Financial and Professional Services Establishments; and
- Electric Vehicle Charging Points.

Copies of the Consultation Paper may be downloaded from the Planning Portal website at [www.planningni.gov.uk](http://www.planningni.gov.uk). Alternatively you can request a copy by telephone: (028) 90823497, by text phone: (028) 90540642: by email: [ppdconsultations@doeni.gov.uk](mailto:ppdconsultations@doeni.gov.uk) or from the postal address below.

Review of Permitted Development Rights Consultation  
Planning Policy Division  
Department of the Environment  
Level 5 Causeway Exchange  
1-7 Bedford Street  
Town Parks  
Belfast  
BT2 7EG

The closing date for the receipt of comments is 30th June 2016.

Yours faithfully,

**ANGUS KERR**

<b>Report to:</b>	Regulatory & Technical Services Committee
<b>Date of Meeting:</b>	22 <sup>nd</sup> June 2016
<b>Subject:</b>	Report on Bus Shelter Requests
<b>Reporting Officer</b>	Canice O'Rourke
<b>Contact Officer</b>	Kevin Scullion

**Decisions required:** Members are asked to note the contents of the report, and consider and agree to the recommendations contained within Appendix 1.

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>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 weather of persons waiting to enter public service vehicles.</p> <p>At its Monthly Meeting held on 7<sup>th</sup> September 2015 the Council agreed a policy and set of procedures to be used to address requests for the erection and removal of bus shelters in the Council area.</p> <p>Attached at Appendix 1 is a report providing an update on requests with recommendations provided for approval/consideration.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	The recommendations provided are in line with Council Policy on bus shelters.
<b>3.0</b>	<b>Recommendations:</b>
3.1	Approve the recommendations contained within Appendix 1.
<b>4.0</b>	<b>Resource implications</b>
4.1	Capital budget within this financial year for provision of bus shelters is £30,000.00.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	None
<b>6.0</b>	<b>Appendices</b>
	Appendix 1: Report on Bus Shelter Requests

## **Appendix 1: Report on Bus Shelter Request**

### **Section A: Bus Shelters Requests for consideration to Approve/Decline**

#### **1. New bus shelter at A24 Newcastle Road/Ballinahinch Bus Stop**

##### **Background & Summary of Findings to date**

A request from Margaret Ritchie MP for a bus shelter to be erected on A24 Newcastle Road, Ballinahinch (Schools Corner) was received on the 6<sup>th</sup> March 2015.

Table 1 below summaries consultation process which has been carried out having regard to Council Policy Requirements.

**Table 1**

<b>Consultee</b>	<b>Response</b>	<b>Comment</b>
Transport NI	No objections in principle. Conditions attached – see below.	Complies with Policy
PSNI	No Objections	Complies with Policy
Translink	12 children use this site in the morning and approximately 8 passengers are collected from the bus stop during the day (Rural Area).	Complies with Policy.
Local property owners/residents within 50 metre radius of proposed site	One property located within 50 metres of proposed location. Letter returned “no such address” by Post Office.	Consultation has not raised any objection. Complies with Policy.

Transport NI have required the following conditions to be met.

- The shelter be erected to the rear of the footway
- The existing footway width be maintained unobstructed for pedestrians
- The shelter be open-sided; and
- There is a minimum of 0.5m clearance between any part of the shelter structure and the kerb edge.
- A permit also required from TNI for works..

## **Recommendations**

A canteliver type bus shelter be installed at this location and to include the provision of a seat subject to meeting TNI site requirements.

### **2. Extension to existing bus shelter at Belfast Road, Saintfield**

#### **Background & Summary of Findings to date**

An initial request was received 8<sup>th</sup> June 2015 from Simon Hamilton MLA for an extension to the existing bus shelter on the Belfast Road in Saintfield.

The existing bus shelter has been provided by Transport NI who advised that the bus shelter is the standard shelter size used at most locations. They have used larger shelters in some areas such as Belfast where usage is very high. TNI also stated that the current bus shelter contract is fully built out and no further shelters or alterations can be accommodated. The responsibility for provision of bus shelters has now passed from TNI to Translink.

The Council may consider acceding to this request itself and if it did there would be a requirement for the Council to apply for Planning Permission as such an alteration would be an amendment to the existing approval. This however, would leave this site with a bus shelter half of which is maintained by Translink and half maintained by the Council, a situation which is likely to lead to a level of confusion.

This is a well used site, hence the request to extend the size of coverage provided.

Given that the responsibility for provision of bus shelters has recently transferred from TNI to Translink it is recommended that the Council should write to Translink asking that they reconsider the position adopted by TNI in relation to a request to extend this site and that they provide the additional coverage requested.

#### **Recommendation**

Council to write to Translink requesting that they give consideration to extending the bus shelter at Belfast Road, Saintfield.

### **3. New bus shelter at Ballyholland Road, Ballyholland**

#### **Background & Summary of Findings to date**

Request received on 1<sup>st</sup> September 2015 to provide a bus shelter in the Newry direction at or close to the bus stop within the village of Ballyholland.

Table 2 below summaries consultation process which has been carried out having regard to Council Policy Requirements.

**Table 2**

<b>Consultee</b>	<b>Response</b>	<b>Comment</b>
Transport NI	Agreeable to this location but given width of footpath it would be a requirement that a canteliver type sheter was used.	Complies with Policy
PSNI	No Objections.	Complies with Policy
Translink	More than 20 pasengers per day use this bus stop (Urban).	Complies with Policy
Local property owners/resdients within 50 metre radius of proposed site	12 properties consulted. Five in favour, 1 against and 6 no replies. Less than one third of home owners/tenants consulted have objected to this proposal and so proposal considered to have community support.	Complies with policy

### **Recommendation**

A canteliver type bus shelter be installed at this location and to include the provision of a seat subject to meeting TNI site requirements.

### **4. Carrivemaclone, Newry**

#### **Backgound & Summary of Findings to date**

Request received on 1<sup>st</sup> October 2015 to provde a bus shelter in the Newry direction at Carrivemaclone, Newry.

Table 3 below summaries consultation process which has been carried out having regard to Council Poilcy Requirements.

**Table 3**

<b>Consultee</b>	<b>Response</b>	<b>Comment</b>
Transport NI	Meets with TNI requirements but recommend canterliver type structure with non perspex/glass panels.	Complies with Policy
PSNI	No Objections.	Complies with Policy
Translink	More than 20 pasengers per day use this bus stop (Urban).	Complies with Policy

Local property owners/residents within 50 metre radius of proposed site	25 properties consulted. 5 were in favour, 6 were against and 14 did not reply. Less than one third of home owners/tenants consulted have objected to this proposal and so proposal considered to have community support.	Complies with policy
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### **Recommendations**

A canteliver type bus shelter be installed at this location and to include the provision of a seat subject to meeting TNI site requirements.

### **5. New bus shelter at Cloughreagh Park, Bessbrook, Newry**

#### **Background & Summary of Findings to date**

Request received in January 2016 to provide a bus shelter in the Newry direction at Cloughreagh Park, Bessbrook.

Table 4 below summaries consultation process which has been carried out having regard to Council Policy Requirements.

**Table 4**

<b>Consultee</b>	<b>Response</b>	<b>Comment</b>
Transport NI	Meets with TNI requirements but recommend canteliver type structure with non perspex/glass panels.	Complies with Policy
PSNI	No Objections.	Complies with Policy
Translink	More than 20 passengers per day use this bus stop (Urban Area).	Complies with Policy
Local property owners/residents within 50 metre radius of proposed site	23 properties consulted. 2 were in favour, 4 were against and 17 did not reply. Less than one third of home owners/tenants consulted have objected to this proposal and so proposal considered to have community support.	Complies with policy

### **Recommendations**

A canteliver type bus shelter be installed at this location and to include the provision of a seat subject to meeting TNI site requirements.



## **6. Request for new bus shelter at Drumaroad, Castlewella**

### Background & Summary of Findings to date

Request received in June 2015 to provide a bus shelter at Drumaroad, Castlewella..

Table 5 below summarises consultation process which has been carried out having regard to Council Policy Requirements.

**Table 5**

<b>Consultee</b>	<b>Response</b>	<b>Comment</b>
Transport NI	Meets with TNI requirements.	Complies with Policy
PSNI	No Objections.	Complies with Policy
Translink	More than 10 passengers per day use this bus stop (Rural Area).	Complies with Policy
Local property owners/residents within 50 metre radius of proposed site	16 properties consulted. 2 were in favour, 2 were against and 12 did not reply. Less than one third of home owners/tenants consulted have objected to this proposal and so proposal considered to have community support.	Complies with policy

### **Recommendations**

An enclosed type bus shelter be installed at this location.

## **7. New bus shelter at A 47 Belfast Road, Crossgar, at Bells Hill**

### Background & Summary of Findings to date

Request received on 1<sup>st</sup> December 2015 to provide a bus shelter in the Belfast direction at Bells Hill Crossgar..

Table 6 below summarises consultation process which has been carried out having regard to Council Policy Requirements.

**Table 6**

<b>Consultee</b>	<b>Response</b>	<b>Comment</b>
Transport NI	No objections in principle. Conditions attached – see below	Complies with Policy
PSNI	No Objections.	Complies with Policy
Translink	More than 10 passengers per day	Complies with Policy

	use this bus stop (Rural Area).	
Local property owners/residents within 50 metre radius of proposed site	No properties within 50 metres of proposed site. No survey required.	Complies with policy

Transport NI have required the following conditions to be met.

- The shelter structure is of a cantilevered type and be open ended.
- The existing footway width be maintained unobstructed for pedestrians
- There is a minimum of 0.5m clearance between any part of the shelter structure and the kerb edge.
- A permit also required from TNI for works..

### **Recommendations**

A canteliver type bus shelter be installed at this location and to include the provision of a seat subject to meeting TNI site requirements.

## **8. Crossgar – Adjacent to 65 Downpatrick Street and Drumaness/Newcastle Road, Drumaness – Belfast direction**

### **Background & Summary of Findings to date**

Council recently installed new caterliver type bus shelters at the above two locations. Requests have been received to provide sides to these shelters so as to give greater protection from wind and rain.

Survey of both sites indicates that there is sufficuent space for side panels to be provided.

### **Recommendations**

Side panels be installed at these bus shelters subject to meeting TNI site requirements.

## **Section B: Bus Shelter Requests under Consideration**

Table 7 below lists the remaining requests under consideration.

**Table 7**

<b>Location</b>	<b>Date Request Made</b>
Glassdrumman Road, Annalong– new bus shelter (x2)	August 2014
Sandbank/Hilltown Road, Mayobridge – new bus shelter	October 2014
Turleys Crossroads/Prospect Road, Moneyslane – new bus shelter	February 2015
Clanvaraghan Road, Castlewellan – new bus shelter	June 2015
Roxborough Road, Dorsey – relocate bus shelter	July 2015
Bryansford Road, Newcastle – new bus shelter	September 2015
Castlewellan Road, Clough – new bus shelter	October 2015
Belfast Road, Newry close to Park n Share car park at Sheepbridge – new bus shelter	January 2016
Carnaney/Bavan Road Mayobridge – new bus shelter	February 2016



**FOURTH ADDITION TO THE LIST OF BUILDINGS OF SPECIAL  
ARCHITECTURAL OR HISTORIC INTEREST  
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

Department for Communities  
Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
BELFAST  
BT7 2JB

Dated 02/06/2016

HISTORIC BUILDINGS LIST NUMBER 3753

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

**SCHEDULE**

**4<sup>th</sup> ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE  
NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB16/20/030	251/10	H9643 3094	St. Malachy's Church (RC) Ballymoyer Road, Whitecross, Co Armagh, BT60 2LA		B+	Five-bay early-Victorian Gothic RC church with painted rendered walling and granite dressings, built in 1835 to designs by an unknown architect. Having a rectangular plan form facing S towards Ballymoyer Road, the church is orientated E-W and has a projecting confessional bay with canted sides to centre of rear N facade, a later projecting gabled porch attached to S/SW of church and a projecting gabled T-plan vestry block to its NE corner. This rural church is located on an elevated site next to a school having well designed proportions and detailing and is of local historical and social importance. St Malachy's retains original internal features and, being part of a cluster of other historic churches within the immediate vicinity. Although there is no historical evidence it is possible that this early catholic church set parallel to the road may have originally been conceived as having the altar on the long wall, where the mid-twentieth century confessionals are now located.	1820 - 1839

Further information on these records can be accessed on the historic buildings database at [www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)



PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated 02/06/2016

  
Senior Officer for the Department for Communities

NOTE Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building:-

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.



**SECOND ADDITION TO THE LIST OF BUILDINGS OF SPECIAL  
ARCHITECTURAL OR HISTORIC INTEREST  
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

Department for Communities  
Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
BELFAST  
BT7 2JB

Dated 02/06/2016

HISTORIC BUILDINGS LIST NUMBER 3751

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

**SCHEDULE**

**2<sup>nd</sup> ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE  
NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB16/22/022	266/1NW	J0436 2860	The Meeting House of Bessbrook Presbyterian Church, including gates and gate pillars Church Road, Bessbrook, Co. Armagh		B1	Five-bay mid-Victorian granite Presbyterian meeting house built in 1855 in a simplified Gothic Revival style to designs by an unknown architect. T-plan form facing S towards Convent Hill having a gabled rectangular plan block to E, orientated N-S, and a later two-storey three-bay hipped roof block with dormers to W, added in 1865. The original block has a later gabled porch to its S and a projecting gabled session-room block to its N (likely added in c. 1876). The church shows evidence of an historical development within the village and retains good quality walling and external detailing with a very fine, and increasingly rare, original interior with horseshoe-shaped gallery. The Meeting House of Bessbrook Presbyterian Church, and its graveyard, is of local historic and social importance. It is located close to the listed Christ Church C of I (HB16.22.21).	1840 - 1859

Further information on these records can be accessed on the historic buildings database at [www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)



# PLANNING ACT (NORTHERN IRELAND) 2011

## STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST


### WHEREAS

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2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated

02/06/2016

  
Senior Officer for the Department for Communities

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**THIRD ADDITION TO THE LIST OF BUILDINGS OF SPECIAL  
ARCHITECTURAL OR HISTORIC INTEREST  
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

Department for Communities  
Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
BELFAST  
BT7 2JB

Dated 02/06/2016

HISTORIC BUILDINGS LIST NUMBER 3752

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

**SCHEDULE**

**3<sup>rd</sup> ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE  
NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB16/22/038	266/1 NW	J0477 2861	War Memorial Charlemont Square Bessbrook Co. Armagh		B1	Polished white marble obelisk style war memorial with moulded draped shroud to top of octagonal-section spire with swags to bottom; shield bearing 1914-18 in relief to front; and moulded panels to square base bearing the 85 names of those 'men of Bessbrook and district who fell in the Great War'. Erected c. 1934 to designs by Emerson Sculptors Newry. Stepped polished granite plinth bears '1939-1945' and moulded granite scroll to its front SE records the 16 names of those who died during WW2. The War Memorial is of local historical and social importance and has well designed proportions and detailing. The quality of the memorial and its prominent central setting in Charlemont Square adds to the architectural character of and to the historic significance of Bessbrook. Although it was constructed much later than the original planned layout of the village it has group value with the planned squares and public buildings.	1920 - 1939

Further information on these records can be accessed on the historic buildings database at [www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)



## PLANNING ACT (NORTHERN IRELAND) 2011


## STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

## WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated 02/06/2016

  
Senior Officer for the Department for Communities

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- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.

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

Date 06 JUN 2016

**Chief Executive**  
Liam Hannaway



FIRST ADDITION TO THE LIST OF BUILDINGS OF SPECIAL  
ARCHITECTURAL OR HISTORIC INTEREST  
IN THE NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

Department for Communities  
Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
BELFAST  
BT7 2JB

Dated 02/06/2016

HISTORIC BUILDINGS LIST NUMBER 3750

NOTE: Further Additions to the list relating to this Council may be issued at a future date.

**SCHEDULE**

**1<sup>st</sup> ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE  
NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB16/23/009	266/2NW	J0567 2811	Rose Cottage including gates and walling 47 Derrymore Road Bessbrook Co. Armagh BT35 7DN		B1	Single-storey three-bay stone-built gate lodge, built prior c. 1906 to designs by an unknown architect. T-plan form facing NE towards Derrymore Road, having a single-storey rear return - a sympathetic and modest later addition. The building has good quality external walling with well designed proportions and detailing, characterised by diamond shaped lights to gables, decorative bargeboards, exposed rafter ends and local stone walling. Although its character is reduced somewhat by modern internal finishes the building is of local importance. Rose Cottage has group value being one of two lodges located at the East entrance to the Derrymore House (HB16.23.010), the other one being Hortus Lodge (HB16.23.08).	1860 - 1899

Further information on these records can be accessed on the historic buildings database at [www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)



PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Newry, Mourne and Down District Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated 02/06/2016

  
Senior Officer for the Department for Communities

NOTE Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building:-

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.





## **MEMBERS' MONTHLY BULLETIN**

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

### **Item 3 - Minutes of Joint Committee meeting 011 held on 7 April 2016**

#### **For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 7 April 2016.

### **'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL**

### **Item 5 - Minutes of Joint Committee meeting 011 held 'in committee' on 7 April 2016**

#### **For approval**

The Joint Committee's approval is sought for the minutes of the meeting held 'in committee' on 7 April 2016.

### **Item 7 - The Provision of Procurement and Contracts Legal Services Contract**

#### **For approval**

The report addresses the procurement exercise in relation to the appointment of a service supplier for the provision of Procurement and Contract Legal Services Contract.

The Joint Committee is asked to approve the recommendations outlined in the report.

### **Item 8 - Residual Waste Treatment Project**

#### **For noting**

**The Procurement Process** - Procurement activities have been reduced to a low level of intensity to minimise nugatory expenditure until there is better visibility on the direction of planning issues.

**Planning Application** - A significant development in the planning determination process was the views of the Department's Environmental Policy Division in respect of waste treatment infrastructure requirements coming into the public domain at the end of March 2016. The governance cycle in relation to pursuing the PAC hearing process is not yet complete; one Council has yet to make its decision.

**Capacity Building** - Activities to help improve capacity within arc21's constituent Councils in respect of the policy and legislative framework and the common statutory waste management plan adopted by arc21's constituent Councils and the role of the residual waste treatment project are ongoing.

The Joint Committee is asked to note the report.

## **RETURN TO MAIN AGENDA**

### **Item 9 - Contracts and Performance Update**

#### **For noting**

The monthly level of contamination at the MRF has reduced from over 14% in the previous month to 12.3% in March 2016.

Antrim Transfer Station for Organics opened on 21 March 2016.

Indications are that the annual NILAS target for 2015/16 has been met at an arc21 level. However it would appear that the arc21 transfer protocol is likely to be initiated at an individual council level similar to last year.

The Joint Committee is asked to note the report.

### **Item 10 - Working Group on Minimising Dry Recyclable Contamination**

#### **For approval**

The Joint Committee is asked to endorse the Action Plan developed by an Officer Working Group.



**Item 11 - NI Recycle Now Strategy****For noting**

A draft of the text in the NI Recycle Now Strategy for 2016/17 is provided for information.

The Joint Committee is asked to note the report.

**Item 12 - Membership of the Local Government Pension Scheme****For approval**

As part of the Local Government Reform process the new Joint Committee was required to apply for membership of the Local Government Pension Scheme in Northern Ireland.

The Northern Ireland Local Government Officers Superannuation Committee, (NILGOSC), is the body set up to administer the scheme and the formal process of membership involved the submission of the following documentation:

1. Admission Agreement;
2. Apportionment Deed; and
3. Guarantee Agreement.

The Admission Agreement and the Apportionment Deed were submitted successfully to NILGOSC on 1 April 2015, when the new Joint Committee came into legal effect, thus ensuring a seamless transfer of the arc21 staff members of the pension scheme and the pension scheme liabilities from the former Joint Committee.

To complete the formal admission process the Guarantee Agreement has now been provided by NILGOSC for Execution as a Deed by all the parties involved, the Joint Committee and each of the Participant Councils. A copy of the Guarantee Agreement is attached.

NILGOSC will separately be presenting the Guarantee Agreement to each of the Participant Councils to enable it to be formally Executed as a Deed by them also.

This Guarantee Agreement would remain in place for the tenure of the Joint Committee and makes provision for the failure to pay scheme liabilities should a Relevant Event, defined in the Agreement, occur.

Ongoing pension scheme liabilities of the Joint Committee are currently based on Employer and Employee contribution rates determined by NILGOSC and paid monthly.



The Admission Agreement and Apportionment Deed were subject to a legal review by the office of the Town Solicitor, Belfast City Council, legal advisor to the Joint Committee, and the Guarantee Agreement has also been subject to a similar legal review.

The Joint Committee is asked to approve the Guarantee Agreement in order that it can be Executed as a Deed and returned to NILGOSC to complete the Local Government Pension Scheme application process.

### **Item 13 - arc21 Customer Survey 2015/16**

#### **For noting**

The annual arc21 Customer Survey was undertaken in April 2016 and the results are provided for information.

The Joint Committee is asked to note the report.

**Next Meeting: Thursday 30 June 2016 at 10.30am, to be hosted by Newry, Mourne and Down District Council**

**ITEM 3**  
**ARC21 JOINT COMMITTEE**  
**Meeting No 011**  
**Hosted by Belfast City Council**  
**MINUTES**  
**Thursday 7 April 2016**

**Members Present:**

Councillor J Bingham  
 Councillor M Rea  
 Alderman R Gibson  
 Alderman A Carson  
 Councillor R Wilson  
 Councillor G Craig (*Chair*)

Antrim and Newtownabbey Borough Council  
 Antrim and Newtownabbey Borough Council  
 Ards and North Down Borough Council  
 Ards and North Down Borough Council  
 Mid and East Antrim Borough Council  
 Newry, Mourne and Down District Council

**Members' Apologies:**

Councillor N Kells  
 Alderman A Graham  
 Councillor J Bunting  
 Councillor G Carroll  
 Councillor R Brown  
 Councillor O Gawith  
 Alderman J Tinsley  
 Councillor B Adger  
 Councillor D O'Loan  
 Councillor L Poots  
 Councillor D Curran  
 Councillor S Burns

Antrim and Newtownabbey Borough Council  
 Ards and North Down Borough Council  
 Belfast City Council  
 Belfast City Council  
 Belfast City Council  
 Lisburn & Castlereagh City Council  
 Lisburn & Castlereagh City Council  
 Mid and East Antrim Borough Council  
 Mid and East Antrim Borough Council  
 Lisburn & Castlereagh City Council  
 Newry, Mourne and Down District Council  
 Newry, Mourne and Down District Council

**Officers Present:**

J Quinn  
 R Burnett  
 G Craig (*Secretary*)  
 H Campbell  
 K Boal  
 J Green  
 L Mayne  
 T Walker  
 H Moore  
 P Thompson  
 C O'Rourke

arc21  
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 arc21  
 Antrim and Newtownabbey Borough Council  
 Belfast City Council  
 Lisburn & Castlereagh City Council  
 Mid and East Antrim Borough Council  
 Newry, Mourne and Down District Council

**Officers' Apologies:**

G Girvan  
 D Lindsay  
 N Grimshaw

Antrim and Newtownabbey Borough Council  
 Ards and North Down Borough Council  
 Belfast City Council



**Apologies**

Apologies were noted.

**Action: Noted**

**Draft Conflicts of Interest Statement**

The Chair read out the Conflicts of Interest Statement.

The Chair, Councillor Garth Craig, and Mr Canice O'Rourke noted a conflict of interest in relation to Item 13 of the agenda as it related to Newry, Mourne and Down District Council and advised that they would leave the meeting at the appropriate time.

**Action: Noted**

**Minutes**

The minutes of Joint Committee meeting 010 held on 25 February 2016 were agreed.

**Action: Agreed**

**Matters Arising from the Minutes**

Page 4 - Mr Craig advised that the matters arising in relation to the governance arrangements with Newry, Mourne and Down District council would be addressed under Item 13 of the agenda.

**Action: Noted**

*The Chair advised Members that the meeting would now be formally dealt with 'in committee' and reminded them that the reports were commercially sensitive and confidential.*

**In Committee**

Matters of a confidential and commercially sensitive nature were discussed under this agenda item and recorded accordingly.

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

- |    |   |                       |
|----|---|-----------------------|
| 1. | In Committee Minutes of Joint Committee Meeting No. 010 held on 25 February 2016. | <b>Action: Agreed</b> |
| 2. | Residual Waste Treatment Project report.  | <b>Action: Noted</b>  |
| 3. | Procurement update.   | <b>Action: Agreed</b> |

*The Chair advised Members that the meeting would now return to the main agenda.*

**Contracts and Performance Update**

Mr Burnett presented a report to advise the Joint Committee on the prevailing monthly situation pertinent to the operational performance of the service and supply contracts.



A summary of the main discussion is reported below.

**MRF** – Mr Burnett reported that the monthly level of contamination at the MRF had marginally increased in February to just over 14%.

**Landfill** – He informed the meeting that the NIEA had issued the operators of Mullaghglass landfill site with an Enforcement Notice in respect of their Odour Management Plan.

**Bring Sites** – In relation to textiles, Mr Burnett reported that it has just been reported that the East African Community (EAC) countries (Kenya, Uganda, Tanzania, Burundi and Rwanda) are introducing a ban on used clothing imports by 2019. The EAC account for up to 10% of the UK used clothing export market. Similarly, the Ukraine is set to introduce a new entry price for used clothing from the EU at the beginning of 2017.

**Organic Waste** – Ms Boal reported that the Antrim Transfer Station had opened and commenced operations on 21 March 2016.

**Haulage & Supplies** – Mr Burnett presented a report and advised that these two procurements would be discussed in committee.

**NILAS** – Mr Burnett reported that the position with respect to meeting this year's NILAS target at an arc21 level remains encouraging. It is likely that the arc21 transfer protocol will require to be initiated during the summer.

**Future procurement programme** – A copy of the future procurement programme was presented for information and Mr Burnet advised that this would be developed and updated accordingly at the relevant juncture.

Following discussion the Joint Committee agreed to note the report.

**Action: Noted**

### **Waste Management Plan**

Mr Burnett presented a report to update the Joint Committee on the latest position in respect of the Waste Management Plan (WMP).

He reported that the Department had asked if all the arc21 Councils had ratified the duly determined Waste Management Plan and had been advised that Antrim and Newtownabbey Borough Council had yet to do so.

He advised that it was likely that the Department would be in contact with Antrim and Newtownabbey Borough Council accordingly.

Following discussion the Joint Committee agreed to note the report.

**Action: Noted**

### **2013 WEEE Regulations – Proposed Collection Targets for 2016**

Mr Burnett presented a report to advise the Joint Committee on the consultation originating from BIS (Department for Business, Innovation and Skills).



He reported that BIS had contacted a number of key stakeholders, including arc21, inviting comments on proposals relating to the setting of 2016 WEEE collection targets for producers.

Comments were invited by 4 March 2016 and following consultation with a number of parties, a response was formulated and submitted within the prescribed timeframe. A copy of the response was presented for information.

He reported that following receipt of consultation responses and taking into account recently published data, BIS had just announced that the proposed collection target for 2016 is 544,341 tonnes which has increased from the 528,687 originally proposed.

Following discussion the Joint Committee agreed to note the report. **Action: Noted**

### **arc21 Customer Survey 2015/16**

Mr Burnett presented a report to advise Members and Officers on the annual Customer Survey. He reported that this would be undertaken in April 2016 and encouraged all Members of the Joint Committee and Steering Group to participate.

Following discussion the Joint Committee agreed to note the report. **Action: Noted**

### **NILAS 2014/15 – Final Reconciliation**

Mr Burnett presented a report to update the Joint Committee on the final reconciliation position for NILAS 2014/15 issued by NIEA.

He informed the Committee that arc21 had received notice of the final reconciliation for NILAS 2014/15 and had utilised 86.34% of the available allowances for that scheme year.

A copy of the notification was presented for information.

Following discussion the Joint Committee agreed to note the report. **Action: Noted**

### **Governance Arrangements – Updated Standing Orders**

Mr Craig presented the Joint Committee with updated Standing Orders for consideration prior to the document being presented to Participant Councils to be agreed and adopted in accordance with the Terms of Agreement.

He reported that the Joint Committee, at its meeting held on 30 April 2015, was presented with Draft Standing Orders under which the proceedings of the Joint Committee would be regulated.

The Joint Committee recommended one change to the Draft Standing Orders that is in respect of Clause 9 (Quorum) where it wished to reduce the number of Participant Councils to be represented from 4 down to 3.

The Terms of Agreement refer to 4 Participant Councils being represented at a quorate meeting of the Joint Committee and Members are asked, in the light of experience to date, to consider reverting back to this number, thus keeping it in line with the Terms of Agreement.



In addition, following legal clarity around the voting arrangements as set out in the Local Government (Northern Ireland) Act 2014, the Joint Committee is asked to consider updating the Standing Orders, as they need to be brought more formally into line with the Act in this regard.

Following consideration of the updated Standing Orders, in accordance with Clause 6.4 of the Terms of Agreement, the Standing Orders require to be presented to Participant Councils to be agreed and adopted.

Mr Craig presented the following recommendations for consideration and approval:

1. *It is recommended that the Standing Orders of the Joint Committee reflect the requirements of the Terms of Agreement in relation to the quorum and shall be six Members present provided that at least four of the Participant Councils are represented; and*
2. *It is recommended that the Joint Committee accept the amendments to Clause 9 of the Standing Orders to more clearly reflect the application of the voting arrangements as set out in legislation.*

Following discussion the Joint Committee agreed to approve the recommendations for Participant Councils to agree and adopt the Standing Orders.

**Action: Agreed**

*Councillor Garth Craig vacated the chair and left the meeting with Mr Canice O'Rourke during the discussion on the following item.*

*It was proposed and seconded by Members that Alderman Mervyn Rea take the Chair.*

**Alderman Mervyn Rea in Chair**

### **Newry, Mourne and Down District Council Membership**

Mr Craig presented a report to provide the Joint Committee with a copy of the report that is proposed to be sent to the Participating Councils seeking their endorsement for the proposal from Newry, Mourne and Down District Council to access, in a stepped approach over the next three years, the range of services provided by arc21 that will be required to meet the needs of the Newry and Mourne component of the Council.

He reported that at the Joint Committee meeting held on 5 November 2015, the Committee expressed support for a supplementary proposal from Newry, Mourne and Down District Council which would enable it to honour its obligations arising from the former Newry and Mourne District Council. He stated that the proposal involved, over the next three years, making a contribution commensurate with the estimated access it will require to the services provided by arc21 to meet the needs of the former Newry and Mourne component whilst at the same time allow for continued flexibility for the Council to deal with legacy matters including the completion of waste management contracts carried over into the new Council.



At the meeting held on 25 February 2016 the Joint Committee was informed that the next step in the governance cycle involved the proposal being presented to the Participant Councils for approval.

The report that is planned to be sent to the Participant Councils, setting out in more detail the proposal from Newry, Mourne and Down District Council, was presented for consideration.

Members provided some comments on the template report and expressed their continued support for the Council, acknowledging that the Council still required the flexibility to deal with any waste management contractual obligations transferred from the former Newry and Mourne District Council in an orderly manner, as set out in the template report.

Mr Craig informed the Joint Committee that he would take into account the comments made and further update the template report prior to it being sent to Participant Councils for approval.

**Action: Mr Craig**

Following discussion the Joint Committee agreed to note the report and, subject to any final comments or changes, to go out to Participant Councils for approval.

**Action: Mr Craig**

*Alderman Mervyn Rea vacated the Chair and Councillor Garth Craig and Mr Canice O'Rourke returned to the meeting.*

#### **Councillor Garth Craig in Chair**

#### **AOB**

Joint Committee meeting 28 April – discussion took place regarding the next meeting which is scheduled for Thursday 28 April, a week in advance of the forthcoming May Elections. The Chair suggested that due to potential difficulties in Members' attendance, as a result of their involvement in the elections, the meeting be rescheduled to Thursday 19 May.

This was duly agreed and Lisburn & Castlereagh City Council agreed to host this in place of the scheduled one on 28 April.

It was also agreed that, with the April meeting being rescheduled to 19 May 2016, the meeting scheduled to be held on Thursday 26 May would be cancelled accordingly.

Mr Craig is to notify Members and Officers accordingly.

**Action: Mr Craig**

Alderman Carson asked if Councils had to collect garden waste from residential properties. Mr Burnett advised that generally, with a few exceptions, Councils were obliged to make arrangements for the collection of household waste and that garden waste in the circumstances discussed would be deemed to be household waste. He also added that councils do have the discretion to determine the nature of the arrangements provided and with regard to the circumstances discussed, the application and if appropriate the quantum of any charge that may be reasonably applied.

**Action: Noted**

### **Next Meeting**

The Chair advised that the next scheduled meeting would be held on Thursday 19 May 2016 and hosted by Lisburn & Castlereagh City Council, commencing at 10.30am.

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**Chairman**

<b>Report to:</b>	Regulatory and Technical Services Committee
<b>Date of Meeting:</b>	22 June 2016
<b>Subject:</b>	Extension to the File Storage and Retrieval Contract for Planning files
<b>Reporting Officer (Including Job Title):</b>	Canice O'Rourke
<b>Contact Officer (Including Job Title):</b>	Anthony McKay Chief Planner

<b>Decisions required:</b>	
<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>Circa 34,000 Newry, Mourne and Down District Council Planning files are stored off site by Iron Mountain at their premises in Antrim. Files are retrieved within 24 hours on a daily basis, as required. The contract between DOE and Iron Mountain has been in place since 2012 and transferred to Councils under the RPA arrangements.</p> <p>The purpose of this paper is to advise members that the current Contract which is due to end on 30 June 2016 has been extended for a 2 year period until 30 June 2018.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<p>The original Contract was for a period of 4 years with the option of up to 2 extensions of 4 years each, to a maximum contract period of 12 years.</p> <p>A 2 year extension period is considered appropriate to allow the Council to consider its future document management arrangements on a more strategic basis.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	That you note the extension of the contract with Iron Mountain for a further 2 years to 30 June 2018.
<b>4.0</b>	<b>Resource implications</b>
4.1	The contract value is approximately £10k per annum.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	This contract was procured under Government procurement regulations.
<b>6.0</b>	<b>Appendices</b>
	None